

**MINUTES COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
MEETING HELD AT THE CLEVELAND HEIGHTS/UNIVERSITY HEIGHTS
SCHOOL BOARD: 2155 MIRAMAR BOULEVARD
MONDAY, DECEMBER 2, 2019**

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

Roll Call:

Present: Mrs. Susan Pardee
Mrs. Pamela Cameron (7:26pm)
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 Dennis Kennedy
Police Chief Dustin Rogers
Fire Chief Robert Perko
Service Superintendent Jeffrey Pokorny
Economic Development Susan Drucker
City Engineer Joseph Ciuni
Housing/Community Development Patrick Grogan-Myers
Communications and Civic Engagement Mike Cook

Approval of Minutes:

Council Meeting November 18, 2019

There were no corrections or additions to the Council minutes dated November 18, 2019.

MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE for the passage of the November 18, 2019 Council Minutes as presented. On roll call, all voted “aye”.

Comments from Audience

Mr. Scott Wachter, was present to encourage Council to pass a Resolution calling on Congress to amend “The United States Constitution to Establish that Corporations are not People and Money is not Speech”.

Ms. Joan Skerl, 3124 Berkshire Road, Cleveland Heights was present to inform everyone about the Literacy Cooperative “Dolly Parton’s Imagination Library” program. The program’s library is a 60 volume set of books beginning with the children’s classic *The Little Engine That Could*. Every month a new carefully selected book is mailed in the child’s name directly to their home. The program is free with no cost or obligation to the family. Currently in Cuyahoga County there are between 300 – 400 children enrolled. The website is: literacycooperative.org

There were no audience comments.

Mayor’s Report

Mayor’s Report 12/02/2019 (as prepared):

Sock It To Me! The University Heights Sock Drive is underway. Now through Dec 20th we will be accepting donations of new socks for distribution to the homeless and the needy. You may drop your socks at City Hall during regular business hours, at the Police and Fire Department after hours, and the University Heights Library during their regular hours. With wintery weather upon us, the creature comfort of having warm dry feet should be self-evident. Please donate all the new socks you can spare.

Walter Stinson hosts Senior Happenings Thursdays at 2pm at the UH library. I’m happy to report that January 2nd I will be the featured speaker at Senior Happenings to address the seniors (and anyone else who attends). It is free and open to the public, and yes, after brief opening remarks, I take Q&A, so have at me.

The 2020 State of the City Address will be February 11, 2020, that's a Tuesday, 7pm in the Jardine Room at JCU. I encourage you all to attend.

As Mike Cook will elaborate in his report, the December edition of the newsletter will be out next week. In addition to the sock drive, the newsletter will feature a story on ReadyNotify, the Cuyahoga County's emergency contact system. Previously, the city of University Heights used Code Red and paid a premium for that service. Code Red has since won the contract as the vendor for the ReadyNotify service with the County, and we are now encouraging our residents to sign up anew. Even if you signed up for Code Red notifications before, there are more options than there used to be for the levels of notification (i.e. emergency and non-emergency announcements) and the methods of notification (i.e. email, mobile phone, landline phone, text). There is also an app to download. You can sign up now at universityheights.com/readynotify (one word, no space).

Last Thursday was Thanksgiving. We all found our ways to mark the day, and give thanks, hopefully with the company of loved ones and good cheer. The City, with the help of 1-888-Ohio-Comp and Bialy's Bagels, gave away over one hundred turkeys the Friday before Thanksgiving. Thank you to Mike Pollock and 1-888-Ohio-Comp for providing the turkeys, thank you to Rachel and Sarah Gross, and everyone at Bialy's Bagels for providing the freezer space to hold them locally before the giveaway. Thank you to Mike Cook, Kelly Thomas, Denise Balint for joining me outside to give away the birds. And thank you to Councilman Phil Ertel for helping us make one special delivery.

We will have cake before our next meeting to celebrate councilmembers Steven Sims and Pamela Cameron. Please be here at 6:30pm to join us for cake and a recognition ceremony thanking Councilman Sims and Councilwoman Cameron for their service.

I attended and chaired the meeting of the Heights-Hillcrest Communications Center Board. Our regional dispatch entity was on budget of 2019 and we approved its budget for 2020. Thus far it has proven to be a success story for regional collaboration. Thank you to Director Nick DiCicco, and to fellow board members Shaker Heights Mayor David Weiss, Richmond Heights Mayor David Roche, Cleveland Heights City Manager Tanisha Briley, South Euclid Police Chief Kevin Nietert for everything you do, together with the police and fire chiefs of our five cities, working together for the safety of our communities.

This year we have managed to stay on top of Leaves 2019. For a little while there, it looked like we were going to have a repeat of 2018. But overall, we've had all hands on deck by our dedicated service employees, up to four temps a week on leaf crews since late October, a measured amount of overtime, more cooperative weather, temporary no parking signs that have been *somewhat* honored, the campaign to let residents know of the options of mulching their leaves or bagging their leaves (because Leaves Leave Faster When You Bag Them) and the strong work of Service Director Jeff Pokorny, Assistant Service Director John Pucella leading the way. We are on our ninth pass around the city, the final pass should begin a week from today, December 9th and finish on Saturday December 14. If you still want to rake your leaves to the tree lawn, please do it now and no later than this weekend. After that, bag them, mulch them, or wait till spring cleanup, because the trucks will be refitted for snow removal. So while we are giving thanks, thank you Mr. Pokorny, thank you Mr. Pucella, and thank you to the dedicated full time and part time employees of the service department.

Finally, while we are not at City Hall as I deliver this, please make a point of riding by after dark and taking a look the holiday lights we've put out this year. I'd like to thank our intern Ibrahim Bazyan, of University Heights scarf fame, for doing the preliminary design, working with Jeff and John, and then Scott Rudyk and others in service to get the lights up in the trees on Thanksgiving week. Yes, they are LEDs, so they are as efficient as well as festive. And they turn on every night at 4:20.

Thank you. This concludes my report.

Agenda Items:

- A. Ordinance 2019-67 Authorizing Temporary Appropriations for Current and Other Expenditures of the City of University Heights, Ohio for the Period Commencing January 1, 2020 and Ending December 31, 2020 (on first reading)**

Finance Director Dennis Kennedy stated that this Ordinance will allow for the City's spending expenses on a temporary bases for the year 2020 until the Permeant Appropriations is passed and filed with the County.

Mrs. Pardee added that this was suggest during the Finance Committee meeting to allow Mr. Kennedy, who was recently appointed Finance Director the opportunity to review the City's financials before presenting the complete 2020 Budget for review and passage.

Mr. Wiseman noted that in the past the deadline to pass the budget was March 31.

Mr. Rach asked Mr. Kennedy how he formulated the financial figures.

Mr. Kennedy replied that he based the figures on the projected expenditures for 2019 and reduced that by a few percentage points along with an estimated amount of revenue that would be received in 2020.

Mr. Rach noted and commented that this was not a detailed budget and that it was in line with maintaining the City financially as it is today and that it was not projecting anything new such as a new hire.

Mr. Kennedy replied that Mr. Rach was correct and that it is an expansion of what is happening financially this year based on what he feels the revenue will be going into 2020. Within the next 60 days a budget detailed by department and fund number will be formulated.

Mr. McConville commented that this would not supersede the Mayor's spending authority.

Ordinance 2019-67 was placed on first reading.

B. Resolution 2019-68 University Heights to Participate in the State of Ohio Cooperative Purchasing Program (on emergency)

Mr. Kennedy noted that Resolution 2019-68 relates to the City's bidding process and will allow for the City to continue its participation in the State of Ohio Cooperative Purchasing Program.

MOTION BY MRS. WEISS, SECONDED BY MR. SIMS to Approve the passage of Resolution 2019-68 University Heights to Participate in the State of Ohio Cooperative Purchasing Program on emergency. Roll Call on Suspension of the Rules, all voted "aye." Roll Call on Passage, all voted "aye."

C. Ordinance 2019-69 Authorizing the Mayor to Enter into a Depository Agreement with Dollar Bank for Active and Interim City Funds

Mr. Kennedy informed Council that this was a statutory requirement.

Mr. Sims asked if this just pertained to cash deposits.

Mr. Kennedy replied it would be cash and securities.

MOTION BY MRS. PARDEE, SECONDED BY MR. WISEMAN for the Passage of Ordinance 2019-69 Authorizing the Mayor to Enter into a Depository Agreement with Dollar Bank for Active and Interim City Funds. Roll Call on Suspension of the Rules, all voted "aye." Roll Call on Passage, all voted "aye."

D. Recommendation from Planning Commission Meeting November 21, 2019 for the Approval 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 U-7

Mr. McConville stated that both agenda items d and e related to the rezoning of parcels in effort to clean up certain areas of the City's zoning map. In each instance there is a single parcel with different zoning uses; one for the building and the other is the zone as a parking buffer district. This recommendation and Ordinance will afford that there is a single zoning district for a single parcel and would allow the Planning Commission to have administrative arms to take care of such issues as buffering. The existence of two separate zones on a single parcel creates some confusion in terms of enforcement, where and what the setbacks are, what is allowed as a permitted use.

Mr. Wiseman asked if this would change the approved type usage.

Mr. McConville replied no; the parcel would still be in a U-7 district with parking requirement per City Code. Any new development would have to be review by the Planning Commission, current businesses are grandfathered.

MOTION BY MRS. PARDEE, SECONDED BY MR. RACH to Approve the Recommendation from the Planning Commission Meeting November 21, 2019 for the Approval 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 U-7. On Roll call, all voted “aye.”

- E. Planning Commission Meeting November 21, 2019 for the Approval of 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 U-7**

There was no additional discussion for this item.

MOTION BY MRS. WEISS, SECONDED BY MRS. CAMERON to Approve the Recommendation from the Planning Commission Meeting November 21, 2019 for the Approval of 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 U-7. On Roll call, all voted “aye.”

- F. Motion to Authorize Mayor to Enter Purchase Offer Agreement for Land for Residential Attached Development**

Mr. McConville stated that this authorization is a follow-up to the Residential Attached Zoning Legislation that Council previously adopted this year. The City and the Cleveland Heights School Board have entered into a letter of intent pursuant to which the school board would transfer certain residential properties in the RA District that it owns to the City, those parcels are adjacent to four parcels that the City owns. The City would then convey the entire block of properties to its CIC. The City and the CIC would then enter into a purchase agreement to accomplish the transfer from the School Board to the City. Once the properties are in the CIC, the CIC will then negotiate with the Developer for the sale of those properties to the Developer pursuant to a Development Agreement that would require the Developer to develop a specific project.

Mr. McConville stated that the purchase agreement that has been drafted has not yet been reviewed by the School Board Council, so it is anticipated that there may be some comments but the document should come back substantially similar to what has been provided to City Council. Mr. McConville added that this purchase agreement differs from the garden variety purchase agreement because there is a “Club act provision” that allows the School Board to buy back the property from the City or CIC if the Developer is unable to develop the project within a four (4) year time frame. When the CIC is dealing with the Developer we will want to include the same type of deed restrictions that allow for buy back of the properties. The purchase price for the buy back is the cost of any improvements that have been made (not on the property), if there is development/improvement on the property it is not eligible for claw back. But if the property is vacant but there have been improvements that benefit the property such as the installation of sewers or utilities then those cost will comprise the purchase price. Mr. McConville added that this was the School Board way of guarantying that the City does what it says it will do, which is finding a developer to develop the land into a residential attached project.

Mr. Sims commented that the Club Act is an example that the City should always follow and there should be a definite amount of time that any developer is given to demonstrate that they can perform or they should return what was gifted to them. This type of agreement is common in most development agreements. Mr. Sims asked Mr. McConville to further explain how the Club Act works.

Mr. McConville replied that only property that remains blank would be eligible for the Club Act. Mr. McConville added that if a residential attached building has been placed on property, that particular parcel is no longer eligible for Club Act. Based on discussions with proposed developers the City anticipates that the units would be going up in phases. So certain parcels will become ineligible as the units go up and it will only be parcels that no buildings go up on after that four (4) year period that would be eligible for the Club Act.

Mrs. Pardee stated that she would be passing on the vote because this was a vote to allow the Mayor to enter into an agreement with the School District and that she had a possible conflict of interest as a school board employee.

Mr. Wiseman thanked the Administration and School Board for their work with this.

MOTION BY MR. ERTEL, SECONDED BY MRS. WEISS authorizing the Mayor to Enter into a Purchase Offer Agreement for Land for Residential Attached Development. On roll call, all voted “aye,” except Mrs. Pardee, who “passed.”

G. Motion to Request Authorization to Seek Bids for the 2020-2023 Catch Basin, Inlet Sewer Cleaning and Television Inspection Program

Mr. Pokorny stated that the Catch Basin, Inlet Sewer Cleaning and Television Inspection Program provides service to clean the City’s sewer lines on an annual basis. The current contract expires at years end. Mr. Pokorny added that this year he would like the contract to be for three (3) years.

Mr. Sims asked why for three years instead of usual two years. Mr. Sims noted that just stating 2020 – 2023 was too general and requested that the beginning and ending dates of the contract be more detailed by providing the exact contract month, date and year timeframe for clarity.

Mr. Sims asked how much the City spent annually on this aspect of sewers.

Mr. Pokorny replied that the City spends close to \$200,000 per year. Using a three (3) year cycle would match the sewer cleaning program. The contract begins on January 1, 2020 and would end on December 31, 2022.

Mr. Rach asked if the cost of the program was off-set by the Sewer Assessment fund.

Mr. Pokorny said yes.

MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON to amend the stated project time from 2020-2023 to January 1, 2020 to December 31, 2023. On roll call, all voted “aye.”

MOTION BY MR. SIMS, SECONDED BY MRS. WEISS Authorizing the City to Seek Bids for the January 1, 2020 to December 31, 2023 Catch Basin, Inlet Sewer Cleaning & Television Inspection Program. On roll call, all voted “aye.”

H. Motion to Request Authorization to Seek Bids for Emergency Sewer Repairs for 2020-2023

Mr. Pokorny stated that this Contract would also be for three years and is taken out of the water/sewer funds.

MOTION BY MR. SIMS, SECONDED BY MRS. WEISS Authorizing the City to seek bids for the Emergency Sewer Repair January 1, 2020 to December 31, 2023 Contract. On roll call, all voted “aye.”

I. 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 Real Estate matters.

MOTION BY MR. ERTEL, SECONDED BY MRS. WEISS to hold Executive Session for the purpose of Discussing Real Estate matters. On roll call, all voted “aye.”

Director’s Reports

Finance Director – Dennis Kennedy reported that he intends to present at the next Council meeting: employee health care contract, authorization for payment to Worker’s Compensation and a draft copy of the City’s new investment policy.

Law Department – Luke McConville reported that at the November 20, 2019 Board of Zoning Appeals meeting one of the agenda items was an application for a Special Permit to allow the operation of a Schul in the basement level of the home located at 4380 University Parkway. The application was presented to the Zoning Board by Attorney Kenneth Fisher.

Police Department – Chief Rogers stated that the Menorah Parade will take place on December 22. The route will go through University Heights, Lyndhurst and end back at Legacy Village. University Heights will have two auxiliary police units help with the traffic control. The Department will host its “Shop with a Cop” event on Saturday, December 14.

Fire Department – Chief Perko reported there he is reviewing the City’s Ambulance Billing program with Finance Director.

City Engineer – Joseph Ciuni reported that he is working on updating the City’s Zoning Map. Mr. Ciuni also reported that Washington Blvd. has been paved and stripped.

Service Department – Jeff Pokorny informed everyone that the tree planting program is completed and that 136 trees were planted and 7 trees were planted in the Walter Stinson Community Park. The tree pruning project started for between 750 and 800 trees. Letters will be delivered to all households affected by this. Curbside leaf pickup will continue until December.

Communications/Civic Engagement – Mike Cook reported that the City will hold its first Sock Drive between December 2 and December 20, the School District and Library will help with this by also having a collection bins for donated socks.

Housing/Community Development – Patrick Grogan Myers reported that the City will be holding a Public Hearing on regarding the Community Development Grant. The building that held the Pest Control Company is scheduled for demolition next week. There will be a meeting on December 12 at 7pm at the Cleveland Heights City Hall, the meeting is in conjunction with NOACCA, Cleveland Heights and University Heights regarding studying the South Taylor corridor.

There were no other director reports.

Standing Committees:

Civic Information – Mrs. Cameron stated in conjunction with Mr. Watcher’s comment earlier in the meeting that she hopes that a Resolution will be presented at the next Council meeting for Council’s consideration.

Mr. McConville replied yes, he would have legislation ready.

Finance Committee – Mrs. Pardee stated that the committee will meet on December 9th at 6:30pm in regards to the City’s Salary Ordinance.

Safety Committee – Mr. Rach stated that Safety Committee would be meeting on December 9th at 7:30pm. The Safety Committee meeting was actually held at 8:30pm.

There were no other committee reports.

MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON to resume the Regular Council Session. On roll call, all voted “aye.”

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

There being no further business, the meeting was adjourned at 9:10 p.m.

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council