

**COUNCIL MEETING MINUTES
CITY OF UNIVERSITY HEIGHTS, OHIO
MEETING HELD VIA ZOOM | 813 6529 7438
MONDAY, MARCH 15, 2021**

Mayor Michael Dylan Brennan called the meeting to order at 7:06p.m.

Roll Call:

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

Also Present: Law Director Luke McConville
Finance Director Dennis Kennedy
Clerk of Council Kelly Thomas
Fire Chief Robert Perko
Police Chief Dustin Rogers
Service Superintendent Jeffrey Pokorny
City Engineer Joseph Ciuni
Economic Development Susan Drucker
Building Representative Fred White (SAFEbuilt)
Communications / Civic Engagement Michael Cook

Council Meeting March 3, 2021

Mayor Brennan asked for a motion to table the approval of the March 3, 2021 minutes to allow time for additional reports from the meeting to be added to the minutes.

MOTION BY MRS. PARDEE, SECONDED BY MR. GOULD to table the approval of the March 3, 2021 Council Minutes. On roll call, all voted “aye.”

Comments from Audience

Mr. Scott Watcher, 2224 Edgerton Road was present to ask University Heights to consider combining usage of the swimming pool this year with Cumberland swimming pool in Cleveland Heights. There would not be any major expense, in and additional expense at all. Combining the two swimming pools could be a benefit for the entire community because both pools have amenities that everyone can enjoy. The Cumberland pool typically sponsors a synchronize swimming team, whereas Purvis has 1-meter and 3-meter diving board to challenge a diving team. If the swimming teams from Cleveland Heights and University Heights are combined it could raise the level of competition. Economically more people may purchase swim passes. Cumberland may have staggering opening and closing times that coincide with Purvis' opening and closing hours allowing people to have swimming pool access throughout the day. The single sex swim nights may also have more availability throughout the week. Mr. Watcher said a petition went out for this suggestion with about 190 people interested in this. Mr. Watcher added that he hopes that Council will consider this as plans for the summer swim season are developed.

Mayor Brennan commented that in the long view he appreciated what Mr. Watcher stated where he could see where there could be benefits in the long-term to some form of reciprocal arrangements. But, this year Mayor Brennan stated that he is just trying to get the pool opened for the University Heights residents, so it is highly unlikely that anything such as Mr. Wachter was describing in 2021 but he would be open to discussing further for a season in the future if there is a call for it from the community.

Mr. Collin Derrig, John Carroll Student Government was present to re-introduce John Carroll's Student Government Community Relations and Service Committee as they try to represent student issues as they relate to University Heights. Mr. Derrig introduce his co-chair, Max Malley who will be taking over as Chair in the Fall of 2021. Other present members included; Thomas Keane, Maggie Paul and Nicholas Haselwood. Mr. Malley announced that the committee is developing a Big Brother/Big Sister Program where John Carroll students would have the opportunity to work one-on-one with students from a local middle school. The committee is working on promoting mental health on campus in part due to COVID as well as working with the University's Sustainability to develop long-lasting recycling habits.

Mayor's Report

Mayors Report 3/15/2021

The State of the City Address is this Thursday March 18 at 7pm. It will be streaming online. I understand we all get zoom fatigue, so while there are some essential points, I will try to keep it under two hours. J

Following the last council meeting, we negotiated the addendum to the agreement with SAFEbuilt regarding Citizenserve implementation. We finalized the agreement. SAFEbuilt officially began with the City on Thursday, March 4, 2021. As of that date, Fred White became the City's Chief Building Official. Tom Cook also started on that day, part time at first, full time as of this afternoon, serving in a temporary dual capacity as a permitting admin and building inspector, as he has both certifications and cross training in both. As SAFEbuilt is coming in on short notice, they are still assembling the team that ultimately will be staffing our Building Department, which has led to a bumpier transition than they or we would be accustomed to. Since the 4th, calls have not been returned as quickly as we normally would have or will have. Daniel Roche and intern Aiden Keenen are both working on the housing side while we accept applications for a new Director of Housing and Community Development. Mr. Roche is acting as a temporary Housing Admin while SAFEbuilt assembles their team, which will include a Housing Admin though the rest of the team will focus on the more traditional Building Department functions.

As this is more traditionally a slow season in the department, now is about as ideal a time as it gets to have a few transitional growing pains. Still, if you've been waiting for a return call, permit, or other document from the department, we would ask that you be patient, and we will get to you shortly.

Last week, congress passed and President Biden signed the American Rescue Plan Act. University Heights is projected to receive just over \$2.5m in federal aid. This will be disbursed in two tranches: Half in the next 30 to 60 days, the other half in a year. Administration is analyzing the options, and will have recommendations for how to best apply to the money to the benefit of our community.

The Planning Commission will hold a special meeting on Tuesday March 23 at 7pm. We held a meeting on March 4 that went 3 hours and 15 minutes, resulting in a tabling of the application. We received a lot of emails and phone calls expressing dismay that we ended the meeting without a decision or even deliberation. Commission members have expressed a desire to deliberate, and in order to do that as a group, we have announced the special meeting. In announcing the meeting, I provided a message to all people who emailed, to the commission members, and city council members as follows – and I will read it for the record:

With so many emails, letters, and calls regarding the issue of the application for a special use permit at 2343 Miramar Boulevard, I have prepared the following form response:

Often when applicants come before the Planning Commission, they have first conferred with the City administration and sought our input and support. In those situations, we will work with an applicant to help them develop their application to make the best case for their proposal. We work with those applicants to the extent that their proposal fits into the city's zoning and master plan, and the administration's overall goals for improving our City, while also raising concerns where they exist, and trying to work them out.

None of this occurred here with respect to the special use permit application for 2343 Miramar Boulevard presently before the Planning Commission. To be clear, the administration does not endorse or support the application. Instead, this application was made only after the City sent a cease and desist letter to applicant in response to his widely circulated invitation announcing the opening of a shul.

As Mayor, I serve as chair of the Planning Commission and I have sought to conduct the proceedings fairly. I am cognizant that if the Commission rejects the application, it may be appealed. Accordingly, I have sought to create a proper record for review under ORC 2506.01 *et seq.* Without a proper record, an appeal could result in a hearing *de novo*, meaning that the applicant would then get to make their case anew before the court. I'd rather that any reviewing court confine its review to our transcript and the documents presented to Planning Commission. That a court review the factors as testified to and that we considered with respect to Chapter 1274 of our local ordinances. That a court review only what was presented before us, rather than to allow an applicant a second bite at the apple, and possibly bring up matters to the Court that the City did not hear and thus could not consider. This may result in a court substituting its judgment for our own. Providing time to the applicant to make his case, and to cross examine witnesses, is done with all of this in mind. It does take more time on the onset, and in the long view, this is time spent purposefully.

As to your message and others like it, I understand what you are saying and I appreciate your feedback. And I will add this: Changes in how we plan our neighborhoods should be discussed in public and made as a group, rather than lone people acting unilaterally to build out and change their homes, claiming at the time a residential purpose, and seemingly concealing until later another intended use.

There may be a call for more and different uses as we modernize and update our zoning and allow for additional purposes, especially as we rethink how we live and work in our homes. Relating to this, we have a zoning code update planned that will have public input as an essential element of the process. We seek to preserve the best of what University Heights is, while positioning the City to make it more of what University Heights could yet be.

As to the applicant before us, we are providing him a fair hearing and due consideration. Simultaneously, we have provided all residents the opportunity to provide input relevant to the elements to be considered in granting a special use permit. We heard from many residents. Not all comments were on point to the application, though many were. That will be considered.

At the last meeting, I voted against the motion to table, because I thought at least some deliberation was in order for that evening, even if it made for a longer evening. The community, which includes the applicant, deserves a thoughtful and prompt decision on this matter. Not wanting to delay till next month, I have called a special meeting of Planning Commission for March 23 at 7:00pm. Information on that is below.

Thank you for your email. I endeavor to be everyone's Mayor. I know there are a lot of strong feelings and deeply considered thoughts on this issue. Please know I seek to apply the law and standards here fairly and to the benefit of the whole community. I believe every commission member will seek to do the same. Everyone who lives here expects and deserves nothing less.

This concludes my report.

Agenda Items:

A) Ordinance 2021-10 Authorizing the Transfer of Funds from the General Fund (100) to the Payroll Stabilization Fund (299), Facility Capital Improvement Fund (411) and the Community Improvement Corp. (800) and Declaring an Emergency

Mr. Kennedy stated that these transfers were included in the 2021 budget that was approved on March 1, 2021. The larger transfer of \$100,000 was discussed to establish a foothold for a Facilities Improvement Fund. There is the annual transfer to the CIC in the amount of \$25,000 and the other transfer is to the Payroll Stabilization Fund in the amount of \$26,000. The Payroll Stabilization Fund accrues resources so that every eleven years when there is an extra payroll period funds would available so that no extra burdens are place on the General Fund for that year.

There was no additional discussion regarding Ordinance 2021-10.

MOTION BY MRS. BLANKFELD, SECONDED BY MRS. WEISS for the passage Ordinance 2021-10 Authorizing the Transfer of Funds from the General Fund (100) to the Payroll Stabilization Fund (299), Facility Capital Improvement Fund (411) and the Community Improvement Corp. (800). Roll call on suspension of the rules, all voted "aye". Roll call on passage, all voted "aye."

B) Motion Authorizing the Mayor to Advertise for Bids for the 2021 Road Resurfacing Improvement Program.

Mr. Ciuni stated that this was the same program that the City received bids for last year but did not reward due to the pandemic. The only addition to this year program is that the County has granted the City \$45,650 for the material cost to crack seal and patch the University Heights side of South Green Road. Mr. Ciuni estimated the project to be \$400,000 of that \$45,650 would be reimbursed by the County.

There was no addition discussion regarding this item.

MOTION BY MR. RACH, SECONDED BY MRS. PARDEE Authorizing the Mayor to Advertise for Bids for the 2021 Road Resurfacing Improvement Program. On roll call, all voted "aye."

C) Motion Authorizing the Mayor to Advertise for Bids for the Purchase of two (2) Kubota Utility Refuse Collection Vehicles

Mr. Pokorny stated that the purchase was listed in both the 2019 and 2020 vehicles replacement schedules. Currently the department is pressed to replace these vehicles in order to keep the residential rubbish and recycling program going. Each vehicles cost should be in the range of \$16,000 each for a total cost of \$32,000. The bid results will be brought back to Council for purchase authorization.

There was no further discussion for this item.

MOTION BY MRS. BERRY, SECONDED BY MRS. PARDEE Authorizing the Mayor to Advertise for Bids for the 2021 Road Resurfacing Improvement Program. On roll call, all voted “aye.”

D) Motion Authorizing the Mayor to Advertise for Bids for the 2021 Grass Nuisance Abatement Program

Mr. Pokorny stated the program also includes yard cleanup, waste removal and leaf collection in the yards the Building Inspectors have found in violation of their request to the owner to clean up the property. Last year there were approximately 161 abatements with a total cost of about \$4,800.

MOTION BY MRS. PARDEE, SECONDED BY MR. GOULD Authorizing the Mayor to Advertise for Bids for the 2021 Grass Nuisance Abatement Program. On roll call, all voted “aye.”

E) Motion Authorizing the Fire Department to Apply for Grant Opportunities related to Public Safety during Fiscal Year 2021

Fire Chief Perko stated that every year the Fire Department seeks grant funding from Federal, State, Local and private non-profit agencies to enhance the safety of the firefighters or the service delivery to the community. Over the last 10 years the Fire Department has brought in approximately a million dollars in grant funding. Last year thanks to the work of Executive Captain Boylan the department secure over \$130,000 in grant funding. Historically Chief Perko stated that he comes before the Council to get permission to apply for various grant and then returns to Council to accept any awarded grant money. But last year due to the COVID, during the April 2020 Council meeting Councilman Gould suggested that blanket approval to apply for grants related to safety purchase in the Fire Department provided that awarded grants be brought to Council for approval.

Mrs. Blankfeld noted her impressment with the ferocity that both the Fire and Police Chief seek and successfully secure grants, all of which helps the bottom line.

Mr. Gould echoed Mrs. Blankfeld’ s comments adding that he has been continually impressed by the creativity and tenacity to which the safety forces go after grant dollars especially in these trying times it is appreciated and very much recognized by Council. Mr. Gould stated that was why he suggested last year and will support this year granting blanket approval to the safety forces for seeking grants.

MOTION BY MRS. BERRY, SECONDED BY MRS. BLANKFELD Authorizing the Fire Department to Apply for Grant Opportunities related to Public Safety during Fiscal Year 2021. On roll call, all voted “aye.”

F) Motion Authorizing the Fire Department to Purchase a 2021 Ford Explorer from Liberty Ford for Staff Use in an amount not to exceed \$33,710.00 and the cost of Outfitting Equipment from Hall Public Safety not to exceed \$6,262.81 and the cost of Mobile Radio from Chagrin Valley Dispatch not to exceed \$3,175.94 and the grand total not to exceed \$43,148.75.

Chief Perko reported that this vehicle was for the direct replacement of one of the staff 2008 vehicles with 240,000 miles and is deemed to be unsafe to drive because of significant mechanical and electrical issues. Chief Perko added that the proposed vehicle was in the Capital Improvement Plan for replacement in 2019 and 2020 and also deferred until this year. The vehicle was approved with the \$45,000 allocated in the 2021 Capital Improvement Fund. Chief Perko noted that Liberty Ford is honoring the state bid pricing.

MOTION BY MRS. BERRY, SECONDED BY BLANKFELD Authorizing the Fire Department to Purchase a 2021 Ford Explorer from Liberty Ford for Staff Use in an amount not to exceed \$33,710.00 and the cost of Outfitting Equipment from Hall Public Safety not to exceed \$6,262.81 and the cost of Mobile Radio from Chagrin Valley Dispatch not to exceed \$3,175.94 and the grand total not to exceed \$43,148.75. On roll call, all voted “aye.”

G) 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 needed for a real estate matter to provide an update regarding University Square.

MOTION BY MR. ERTEL SECONDED BY MRS. BLANKFELD to hold an Executive Session for the discussion of University Square. On roll call, all voted “aye.”

Director's Reports

Finance Department – Dennis Kennedy provided an update on revenue and expenses. Reports will be dispersed to Council within the week.

Fire Department – Chief Perko reported that the department is looking into how it can restore the CRP classes for the community with the highest COVID safety precautions. Also, the department is focusing on reinstating the Community Emergency Response Team (CERT) and working with the County and State Representatives to get everything in line. Severe weather awareness week in Ohio begins on March 21st. Information about tornado and storm safety will be posted daily on the Fire Department's social media pages.

Service Department – Jeffrey Pokorny reported that household hazardous waste was held on March 12 and 13 and was very successful. April is yard cleanup month in the city with the leaf vacuum out collecting loose leaves from the treelawns, untied brush piles will also be collected. Mr. Pokorny added that the tennis courts have been cleaned with the nets and windscreens being installed. Next the Service Department will start working on getting the pool ready for the summer.

Communications/Civic Engagement – Michael Cook stated that the process of registering for COVID vaccinations has eased up some because there is more vaccine available in Ohio. A mass vaccination event will begin at Cleveland State University. The Vaccine Queens are two women who teamed up together to help people register and find places to get vaccinated. Mr. Cook stated that residents can also contact him if they need help registering.

Economic Development – Susan Drucker stated the need for an Economic Development Committee meeting to review the reposting for the Comprehensive Zoning Code RFP.

There were no other director reports.

Standing Council Committees:

Building/Housing Committee – Mrs. Blankfeld reported that the committee will have a zoom meeting on Wed., March 24 at 7pm for further review and consideration of codified ordinance section 1280.10 regarding rental registration.

Economic Development – Mr. Rach reported that the committee meeting from last week was cancelled and will be rescheduled as per Mrs. Drucker's Economic Development report.

Finance Committee – Mrs. Weiss reported that there will be a Strategic Planning Committee on Tues., March 16 at 7pm. A Finance Committee meeting will be scheduled once funding flows down from the Federal and State levels.

Safety Committee – Mrs. Berry stated that the Citizens Advisory Committee met on March 8th and discussed having the Police and Fire Departments certified through the County and State. Mrs. Berry stated she would keep everyone inform as progress is made with the certification.

Service/Utilities Committee – Mr. Gould stated that a meeting will be arranged to a round table discussion with members of Council and the Administration regarding the details of the Solid Waste Survey that will be sent out to residents.

There were no other committee reports.

MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to return to Regular Session. On roll call, all voted "aye."

MOTION BY MRS. WEISS, SECONDED BY MRS. PARDEE to adjourn the meeting. On roll call, all voted "aye."

There being no further business, the meeting was adjourned at 7:58p.m.

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council