

**COUNCIL MEETING MINUTES  
CITY OF UNIVERSITY HEIGHTS, OHIO  
MONDAY, MARCH 7, 2022**

Mayor Michael Dylan Brennan called the meeting to order at 7:03p.m.

Roll Call:

Present: Mrs. Michele Weiss  
Mrs. Sheri Sax  
Mrs. Barbara Blankfeld  
Mr. John Rach  
Mr. Justin Gould  
Mr. Christopher Cooney  
Mr. Brian King

Also Present: Law Director Luke McConville  
Clerk of Council Kelly Thomas  
Finance Director Dennis Kennedy  
Fire Chief Robert Perko  
Police Chief Dustin Rogers  
City Engineer Joseph Ciuni  
Housing and Geoff Englebrecht  
Economic Development Susan Drucker  
Service Director Jeffrey Pokorny  
Communication and Civic Engagement Michael Cook

Mayor Brennan recognized and gave the floor to Councilman Gould for an announcement.

Mr. Gould stated that the City was at a place where mask wearing will not be required any longer. This is in regards to code procedures that until Cuyahoga County reaches an orange level, there is not a suggestion from the CDC to call individual's wear masks.

Approval of Council Minutes:

Council Meeting February 22, 2022

**MOTION BY MR. GOULD, SECONDED BY MR. RACH to table the approval of the February 22, 2022 Council Minutes. On roll call, all voted “aye.”**

Additions and Removals from the Agenda; Referrals to Committee

Approval of Lexipol Invoices from Police and Fire Departments for the total amount of \$25,483.96. The Police Department has two invoices \$13,049.96 & \$1,966.50 totaling \$15,016.46 and the Fire Department has an invoice totaling \$10,467.50.

**MOTION BY MR. GOULD, SECONDED BY MRS. SAX to add agenda item “f” to the agenda per the discussion at the Safety Committee meeting that was held just prior to this Council meeting. On roll call, all voted “aye.”**

Comments from Audience

There were no audience comments.

**Reports and Communications from the Mayor, and the taking of action thereon;****Mayor's Report**

Mayors Report 3-7-2022

I will start with an announcement of some good news. The City's income tax collections for the first two months of the year are up 8.9% over last year. Mr. Kennedy will dive deeper into those numbers in his report later this evening.

Last Monday, February 28, 2022, Sauce the City had its grand opening of its new store here in University Heights at Cedar-Green plaza. We had the ribbon cutting at noon. I issued a proclamation to Chef Vick and his partners declaring it "Sauce the City Day" in the City of University Heights. Thank you to Economic Development Director Susan Drucker for helping coordinate the event. Thank you to Councilperson Brian King for also attending the ribbon cutting. Thank you to the several Representatives of Heights Hillcrest Regional Chamber of Commerce who were there, including Board President Kevin Smalley, and Lyndhurst Mayor Patrick Ward, among others. I did get my first taste of Sauce the City's award-winning sandwich, and street corn, and I definitely will be back for more.

On Thursday February 24, the City heard the presentation of the draft Facilities Study. The study went over the needs of the several departments, based upon their evaluation of the departments and applying industry standards for our city's operations. The projected price tag is in the neighborhood of \$50million. To be clear, that is not for a merely new city hall, but for total replacement of all facilities for all departments, including Police, Fire, Service, and Administration and other administrative departments like Finance, Building, and Housing, as well as the addition of community rooms and spaces, like a city auditorium, which do not currently exist in our city, in the absence of any community center. We have built no new facilities since the 1950s, and the subject of facilities construction has been a period topic since at least the mid 1980s.

Looking around greater Cleveland, the City of Brooklyn announced in 2020 a \$25m project to replace only their city hall and police department, being built next to their rec center. They are doing that without raising taxes.

The City of Warrensville Heights moved into a new municipal center in 2020, for administration, police, and the school district. They also did it without raising taxes.

The city administration remains committed to living within our means. While it was not the subject of that meeting, we will be addressing financing options in due time, and I want to assure the public that there is no plan to raise taxes to make these crucial improvements. Other communities have been creative in seeking and exercising financing opportunities to improve their facilities, and this administration is doing the same.

I would be remiss, if I did not comment on a matter on everyone's mind around the world. Since the last meeting, in the wee hours local time of February 24, 2022. Russia instituted a full-scale invasion of Ukraine. This is the largest conventional military attack on a sovereign state in Europe since World War II.

My phone began lighting up in the early morning, looking for ways to help. There are many ways to do that, from the International Red Cross to UNICEF, among others. In an act of solidarity, one resident asked that morning if we would fly the flag of Ukraine at City Hall. To me the bigger question wasn't whether we would, but whether we could locate a flag. My thanks to resident Jim Outman, who located a flag and brought to City Hall on the same day. And before the day was out, we put up the flag on the southwest corner of Warrensville and Silsby, where it flies now, today, and for the foreseeable future.

Today there are 1.7m refugees from Ukraine – this in addition to some 70m refugees and displaced persons from conflicts around the world.

We cannot strongly enough condemn the actions of Russia against Ukraine. I believed then, as I do now, that this invasion is the death rattle of a diminished and failed autocrat, grasping for relevance, backed into a corner where invasion became his seeming only option. He has united the world -- against him. May we as a country stand up for democracy and freedom, and continue to act to bring this conflict to an end. May Ukraine be free and know peace, with their country and borders restored. And may the Russian people soon be free of this corrupt authoritarian.

Thank you. This concludes my report.

## **Reports and Communications from City Council, and the taking of action thereon**

Mrs. Weiss reported that Council Committee of the Whole had had many meetings over the next eight weeks in regards to the facilities. The first set of meetings will have discussions with department heads to review their needs. And then the next set of meetings will be with internal architects from Architectural Review Board and the Planning Commission to review the suggestions and report from GPD Group. The Tech Advisory Committee will be meeting this week. Council of the Whole will have a council retreat on Thursday, which is meant for the administration and City Council to discuss goals and aspirations for the short term and long term over the next two years. Lastly, the Service Committee will also be meeting next week.

## **Reading and Disposition of Ordinances, Resolutions, Motions and Consideration of Agenda Items:**

### **A. Motion to Confirm the nominations of Hallie Turnberrez and Brad Glazer to the University Heights Civil Service Commission**

Mayor Brennan had provided council members with the resumes from both Mrs. Turnberrez and Mr. Glazer. Mr. Glazer is well known to council by his serving on the Finance Advisory Committee. Mr. Glazer as also served on other city committees as well as serving in Beachwood. Perhaps not everyone is aware that although Mr. Glazier does not practice law he does have a legal education background. There are two vacancies on Civil Service due to two resignations by long time serving members of the Commission. Mrs. Turnberrez is a newer resident in the community for the last few years. Mrs. Turnberrez is a graduate of the University of Wisconsin and Case Law School. Mrs. Turnberrez is a criminal defense lawyer and very interested in the workings of the Civil Service Commission.

**MOTION BY MR. GOULD, SECONDED BY MR. KING to Confirm Hallie Turnberrez to the University Heights Civil Service Commission for a six (6) year term. On roll call, all voted "aye."**

**MOTION BY MRS. BLANKFELD, SECONDED BY MRS. WEISS to Confirm Brad Glazer to the University Heights Civil Service Commission for a six (6) year term. On roll call, all voted "aye."**

### **B. Presentation by Ben Greenberg and Spiro Sintsirmas Regarding Ohio Revised Code Section 3767.41 and Receiverships Created Thereunder for Elimination of Residential Blight and Public Nuisance Structures**

Mr. Englebrecht stated that one of the focuses of the Department of Housing Department since summer 2021 was to identify and cite the problem properties within the city. Those cited properties been previously cited in order to notify the current owner current title owner of the property and the conditions of potential blight. The department identified several properties which council received pictures of after the department did the interior inspections. Mr. Englebrecht noted that the properties had been vacant for years. One of the properties was at 3708 Meadowbrook and had been vacant for 17 years. Without being able to contact owners the department has to seek and obtain search warrants in order to enter the properties and verify what the conditions are and if the property is a health and safety hazard. Many of the properties are in a condition where they can be rehabbed and brought back to productive use. In situations where the department has search warrants for entry, oftentimes the property had a zombie title where the owner may have been deceased, in a nursing home, in a situation where they could not be found. These properties which have zombie titles another avenue or potential tool that the city can use is receivership. Receiverships are best used in circumstances or situations where property may have been vacant for several years with a title in limbo. Mr. Englebrecht stated that he met Mr. Ben Greenberg, who owns rental property in University Heights last July when he was inquiring the department about receiverships in the city. Mr. Engelbrecht said that at that same time he was conducting research on receiverships that can be done within the city.

Mr. Greenberg stated that his day job was Director of lending for national intermediary that works on housing policies. He has worked for the Housing Partnership Network and before that he worked at NeighborWorks America. Mr. Greenberg is also a landlord with properties in Cleveland Heights, University Heights and in Cleveland. The ideal of receiverships came to Mr. Greenberg when he was complaining to a friend about a zombie house next to her house. And the use of receiverships had been very successful.

Mr. Spiro Sintsirmas stated that he was an immigration attorney and that he didn't handle property issues so to speak. Mr. Sintsirmas said that he spends most of his days helping people locating to the United States and that he has done a lot of work getting people here to the US. As he watched his clients start to integrate into the society's he started to see the different issues with housing that he could help and contribute in the society. That was when he met Ben around three or four years ago and they started talking about houses

that are stuck in disrepair and how receivership was a tool which gives the ability to go after houses that are not owner occupied. These are houses that are owned by banks or houses that are owned by LLCs. Many times, the property ownership is using the properties as a tax write off and after 17 years those properties are starting to just deteriorate. Receiverships are a tool that helps them to get the properties back up to productive use. One good thing that Mr. Sintsirmas said he has seen is that out of each one of these houses there is an extremely high success rate in the sense that if an action is brought, either they can be appointed receiver and fix that house, or the owner decides that they can fix it themselves because they don't want to lose the property.

Mr. Kovitch stated that he has been bringing public nuisance actions since about 2007 on the behalf of Cleveland Marshall College of Law where he represented the City of Cleveland's Neighborhood Development Corporation in those actions. Action were brought against Deutsche Bank and Wells Fargo in 2008. That resulted in a great number of properties being transferred to the County Land Bank. Since that time the numbers probably reached over 100 properties and there has been a positive effect on with this the receivership statute. Per Ohio Revised Code 3767.41 public nuisance action. That action is easily understood if you understand that the first action is to ask the court to declare the property of public nuisance and to order the owner of the property to abate that nuisance. If the owner does not respond, if the owner is deceased or if you know that the owner cannot be located the then statute allows the court then to appoint a receiver to take custody and control of the property and effectuate the nuisance abatement, whether that's rehabilitation or whether that's demolition. Before the court appoints a receiver, the receiver puts before the court a plan, a construction and financial plan, a full scope of work and, and acts as an agent of the court to effectuate that public nuisance abatement plan. The receiver can't do anything or spend even \$1 that's not pre-approved by the court. Once the nuisance is abated, the receiver then presents financial accounting and a demonstration of the funds expended, then the court approves those costs and expenses as a receiver super priority. Receivers lien that are super priority receiver's lien are foreclosed on and the title clearing mechanism with that are started.

Mr. Kovitch added that they cannot do own a property within 500 feet of all these houses. They need the city to assist them. One of their asks is to help them move this process along where they will bring the rehab dollars and take the sales risk. One thing to note is that the properties have to fit other portfolio where it has to have enough residual value after the property's rehab that it is worth what the rehab cost. This allows for the elimination back taxes. For example, one house they are currently looking at has \$70,000 - \$75,000 in back real estate taxes, and the charged off mortgage is about \$125,000. But you're not paying on the mortgage, that needs \$200,000 worth of work and that would have to stop because it's only worth \$300,000. But the receivership will clear all that up and allow them to do the \$225,000 worth of work and take the market to the sales and construction necessary.

Mrs. Blankfeld said that she thought that this was an extraordinary opportunity for the community and that she had such terrific experience with Mr. Englebrecht. Since he came on board with the city he has identified so many properties that were languishing, that are nuisance properties that are endangering residents in the sense that they don't have a sense of security. Aside from the fact that it is awful to look at, the Police Chief has been involved more than once where people break in and you don't know what they're doing in there; they're squatting or they are doing something nefarious. To have an opportunity like this, where there can be individuals who have had great success, who have terrific experience in turning these properties around is a win-win situation. The community wins and the neighbors win. Certainly, restoring the beautiful housing stock wins making the property safe and profitable.

Mr. McConville added that there was some precedent in the city for having gone through this process, where Mr. Kovitch represented a University Heights property five or six years ago that was declared a public nuisance. The difference here, of course, is that either the city or the CIC would be the plaintiff and as an initial matter that would require a commitment of availing some funds to get started.

Mrs. Blankfeld noted important ties that Mr. Greenberg has to University Heights, in that he grew up in University Heights, lived in University Heights as an adult and continues to own rental property in University Heights. This gives comfort on so many levels, but also knowing that there is that local, organic connection to the community.

Mrs. Sax asked how did they prioritize which properties to handle first and what was the average length of time it would take from beginning to end?

Mr. Greenberg replied that it depended on the scope of rehab. Any rehab could take six months to a year, the average case is 12 to 18 months total. Most of that time is the time it takes to rehab the property, but some of the slower parts are the bringing the foreclosure sale or operating through the court systems, getting service on defunct banks may also have holds on some mortgages. Protecting service via publication on unknown heirs of people if the owner is deceased, or things like that also have to be done and sometimes that can slow the process a little bit.

Lengthy discussion was held on the process of receiverships and the rehab process.

Mrs. Weiss commented that this was a perfect fit for the CIC and that was exactly one of the reasons why it was created. Mrs. Weiss asked for clarification because she had first heard that there would be no cost to the city and then she heard that was cost to the city.

Mr. Greenberg replied that they would be looking for the city to bring the legal action and there would be cost to the city for that. But the city would not have to bear the cost of rehabbing the property. They will take that on because they would presumably make money through this process and that is their business risk.

Mr. Gould acknowledge that his employer was mentioned as potentially participating as part of the process on the back end and to avoid an appearance of conflict of interest Mr. Gould asked it be noted in the record that he could not participate in the discussions on this matter. Nor would he be voting on the motion.

**MOTION BY MRS. BLANKFELD, SECONDED BY MRS. WEISS to recommend to the CIC for the further exploration of Ohio Revised Code Section 3767.41 and Receiverships Created Thereunder for Elimination of Residential Blight and Public Nuisance Structures. On roll, all voted “aye,” except Mr. Gould who “abstained.”**

**C. Ordinance 2022-14 Resolution of Necessity Declaring the Intent to Appropriate and Acquire the Fee Simple Interest in Certain Real Property Titled to University Square Parking LLC, known as 14060 Cedar Road, bearing Permanent Parcel No. 721-01-003, City of University Heights, County of Cuyahoga, State of Ohio, as more fully described herein, for the Purpose of Eliminating Blight**

Ordinance 2022-14 was discussed at the previous Council meeting and Mr. McConville urged Council to pass Ordinance 2022-14.

**MOTION BY MRS. WEISS, SECONDED BY MRS. BLANKFELD for the Passage of Ordinance 2022-14 Resolution of Necessity Declaring the Intent to Appropriate and Acquire the Fee Simple Interest in Certain Real Property Titled to University Square Parking LLC, known as 14060 Cedar Road, bearing Permanent Parcel No. 721-01-003, City of University Heights, County of Cuyahoga, State of Ohio, as more fully described herein, for the Purpose of Eliminating Blight. On roll call, all voted “aye.”**

**D. Ordinance 2022-15 Permanent Appropriations for Current and Other Expenditures of The City of University Heights, Ohio for the Period Commencing January 1, 2022 and Ending December 31, 2022 (on first reading)**

Mr. Kennedy stated that the Appropriations are the same as represented at the previous Council meeting and represents the suggestion made at the Joint Finance/Finance Advisory Committee meeting. Mr. Kennedy informed everyone that the 2022 Budget has to be submitted to the County Budget Commission before March 31, 2022.

Mr. King noting that the budget for a recycling program was cut from the budget, Mr. King said that he hoped that the discussion for having a recycling program continues and is not dropped.

Mrs. Sax stated that Council is still moving forward to improve and teach residents how to recycle. Mrs. Sax encouraged people to come to the Service/Utilities Committee meetings.

**MOTION BY MRS. WEISS, SECONDED BY MR. RACH Ordinance 2022-15 Permanent Appropriations for Current and Other Expenditures of The City of University Heights, Ohio for the Period Commencing January 1, 2022 and Ending December 31, 2022. On roll call, all voted “aye,” except Mr. King who voted “nay.”**

**E. Motion to Approve Bid from Terrance Construction as the best and lowest bid for the Cedar Road Sewer Repair Program in an amount not to exceed \$107,853.00 and entering into contract for the same**

Mr. Ciuni stated that bids for the Cedar Road Sewer Repair Program were received and opened on February 11, 2022. The project is for the repair of the sanitary sewer and it needs to be done prior to the County's resurfacing project.

**MOTION BY MRS. SAX, SECONDED BY MR. COONEY to Approve Bid from Terrance Construction as the best and lowest bid for the Cedar Road Sewer Repair Program in an amount not to exceed \$107,853.00 and entering into contract for the same. On roll call, all voted "aye."**

**F. Approval of Lexipol Invoices from Police and Fire Departments in the amount of \$25,483.96**  
**1. Police Department – two invoices \$13,049.96 & \$1,966.50 Totaling \$15,016.46**  
**2. Fire Department – invoice totaling \$10,467.50**

This item was discussed at the Safety Committee meeting that was held just prior to this Council meeting.

There was no further discussion for this item.

**MOTION BY MR. GOULD, SECONDED BY MR. KING for the Approval of Lexipol Invoices from Police and Fire Departments in the amount of \$25,483.96. (1) Police Department – two invoices \$13,049.96 & \$1,966.50 totaling \$15,016.46 and (2) Fire Department – invoice totaling \$10,467.50. On roll call, all voted "aye."**

**G. Motion to Enter Executive Session for the purpose of Discussing Legal Proceedings, Personnel and Real Estate Matters**

Mayor Brennan asked for a motion to enter into Executive Session for two real estate matters and a litigation matter.

**MOTION BY MRS. BLANKFELD, SECONDED BY MRS. WEISS to Enter Executive Session for the purpose of Discussing Litigation and Real Estate Matters. On roll call, all voted "aye."**

**Director's Reports**

**Finance Department – Mr. Kennedy** provided finance information for the various city accounts thus far this year. The actual written reports will be provided to council soon.

**Fire Department – Chief Perko** reported on regional national leadership training. Chief Perko said that Fire Departments are often call upon in different ways to regionalize and the University Heights Fire Department has identified an opportunity to regionalize and provide succession planning to the region area fire departments. The National Fire Academy officers on Manager Officer Program as part of their leadership training. This is a multi-year curriculum for emerging leaders to develop personal professional skills and hazard mitigation, risk management and adaptive leadership. There is a number of course prerequisites that enter this national program, including a six-day combination class and leadership and supervision series. The National Fire Academy partners with the local State Academies, such as the Ohio State Fire Academy, the Ohio State Fire Academy offers these three series courses in a weeklong offering. And they recognize the efforts of fire departments attempting to regionalize training, and provide funding opportunities and relief to these departments. If a department decides to host a number of different trainings, such as these leadership trainings, in conjunction with three other communities, the staple provided training and free of charge. University Heights Fire Department has partnered with three other cities, and we are hosting this series train we conducted to the courses in February. We have two scheduled for this Thursday and Friday this week, and get the remaining two next month. This will be a collaborative savings for four cities, University Heights, South Euclid, Cleveland Heights and Beachwood.

**Service Department – Mr. Pokorny** reported that the upcoming household hazardous waste and shredding event, which will be this Friday, from 8am to 3pm (paper for shredding can be dropped off to storage in a locked location until Saturday morning when the shredding truck comes) and the shredding truck will be on site Saturday from 9am to 1pm.

**Housing and Community Development – Geoff Englebrecht** stated that the department has completed the RFP for the annual grass bush cutting abatements and that he would be requesting permission to advertise the accepting of RFP's for that. Juneteenth event planning is continuing.

Mrs. Weiss asked how the information migration into CitizenServe was progressing.

Mr. Englebrecht replied that the Housing Department was fully on line with CitizenServe where residents can fully access housing applications and information from the City's website. He could not answer for the Building Department. The Franklin data is no longer in use as the city is no longer paying for that service.

**Communication and Civic Engagement – Mike Cook** reported there are still Recycling 101 magnets available at City Hall. The Memorial Day Parade.

There were no other director reports.

**Standing Council Committees:**

**Building and Housing** – Mrs. Blankfeld stated that the committee will be meeting on March 21 at 6pm prior to the regularly scheduled council meeting to further discuss our process of addressing the point of sale inspection process.

**Community Outreach** – Mr. King reported that the Tech Advisory Committee would be meeting on March 21 at 7pm.

**Economic Development** – Mr. Rach reported that committee will be working with a Steering Committee on the new zoning code. And now that the budget has been approved, funds have been appropriated for ZoneCo as the selected company to conduct the rezoning. Mr. Rach added that he was hoping to get a update from the mayor's office if the ZoneCo contract was completed.

Mayor Brennan replied that the contract was not ready to go yet.

Mr. Rach stated that they would work with the administration on timing for that.

**Recreation** – Mr. Cooney stated that Recreation Committee met on February 28. And that the city announced that they anticipate the arrival of summer and that lifeguards are needed at the pool. Application are available on the city's website.

**Safety** – Mr. Gould stated that the committee held its monthly meeting just prior to this meeting. The discussion was regarding an ordinance being drafted by the Law Director, which is a sister ordinance to the firework setting off ordinance that we already passed. This ordinance however applies to the manufacture, distribution and sale of fireworks. There were two amendments that the law directors will add; one regarding storage that may be approved for exhibitors, one for the exception for small, small non-classified type fireworks and the third being for retail. The second third of those will be included in an amended ordinance 2022-13. The exhibition storage exceptions will be drafted once the State Fire Marshal's promulgated the final rules related to exhibition of fireworks. Both Fire Chief Perko and Police Chief Rogers had the opportunity to weigh in on the ordinance related to the sale and with those two amendments. Once those amendments are made Mr. McConville will notify the clerk so it can be placed put back onto the agenda. The committee also discussed the Lexipol program in detail so that it could be approved, as it was this evening. Discussion was also had motions of authorization to go out for grants not back on the agenda because it was identified through the Law Director that that discussion for the administration was a holdover from the previous administration and no longer necessary. At the next committee in April, Chief Rogers will present on the door to door sales, no knock registry and specifically the feasibility research that he's done. It is Mr. Gould's hope to be able to draft that ordinance thereafter and get that approved through the administration and then the council in advance of the summer door knocking and sales season.

**Service Committee** – Mrs. Sax reported primary goal of the service and utilities committees to address the recommendations of the May 2020 Solid Waste study in order to in an effort to identify University Heights residents. Preference to achieve a more cost-effective method and improve sustainable outcomes for rubbish collection. The first recommendation to remind everyone which will be valid is education, awareness and program promotion. specifically pertaining to the various forms of rubbish including solid waste, and the variety of available local sustainable alternatives and options designed to reduce solid waste that goes to the landfill. Since we are currently collecting rubbish through backyard pickup, resulting in a four to 5% recycling rate, there is a great opportunity to improve our recycling habits. Mrs. Sax strongly encouraged University Heights residents to attend or tune into the service of utilities committee meetings, or to access them on the city's website afterwards if they can't be there, because even when using our bags in the meantime, or going to bins for loose recycling, we must increase our recyclables to be accepted.

The next committee meeting is scheduled for Tuesday, March 15 at 6pm, both in person and virtually on Zoom. Presentations will be given the Director of Residential Services and by Rustbelt writers who will give a presentation on composting and residential services. More specifically, 40% of all food ends up in the landfill, which generates methane, a greenhouse gas more toxic than carbon. But it doesn't have to be that way. Food waste is a generative resource that we can tap those to make healthy living soil. So come join us to learn the details of composting at home.

**Council Committee of the Whole** – Mrs. Weiss stated that Council will have their Retreat Meeting on March 10, 2022 at Shaker Lakes. On March 30 the committee will meet regarding the facilities, that will be the first of four meetings that will be scheduled within the next two months.

**Reports of special committees, and the taking of action thereon**

None

**Unfinished and miscellaneous business**

None

**MOTION BY MR. GOULD, SECONDED BY MR. RACH to resume regular council session. On roll call, all voted “aye.”**

**MOTION BY MRS. BLANKFELD, SECONDED BY MRS. SAX to adjourn the meeting. On roll call, all voted “aye.”**

There being no further business, the meeting was adjourned at 9:45p.m.

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Michael Dylan Brennan, Mayor

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Kelly M. Thomas, Clerk of Council