Mayor Michael Dylan Brennan called the regular meeting to order at 7:04 p.m.

Roll Call:

Present: Mrs. Pamela Cameron (7:17 p.m.)
Mr. Phillip Ertel
Mr. John Rach
Mr. Steven Sims
Mr. Mark Wiseman

Absent: Mrs. Susan Pardee
Mrs. Michele Weiss

Also Present: Law Director Luke McConville
Clerk of Council Kelly Thomas
Finance Director Dennis Kennedy
Police Chief Dustin Rogers
Fire Chief Robert Perko
Service Superintendent Jeffrey Pokorny
Economic Development Susan Drucker
Building Commissioner James McReynolds
Housing/Community Development Patrick Grogan-Myers
Communications Mike Cook

MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN to excuse the absence of Mrs. Pardee, Mrs. Cameron and Mrs. Weiss. On roll call, all voted “aye.”

Approval of Minutes:

Presented minutes from October 7, 2019 are unable to be approved due to the lack of quorum for member present.

MOTION BY MR. SIMS, SECONDED BY MR. ERTEL to table the passage of Council minutes from October 7, 2019. On roll call, all voted “aye.”

Presented minutes from October 23, 2019 are unable to be approved due to the lack of quorum for member present.

MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN to table the passage of Council minutes from October 23, 2019. On roll call, all voted “aye.”

Comments from Audience

Mrs. Muzis, 2573 Warrensville Center Road was present to report and complain about the new mid-block crossing signals flashing all the time for days.

Mayor’s Report

Mayor’s Report 11/4/2019

To my friends and neighbors in University Heights:

We do not have any contested races for city council and school board this year, and I chalk that up to community support of the work we all have been doing so far these past two years.

Nevertheless, I encourage you to go vote. In addition to our fine candidates for city council and school, there are two county issues on the ballot.
First, our county charter is still new enough to be a work in progress, and a YES on Issue 6 refines the appointment of our County Sheriff, and should achieve a healthy balance of both autonomy and accountability in that office. Finally, a YES on Issue 3 in support of Tri-C gives our county's community college much needed funding while it continues its mission of providing high quality, accessible and affordable educational opportunities while serving as an economic driver in the region.

See you at the polls tomorrow.

Since our last meeting. I took a meeting with anticipated new bond counsel, see item B on the agenda.

I joined my fellow mayors and city managers in honoring Richard Pogue with the George V. Voinovich Award.

I attended an economic development workshop sponsored by the Urban Land Institute. Mayors and other public officials from all over Northeastern Ohio participated, including Lyndhurst Mayor Patrick Ward, Bedford Mayor Stan Koci, Shaker Heights Economic Development Director Laura Englehart, and our own Councilman John Rach, just to name a few.

I attended and announced awards at the GESU Bolt 5k and 1 mile fun walk, in support of Gesu School. I attend the Heights Career Tech fair and served as a judge of the various displays and student presentations.

We took a meeting with a federal representative of the 2020 Census, Mike Cook will talk more about that in his report.

I took a citizen meeting to discuss landscaping improvements at The Walt, at the Fenwick end especially.

County Planning Commission met and we will be announcing any day the selection of the new County Planning Commission Executive Director. Our former mayor Susan Infeld has been serving in an interim capacity this year while we engaged in a national search. I am grateful for her service. And I look forward to sharing the name of our new ED, who has experience not only locally but around the country, but the challenges of the first suburbs, communities like University Heights, Shaker Heights, Cleveland Heights, and East Cleveland, being the four cities I represent on the Commission.

This is not a complete list of meetings, but just some of the highlights, you get the idea.

Finally, the city took two meetings regarding the former KFC property at 2115 South Taylor. The second meeting was scheduled when the owner didn’t attend the first meeting. The second was today, and despite our admonishment that he attend and not just send representatives without authority to commit to a plan, he once again declined to appear. His lawyer said “he’s a busy businessman.” Apparently too busy to take a meeting with the mayor, the law director, the building commissioner, and the economic development director of a city where he has owned an eyesore of a property for over three years, and has done nothing to clean it up or fix it up. Not even pull the weeds and haul away the junk scattered around the site. It does not appear to me that he is serious in working to clean up this property and restore it to a productive use here in the city. We will not be daunted. I want to assure the community and the folks at Cedar-Taylor in particular, that we will keep working to clean up and improve the Cedar-Taylor district. We will not countenance further delay tactic from the dilatory owner of this public nuisance property.

On a more positive note:

This is the last city council meeting before the Civic Awards. Mike Cook will report more on that later, but if you haven’t gotten your ticket yet, do it now. I think we are up to 132 attending, and the Jardine Room holds maybe 170 or so. Don’t find yourself eating at Cooper’s table in the basement. Get your tickets now.

Thank you, this concludes my report.

**Agenda Items:**

A. **Motion to hold an Executive Session for the Purpose of Discussing Personnel, Legal and/or Real Estate Matters**

Mayor Brennan stated that there was a need to enter into Executive Session for the purpose of discussing Real Estate, Personnel and Legal Matters.

**MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN to enter into Executive Session for the purpose of discussing Real Estate, Personnel and Legal Matters. On roll call, all voted “aye.”**
MOTION BY MR. WISEMAN, SECONDED BY MR. SIMS to exit Executive Session. On roll call, all voted “aye.”

Regular Council session resumed at 8:36 p.m.

B. Motion to Authorize Mayor to enter into representation agreement with Bricker and Eckler for Economic Development Counsel Services related to University Square

Mr. Wiseman asked if as the City moves forward with University Square would this Bond Counsel be the replacement for the City’s previous Bond Counsel.

Mayor Brennan replied yes.

Mr. Wiseman added that he would like to add to the motion that Council be informed prior to any increase in the agreement rates.

MOTION BY MR. WISEMAN, SECONDED BY MR. SIMS to Authorize Mayor to enter into representation agreement with Bricker and Eckler for Economic Development Counsel Services related to University Square and the City Council be informed prior to any rate increases as per the contract letter. On roll call, all voted “aye.”

C. Motion to Accept the bid from Hastings Air Energy Control, Inc. (Plymovent) as the best bidder for Source Capture Vehicle Exhaust System (SCES) for the Fire Department in an amount not to exceed the bid amount $49,900.00 minus the Prepayment Option savings of 3% ($1,497.00) for a total cost of $48,403.00

Fire Chief Perko stated that the City received an Athena FEMA Grant in the amount of $55,000 and FEMA funded $52,380.00 to go towards this purchase and the Cuyahoga County will pick up the City’s required match of $2,609.05 for the purchase.

Chief Perko reviewed with everyone the difference in the two (2) received bids and although Hastings Air Energy was not the lowest bid they had the best bid for several reasons; there is an additional 10-year warranty on the aluminum rails, small tools can be run from the system and other municipalities’ equipment can connect to the system. Chief Perko added that the other bidder did not meet the recommended 360-degree attachment nozzle which allows the hose to be attached to the apparatus from any angle.

Mr. Wiseman noted that the cost was below the $55,000 grant and asked if the grant funding required any match from the City.

Chief Perko replied the $2,609.05 would cover any matching requirement so there would be no cost for the system to the City.

Mr. Sims thanked Chief Perko for his explanation of way he was recommending choosing Hastings Air Energy as the best bid but not necessarily the lowest.

Mr. McConville commented for the record that for the legal standard the lowest and best bidder does not necessarily mean the lowest bid. If the municipality has other reasons for considering a higher bid to be the best bid as was pointed out by Chief Perko and Councilman Sims then the municipality has the discretion to do so.

MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON to Accept the bid from Hastings Air Energy Control, Inc. (Plymovent) as the best bidder for Source Capture Vehicle Exhaust System (SCES) for the Fire Department in an amount not to exceed the bid amount $49,900.00 minus the Prepayment Option savings of 3% ($1,497.00) for a total cost of $48,403.00. On roll call, all voted “aye.”
D. **Ordinance 2019-65 Enacting Codified Ordinance Chapter 1488 of the Housing Code Entitled “Point of Sale Inspection” and Repealing Chapter 1474.10, Chapter 1474.11, and Chapter 1424.09(A)(1) and 1424.09(A)(2).**

Mr. Grogan-Myers noted a change in the Ordinance Chapter title from 1490 to 1488 because Chapter 1490 already existed.

Mr. McConville stated that Council would also need to make a motion to amend the Ordinance Title.

Mr. Grogan-Myers added that the proposed changes were listed on the City’s website as well the financial analysis that demonstrated how fee increase was decided. The proposed changes were also mailed out to 15 frequent University Heights real estate agents. Thus far only 1 bit of feed-back has been received and it was more towards hoping that the Housing Department could improve it operations; such as timing in getting reports out, etc. The single-family dwellings inspection fee would be increase from $150 to $250 and the two-family dwellings inspection fee would increase from $200 to $300.

Mr. Rach clarified that the feed-back was not in regards to the fees and that the fees were to substantiate the cost of the program.

Mr. Grogan-Myers replied correct.

**MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN to amend the title of Ordinance 2019-65 to read “Enacting Codified Ordinance Chapter 1488 of the Housing Code Entitled “Point of Sale Inspection” and Repealing Chapter 1474.10, Chapter 1474.11, and Chapter 1424.09(A)(1) and 1424.09(A)(2).” On roll call, all voted “aye.”**

**MOTION BY MR. WISEMAN, SECONDED BY MR. RACH to adopt Ordinance 2019-65 Enacting Codified Ordinance Chapter 1488 of the Housing Code Entitled “Point of Sale Inspection” and Repealing Chapter 1474.10, Chapter 1474.11, and Chapter 1424.09(A)(1) and 1424.09(A)(2). On roll call, all voted “aye.”**

E. **Motion to Accept Bid from the lowest and best bid for the 2019-2 City Wide Tree Pruning/Removal Project and Entering into Contract for the same.**

Mr. Pokorny stated that previously Council authorize the City to seek bids for the 2019-2 City Wide Tree Pruning/Removal Project. Bids were received and opened on Friday, November 1, 2019.

Mr. Pokorny noted that only one bid was received and that was from Parks Tree Inc of Eastlake, Ohio. Mr. Pokorny stated that Parks Tree has tree pruning work for University Heights for the last two years and have done a good job. Parks Tree bid and pricing is fair and equitable for the job. Mr. Pokorny recommended that the City enter into contract with Parks Tree of Eastlake for $89,498.00 for this year’s tree pruning project.

Mr. Wiseman stated that he appreciated the efforts that have been made in notifying residents that their trees would be either pruned or removed and added that he hoped that this practice would continue.

Mr. Rach asked when would be City’s Arborist be present during this project. Will the Arborist be on-site to oversee, to review or to give guidance?

Mr. Pokorny replied that the Arborist would be on-site but not every day and every tree. Mr. Pokorny explained that he and the Arborist meets with the contractor to explain what is expected and then they are followed for several days.

Mr. Pokorny explained the tree code. Code 4: tree removal; Code 3: heavy pruning; Code 2: light pruning; Code 1: only removing the lower ring of branches and Code 5: are the small young trees in training where only about 25% of the tree is cut away to make sure the tree has a main leader for future straight up growth.

Mr. Sims asked Mr. Pokorny if he had any idea as to why only one bid was received.

Mr. Pokorny replied that the bids specs were sent out to several tree companies and in speaking with them he was informed that due to recent storms, etc. they did not have time to look and inventory the bid.
Mr. Sims asked how did this compare in price with last year’s Pruning Project.

Mr. Pokorny stated that this contract is much larger than last year’s project so the bid total is also more. But in looking at the individual pricing for size and type of pruning this year’s price is very comparable to last year’s pricing.

MOTION BY MR. SIMS, SECONDED BY MR. ERTEL to Accept Bid from Parks Tree of Eastlake, Inc. as the lowest and best bid in the amount of $89,498.00 for the 2019-2 City Wide Tree Pruning/Removal Project and Entering into Contract for the same. 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/or Real Estate Matters.

Mayor Brennan stated that an Executive Session was not needed.

Director’s Reports

Finance Director – Dennis Kennedy reported that he continues to measure the City’s financial records for compliance. Mr. Kennedy added that he would be meeting with all City Directors this week to review their budgets.

Fire Department – Chief Perko reported that the Fire and Police Department attended a training drill that was sponsored by the Cleveland Jewish Federation in regards to “active threats”. On November 6 at 6pm the Department will hold the formal swearing in for the recent new hires. Lastly the State Fire Marshall recommend that residents have their appliances checked by licensed repairman and that residents purchase CO2 detectors for the home.

Service Department – Jeffrey Pokorny stated that curbside leaf collection is ongoing and that three crews are out daily. Leaf collection will continue until approximately December 1. Pumpkins can be placed either in paper bags or with the regular rubbish for collection. Trees for the 2019 tree planting contract will be during the month of November.

Building Department – James McReynolds reported the following (1) permits for October totaled $17,400.89 with an estimated construction cost of $2,049,219.00. In comparison to October 2018, $23,669 with estimated construction cost of $3,103,794.00; (2) The construction of the Community Mikvah on Green Road in continuing with an expected completion date of the beginning of 2020. The sidewalks that were taken out are scheduled for replacement by Friday; (3) the new home construction at 3761 Northwood is scheduled for the ARB Commission on November 14.

City Engineer – Joseph Ciuni reported that the mid-block crossing on Warreenville Center Road had been flashing because the push button was stuck and that has been corrected. Mr. Ciuni noted that the contractor has not been closed out yet the contractor has to come out at no extra cost until the City is satisfied. The Groveland and Churchill paving projects have been completed. The waterline project of Washington is also completed and the paving will be on Wednesday as well as curbs and catch basin replacements, the last paving course will be completed near the end of November.

Mr. Wiseman commented that the new crosswalk with pedestrian lights around Silsby and Green Road are not working.

Mr. Ciuni said that he was aware of that and that would be repaired once the waterline work is finished at the cost of the contractor.

Communications/Civic Engagement – Mike Cook the City is on track to have good results for the upcoming Census count. The Civic Awards engagement is next week and the City’s Mosaic Magazine will be out next week.

Economic Development – Susan Drucker reported that she, Mayor Brennan and Patrick Grogan-Myers would be attending the School Board meeting to request approval for a LOI to transfer four parcels located east of South Taylor and west of Wynn Road to the City to allow for the development for the Residential Attached District Development.
Housing/Community Development – Patrick Grogan-Myers stated that the Cuyahoga County Community Block Grant applications due December 6 and that he is working with the Fire Prevention Bureau to formulate the application.

There were no other director reports.

Standing Committees:

Safety Committee – Mr. Rach stated that the committee would be meeting sometime in December to discuss towing and having a K-9 unit.

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 at 9:21 p.m.

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council