

**COUNCIL MEETING MINUTES
CITY OF UNIVERSITY HEIGHTS, OHIO
MONDAY, APRIL 3, 2023**

Mayor Michael Dylan Brennan called the meeting to order at 7:02 p.m.

Roll Call:

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

Absent: Mr. Justin Gould

Also Present: Law Director Luke McConville
Clerk of Council Kelly Thomas
Finance Director Dennis Kennedy
Police Chief Dustin Rogers
Fire Chief Robert Perko
Housing and Community Development Geoff Englebrecht
City Engineer Joseph Ciuni

MOTION BY MRS. SAX, SECONDED BY MRS. BLANKFELD to Approve the Absence of Councilperson Justin Gould. On roll call, all voted “aye.”

Approval of Council Minutes:

Council Meeting March 8, 2023

There were no corrections to the City Council minutes of March 8, 2023

MOTION BY MRS. WEISS, SECONDED BY MRS. SAX to approve the March 8, 2023 Council Minutes. On roll call, all voted “aye,” except Mr. Cooney who “abstained.”

Council Meeting March 20, 2023

There were no corrections to the City Council minutes of March 20, 2023

MOTION BY MR. COONEY, SECONDED BY MR. RACH to approve the March 20, 2023 Council Minutes. On roll call, all voted “aye.”

Additions and Removals from the Agenda; Referrals to Committee

None

Comments from Audience

Mr. Ronald Collier, 4446 Silsby voiced his concerns as a resident and educator about gun safety and hoped that Council would pass Resolution 2023-15 in support of restoring Home Rule allowing local government to regulate firearms.

Mr. Jim Outman, 3781 Westwood encouraged Council members to vote in favor of Mayor Brennan’s Resolution regarding AR 15’s. Mr. Outman added that he thought that every legislative voice in the State and County should pass the same Resolution so that it can be heard in Columbus and in Washington DC. Children need to be able to go to school without being afraid that they will experience an active shooter and that they might not come home.

Mr. Scott Watcher, 2224 Edgerton stated that he was very pleased to find that tonight's agenda the Resolution 2023-15 in support of restoring Home Rule to allow local government to again regulate

firearms and calling upon the State of Ohio to ban the AR15's and AR15 style of semi-automatic weapons, among other common-sense gun safety reforms.

Ms. Cathy Brasky, 2227 Edgerton that she attended the Recreation Committee meeting just prior to this Council meeting and wanted to speak on the Ray Lancaster Memorial. Ms. Brasky strongly suggested looking into having a public library of some sort because Ray was always reading. Another suggestion was to name the pool slide after him because he was also a great asset to the pool and for the residents. Lastly, Mrs. Brasky asked if anyone know what the full capacity of the pool was.

Mr. Pearl, 2579 Lafayette was present to ask Council to pass Resolution 2023-15 adding that the State of Ohio has tied the hands of all communities to determine any real local gun control. What will it take for things to change? We're literally powerless to do anything. We fight about many things, but we should be united to protect residents against the senseless use of guns.

Councilperson Sax read a public comment she received and was asked to read from Charles J. Pattison Jr, 3905 Tyndall - Resolution 2023-15 needs to be tabled and sent back to committee to allow cooler heads to prevail and fully evaluate and understand the long-term consequences of passing this resolution. As noted within the resolution itself, it has failed to pass in major cities within Ohio and exposes the city to potential costly litigation. We have already incurred "x" amount of legal dollars for the Shul settlement. I suspect many people in our fair city do not understand the full impact and total cost of this settlement and expenditure. For the past 5-6 years, the citizens/taxpayers of UH have been dealing with an administration that operates with emotional reaction as opposed to proactive planning and interaction... failing to work together with others within city hall, city council, invited Subject Matter experts, and the very citizens he "represents". These are pillars of effective leadership that have been continually overlooked and disregarded by the administration. If the may cannot properly issue a building permit for a new Chick-Fil-A according to our own code, I don't trust he can properly issue a gun permit without any input from recognized law enforcement experts and our own Chief of Police. Thanks!

There were no other public comments.

Reports and Communications from the Mayor, and the taking of action thereon:

Mayor's Report

Mr. Cook and Mrs. Drucker are excused this evening due to illness.

At the March 21st Committee of the Whole meeting, I made a public commitment to developing and issuing an RFQ (Request for Qualifications) for City Engineer for 2024. Under the city charter, City Engineer is a mayoral appointment. There is no requirement for a bidding process. Nevertheless, the next City Engineer this mayor appoints will be the result of a competitive bidding process. While the dialogue we have had on the subject of the engineer is not one that I initiated, after listening to the concerns raised by council, I welcome holding a bidding process to help ensure transparency and integrity. I disagree with anyone who would say that the previous processes lacked that; Mr. Ciuni and his firm have been hired from time to time, their fees put before and approved by council from time to time, unanimously. None of that means that we cannot improve upon the process. We have two ordinances up tonight that would seem to do that, I support the effort. ZoneCo made its initial presentation on its diagnostic of our Zoning Code on March 22. As described at that meeting, a timeline going forward will be established for working through our comprehensive zoning code update, likely to take 12 to 16 months to complete. Some aspects of the code have not been updated since their implementation in 1956. As I stated at the State of the City in February, generally we have three current land use goals.

1. Promote reuse and redevelopment to encourage economic growth in existing commercial areas.
2. Ensure regulations that foster efficient land use and an aesthetically pleasing environment that is safe and inviting to pedestrians, cyclists, and motorized traffic.
3. Encourage mixed-use development in appropriate areas to maximize redevelopment and to create areas of the city where residents can live, work, and play.

Our zoning code largely does not support these current land use goals – which is no surprise as the current code well predates them. Our current code does promote high quality housing – but it does so in a one-size-fits-all manner that results in many variances being granted annually. Perhaps most significantly, while our residential neighborhoods are very walkable, our commercial districts are largely disconnected and unwalkable. A new code will encourage better scale and integration between

our commercial and residential districts. We can be less automobile reliant, and encourage walking, biking, public transit – modes for all ages and abilities.

As we heard at the presentation on March 22, some features we can anticipate seeing include: zoning particular to each of the several commercial districts, reduction of parking minimums, exploration of Accessory Dwelling Units to promote aging in place and allow multigenerational living within a single property, a revisioning of Warrensville Center Road in light of the aggregation of student housing to University-owned properties being developed, and a liberalization of special use permits. Going forward, we want to have the discussions now, in the relative hypothetical, in advance of proposed projects, about what we want to see in our city, and then allow our Planning Commission, BZA and ARB to defend our code. We want to put the world on notice about the redevelopment we want here in University Heights, and let developers come with proposals that fit our vision, rather than grafting their visions onto our decades old code. We are in a position to do something truly unique and special, something that makes us more of who we are, something that leverages our demographics and density. Something that honors our history without being held back by it. To do that, we will work together to craft custom-tailored, clear, consistent, user-friendly, equitable, desirable zoning regulations that advance the City's redevelopment with a high quality-of-life.

The following is a matter of public record:

Also on March 22nd, the City filed its memorandum in opposition to Aleksander Shul's Motion for Attorney Fees and Costs. The briefing, the declaration and opinions of our expert, Civil Rights litigator Marcus Sidoti, together with my own declaration of 98 paragraphs regarding years of factual background supported by 226 pages of exhibits are all now part of the record. I have nothing else to say about it at this time, except to direct anyone who might inquire to that court filing.

When I was a new mayor, I came in with the ideas that I ran on, the ideals and principles that I hold, and an agenda of agreed upon items with which the City was able to move quickly over the course of my first two years in office, matters of reform upon which we commonly agreed. There were nevertheless also matters waiting for me that were not of my choosing. One, I just mentioned, Aleksander Shul. Another, was the litigation threatened over the posted "no guns" signs at Purvis Park. There was an outstanding complaint registered with the city that these city signs prohibiting firearms at Purvis Park and at the pool were not permissible. The complainant was, in my view, misguided, stating that he ought to be able to protect himself at the pool. After evaluating the matter with the Law Director, I ordered the signs taken down, rather than face litigation over the issue that the city would not only stand to lose, but be made to pay attorney fees to the prevailing party.

Since that time, Service Director Jeff Pokorny and I added additional emergency exits to the pool area. So that our residents and city employees would not be trapped in the pool area in the event of an emergency, including an emergency regarding an active shooter.

Since that time, Police Chief Dustin Rogers and I have increased security at certain pool events. To help keep our residents and our employees safe, to discourage those who would do us harm. Since that time, I have annual taken complaints about the signs no longer being present. The city has even received complaints of residents being armed at the pool. Those complainants do not feel safe with the presence the guns. And since that time, we have seen the escalation of gun violence in our country and every time it happens, the call for thoughts and prayers, instead of taking action.

I wrote and sponsored Resolution 2023-15 because gun safety is a matter of local concern. Our hands have been tied since March 2007, when the ORC 9.68 took effect. It originated in the 2006 lame duck session. The legislature overrode Governor Taft's veto and 80 some local gun ordinances were swept away.

As a matter of history, our own Beryl Rothschild, as a Council member before she was Mayor, sponsored Chapter 632 of the University Heights code on Gun Control. The city implemented it in 1976 and it remains on the books as an oddity, wholly unenforceable, as local government has been preempted from taking action on this issue since 2007.

With this resolution we call upon our state government to either restore home rule and let us regulate firearms, or go ahead and take the steps necessary statewide to implement true gun safety reforms. I for one appreciate that, like fireworks, there might not be a one size fits all solution for all communities across our diverse state.

That said, the resolution is NOT intended to infringe upon the rights of people to lawfully and responsibly possess firearms; that in our nation of ordered liberty, we recognize that rights come with responsibilities, and that the right to bear arms carries the responsibility to ensure the public health, safety, and welfare of the community at large as well as the individual; that the right to live in a society, to go to school, to go to church or synagogue or mosque, to go to a grocery store or movie theater or entertainment venue that is free of gun violence is at least as important as the right to possess and use a firearm defensively.

Thus, gun safety is a matter of local concern. It has affected what we do here to keep our people safe. And we are limited in what we may do to keep our people safe.

I am hopeful that we will pass this resolution this evening and that we be the change we want to see.

Thank you, this concludes my report.

Report and Communications from City Council, and the taking of action thereon

As many of the public has heard there was a COW joint infrastructure and facilities meeting on 2/ 21.

The tremendous work by the committee, referring a professional service ordinance that can potentially set a precedent to other NE Ohio communities, was overshadowed by Michael Dylan Brennan's foulmouthed remark "the dumbest person on council" toward our fellow Councilwoman Sheri Sax.

This pattern of aggressive behavior began years ago. In fact, he was publicly censured by city council. His unwillingness to collaborate, compromise and unprofessional conduct has caused University Heights undo delays in projects, decrease in employee morale, litigations and resignations.

Any disparaging remarks amongst colleagues, residents and invited guests are not to be tolerated in council chambers ever.

His apology was not authentic nor was it sincere, it was left on a voicemail and every comment was qualified by him. Furthermore, the cleveland.com article did further damage. Mr. Brennan never seems to have any issue talking to reporters and issuing statements. However, this time a statement was delivered through Mr. Cook. I am sure Mr. Brennan authorized the statement which is all the more worrisome since it victimized the victim and moreover accused councilmembers of name calling which is a blatant lie.

A communications director's position is to speak about the city in a positive light. City time and city resources were abused to give opinions not based on fact. The Communication Director's own personal character is now tarnished. A formal reprimand by the city administration is warranted and my hope is that Mr. Cook apologizes to those he wrongly accused for his spiteful words.

Reports and Communications from the Directors, and the taking of action thereon

Finance Department – Mr. Kennedy

Mr. Kennedy provided Council with an update of the City's Financial Funds and reminded everyone that Regional Income Tax Filings are due on April 18, 20283.

Fire Department – Chief Robert Perko

Chief Perko stated that the Department would be starting its Hydrant Flushing program in April/May.

Service Department

Mayor Brennan reported the following: Spring Cleanup has started, Passover food items will be collected from the curbs on Wednesday, April 6 from 8am until 12noon (please bag and place all food items out before 8am).

Mrs. Sax asked the Mayor what was the street sweeper schedule and if he could give her a response to her email suggestion for hiring Service Department labor.

Mayor Brennan replied that the street sweeper would be out in April and that the Human Resource Official was working on hiring Service Department personnel.

City Engineer – Mr. Ciuni

Mr. Ciuni reported that the construction of curb bump outs and bioswales at the corner of Saybrook, Silsby and Washington will be starting on Monday, April 10. The project is funded by Northeast Ohio Regional Sewer District and the contractor is CA Agresta. The project is expected to be completed before the Memorial Day Parade.

Communications and Civic Engagement – Mr. Cook

Mayor Brennan read Mr. Cook's report as follows.

The deadline for the May issue of Mosaic is fast approaching. The summer issue will provide information on the pool and summer recreation, the Memorial Day Parade, the Summer Concert Series and Juneteenth. While space is at a premium, I will work in additional news and features. If anyone in University Heights has suggestions for story ideas, please feel free to send me an email.

I am working with Deanna Bremer Fisher on planning for Fall Fest. Earlier today, an application was emailed to our database of artists. If any other artists would like to apply to set up a tent at Fall Fest, the application is on the city website. They can also email a request for an application to info@universityheights.com.

Mrs. Weiss asked for a update regarding the live streaming of Council meetings.

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

- A. Motion to Enter into Executive Session with Labor Counsel and HR Manager to Discuss Labor Negotiations**

MOTION BY MR. RACH, SECONDED BY MRS. BLANKFELD to enter Executive Session with Labor Counsel and HR Manager to Discuss Labor Negotiations. On roll call, all voted "aye."

Executive Session entered into at 7:39pm.

MOTION BY MRS. SAX, SECONDED BY MR. RACH to return to regular Council Session. On roll call, all voted "aye."

Regular Council Session entered back into at 7:58pm.

- B. Motion to Waive any conflict of interest to allow Board of Zoning Appeals Chair Ari Jaffe to represent CLE Yakar before the City of University Heights and its Boards and Commissions, and to authorize the Mayor to execute the waiver**

Luke

MOTION BY MRS. WEISS, SECONDED BY MR. RACH to Approve the Waive any conflict of interest to allow Board of Zoning Appeals Chair Ari Jaffe to represent CLE Yakar before the

City of University Heights and its Boards and Commissions, and to authorize the Mayor to execute the waiver. On Roll call, all voted “aye.”

C. Motion to Approve Fourth Addendum to the Professional Services Agreement entered into on March 4, 2021 between the City of University Heights and SAFEbuilt Ohio, LLC, and to authorize the Mayor to execute same

Mayor Brennan stated that the fourth addendum for professional services is to add Planning and Zoning consultation services to the safe build agreement on an as needed basis for particular, larger projects. These are not your garden variety, BCA type, variance identification, but rather, Planning and Zoning consultation on larger projects. We recently had a planning commission meeting where we did not have such report with regard to an applicant on a major project. Similarly, we've had projects such as the that are going to be coming up in greater detail such as the South Gateway project with John Carroll University. plans regarding University Square, there's going to be numerous opportunities where we will need somebody who can provide planning and zoning reports the city does not have employed currently a city planner. That is something I would like to see at some point. But in the meantime, some of these services can be covered through safe built and rather than hire a city planner at this time, I would encourage that we execute the fourth addendum to allow the occasional Planning and Zoning consultation services on an as needed basis for planning commission and other boards and commissions as needed especially for the Planning Commission.

Mr. Rach commented that SAFEbuilt is the city's Chief Building Official as a vendor and they selected a Chief Building Official for University Heights.

Mayor Brennan replied yes, and that Denis Garcia is the Chief Building Official for University Heights.

In regards to zoning review, Mr. Rach asked if he understood corrected when the Mayor said that this (addendum) was not meant to determine what would go to the Board of Zoning but to do a zoning review.

Mayor Brennan clarified that Mr. Garcia would still be responsible for attending Board of Zoning meetings and giving reports for the individual applications. This is for much larger projects that require more of a deep dive and specialized kind of approach, such as the Chick-fil-A, University Square and South Gateway Project.

Mr. Rach stated that this was already in the contract so he had asked for a copy of the original contract that the dated from 2021

Mr. Cooney commented that the addendum says as needed and Mr. Garcia is not

MOTION BY MRS. WEISS, SECONDED BY MR. COONEY to refer to Building/Housing Committee the Fourth Addendum to the Professional Services Agreement entered into on March 4, 2021 between the City of University Heights and SAFEbuilt Ohio, LLC, and to authorize the Mayor to execute same. On roll call, all voted “aye.”

D. Motion to Approve the Acceptance of the OCJS 2023 BWC Grant Award in the amount of \$22,890.00

MOTION BY MRS. BLANKFELD, SECONDED BY MRS. SAX to declare the Property at 3777 Bushnell a public nuisance. On roll call, all voted “aye.”

E. Motion to Approve Price Quote from Starfish for Emergency IT Support and Service for Two (2) months April 1 through May 31, 2023 in an amount not to exceed \$11,100.00

Mayor Brennan stated that Starfish has been providing emergency services generally one quarter at a time and based upon a Tech Advisory Commission meeting it was imminent that Starfish would need to have another one-month extension. But, based upon the discussion had at the last tech Advisory Commission it appeared that a two-month would be more appropriate.

Mr. King reported that the Tech Advisory Commission met the previous Thursday and there was a lot of discussion with the conclusion that the Commission wanted to ask more questions of the two vendors who had placed bids. The hope is to have another tech advisory committee meeting are near the end of April, where hopefully the Tech Advisory Commission will be able to hear from both of the vendors and come closer to a decision on who will be selected. Mr. King added that he would recommend this approval for another two months.

MOTION BY MR. KING, SECONDED BY MRS. WEISS to Approve Price Quote from Starfish for Emergency IT Support and Service for Two (2) months April 1 through May 31, 2023 in an amount not to exceed \$11,100.00. On roll call, all voted “aye.”

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

Mayor Brennan reported that Mr. McConville wanted to provide Council members with a legal proceeding.

MOTION BY MRS. BLANKFELD, SECONDED BY MRS. WEISS to enter into Executive Session for the discussion of real estate matters. On roll call, all voted “aye.”

Standing Council Committees:

Building and Housing Committee – Mrs. Blankfeld

Mrs. Blankfeld reported that the Building and Housing Committee met just prior to this Council meeting where there was a robust agenda and discussion of the five agenda items. The discussion will be continued at the next meeting on April 17 at 5:30pm.

Economic Development Committee – Mr. Rach

The first Zoning meeting with ZoneCo will be held at John Carroll University, Jardine Room on Wednesday, March 22 at 6pm and includes members of: City Council, Board of Zoning Appeals, Architecture Review Board, Planning Commission and any member of the community that wants to attend. This will be the first introductory meeting in a series of meetings to come.

Finance Committee – Mrs. Weiss

There will be a Finance Committee meeting scheduled in April where there will be discussion regarding the City’s quarterly financials as well as other items.

Recreation Committee – Mr. Cooney

There will be an upcoming meeting to discuss the upcoming pool season, potential artwork within the city and the upcoming Memorial Day Parade.

Service Committee – Mrs. Sax

Mrs. Sax stated that she is still in the process of scheduling a Service and Utilities Committee meeting, hopefully at the end of April. The meeting will be for the discussion of planning how to transition to loose recycling for Ordinance 2023-05.

Committee of the Whole – Mrs. Weiss

Mrs. Weiss reported that there would be a Council of the Whole Facilities and Infrastructure Committee meeting on March 21 at 6pm.

There were no other Council Committee reports.

Reports of special committees, and the taking of action thereon

None

Unfinished and miscellaneous business

None

MOTION BY MRS. SAX, SECONDED BY MR. KING to return to regular Council Session. On roll call, all voted “aye.”

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

There being no further business, the meeting was adjourned at 8:23pm

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council