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. Phillip Ertel  
Mr. John Rach  
Mr. Steven Sims  
Mrs. Michele Weiss  
Mr. Mark Wiseman

Also Present:  
Law Director Luke McConville  
Clerk of Council Kelly Thomas  
Finance Director James Goffe  
Fire Chief Robert Perko  
Building Commissioner James McReynolds  
Communications and Civic Engagement Mike Cook  
Economic Development Susan Drucker  
Community Development and Housing Patrick Grogan-Myers

Approval of Minutes from February 20, 2019

Mr. McConville corrected his Director’s report to say Housing Center and not Housing Court.

MOTION BY MR. ERTEL, SECONDED BY MR. CAMERON to approve the Council minutes from February 20, 2019. On roll call, all voted “aye,” except Mrs. Pardee and Mrs. Weiss who “passed.”

Comments from Audience

Mr. Bert Siebert, 2645 Whiton stated that he received the City’s Mosaic magazine and was very impressed by it. Mr. Siebert also commented on the Mayor’s state of the City report and noted he was upset that Council wasn’t watching the City’s financials, so bills weren’t paid, and the checkbooks weren’t balanced.

Ms. Sheri Duerr, 4024 Washington Blvd. commented that 90% of the property nuisances that have trash problems also have vehicle problems. Ms. Duerr suggested that the City needs to place a limitation on the number vehicles allowed in the residential driveways and if there are exceptions those exceptions should be well noted. John Carroll administration should also be more involved in having students rent in University Heights.

Katie Uhlir, Fenwick noted her confusion regarding Mayor Brennan’s comments about the previous Administration and their City Financial reporting and bill paying. Ms. Uhlir noted she was still waiting for the December 2018 expenditure and running balance reports.

Mayor’s Report

Reported that the City Budget will be introduced during this Council meeting on first reading. The budget is the result of compromises from all avenues and reflects things that need to be done, things that have to been done and things that are of a collective vision of this Administration and the members of City Council. All of which lean towards the future and the growing and reinvestment of University Heights.
**Agenda Items:**

A. **Resolution 2019-08 Rededicating Community Park as Walter Stinson Community Park**

Mayor Brennan noted that at the State of the City he announced the Administration’s decision to rename the Community Park the “Walter Stinson Community Park.” Mayor Brennan added that the rededicating the Community Park could be done administratively but he thought it would be fitting to formally rename and dedicate the park by Mayor and City Council as a group.

Mayor Brennan read into the record Resolution 2019-08 “A Resolution Naming Walter Stinson Community Park.”

**MOTION BY MR. ERTEL, SECONDED BY MR. RACH approving the passage of Resolution 2019-08 Rededicating Community Park as Walter Stinson Community Park. On roll call, all voted “aye,” except Mr. Sims who “passed.”**

B. **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.”**

Mrs. Weiss stated that Ordinance 2019-09 effectively raises the age limit for the sale of nicotine products from 18 to 21. Mrs. Weiss make note of some startling facts especially with the recent increase in vaping products that are sold in favors and directed at young adults and teenagers. Three Hundred Thirty communities and six states have enacted tobacco 21 policies, that comprises 25% of the Nation’s population. Another, statics from the Cuyahoga County Youth Risk Behavior Survey from 2017 indicated that over 35% of students in Cuyahoga County reported use of an electronic vaping products. And, over 15% of students in Cuyahoga County have reported current use of electronic vaping products.

Mrs. Weiss remarked that this ordinance will advocate for healthier behaviors for teenagers and young adults.

Mr. McConville added that there were three separate chapters of the Codified Ordinances that are impacted by this ordinance. (A)(1) C.O. 874 enacts a very broad definition of the term “tobacco products” to include all the types of vapor and jewel products that are so pervasive among the young adults and teens; (2) prohibit the sale of those products to persons under the age of 21; (3) require vendors of tobacco products to walk through a permitting process that will be issued by the Cuyahoga County Board of Health; (4) enacted criteria for the suspension for the revocation of those permits if the vendors violate the ordinance and selling to persons under the age 21; (4) instituting a set of monetary penalties for violations and increasing in amount bases on the number of times the ordinance is violated. (B) Enacting a new Codified Chapter that makes it a misdemeanor to either sell to persons under the age 21 or to provide or present fake identification, similar to the sale of alcohol; and (C) revised Chapter 1650 that dates back to the 1980’s.

Mrs. Pardee noted that this is a growing problem and with as much as tobacco use in teens has decreased over the years the use of vaping products has brought it all back. Mrs. Pardee thanked Mrs. Weiss for working on this because it is important for the health of our children.

Mr. Sims referenced to how importation legislation like this was in today’s time with the whole idea of what tobacco products are in conjunction with the redefining with vaping products. Mr. Sims added that this legislation will make a difference in University Heights and that Mrs. Weis was to be commended on her swift attention to this matter.

Regarding the legislation – Mr. Sims asked for clarification on the Ordinance’s exhibit b, section 614. Noting that the penalty is a lot stiffer for section 614 than the penalties listed in the new section of the code. Mr. Sims stated that he felt that the penalties should be comparable for everyone.
Mr. McConville replied that exhibit a regulates the creation of false id’s for distribution and is a criminal offense. Exhibit b regulates the use of a false id and is a misdemeanor offense. The legislation creates a set of civil penalties and a set of criminal penalties. Mr. McConville noted that the person who sells the product may be different from the person who owns the store. An employee who knowingly violating the Ordinance would be subjected to a criminal penalty.

Mayor Brennan asked Mr. McConville if exhibit b would also apply to a family member who would be older and of age with a similar appearance and perhaps giving their id to a younger sibling who is not of age.

Mr. McConville replied yes.

Ordinance 201909 was placed on first reading.

C. Ordinance 2019-10 City Budget for 2019

Mr. McConville stated that the intention was that this item be removed the agenda and then modify the title of item “D” to read the Permanent Appropriation for the Period Commencing January 1, 2019 and ending December 31, 2019.

Mr. Goffe stated that Ordinance 2019-10 was not necessary as the next agenda item Ordinance 2019-11 Authorizing Permanent Appropriations for Current and Other Expenditures of the City of University Heights, Ohio for the Period Commencing January 1 and Ending December 31, 2019 was the same legislation.

Mayor Brennan noted that 2019-11 title would be corrected to reflect Permanent Appropriations for the year beginning January 1, 2019 and ending December 31, 2019 and would have the line item budget attached as exhibit A.

Mrs. Pardee added that Ordinance 2019-11 was the full appropriations for 2019 and that the original title was just mislabeled.

Mayor Brennan asked for a motion to addend the agenda to remove Ordinance 2019-10.

MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON to remove agenda item C Ordinance 2019-10 from the agenda. On roll call, all voted “aye.”

Mayor Brennan asked for a motion to amend Item D to read Ordinance 2019-11 Authorizing 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 first reading.

MOTION BY MR. RACH, SECONDED BY MR. SIMS to amend Item D to read Ordinance 2019-11 Authorizing 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 first reading. On roll call, all voted “aye.”

D. 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 this was the culmination for all the budget meetings with both the Council Finance Committee and the Joint meetings with the Citizen’s Financial Advisory meetings. Mr. Goffe added that Ordinance 2019-11 will be presented again at the next Council meeting for a second reading.

Mrs. Pardee noted that she couldn’t speak to the presented the final budget because it was so weighted, and Council had just received it earlier in the day. Mrs. Pardee added that although she was not able to attend the last Finance Committee meeting where the budget was discussed but in the meetings prior
to that Mr. Goffe provided in depth information and answered all questions. Mrs. Pardee continued to state that this was the first time Council received this kind of information — Council can’t compel the Mayor or his administration to provide; but which was provided transparently and collaboratively to this Council. Mrs. Pardee added that usually the Finance Committee makes a recommendation to Council regarding the budget. In noting that she herself wasn’t in attendance at that meeting Mrs. Pardee said that the other Council members of the Finance Committee who were present at that meeting were: Mr. Sims, Mrs. Weiss and Mr. Rach.

Mr. Sims stated that he chaired the last Finance Committee meeting in Mrs. Pardee’s absence and that the meeting was a continuation of the hard work that everyone had put in to prioritize what could be done with the limited number of resources available to the City. Mr. Sims noted what was mostly highlighted at the last Finance Committee meeting was the idea that as a City Council needed to make sure that they were trying to look at opportunity for revenue enhancements because what is happening in University Heights because there isn’t a commercial base and barely a retail base so the only two major sources of income are property and income taxes. And, neither the property nor income taxes are growing at the rate that the City’s expenses are, and the expenses are outside of the control of anyone on City Council. Mr. Sims thanked Mr. Goffe for his work on the budget as well as what he did to bring Council to the point where Council could even look at a budget. A lot of preliminary work and clean-up work that had to be done in order to reach a point where it was possible to understand what the financial condition of the City was. Once the financial condition was known and based on that knowledge Council has made some decisions about what the City can do in 2019 in comparison to what was done in 2018 and what was done in past years. To a large extent Council tried to address the issues in areas that are most important to any community – that being service and public safety. Council was to some extent able to look at some opportunities to increase capital improvements. In recent years the City has had the opportunity to have a fairly robust road improvement program and that program is not as robust in this budget as it has been recommended for 2019. Mr. Sims said that this budget is the best possible budget that can be worked with given the limited resources and the continuing increases in expenses that have been found. Lastly, Mr. Sims said that the Finance Committee is recommending the presented budget to Council for consideration.

Mr. Rach said that he made the motion to recommend to the budget to Council. Mr. Rach added that this was a collaborative process among Council, Administration and the Citizen’s Financial Advisory Committee. Mr. Rach said there were some tough choices made and that this was a very good, responsible, conservative budget for the necessaries to run the government of the City. Mr. Rach also commended Mr. Goffe.

Mr. Rach said that the City was ending 2018 with a surplus of $509,964.00. Mr. Rach noted that two years ago in the year 2016 there wasn’t a surplus; there was a deficit of $841,913.00 and in the following year of 2017 there was a surplus of $1mil. Because these which led to Council asking over and over again in meetings: committee and Council of the Whole meetings for more financial information that they weren’t getting one of which was the investments statements. In regard to tax credits, Mr. Rach said those were discussed in previous Finance Committee meetings and in his opinion if there are lavish surpluses of $2/$2.5mil year after year as Council had been told; then something should be given back to the residents or those tax dollars should be put to work and that should be done on a year to year bases and not a permanent credit. Mr. Rach said personally he would love to look at doing a credit in the future on a year by year bases.

Mrs. Weiss also commended Mr. Goffe and added that this was an integrative collaborative process that took many, many weeks to finalize. Mrs. Weiss said one of the reasons why residents may have been told there was a surplus was because all of the operating expenses were not ever included in the budget. For example, the road construction for road improvements are operating expenses and those were never placed in the budget even after multiple request from Council to have it in the budget. Mrs. Weiss said that this budget was a true and conservative depiction.

Mayor Brennan thanked Mr. Goffe for all of his work, the Finance Department staff, Vice Mayor Pardee, all the members of City Council as well as the resident members of the Financial Advisory Committee and noted that somehow the auditors were able to give the City, all things considered a relatively clean audit. Mayor Brennan acknowledge the City going on a five-year financial plan and although this is not required it is a good practice to do to keep and record good financial data.

Mayor Brennan spoke to hiring of additional personnel and noted for example the position of Economic Development Director. The Economic Director is doing an invaluable service in the City everyday in a way that nobody else could or did before. And for everything that the City gets in return for what she
is doing, she cost the City less in compensation and benefits than a working firefighter does. That is not to say that the City doesn’t need rookie firefighters, of course the City does and there are some and there will be more rookie firefighters. At the same time the additional people that have been hired to do things that the City needs to grow the tax base and business community. To do some of the things that Beachwood, South Euclid and Shaker Heights has done very well, University Heights has to step up to the plate and do the kinds of things that need to be done in order to compete and grow as a City. Mayor Brennan added that he stood by and was proud of that hire and that he was equally proud of similar hires in the Administration who are also bringing new life to the city, doing things to showcase the city, demonstrate to everyone why University Heights is so much more than a home.

Ordinance 2019-11 was placed on first reading.

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 no need for an executive session.

Directors’ Reports

Finance Director – Mr. Goffe reported that he will be back in the office on a daily basis over at the City Hall Annex. Mr. Goffe thanked his staff – Rita Drew and Denise Balint for the tremendous job that they have done during his absence over the last several months. Mr. Goffe also reported that he was finalizing the rollout of the departments new accounting system. Payroll is still on track be done in office instead of being out source in April. Mr. Goffe said he saw no reason why completion of the Gap Conversion before the end of May deadline couldn’t occur.

Law Director – Luke McConville reported the following: 1) he, Mayor Brennan and Councilman Wiseman attended a meeting with representatives from the Housing Center to discuss the particulars about the proposed City Fair Housing Ordinance, as a result of that discussion Council should anticipate legislation amending the City’s Fair Housing Ordinance to include a updated definition of the term “source of income” where all the kinds of sources of income are laid out with respect to which the intention of preventing discrimination. The goal is to put landlords on notice and make it clear in the Ordinance language that landlords cannot discriminate against prospective tenants because of vouchers or some other form of governmental subsidiary. At that meeting is was also discussed elongating the time period in which all of the involved parties that would be involved in the fair housing complaint have to respond to various position statements that are required to be filed per the Ordinance. Mr. McConville said that the legislation should be given to Council for consideration at the beginning of April, which also happens to be Fair Housing month. 2) the CIC Board met the previous week and discussed the form for their meeting minutes, their code of regulations, conflict of interest and beginning discussions about potential projects the Board hopes to consider in the future.

Fire Department – Chief Perko reported that the Fire Prevention Bureau has been opened for two months. Chief Perko said that he and Executive Captain took the month of February to really research the City’s Ordinances, different permit, fee schedules many of these items and internal policies and procedures were discussed with the Administration the previous week. Chief Perk added that the Department wants to strengthen the coordination with the Building, Housing and Economic Departments to create a workflow in working with the city’s businesses. The Department is also working with the Law Department to update the City’s ordinances to match the current State Fire Codes and the neighboring communities. The Fire Prevention Bureau hosted a regional meet and greet with the neighboring community fire inspectors. Chief Perko showed Council a final draft of the department’s 2018 Annual Report, final copies will tentatively be given to Council at the first meeting in April.

Service Department – Mr. Pokorny reported that the Service Department would be hosting its annual household hazardous waste collection along with paper shredding Friday, March 8 and Saturday, March 9. The shredding truck will be present in the Service yard on Saturday, March 9 from 9am – 1pm. The tree program in the SW section of the City and is being handled by Parks Tree Service is 75% done, the invoice has been approved for payment of 50% of the project. The program should be completed in the next two weeks. Advance Sewer Cleaning has started catch basin cleaning in the NW quadrant
of the city and once the weather breaks they will begin the sewer cleaning and televising portion of the program.

Mayor Brennan asked about the water problem at the intersection of Cedar and Washington.

Mr. Pokorny replied that the problem is actually on the South Euclid side, but that Cleveland Water is making the repair, once the repair is done Cleveland Water will fill the repair with stone and South Euclid will patch and repair the road.

Building Commissioner – James McReynolds reported that On February 13, 2019 the Board of Zoning met and considered 6 items: 1) tabled the request for a special permit to rent out the third floor unit pending the approval of a fire escape system for the third floor at 14330 Cedar; 2) approved the renewal of the special permit to operate a wig shop home business at 4499 Groveland; 3) approved the renewal of the special permit for a fence forward of the rear foundation line of the house at 14378 Washington Blvd.; 4) approved the renewal of the special permit for Congregation Zichron Chaim to operate a religious organization in a Two-Family District at 2203 South Green Road; 5) approved the two (2) special permits granted to North Coast Community Homes for parking of a commercial vehicle outside the garage and for a handicapped ramp that reduces the interior garage space at 2650 South Green Road; 6) approved the renewal of the special permit granted to William Strong, dba Apple AGC Consultants for the Cleveland Water Department; allowing rooftop antennas on the football field press box at Don Shula Stadium at John Carroll University.

Mr. Ertel asked about the police for the approval of permits to have fencing that extend across the driveway either from the back of the house or the front of the house. Mr. Ertel commented that it seemed that when he was the Council liaison to the Board of Zoning it seemed that all the fencing that had been at the back of the house was being moved forward simply by request because it is a good idea to have the fencing go across the driveways in the back of the house and not the front of the house because that gives the look of a community of reclusive people as well as having dogs come up to the front of the house.

Mr. McReynolds replied the policy states that fencing have to be in the rear yard with the exception that they may be granted a special permit to move the fence to a side entry if there is no rear door. These cases are considered on a case by case bases.

Mr. McConville added that in his time as Law Director there have been numerous requests for special permits to have fences forward the rear foundation and the BZA considers that particular issue with some frequency. The codified legal standard is that the fence not be forward of the rear foundation line. When a homeowner asks for a fence to be located forward of the rear foundation they are denied the permit and at that time they have the option of appealing the denial of that permit to the BZA (Board of Zoning Appeals). Those appeals are considered on a case by case bases and some of those have been denied depending on the circumstances; but where there is a side door the BZA is more inclined to grant the special use permit.

Mrs. Cameron asked about the progress for the house at Cedarbrook and Tullamore that received sever damage from the fire.

Mr. McReynolds stated that the owner hasn’t come forwarded in accepting responsibility for the repairs and noted that the City has declared the property a nuisance and it is in court.

Mr. Wiseman asked about the status of the application for the house on Churchill that was interested in demolishing houses on Groveland to extend their house and if they had appeared before the BZA. They had presented another plan to Council and Council tabled their request they were present at the meeting.

Mr. McReynolds replied that the City is waiting for them to finalize their plans before going before the BZA to tear down the Groveland house for access for the construction on their property on Churchill and for the land coverage.

Communications and Civic Engagement – Mike Cook reported that the new Heights Observer is available with the Best of the Heights article. In the best restaurant category: Lox Stock and Brisket, Fishstix for winning 1st and 3rd prize; best place to work: University Heights Public Library; Best University Heights Businesses: Fairmount Cleaners, Bialy’s Bagels and Lox, Stock & Brisket. Cleveland Magazine and Fox 8 will be doing similar contest in the future. Mr. Cook also reported that
April 22, 2019 is Earth Day and the City will be teaming up with Heinen’s to give out University Heights tote bags.

**Economic Development - Susan Drucker** reported that she has been contacted by two property owners for the storefront improvement program and that she has met and provided an application to one of the interested parties and their architect. Mrs. Drucker said that she has an appointment schedule with the other interested property owner the following week. Lastly Mrs. Drucker said she was working with two different business owners that want to bring two different types of restaurants to University Heights. Mrs. Drucker is also working with Fire Prevention in creating a policy for preconstruction administrative review for any new or expanding business that will be doing construction. Mrs. Drucker added that she along with Mr. Grogan-Myers will be meeting with the Cedar Taylor Merchant Group to coordinate any improvements planned for the summer in conjunction with Cleveland Heights so that any work done in that area on the Cleveland Heights side would be complemented on the University Heights side as well. Mrs. Drucker and Mr. Grogan-Myers are continuing their work on the zoning code and consulting with other departments, i.e. Building and Fire Prevention.

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 rentals.

Mayor Brennan asked Mr. Wiseman if there was a need to schedule a chicken keeping seminar as required by the ordinance for anyone applying for a permit to house chickens.

Mr. Wiseman said he would check with Mr. McReynolds to see if there has been any request for a permit.

**Civic Information** – Mrs. Cameron reported that the Civic Information will schedule a meeting regarding “Move to Amend”.

**Finance Committee** – Mrs. Pardee said Finance Committee meetings will start back up in April or May regarding the five-year forecast and other planning items.

**Governmental Affairs** – Mrs. Weiss stated that there will be a combined Service/Governmental Affairs committee meeting on March 12 at 8pm to discuss ways to enhance revenue in the City and possibly study rubbish collection.

**Safety Committee** – Mr. Rach stated that the committee will also meet on March 12 at 7pm also at the City Hall Annex. The agenda is forthcoming.

**Committee of the Whole** – A meeting is scheduled of April 1 at 6pm to discuss committee structure and planning for a Council Retreat.

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