

**MINUTES COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
MEETING HELD AT THE CLEVELAND HEIGHTS/UNIVERSITY HEIGHTS
SCHOOL BOARD: 2155 MIRMAR BOULEVARD
MONDAY, OCTOBER 23, 2019**

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

Roll Call:

Present: Mrs. Susan Pardee
Mrs. Pamela Cameron (7:28p.m.)
Mr. Phillip Ertel
Mr. John Rach
Mr. Steven Sims
Mrs. Michele Weiss

Absent: Mr. Mark Wiseman

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
Housing/Community Development Coordinator Patrick Grogan-Myers
Community Relations Mike Cook

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

Approval of Minutes from October 23, 2019

Due to computer and server issues in the City Hall the Council minutes were not distributed to Council until October 22 so the Clerk asked that they be tabled until the next meeting.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to table the Council minutes from October 23, 2019 until the next meeting. On roll call, all voted “aye.”

Comments from Audience

Mr. Kevin Smalley, Illuminating Company Community Representative was present to say thank you to the community for their patience during the last storm and electric outage. Mr. Smalley explained the storm process that the Illuminating Company uses to restore power in the event of outages. Mr. Smalley stated that the most important thing is public safety and their first priority is to get all wires off the ground.

Mayor Brennan added that during the last storm Mr. Smalley was constantly available via phone, text and email. This enabled the Administration to communicate with residents via social media in a timely fashion.

Mayor’s Report

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The last two weeks have been difficult. While we approved IT services at the last meeting, our systems went down before the new equipment was here. The equipment arrived, and work began to restore email, restore and virtualize the file server, and finally, to bring the accounting system back online. We went from October 10 to October 21 without the accounting system online. Fortunately, our IT consultants got it back up on Monday, and today was the first day I worked without an outage. I’m

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cautiously optimistic that this is behind us. I am way behind in responding to emails. And I ask the community, especially our residents who email me, for patience as I work through the backlog.

So, with that unpleasantness reported, there is nevertheless much to be excited about.

First, Dennis Kennedy is here in University Heights! Former and distinguished Finance Director of Beachwood, Brooklyn, and Solon, former Executive Director of the Ohio Lottery Commission, and most recently, former Fiscal Officer of Cuyahoga County, in a few minutes I'll be swearing him in as the next Finance Director of the City of University Heights. It is a big win for our city to bring in someone as successful and accomplished as Mr. Kennedy, someone as interested in our success as we are. Our administration, city council, and the residents can have full confidence in his abilities and commitment.

Next, I am excited by the first item on the agenda tonight. Since the beginning of 2018, your city government has been committed to redevelopment. That goes for everyone on our city council, that goes for the hard-working people in our administration, and that goes for me. We reformed the City Beautiful Commission as the University Heights City Beautiful Corporation, making it a Community Improvement Corporation, dedicating not just to the beautiful homes we have, but to the mission of creating even more. We are about to make that happen.

Tonight, we will vote on transferring three city owned vacant lots to UHCBC to build three new homes. One on Raymont, one on Tullamore, one on Northwood. I wrote letters to the neighbors of the lots to let them know the good news. And the response has been overall positive with some understandable addressable concerns – including about the actual process of the construction, which we will meet with the neighbors about closer to when we break ground.

But to be sure, these new homes are an investment in our city, in our neighborhoods. Raymont and Tullamore and Northwood all have beautiful homes on them already. With these new homes, we will enhance each street with homes that are modern in amenities, but outwardly exhibit the aesthetics and charm and neo-colonial styling of the neighboring homes. They will add to the value of the street, to the desirability of the street, and demonstrate this city's commitment to these northwestern neighborhoods. These streets are now more than good enough to buy into, to live on, and to plant roots. And these new homes demonstrate our confidence in that. And with each new home, every resident on that street, and every resident to come onto that street, may share that confidence. I want to thank my fellow board members of the CIC for their part in making that happen: Michele Weiss, Mark Wiseman, Sue Pardee, Susan Drucker, Patrick Grogan Myers, and Winifred Weizer.

Thank you, this concludes my report.

Agenda Items:

Added item: Oath of Office for Finance Director Dennis Kennedy

Mayor Brennan introduced Mr. Kennedy and administered the oath of office to Mr. Kennedy.

A) Motion to Authorize the Mayor to Transfer the Following, City-Owned Lots to the University Heights City Beautiful Corporation: 3509 Raymont Boulevard (PPN 722-01-029); 3505 Tullamore Road (PPN 722-04-099); and 3761 Northwood Road (PPN 722-15-063)

Mr. Rach confirmed that this would transfer the property from the City to the University Heights City Beautiful Corporation and the properties would be held in the CIC until the project starts. Mr. Rach added that if hypothetically if the project plan did not go through the property could revert back to the City for another project.

Mr. McConville explained that when the Developer tells the City that their buyer has placed monies in escrow the City would then provide the deed(s) to the Developer and file for the transfer of property. That will occur once they (Developer) has a signed contract for construction.

Mrs. Weiss commented that this was really the first piece of CIC legislation for anything of substance since the CIC was developed. Mrs. Weiss added that this was very exciting.

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Mrs. Pardee added that she was excited that the City would now have new quality housing filling in vacant lots.

MOTION BY MR. RACH, SECONDED BY MRS. WEISS authorizing the Mayor to Transfer the Following, City-Owned Lots to the University Heights City Beautiful Corporation: 3509 Raymont Boulevard (PPN 722-01-029); 3505 Tullamore Road (PPN 722-04-099); and 3761 Northwood Road (PPN 722-15-063). On roll call, all voted “aye.”

B) Ordinance 2019-63 Rezoning Certain Parcels Located on Warrensville Center Road as Follows: Permanent Parcel Numbers 721-01-064 and 721-02-068 from U-7 and U-3 to Local Retail District or “U-7”

Mrs. Drucker reported that these are two (2) parcels that were originally at one time were two different parcels and at sometime they were combined into one parcel but still had the two different zonings; U-7 and U-3. Parcel 721-01-064 is the PNC Bank building located at 2233 Warrensville Center Road and Parcel 721-02-068, 2245 Warrensville Center Road is owned by Spaulding Leasing and is the half of Silsby Center where the City Hall Annex Offices are.

Mrs. Drucker added that this is a request for Council to refer the rezoning of parcels 721-01-064 and 721-02-068 from a U-3 District to U-7 Local Retail District. This will not impact the current use of the property. This is a measure to clarify the Zoning Map.

Ordinance 2019-63 Rezoning Certain Parcels Located on Warrensville Center Road as Follows: Permanent Parcel Numbers 721-01-064 and 721-02-068 from U-7 and U-3 to Local Retail District or “U-7” was placed on first reading.

Mr. McConville added that the zoning change has to be recommended back to Council by Planning Commission and then Council can rule however they wish.

MOTION BY MR. SIMS, SECONDED BY MR. RACH to refer the Rezoning Certain Parcels Located on Warrensville Center Road as Follows: Permanent Parcel Numbers 721-01-064 and 721-02-068 from U-7 and U-3 to Local Retail District or “U-7”. On roll call, all voted “aye.”

C) Ordinance 2019-64 Rezoning a Certain Parcel Located on Warrensville Center Road, Permanent Parcel Number 721-06-023 from Automobile Parking District U-3 to Local Retail District or “U-7”

Mrs. Drucker stated that this too was in order to clarify the Zoning map. It was discovered that parcel 721-06-023 is zoned as an Automobile Parking District (U-3). Parcel 721-06-023 is a Retail Center and not a parking lot.

Mrs. Drucker again stated that this is a request for referral to Planning Commission for recommendation for rezoning.

Mrs. Drucker noted that all property owners for agenda item b, c and d were notified. Each of them is satisfied with the proposed re-zonings.

Ordinance 2019-64 Rezoning a Certain Parcel Located on Warrensville Center Road, Permanent Parcel Number 721-06-023 from Automobile Parking District U-3 to Local Retail District or “U-7” was placed on first reading.

MOTION BY MRS. WEISS, SECONDED BY MR. SIMS to refer the Rezoning of a Certain Parcel Located on Warrensville Center Road, Permanent Parcel Number 721-06-023 from Automobile Parking District U-3 to Local Retail District or “U-7”. On roll call, all voted “aye.”

D) Ordinance 2019-65 Enacting Codified Ordinance Chapter 1490 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 stated that he has been conducting an ongoing review of the City’s housing code and as there are issues that have arisen and one of the places that seemed logical to start at was the Point of Sale Inspection Program.

Mr. Grogan-Myers noted these seven (7) summary amended items from the Ordinance.

1. Creation of Chapter 1490
Point of Sale Program is nestled in the Enforcement Chapter of Housing Code so this will separate it out into its own Chapter and clarifying what provisions apply directly to the Point of Sale Inspection Program
2. Changing the department responsible for the Point of Sale Program from Building Department to Housing and Community Development Department
3. Point of Sale not required when a property transfers as the result of an inheritance or transferred within a household without the exchange of monetary funds
4. Business entities whether foreign or domestic have to be registered in Ohio
5. Point of Sale violations have to be corrected within 90 days. This is an increase from the current 30-day compliance period.
6. Fees will be increased \$100 across the board – this brings the cost to administer the Point of Sale Program fee ratio from an approximately 60% to 93%
 - a. Single-family dwellings from \$150 to \$250
 - b. Two-family dwellings from \$200 to \$300
7. Tier structure for release of escrow funds - based on the amount of escrow funds which correlate to the cost and size of the violations. The tier structure will allow for more drawn downs (release of funds placed in escrow) as the amount of escrow funds increases. Currently a person could have one particle release of funds if there is more than \$5000 in escrow. The escrow level cannot be below \$5000 unless all the violations have been taken care of.

Mr. Grogan-Myers added that a webpage has been created on the City’s website regarding the proposed changes to the Point of Sale Program. On that webpage is a summary of the program, the actual text of the program, and the financial analysis that explains the fee increase. There is also a feedback form. Letters regarding the new program was also emailed to frequent real estate agents for their feedback as well.

Mr. McConville added that the proposed revisions are for the purpose of consistency and define terms throughout the Ordinance. There are two (2) main substance points: (1) make it clear that any particular owner of a home is not under any legal obligation to consent to an inspection. Outlined is the process that the City has to go through in the event that the owner denies the City the right to inspect. In which case the City can either issue the certificate to the homeowner or apply for an Administrative Search Warrant with the Municipal Court and argue that there is probable cause to suspect that there are violations that warrant an inspection. (2) the draw downs were taken out of the discretion of the Department Director so that when an individual owner is asking for an amount to come out of escrow that there would be a formula to determine how much escrow can be taken out. There is language that indicates that the amount that can be withdrawn out of escrow is the lessor of the amount that is spent of the repairs or the amount which when subtracted from the gross amount in escrow would leave a sum that is sufficient to complete all the remaining repairs. As drawdowns occur the City would then know it is protected in terms of there being funds accessible to make the repairs.

Mayor Brennan noted that Councilman Wiseman emailed his comments; one of which was a question as to if the 12-month period of sheriff sales could be reduced.

Mr. Grogan-Myers replied that he also received the email and would be reviewing it as part of the proposed amendments.

Mayor Brennan asked if any of the Council members had interest in this going to committee for review before Council as a Whole considers it.

No Council members expressed interest in this going to committee for review.

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Ordinance 2019-65 Enacting Codified Ordinance Chapter 1490 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) 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/or Real Estate Matters

Mayor Brennan stated that there was a need to hold Executive Session for the purpose of discussing personnel matters.

MOTION BY MRS. CAMERON, SECONDED BY MRS. WEISS to hold Executive Session for the purpose of discussing personnel matters. On roll call, all voted “aye.”

Directors’ Reports

Finance Director – Mr. Kennedy stated that he has compiled a list of paperwork he needs to review such as policies, procedures, collective bargaining agreements, etc.

Mr. Sims commented that Mr. Kennedy reputation is large and University Heights is fortunate to have him. Mr. Sims added that he believed that Mr. Kennedy was the right person for the right time. The City needs his experience and he is happy Mr. Kennedy is on board.

Law Director – Mr. McConville reported that at the last Board of Zoning (BZA) Meeting the property at 2115 South Taylor Road, the previous KFC building had an appeal before the Board on the issues of public nuisance and the order of demolition. The BZA found that public nuisance conditions existed both with respect to matters cited by the Building Department and as to an environmental condition of the property. The BZA upheld the public nuisance determination and also upheld the order of demolition but stayed that order pending submission by Mr. Auyeung at the next BZA hearing that was scheduled for mediation of both the Building Department related nuisance and the environmental nuisance. Mr. McConville added that Mr. Auyeung brought a team with him to the meeting which included: legal counsel, engineer, environmental consultant and architect, all of which provided testimony in information about the parcel. On that basis the BZA Board was willing to entertain a schedule for mediation. Mr. Auyeung will have thirty (30) days to appeal the Board decision on the public nuisance finding and the confirmation of the demolition order. Mr. McConville added that he believed that the time period would run as long as Mr. Auyeung is working with the city. The city is well positioned to hold Mr. Auyeung to the timeline agreed to by the BZA and if he cannot meet that deadline the city can then take the appropriate steps to demolish the building.

Police Department – Chief Rogers reported on three items: (1) Spoke at the Community Engagement for Seniors meeting at the University Heights Library on Oct. 10th; (2) Regarding the street parking on Vernon Road the department has conducted patrol between Oct. 9th and Oct. 21st and 4 verbal warnings were issued, 3 citation for parking where prohibited were issued and 8 citations for expired time were issued. The area will continue to be monitored to enhance public safety; (3) researching the possibility of moving to using a hi-band radio frequency to enhance the department’s regional communication and capabilities, this can be further discussed in a Safety Committee meeting.

Fire Department – Chief Perko reported that the Department took part in Regional Training with the following agencies: Police Department, John Carroll University and University Hospitals. The training was on active threats and how to respond. Some of the exercises included rescue taskforce, tactical emergency care as well as small scale drills.

Lastly, Chief Perko reported that the winners from the Fire Department Open House coloring contest will be announced soon, with the winners receiving either a ride to school in the fire engine or a ride around the city in the fire engine.

Service Director – Jeffrey Pokorny reported that leaf pick up has started and the crews are on their third cycle. The 2019 tree planting program will be starting on November 1, it should take until the

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end of November to plant all the trees. Bids for the 2019 Tree Pruning Project will be opened on November 1st.

Building Commissioner – James McReynolds reported that the Architectural Review Commission and Board of Zoning Appeals held their October meetings. The Planning Commission will meet on November 21st.

For the month of September permit receipts totaled \$8,340.40 which represents an increase of \$1,400 over last

Regarding the complaints received for “The Sauce” carry-out restaurant located at 13888 Cedar Road. The Building Department has been checking daily on the conditions of the exterior of the building regarding litter, garbage, rubbish pick-up, etc., was cited and instructed to discontinue the use of the patio until they appeared before the Board of Zoning for a Special Permit for the use of the patio. The owners appeared before the Board of Zoning on October 16, 2019 and stated that the trash picked-up by a commercial rubbish company has been increased from twice a week to three times a week. The Board of Zoning ruled for following conditions similar to the conditions that were granted to the previous business Subway: (1) use of the patio has to end at dusk or at the latest 8p.m.; (2) cannot to lit and has to be kept clean; and (3) landscaping plan to hide the fence that surrounds the patio has to be presented to the Building Department. Mr. McReynolds also noted that the parking area is cleaner and that the County Board of Health has also been monitoring the restaurant.

Mr. Sims thanked the Administration for following up on the complaints and commented that unfortunately the success of the business has created some problems that appear to be in the process of being corrected.

City Engineer – Joseph Ciuni reported that the paving on Groveland will start on Friday. The Washington Water Project is on target to be completed next week and after that is completed the roadway will be paved.

Communications/Civic Engagement – Michael Cook reported that the 3rd issue of the City’s magazine “The Mosaic” will be out in November. The Civic Awards Dinner will take place on November 13 at 6:30 P.M. at John Carroll University in the Jardine Room. Tickets for the event are \$25 per person. Finally, Prosecutor Stephanie Scalise will be speaking at Gesu on Friday for their program in honor of Red Ribbon Week and Drug Awareness.

Economic Development – Susan Drucker stated that the commercial vacancy is 5.3% in the City, the regional rate is 10.0%. Small Business Saturday will be on November 30 and thus far approximately 35 businesses have sign up.

Mrs. Weiss asked Mrs. Drucker about looking at the Housing Code and a comprehensive update of the Code.

Mrs. Drucker replied that she along with Mayor Brennan are reviewing nonconforming, home based business, elimination of the U-3 District and bringing back the section for Parks and Recreation.

Housing and Community Development - Patrick Grogan-Myers reported that he will continue to work with developer Mr. Knez to develop 3509 Raymont, 3505 Tullamore and 3761 Northwood and help the projects move along. The Heritage Home Loan program third quarter report for July, August and September showed that there was an increase compared to third quarter last year in inquiries from 25 to 45; for site visits there was an increase from 13 to 26 and signed loans from 1 to 2. The Housing and Building Departments will begin using the new Citizen Serve program on December 2.

There were no other director reports.

Standing Committees

Finance Committee – Mrs. Pardee stated that the budget process and meetings would be starting soon.

Service Committee – Mr. Sims reported that the committee met on September 18 regarding the rubbish study and will have another meeting to follow-up on the requested additional information the committee members wanted.

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There were no other committee reports.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to resume the regular meeting. On roll call, all voted “aye.”

MOTION BY MR. SIMS, SECONDED BY MRS. WEISS to adjourn the meeting. On roll call, all voted “aye.”

There being no further business, the meeting was adjourned at 9:48 p.m.

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council