

MINUTES OF COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS  
JUNE 7, 2010

Mayor Infeld called the meeting to order at 7:30 p.m.

Roll Call: Present: Ms. Frankie B. Goldberg  
Mr. Kevin Patrick Murphy  
Mr. Frank Consolo  
Mr. Steven Sims  
Mr. Phillip Ertel  
Mrs. Susan D. Pardee

Absent: Mr. Steven D. Bullock

Also Present: Clerk of Council Nancy E. English  
Acting Law Director Dennis Nevar  
Finance Director Jennifer L. Esarey  
Chief of Police Gary Stehlik  
Fire Chief John Pitchler  
Building Commissioner David Menn  
Service Director Christopher Vild  
City Engineer Joseph R. Ciuni

**MOTION BY MS. GOLDBERG, SECONDED BY MR. SIMS to excuse the absence of Mr. Bullock. On roll call, all voted “aye.”**

Pledge of Allegiance

Minutes of the regular meeting held on May 17, 2010

There were no corrections or additions to the minutes of the May 17, 2010 regular meeting.

**MOTION BY MR. ERTEL, SECONDED BY MR. SIMS to approve the minutes of the regular meeting held May 17, 2010. On roll call, all voted “aye,” except Mrs. Pardee, who “passed.”**

Comments from the Audience:

Steven D. Bennett, 3761 Hillbrook Rd., chairman of the City Beautiful Commission (CBC), passed out “green cards” which was a coupon to be used at Bremec on the Heights Garden Center. When individuals shop at the garden center and submit the coupon, a portion of the purchase will be donated to the University Heights Civic Pride Foundation to help support the CBC.

Mr. Bennett announced that the Beautiful Home Awards have been changed this year in order to solicit more participation. There will be five (5) categories this year: 1) Curb Appeal Award, 2) Best Front Door Award, 3) Set a Spell Award, 4) Best Kept Secret Award, and 5) Eco-Garden Award. The Best Kept Secret Award and the Eco-Garden Award require written permission from the property owner(s) in order to enter the backyard to take pictures. Mr. Bennett noted that residents may recommend their own properties or a neighbor’s until 4:00 p.m. on Friday, July 23, 2010. Winners will be selected before Labor Day and will be displayed during the month of September.

Patricia Baskin, 2177 Jackson Blvd., joined by Sharon Leavy, 3749 Northwood Rd., and Pamela Cameron, 2171 Jackson Blvd., all members of the Concerned Citizens of University Heights, requested that Council move forward with the appointment of a Coordinator of Senior Services. They noted that Mr. Walter Stinson, former Community Coordinator, is the appropriate person to hold the position. They also suggested that the position should report to the Mayor.

Sheila Hubman, 2528 and 2532 Ashurst Rd., commented that a house should be constructed on the vacant lot located at 2603 Ashurst Rd. because University Heights does not have many buildable lots. She mentioned that the vacant lot on Tyndall Road recently sold and suggested that the Ashurst lot be sold for the amount of money that the City has invested in it. As an alternative, Mrs. Hubman suggested that a pocket garden be considered instead of a pocket park as well as other areas in the city. She also commented that a fence is needed around the Ashurst lot to stop a ball and/or children from running into the adjacent driveway.

Thomas Rucks, 3927 Washington Blvd., commented that he visited a McDonald's in Akron with the same concept as the proposed McDonald's for Warrensville Center Road, but it was on a much larger lot. He believes the proposed McDonald's project will cause a traffic problem at the intersection of Bushnell Road and Warrensville Center Road noting that the double drive-thru lanes will increase the traffic significantly at the intersection. He also believes that the McDonald's project is too big for the area. Mr. Ruck requested that Council give much consideration to the potential traffic problem as the project moves forward.

Geraldine Brown, 3965 Lansdale Rd.(first residential property on the north side of Lansdale), noted that she opposes the McDonald's project because of the potential for increased traffic, rats into the area, and because it will be operating seven days a week from 6:00 a.m. to 11:30 p.m. Ms. Brown stated that the residents in the area do not want a McDonald's. But if it is approved, she requested that the City consider making Lansdale and Bushnell Roads into a cul-de-sac.

Reports and Communications for the Mayor and the taking of action:

Mayor Infeld reported that Habitat for Humanity, 2110 W.110th Street, Cleveland, is accepting donated items such as tools, lumber, construction materials, landscaping supplies, kitchen cabinets, doors, sinks, appliances, furniture and fixtures through the month of June. The donated items will be sold to raise funds in order to continue to build homes. Cash donations will also be accepted.

Mayor Infeld reported that a special meeting of the Board of Zoning Appeals (BZA) has been scheduled for Wednesday, June 16, 2010 at 8:00 a.m. in Council Chambers to consider the application of John Carroll University, who requested to be allowed to use its residential property at 4070 Carroll Blvd. to house the ROTC offices and administrative activities. She stated that the item is scheduled to be heard at the June 9, 2010 BZA meeting, but she will request that the Board table the application until the special meeting in order to give her an opportunity to meet with the residents to discuss the matter before it is considered by the Board. Mayor Infeld also announced that residents were notified of the community meeting to be held on June 14, 2010 at 7:00 p.m. in Council Chambers at City Hall to discuss the topic.

Mayor Infeld reported that late hours until 7:00 p.m. have begun at City Hall. Residents may schedule inspection during the later hours on Wednesdays and City Hall is open until 7:00 p.m. on Mondays and Wednesdays during the summer. The hours will be reconsidered in the fall.

Mayor Infeld announced that McDonald's is scheduled to return to the Architectural Review Board (ARB) on Thursday, June 10, 2010 at 8:00 a.m. for a review of its revised plans for aesthetics. If the plans are approved, the next step would be for the Planning Commission to consider the proposed development plans. The meeting could be scheduled in late June or early July.

Mayor Infeld commented that the property located at 2240 Jackson Blvd., is a site being considered for a possible community garden. She also noted that the City has applied for a grant through the Northeast Ohio Sewer District to resolve a water problem at the property located at 2603 Ashurst Road in order create a garden at that site as well. Additionally, Mayor Infeld noted that a larger community garden is envisioned for the east side of South Taylor Road north of Washington Boulevard. She mentioned the City is researching funding opportunities to make the community garden a reality in the spring of 2011. She added that John Carroll University has offered its assistance and manpower of its student to help with establishing the gardens.

Agenda Items:

**A. John Carroll University Green Initiatives**

Ms. Carol P. Dietz, P.E., associate vice president of Facilities, John Carroll University (JCU), and the chair of the Sustainability Committee, updated City officials on upcoming summer activities for the university. Ms. Dietz stated that the package called "Green Initiatives", which was submitted to the officials indicates that the temporary parking lot on the Hamlin Quad will be removed this summer. The project will increase the green space on the JCU campus by 1.5 acres and will significantly reduce the storm water run-off from this area. The restored Hamlin Quad will also be used for all the activities for the 2011 commencement and reunion weekend as John Carroll University celebrates its 125<sup>th</sup> anniversary.

Ms. Dietz reported that JCU is also working with the City to establish a student bike co-op with used bicycles donated by the City, and the university has joined the Sustainable Heights Group.

Ms. Dietz also commented that JCU has offered its Green Road Annex and a residence hall to the fire department for fire training exercises.

Councilman Murphy inquired if the Bohanan Science Center will be demolished. Ms. Dietz stated that the concept sketch in the "Green Initiatives" shows the Bohanan building removed; however, the university is not in a position to remove the building at this time.

**B. Motion authorizing repairs to the City Hall roof**

Building Commissioner David Menn reported that three (3) quotes were received to repair the roof on the City Hall building. Mr. Menn and City Engineer Joseph R. Ciuni recommended that the low bidder, Warren Roofing and Insulating Company, be hired to repair the roof in the amount of \$13,590. In response to a question by Councilman Consolo, Mr. Menn noted that the repairs should be made within the next two (2) weeks.

**MOTION BY MR. CONSOLO, SECONDED BY MR. SIMS to authorize Warren Roofing and Insulating Company to repair the City Hall roof in the amount of \$13,590.00. On roll call, all voted "aye."**

**C. Motion to accept bid for one 4-Wheel Utility Vehicle**

Service Director Christopher Vild reported that bids were opened on May 21, 2010 for the purchase of one 4-wheel utility vehicle for the purpose of converting it into a rubbish collection vehicle. One bid was received from Middlefield Farm and Garden in the amount of \$14,856.16 for a Kubota RTV 900 model. Mr. Vild recommended acceptance of the bid.

After questioning from Councilmen Sims and Murphy, Mr. Vild responded that the total cost of the vehicle after conversion would be under \$20,000 and that the purchase of a new fully built vehicle would have been approximately \$26,000.

Because only one bid was received, Councilman Sims requested that every effort be made to solicit more competition. He suggested that a bidders list be developed and that women and minority owned businesses be identified.

**MOTION BY MR. CONSOLO, SECONDED BY MR. ERTEL to accept the bid of Middlefield Farm and Garden for the purchase of a Kubota RTV 900 model 4-wheel utility vehicle in the amount of \$14,856.16. On roll call, all voted "aye."**

**D. Motion to accept bid for 2010 General Yard Nuisance Abatement**

Mr. Menn reported that bids were opened on May 20, 2010 for the 2010 General Yard Nuisance Abatement. One bid was received from Creekside Landscaping in the amounts of \$45 per hour for high grass abatement, to trim shrubs, and for leaf cleanup, and \$45 per hour and \$40 per load for debris removal. Mr. Menn recommended the acceptance of Creekside Landscaping as the City's general nuisance abatement contractor for the remainder of the season.

It was noted that the contract will not cost the City any money. The City will first attempt to collect the amount due from the property owner by invoicing them. If the property owner remits payment, the City will then reimburse the contractor the invoice amount for the specific property. If the property owner does not remit payment, the City will certify the amount to the County Auditor in September of that year or the following year depending on when the invoice was issued and the contractor will be reimbursed when the funds are received.

Mr. Sims inquired as to why Western Reserve Landscape, a contractor who previously performed nuisance abatements for the City, did not bid. Mr. Menn replied that the contractor was notified, but he did not respond. Mr. Menn also noted that Creekside Landscaping's prices are same as they have been for the last three (3) years.

**MOTION BY MR. CONSOLO, SECONDED BY MS. GOLDBERG to accept the bid of Creekside Landscaping for the 2010 General Yard Nuisance Abatement under the terms proposed in the bid form attached to Mr. Menn's June 3, 2010 memorandum. On roll call, all voted "aye."**

**E. Ordinance No. 2010-35 Authorizing an Agency Agreement with the Cuyahoga County Land Reutilization Corporation to act as an agent of the City**

Ordinance No. 2010-35 authorizes an agency agreement with the Cuyahoga County Land Reutilization Corporation (Land Bank) for the purpose of authorizing the Land Bank to act as an agent of the City in connection with removing, repairing, or securing insecure, unsafe, structurally defective, abandoned, deserted, or open and vacant buildings or other structures, making emergency correction of hazardous conditions, or abating any nuisance, including high weeds, overgrown brush, and trash and debris from vacant lots.

Acting Law Director Dennis A. Nevar explained that the agency agreement details how the City and the Land Bank will work together. He noted that the Land Bank will act based upon a written request by the City with certain perimeters. He mentioned that one of the benefit is that the Land Bank has access to federal resources which the City does not.

In response to a question by Councilman Ertel, Mr. Nevar noted that the agreement does not apply to residential property only.

**MOTION BY MR. CONSOLO, SECONDED BY MRS. PARDEE to approve the passage of Ordinance No. 2010-35 as an emergency measure. On roll call, all on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”**

**F. Ordinance No. 2010-36 Authorizing an agreement with the cities of South Euclid, Shaker Heights and Euclid for the interchange of police personnel, equipment and services**

Ordinance No. 2010-36 authorizes an agreement with the Cities of South Euclid, Shaker Heights and Euclid for the purpose of affording police assistance and protection through the interchange of services of the respective police departments and use of police personnel and equipment within the participating cities.

Chief of Police Gary Stehlik reported that the ordinance is a result of discussions between himself and the other chiefs from the participating cities on how to formalize the collaborations that already exist and how to expand with cost sharing in order to save money. They are starting with the SWAT team and then will progress to other areas. Chief Stehlik noted that the Cities of Euclid and South Euclid have passed identical ordinances.

Councilwoman Pardee inquired as to what municipality will take the lead on operations. Chief Stehlik replied that a decision will be made once the ordinance is approved by all cities. Mrs. Pardee thanked the chiefs for working together to formalize the group’s efforts.

Councilman Sims commended Chief Stehlik and his counterparts for having the foresight to bring the proposal forward. He added that it was needed and appreciated.

**Ordinance No. 2010-37 was placed on first reading. There were no objections.**

**G. Ordinance No. 2010-37 Authorizing an agreement with Central States Fire Apparatus, LLC, a division of Rosenbauer America, for the purchase of a fire pumper truck**

Ordinance No. 2010-37 authorizes an agreement with Central States Fire Apparatus, LLC, a division of Rosenbauer America, for the purchase of a fire pumper truck in an amount not to exceed \$275,000.00. Fire Chief Pitchler reported that the new truck will be similar in functionality to the current truck, but will have newer technology.

Following a question by Councilman Sims, Chief Pitchler confirmed that the City’s contribution of \$13,500 would be the 5% of the total price.

Councilwoman Pardee commented about the vendor being from out of state. Chief Pitchler noted that there are specific vendors on the state contract, and the City could not afford the other trucks that were offered. Mrs. Pardee thanked the Chief and his staff for their efforts.

**MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to approve the passage of Ordinance No. 2010-37 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”**

**H. Motion to hold an executive session immediately following this regular meeting for the purpose of discussing personnel, litigation and real estate matters**

An executive session was not required.

Directors' Reports:

**Fire Chief** John Pitchler reported that the new fire truck will be received in March, 2011.

**Building Commissioner** David Menn reported that no permit inspections will be performed on Wednesday evenings when City Hall is open until 7:00 p.m., only general inspections such as point of sale inspections, point of sale re-inspections, rental inspections, rental re-inspections, exterior inspections, etc. will be performed.

Committee Reports:

**Building Committee** Chairman Frankie B. Goldberg reported that she will schedule a Building Committee meeting for 6:00 p.m. on Monday, June 21, 2010. Ms. Goldberg also thanked the Parade Committee for a fabulous Memorial Day Parade.

**Civic Information Committee** Chairman Frank Consolo reported that he contacted the Cities of Beachwood and Cleveland Heights regarding their senior services program. He has meetings scheduled with both cities this week. Mr. Consolo stated that he will fast track the matter, and after he has received all the information he will schedule a committee meeting.

**Governmental Affairs Committee** Chairman Susan D. Pardee requested that meetings be posted on the City's website. Mayor Infeld stated calendar has been developed for the website and will be posted soon.

There being no further business to discuss, the meeting was adjourned.

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Susan K. Infeld, Mayor

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Nancy E. English, Clerk of Council