

**MINUTES COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
MEETING HELD AT THE CLEVELAND HEIGHTS/UNIVERSITY HEIGHTS
SCHOOL BOARD: 2155 MIRAMAR BOULEVARD
MONDAY, FEBRUARY 3, 2020**

Mayor Michael Dylan Brennan called the regular meeting to order at 7:09p.m.

Roll Call:

Present: Mrs. Michele Weiss
Mrs. Barbara Blankfeld
Mr. Phillip Ertel
Mr. Justin Gould
Mrs. Susan Pardee
Mr. John Rach

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

Approval of Minutes:

Council Meeting January 22, 2020

Mrs. Pardee corrected the year listed on page 2 from 2002 to 2020.

MOTION BY MRS. BLANKFELD, SECONDED BY MRS. WEISS for the passage of the January 22, 2020 Council Minutes as presented and corrected. On roll call, all voted “aye”.

Comments from Audience

John Carroll University’s Student Government Community Relations and Service Committee Chair Tom Barrett and Committee Members were present and introduced their selves. Mr. Barrett spoke about the committee’s desire to work with City Council, the Mayor's office this semester to further relations between the general community and the University Heights community as a whole in addressing any issues or problems.

There were no audience comments.

Mayor’s Report

Mayor Brennan stated that in one week he would be delivering the State of the City address. The address will be given in the Jardine Room at John Carroll University on Tuesday, February 12, 2020 at 7pm. The State of the City address will look back on the accomplishments from 2019 and provide a preview for 2020 and beyond. The proposed 2020 Financial Budget will be ready to present at the Joint Finance Advisory and Finance Committee meeting that will take place next week.

Mayor Brennan attended the first meeting of 2020 Cuyahoga County Mayor’s and Managers Association meeting. There were two issues from that meeting that Mayor Brennan reported on:

- The Mayors issued memo of concern to the Cuyahoga County delegation for the State House and Senate to act on the Ed Choice expansion with a deadline for action to be taken being February 1, 2020. Mayor Brennan stated that some action was taken in the form of SB 120 which provides some funding for the expansion while extending from February 1 to April 1 the opening of the application period for the new Ed Choice applicants. Mayor Brennan added that in his view that University Heights is fortunate to have so many options in education our children. The choice of where to send our children to school is a personal choice and that choice will be different from family to family and sometimes even from child to child in the same family. Mayor Brennan said he did not seek to end the Ed Choice Scholarship, but he does seek reform and how it is funded as well as how public education is funded. Mayor Brennan stated that he has called on the State Legislator to finally view

the State Supreme Court ruling from 23 years ago that found the system of using local property taxes to fund education to be unconstitutional. The University Heights property owners need some relief from local property taxes and until we move on from this inequitable and unconstitutional form of education financing we have no choice but to protect education locally and ensure its funding under the current system. University Heights' State Senator Saundra Williams sponsored the bill with the plan to shift the Ed Choice Scholarship funding to the State, where it belongs – State programming with State funding along with the responsibility that unfunded mandate come from the local school district for “real reform and education funding”.

- The Mayor's voted to move to support the Health and Human Services Levy Issue #33. The levy is a .8mil increase that represent an increase of \$41 per year for every \$100,000 of property value. Mayor Brennan explained that 1 in 3 people in Cuyahoga County use these health and human services each year. This levy will help the county to continue programs to reduce infant mortality, respond to the opioid crisis, get more people into mental health and addiction treatment, divert people into treatment in lieu of jail and help older residents age in place (an increasingly important issue in University Heights).

Mayor Brennan reported that he and Mike Cook visited a senior resident age 82 who has lived in University Heights since the age of 6months and she still lives in the same house that her parents purchased on Fenwick in 1938. Mayor Brennan added that the visited was to pay the City's regards on the recent death of her husband Jim Russo. The Russo's owned Aurora's Restaurant that was located on Warrensville Center Road where Rascal House is currently located. The restaurant had seating for over 90 people and served the famous “dark” spaghetti meat sauce is still sold today at Jack's Deli. Mayor Brennan spoke of the stories and family history that Mrs. Russo, family members and neighbors shared with him during his visit.

Agenda Items:

A. Resolution 2020-08 Honoring Black History Month 2020

Mayor Brennan read Resolution 2020-08 into the record.

Mrs. Pardee commented that she was proud to be a signer of this Resolution and that she has been so proud of the diversity that the University Heights City Council members represents and noted that she also believes that is should not just be one month, it should be a celebration of all people, all different kinds of histories, there are all kinds of different stories thought out the year. Mrs. Pardee noted the portion of the Resolution that stated “so that we all may carry appreciation, understanding, and celebration, into the rest of the year.”

MOTION BY MRS. PARDEE, SECONDED BY MR. GOULD to approve Resolution 2020-08 Honoring Black History Month 2020. On Roll call, all voted “aye.”

B. Ordinance 2020-06 Reappointing Stephanie B. Scalise as Prosecutor and Assistant Law Director; Authorizing a Contract for Compensation and Oath (on second reading and emergency).

Mr. McConville explained that although this appeared to have passed at the previous Council meeting upon review of the City's Charter Mr. McConville confirmed that 2/3 votes was necessary vote for the suspension of the rules and for passage. At that meeting there was a positive 2/3 for the suspension of the rules, but there was not the required 2/3 votes for adoption because Mr. Gould elected to abstain, so while the vote was unanimous it was not the required 2/3.

Mayor Brennan added that although Council was currently short a member all current members were present so there could be the required 2/3 required positive vote for passage.

Mr. McConville stated that a vote on the suspension of the rules would not be required.

MOTION BY MRS. PARDEE, SECONDED BY MRS. WEISS to approve Ordinance 2020-06 Reappointing Stephanie B. Scalise as Prosecutor and Assistant Law Director and the Authorizing a Contract for Compensation. On Roll call, all voted “aye,” except Mr. Gould, who “abstained”

Mayor Brennan administered the oath of Office to City Prosecutor Stephanie B. Scalise.

C. Ordinance 2020-02 Authorizing the Director of Finance to Disburse a 27th Payroll Commencing in 2020 (on second reading)

Mr. Kennedy stated that Ordinance 2020-03 provides Council authorization to pay employees the extra pay period that will take occur at the end of 2020 because of the way in which the calendar falls. Mr. Kennedy added that this was discussed at the Finance Committee meeting.

MOTION BY MRS. WEISS, SECONDED BY MRS. PARDEE approving Ordinance 2020-02 Authorizing the Director of Finance to Disburse a 27th Payroll Commencing in 2020. On roll call, all voted “aye.”

D. Ordinance 2020-03 Revising the General Fund Carryover Balance Policy for the City of University Heights (on second reading)

Mr. Kennedy stated that this would set the reserve carry-over requirement of 15% of the previous year operating revenue reported from the General Fund. This practice is consistent with GFO (General Finance Operations) policies.

Mrs. Pardee thanked Mr. Kennedy for presenting this legislation because Council always believed that having a fund carryover balance policy was critical and it had been talked about off and on for years.

MOTION BY MRS. WEISS, SECONDED BY MR. RACH to the adopt Ordinance 2020-03 Revising the General Fund Carryover Balance Policy for the City of University Heights. On roll call, all voted “aye.”

E. Ordinance 2020-07 Creating A Payroll Stabilization Fund (on second reading)

Mr. Kennedy stated that this fund establishes a separate fund where monies will accumulate over 10 years so that by the 11th year the City will not have to budget the entire salary expense. This year that amount will be about \$380,000. Mr. Kennedy noted that the proposed transfer amount was included in the budget for 2020. This fund is permitted per Ohio Revised Code so the City is not required to submit documentation to the State Auditors for approval.

Mr. Gould noted that when this Ordinance was presented for the first reading the title stated it was a Payroll Stabilization Account and not Fund as it is present at this meeting. Mr. Gould asked what was the importance of the word fund.

Mr. Kennedy stated that it should be a fund. It will be a separate fund that is outside of the General Fund and it will be protected as a reserve and can only be use for the purposes it was established for.

Mr. McConville noted that there is a substantive distinction between an account and a fund. A fund is a mechanism of the City’s accounting and an account refers to a bank account.

MOTION BY MR. GOULD, SECONDED BY MRS. BLANKFELD amending Ordinance 2020-07 so that Payroll Stabilization Account is now Payroll Stabilization Fund in the title and throughout the entire document. On roll call, all voted “aye.”

MOTION BY MRS. BLANKFELD, SECONDED BY MRS. WEISS for the passage of Ordinance 2020-07 Creating a Payroll Stabilization Fund as amended. 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 there was no need for an Executive Session.

Director's Reports

Finance Director – Dennis Kennedy reported that he is still working on the 2020 budget. The entrance conference with the State Auditors will be scheduled sometime in February. W9's and 1099's has been created and issued. Mr. Kennedy added that he would be receiving additional training on the accounting system's software so that he can produce various reports and financial information.

Mrs. Weiss thanked Mr. Kennedy for his leadership and work.

Law Department – Luke McConville stated that at the request of Council he met with Councilperson Gould and Councilwoman Blankfeld to discuss public meeting and open record laws. Mr. McConville added that he has been asked by members of Council as well as by members of the general public to research an issue regarding the City's tax credit. The legal issue is specifically whether or not an initiated ordinance or ordinance otherwise adopted pursuant to a vote of the general public can be overturned, appealed or changed by Council. Mr. McConville upon conducting a lot of research he found one case that was on point from 1946 and appears to remain to be good law in Ohio. It indicates that it is Council's authority to enact laws and its value cannot be overwritten ultimately by either an initiative or otherwise by adoption of an ordinance by the general public. Council would have the right to repeal or otherwise change the law at their pleasure.

Police Department – Chief Rogers reported that the Department has been coordinating with the Domestic Violence and Child Advocacy Center through Cuyahoga County with the intention to implement what is considered a dangerous assessment tool in the field for officers when they have situation involving domestic violence. This can help law enforcement better provide service to the victim as ultimately help protect the victim further. There will also be suicide prevention training for public safety and first responders. Based on 2018 data from addiction center.com related to suicide in the general public 13 out of every 100,000 people in the county died by suicide; specific to law enforcement and first responders (including Fire Departments) the rate rose to 25 of every 100,000. Law Enforcement has also become the highest risk of suicide of all professions and officers are three times more likely to die from suicide. Chief Rodgers stated that the Cuyahoga County Department of Health is willing to provide training to officers in the Police and Fire Departments.

Fire Department – Chief Perko thanked Chief Rogers for including the Fire Department for suicide prevention and added that the County offers critical incident stress training. The insured services office will be in to evaluate the department to determine insurance rates for property in the city. The rates are determined by a fire suppression rating system in reviewing the fire department operations, staffing, response capabilities, equipment, apparatus, training programming, water supply in the city and community risk reduction efforts. The department's home safety inspection program will kick-off this year with help from the Cleveland Red Cross who will be offering a limited number of smoke detectors.

Service Department – Jeff Pokorny informed everyone that the tree removal and pruning project is approximately 75% completed.

Building Department – James McReynolds provided the stats for the number of permits pulled for the month of January as well as the value of the proposed work as well as the dollar amounts brought in from the permits.

Community Engagement – Mike Cook reported the City is applying to the Cleveland Foundation for a grant to promote participation in the US Census. The awarded grants will range from \$500 to \$5,000. If awarded the grant University Heights would use the grants to help it reach the hard to count populations children under the age of 5 and renters.

Economic Development – Susan Drucker stated that work is continuing in cleaning up the City's zoning map with focus on six areas in the City that are zoned U-3. Letters went out to owners of four of those properties and hopefully legislation will be presented to Council at the next meeting changing the U-3 zones to U-7 to comply better with the current use of those parcels. The city's January vacancy rate of office and retail (excluding University Square) is 5.84%. Mrs. Drucker noted that the City is still strong in office and retail space with having a great 5.84% vacancy rate.

Housing/Community Department – Patrick Grogan-Myers reported that there would be a Heritage Home Loan Information session at the University Heights Public Library on April 27 at 6:30pm and postcards will be mailed to all households. The annual exterior maintenance program will be starting soon with letters going out to the community in early March.

There were no other director reports.

Standing Committees:

Community Outreach – Mrs. Pardee reported that the committee is responsible for the Technology Advisory Commission. Mrs. Pardee stated that the Commission is comprised of 15 members, that there is representation from the Library and School Boards. Members can be from outside University Heights, they would just not be voting member but their expertise would be valued. Members do not have to be IT people, they can be people with information surrounding law, science, education, consumer affairs, economics, communications/media as well as IT and software. The members of the Commission are appointed by the Mayor with the hopes that appointments can be made at the next Council meeting and to have an actual Commission meeting in March.

Finance Committee – Mrs. Weiss stated that there would be a joint Finance/Finance Advisory Committee meeting on February 10 at 6:30pm in the City’s Annex to review the draft of the City Budget. There will be additional Finance Committee meeting after that in the anticipation of the passage of the 2020 City Budget.

Council Committee of the Whole – Mrs. Weiss reported that City Council will be conducting interviews for the open City Council seat. There will be a Special City Council meeting on February 12, 2020 at 6:30pm to appoint and swear-in someone to that vacant seat.

There were no other committee reports.

Mayor Brennan announced that the next Regular City Council meeting would be on Wednesday, February 19, 2020 at 7pm.

MOTION BY MR. ERTEL, SECONDED BY MR. RACH to adjourn the meeting. On roll call, all voted “aye.”

There being no further business, the meeting was adjourned at 8:13p.m.

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council