Mayor Michael Dylan Brennan called the regular meeting to order at 7:02 p.m.

Roll Call:

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

Absent:  
- Mr. Phillip Ertel

Also Present:  
- Law Director Luke McConville  
- Clerk of Council Kelly Thomas  
- Finance Director James Goffe  
- Police Chief Dustin Rogers  
- Communications and Civic Engagement Mike Cook  
- Economic Development Susan Drucker

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

Approval of Minutes from March 4, 2019

The Council minutes from March 4, 2019 were tabled until the next meeting.

MOTION BY MR. WISEMAN, SECONDED BY MR. SIMS to table the Council minutes from March 4, 2019. On roll call, all voted “aye.”

Comments from Audience

Mr. Michael Kupfer, 4341 Groveland was present to speak to the proposed tobacco legislation. Mr. Kupfer stated that as a health care professional he agreed with the goal of the legislation but had issues with the proposed legislation. Mr. Kupfer said in researching he hasn’t found any statistics that show that the proposed laws will work and asked if Council had found any statistics that shows the proposed legislation has done anything to curb nicotine use. If the youth are unable to purchase nicotine products in University Heights they will just go across the street to a neighboring community. 33% of high school students still drink alcohol, which you need to be 21 and only 10% smoke tobacco where you only need to be 18. Mr. Kupfer suggested that education be used to help this problem much like what was done with the use of cigarettes.

Ms. Sheri Duerr, 4024 Washington Blvd. was present again to voice her concerns about the incorrect disposal trash as well as the physical condition of University Heights and the rental properties.

Katie Uhlir, Fenwick commented about the 18 new positions that Mayor Brennan made in the Housing Department – director, additional inspectors and secretary; Fire Department – firefighters, secretary; Police Department – police officers and Finance Department staff. Mrs. Uhlir said that the city’s spending was well over previous years and asked how long will the tenure of the new hires be. Mrs. Uhlir noted the campaign promises of lowering taxes/tax credits and said that they were empty promises to get elected. In looking at the expenditures for 2018 as of November 30 the City had spent $12mil, Mrs. Uhlir added that she was still waiting for the December 2018 expenditure reports.

The John Carroll University Student Government/Community Engagement team was present and introduced their selves. Student Government President Margret Skubik provided her email address.
Mayor’s Report

Reported that he attended the School Board meeting with the slate of Superintendent Candidate finalists. Mayor Brennan reported that the School Board had chosen Elizabeth Curby as the new Cleveland Heights / University Heights School Superintendent and read a letter that he sent to the School Board thanking them for including the city’s in the process and in congratulations for selecting Mrs. Curby as the Superintendent.

Agenda Items:

A. Ordinance 2019-09 Enacting Codified Ordinance Chapter 874 Entitled “Cigarette and Tobacco Vendors; Sales to Person under 21,” Enacting Codified Ordinance Section 614 Entitled “Tobacco Products,” And Amending Codified Ordinance Chapter 1650 Entitled “Smoking, In Public Places.”

Mayor introduced Rick Novickis, Director Cuyahoga County Environmental Public Health.

On behalf of Mr. Terry Allen, Health Commissioner and the Board Members Mr. Novickis thanked the University Heights community for moving forward with the proposed legislation to raise the age of tobacco and related tobacco product sells from 18 to 21. Mr. Novickis stated a few key points: 1) tobacco use is the leading cause of preventable disease, disability and death in United States. Nearly 40million US adults still smoke and nearly 5million middle and high school students use at least one tobacco product, including e-cigarettes. The primary source of tobacco products for underage smokers are their 18 to 20-year-old peers. 95% of addictive smokers start using tobacco products before age 21; 2) thus far 20 communities in Ohio have enacted new tobacco policies, University Heights will be the 5 community in Cuyahoga County; 3) the key to any program is out reach and education. That will take meeting with business owner. Some cash registers are fitted where you need to scan or swipe a driver’s license to purchase tobacco products.

Mr. Kupfer asked if there was any other way to accomplish the goal without infringing on the rights of people.

Mr. Novickis again stated that education is important as well as promoting this from city to city.

Mrs. Wendy Hyde, Ohio/Michigan Regional Director for the Preventing Tobacco Addiction Foundation, Tobacco 21. Mrs. Hyde said that they work Nationally to raise the minimum sale age from 18 to 21 and they have effectively raised the age in over 445 cities/counties. This will probably be the most important lifesaving legislation to be considered by Council. Today’s tobacco product is different from years ago. The e-cigarettes are now regulated like cigarettes, but the Jewel has taken over the market. The University Heights proposed type of legislation restrict access for persons under the age of 21.

Mrs. Weiss added the number of youth and their increase in vaping drove this legislation.

Mr. Rach noted that he fully supported this legislation and that this was the right thing to do. University Heights is leading the way for other cities to follow. John Carroll has already banned smoking from its campus, CVS stopped selling cigarettes. Education is important but so is access.

Mr. Wiseman asked how many 18 to 21-year-olds in University Heights would be able to go to a store and buy cigarettes or vaping products; the answer to that will be zero once Council passes this Ordinance. Mr. Wiseman noted that in 1984 the Federal Government strong armed the States into changing the drinking age to 21 because they decided that the individual rights of an 18 or 19-year-old were less important than the ability to keep them for hurting themselves and others. Mr. Wiseman added that the most important statistic he heard was that 95% of the people who get addicted start before they are 21 years old. Mr. Wiseman continued to say that there were no compelling augments on the other side; this will regulate an industry that is unregulated that markets favored tobacco products that are only geared to kids under 18 years of age. It’s important for the children of University Heights to be safe and for the parents of University Heights to know that their children will have to go to another city to purchase something like that.
Mr. Sims thanked Mrs. Weiss for leading this legislation and noted passage of this legislation is the right thing to do.

Mayor Brennan stated that he loves personal freedom and commended that if we equate the decision to consume tobacco and nicotine products to personal freedom then we have brought the decades of cigarette advertising. Cigarettes, nicotine and vaping products deliver dependency, addiction and declining health. Cigarettes, nicotine and vaping products are the only devices legal in the United States which when used as intended by the manufacturer harm the user and indeed eventually kill the user. One cannot say that about the manufacturers of alcohol or even guns; one may ingest alcohol in moderation without harm but the same cannot be said for tobacco or nicotine.

Mr. McConville stated that the ordinance was sent to committee after the first reading and a couple of modification were made. In the civil portion of the ordinance the fines were move up so that the same fine schedule is implemented upon a first offense. There is no warning issued on the first offense, in event that a vendor makes a sale in violation of the civil ordinance. With respect to the criminal penalties; any sort of jail time in connection with a violation has been eliminated. In the case of a violation of a sale to a person under 21 years of age there is fine schedule that goes from the minor misdemeanor level of $150 on the first offense; to a second-degree penalty of $250 on the second offense; to a third-degree misdemeanor $500 on the third offense and thereafter without any associated opportunity for sentencing and jail time. In connection with furnishing or the use of false proof of identification each violation will be considered a minor misdemeanor with a $150 fine with no opportunity to implement jail time.

MOTION BY MRS. CAMERON, SECONDED BY MRS. WEISS for the passage of Ordinance 2019-09 Enacting Codified Ordinance Chapter 874 Entitled “Cigarette and Tobacco Vendors; Sales to Person under 21,” Enacting Codified Ordinance Section 614 Entitled “Tobacco Products,” And Amending Codified Ordinance Chapter 1650 Entitled “Smoking. In Public Places.” On roll call, all voted “aye.”

B. Ordinance 2019-11 Ordinance Permanent Appropriations for Current and Other Expenditures of the City of University Heights, Ohio for the Period Commencing January 1, 2019 and Ending December 31, 2019

Mr. Goffe stated that the appropriations have gone through both the Finance Committee as well as the Finance Advisory Committee.

Mr. Rach stated that it was a good budget for a greater investment in the City and that the tax credit is not off the table. Mr. Rach said that many of new position that were hired in the Police and Fire Departments were replacement who were brought in at the lower rates of pay for retirement positions and for the new additional positions they brought the departments to the minimum staffing levels. Mr. Rach added that he was not apologizing for the hiring of additional safety forces.

Mayor Brennan added that when the city has to pay over-time in order to provide coverage the cost is not just for the wages but also the additional cost of the city portion to the pension boards.

Mrs. Pardee commented that this budget was a true reflection of the shared focus of the administration and council for the next year.

Mayor Brennan noted the plan to create a 5-year projection for long term planning.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS for the passage of 2019-11 Ordinance Permanent Appropriations for Current and Other Expenditures of the City of University Heights, Ohio for the Period Commencing January 1, 2019 and Ending December 31, 2019. On roll call, all voted “aye.”
C. Ordinance 2019-12 Enacting Codified Ordinance Chapter 280 Entitled “University Heights City Beautiful Corporation” and Repealing Existing Codified Ordinance Chapter 280 Entitled “City Beautiful Commission”

Mayor Brennan stated that the University Heights City Beautiful Commission has existed in the City Mayor Rothschild’s early years. The City Beautiful Commission is listed under Codified Ordinance 280 and contains a lot of features that are not part of what City Beautiful currents does. The Commission is supposed to be a 20-member commission that was appointed by the Mayor for two-year terms for the promotion of the public interest in regard to promoting the beautification of the city and that is what the current CIC does. Mayor Brennan added that some of the projects that the Administration desires to appeal were items that the Commission hasn’t done in many years like paint and clean up; plant sale and employee pool party. The Arbor Day celebration is handled by the Service Department, the Christmas dinner for the Safety Forces, the Main Street and Civic Awards are all handled administratively. One of the many things that the CIC does is the promotion of the improvement of the homes and housing stock.

Mayor Brennan continued to say that the purpose of the legislation was to signal the official change that the City Beautiful Commission no longer exist as it had for several years but has returned in the form of a corporate entity which is comprised of a Board of Directors that are city officials and city employees and with one citizen member who is chosen by Council. The ordinance that created the CIC last year will now be codified.

Ordinance 2019-12 was placed on first reading.

D. Ordinance 2019-13 Accepting a $42,314.00 Grant Award from The Northeast Ohio Public Energy Council (NOPEC) as Part of their NPEC Energized Community Program

Mr. Goffe stated that this Ordinance required in order to accept the grant from NOPEC for communities to implement projects that will improve energy efficiency.

Mrs. Pardee added that previously the City was awarded a grant and those funds were used to upgrade the facilities around city hall.

MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON for the passage of Ordinance 2019-13 Accepting a $42,314.00 Grant Award from The Northeast Ohio Public Energy Council (NOPEC) as Part of their NPEC Energized Community Program. On roll call, all voted “aye.”

E. Resolution 2019-14 Accepting a $5,000.00 Grant Award from The Cuyahoga County Solid Waste District (CCSWD) as Part of their Community Recycling Awareness Grant (CRAG) Program

Mayor Brennan informed everyone that the monies from this grant will be used to purchase recycling postcards and magnet. Last year the City only did postcards, so the hope is that by sending out magnets this year will further the City’s mission in alignment with the Solid Waste District.

MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN for the passage of Resolution 2019-14 Accepting a $5,000.00 Grant Award from The Cuyahoga County Solid Waste District (CCSWD) as Part of their Community Recycling Awareness Grant (CRAG) Program. On roll call, all voted “aye.”

F. Ordinance 2019-15 Establishing A Policy Regarding Credit Cards Issued to the City of University Heights

Mr. Goffe stated that Ordinance 2019-15 would bring the City in compliance with House Bill 312 in regard to the city’s use of credit cards. The Ordinance calls for the Administration to name a
Compliance Officer and that officer needs to be someone who would not use any of the credit cards issued to the City.

Mayor Brennan added that departments would still have the same requirements where they would have to complete a purchase order. The police, fire and service departments will have a credit card that is kept in their respective department. All other credit cards will be kept in the Finance Department and have to be signed out and in. Mayor Brennan noted that because the Deputy Finance Director role doesn’t ever include her in using the City credit card for any reason. The Deputy Finance Director is the ideal person to be the Compliance Officer because she will never be reviewing purchases that she made on a credit card and she will not be making any purchases on the credit card now or in the future.

Mr. McConville noted that much of the language in the policy is lifted directly from House Bill 312. The Compliance Officer is a requirement of State law for municipalities that don’t keep their credit cards centrally located within the Finance Department office only. Because the city issues credit cards to the Police, Fire and Service Departments for emergency expenditures when needed the City is required to have a Compliance Officer. Many of the requirements listed in the Ordinance the City was already doing.

Mr. Rach asked why the legislation was on emergency measure.

Mayor Brennan replied there was a short window of compliance was given and the best practice is to have it in place as soon as possible.

Mr. Sims noted that the Ordinance states that it is the Compliance Officer responsibility to at least quarterly review the number of cards and accounts issued, the number of active cards and accounts issued, and cards’ and accounts’ expiration dates, and the cards’ and accounts’ credit limits. Mr. Sims stated that that didn’t speak to piety of the use of the card; and, lastly Mr. Sims said he wasn’t clear why in that section it states the Compliance Officer and the City Council shall be responsible.

Mr. McConville replied that the idea is that the Compliance Officer would report to City Council.

Mr. Sims asked if the text could be stated like what Mr. McConville stated? Because otherwise he read it to say the responsibility was City Council’s to conduct or be a part of the review.

Mr. Wiseman suggested that the wording be changed to read “the Compliance Officer shall report to City Council.”

Mr. McConville stated that the language was taken directly from the statute. Mr. McConville added that he felt that Council has an obligation to have this on their agenda quarterly.

Mr. Wiseman asked if it would be sufficient for Council to just have it on the agenda every three months to be incompliance.

Mayor Brennan asked if the Compliance Officer had to attend the Council meeting.

Mr. McConville replied as long as the Compliance Officer provides a report to Council, the Compliance Officer doesn’t necessarily have to be at the meeting. As a practical matter the Compliance Officer is preparing a report for Council on a quarterly basis. Mr. McConville added that Council needs to be able to demonstrate it received a report so the Finance Director could present the report, but it also needs to be an agenda item and accepted by motion.

Mayor Brennan suggested that the report could be included in the packet that Council receives for Council meetings and if there were questions the Council could table that item and have the Compliance Officer attend the next meeting to answer questions.

Mr. McConville replied that would be fine and noted that a clause could be added per Mr. Sims comments.

Mr. Goffe added that the Compliance Officer is also reviewing the individual transactions as the monthly bills and receipts are received.

Mr. Sims commented that the report could simply include a statement that either the review found no non-compliance or found issues.
Mr. McConville noted that it was implicit in State legislation that what the Compliance Officer is doing is making sure that with respect to any credit card and any particular credit card expenditure that there has been compliance with the policy.

Mr. McConville said that for clarity a clause could be added at the end of the first paragraph that says in compliance with this policy so that the section would read “the Compliance Officer and City Council at least quarterly shall review the number of cards and accounts issued, the number of active cards and accounts issued, and cards’ and accounts’ expiration dates, and the cards’ and accounts’ credit limits for compliance with this policy.”

Mrs. Weiss asked for practical purposes does the Deputy Finance Director handle the accounts payable payments.

Mayor Brennan replied yes.

**MOTION BY MR. SIMS, SECONDED BY MRS. WEISS** to amend the proposed Ordinance wording under Compliance Officer to read “The Compliance Officer and City Council, at least quarterly, shall review the number of cards and accounts issued, the number of active cards and accounts issued, and cards’ and accounts’ expiration dates, and the cards’ and accounts’ credit limits, and for compliance with this policy.” On roll call, all voted “aye.”

**MOTION BY MR. SIMS, SECONDED BY MR. RACH** for the passage of 2019-15 Establishing A Policy Regarding Credit Cards Issued to the City of University Heights. On roll call on Suspension of the Rules, all voted “aye” and roll call on passage, all voted “aye.”

G. **Motion Appointing Deputy Finance Director, Rita Drew as the City Credit Card Compliance Officer per the credit card policy**

There was no further discussion for this item.

**MOTION BY MR. SIMS, SECONDED BY MRS. WEISS** Appointing Deputy Finance Director, Rita Drew as the City Credit Card Compliance Officer per the credit card policy

H. **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 no need for an executive session.

**Directors’ Reports**

**Finance Director** – Mr. Goffe reported the need for a Finance Committee meeting in the near future because of the need to: issue notes; appropriate funding for road programs; the audit entrance and capital policy. Mr. Goffe stated that the City received property taxes in the amount of $186,986 from the TIFF and that those same funds would be remitted back out to the TIFF Trustees. With the new accounting system, the Mayor can now electronically approve invoices. Lastly, Mr. Goffe said he has been meeting with a representative from Ciuni & Panichi regarding their services for GAP Conversions for the City’s 2018 financial statements.

**Law Director** – Luke McConville stated that the Fair Housing Ordinance would be on the next Council agenda.

Mr. McConville also noted that the Community Improvement Corporation (CIC) met and adopted its code of regulations and approved the form of an agency agreement pursuant to which a city would appoint a CIC as its agent to pursue economic development endeavors under Chapter 1724. Mr. McConville said that was a statutory requirement, the agreement also makes it clear that from time to
time city personnel and city computers, hardware and software can and may be used for CIC business. Legislation regarding the CIC will be presented at the next Council meeting.

Police Department – Chief Rogers reported that he attended Police Chief Leadership Training. The training included concepts from Leadership to Public Records Retention. The Department is in the process of rotating uniform officers into the Detective Bureau to create an element of cross training while also creating an enhancing operational awareness to create a positive impact of the service the department provides. Chief Rogers also reported that he met with Bryan Loretz, Security Cleveland Hts./University Hts. Schools regarding opportunities to have safety and communication programs to enhance school safety.

Fire Department – Executive Captain Andy Boylan reported that fire hydrant flushing will start during the first week of April and will take about one month to complete the entire city.

Service Department – Mr. Pokorny reported that tree pruning project is still ongoing and should be completed April 1. Dominion East Ohio Gas will be putting new gas lines in the city starting in the area of Traymore, Fenwick and Charney. April 1 starts for season for Spring Clean-up.

Building Commissioner – Mayor Brennan read Mr. McReynolds report. Report attached to these minutes.

Communications and Civic Engagement – Mike Cook reported that the City will be holding a Realtor meeting at the University Heights Public Library on April 3 at 9am.

Economic Development - Susan Drucker reported that she has started another “Small Business Spotlight” promotion and it will focus on 10 different businesses from March 30 – April 30. A committee has been formed to review the employee handbook, the committee consist of Jeffrey Pokorny, Patrick Grogan-Myers, James Goffe, Andy Boylan, Chief Rogers, Chief Perko and Susan Drucker. Lastly, Mrs. Drucker said she was working with an employment collaborative program through the Cuyahoga County to help local business fill vacant employment spots.

Housing/Community Development – Mayor Brennan provided Mr. Grogan-Myers report. Mr. Grogan-Myers is working with the printer and Solid Waste District for the recycling awareness postcard and magnet project. The proofs have been approved and the postcards and magnets should be in resident’s mailboxes in April. The goal of the postcard magnet is to continue to raise the awareness of proper recycling. Mr. Grogan-Myers is working with City Hall planning intern Brendon Zak are working with the County Landbank and the various utilities on the demolish on 2019 Taylor Road (formal Action Pest Control building). The landbank is currently performing their pre-demolition assessment of the property, all businesses in the area have been notified. Work continues with Mrs. Drucker for the review of the Zoning Code.

There were no other director reports.

Standing Committees

Building Committee – Mr. Wiseman said that he hopes to have a meeting during the first few weeks of April to review the chicken program and the implementation of the new rental ordinance and program.

Civic Information – Mrs. Cameron reported that the Civic Information will meet at the City Hall Annex on April 2 at 6pm to discuss “Move to Amend”.

Finance Committee – Mrs. Pardee stated that a Finance Committee meeting will be scheduled in the near further.

Governmental Affairs – Mrs. Weiss stated that a combined meeting with the Service/Governmental Affairs committees met on March 12 and discussed ways to enhance revenue in the City.

Safety Committee – Mr. Rach reported that the Safety Committee also met on March 12 and discussed updates in the Police Department and the Fire Prevention Bureau. Mr. Rach added that he will be meeting with both the Police Chief, Fire Chief and the Fire Prevention Officer to the priority items.
Service/Utilities Committee – Mr. Sims stated that the Service/Utilities Committee had a joint meeting with the Governmental Affairs Committee to discuss the city’s revenue.

Committee of the Whole – A meeting is scheduled for May 6 at 6pm to discuss committee structure and planning for a Council Retreat.

There were no other committee reports.

MOTION BY MR. WISEMAN, 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