

MINUTES OF COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS  
MAY 3, 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 April 19, 2010

There were no corrections or additions to the minutes of the April 19, 2010 regular meeting.

**MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE to approve the minutes of the regular meeting held April 19, 2010. On roll call, all voted “aye.”**

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

Mayor Infeld reported that McDonald’s has made application to the Board of Zoning Appeals for a special use permit to operate a restaurant on the property located at 2216-2234 Warrensville Center Road. She announced that the meeting dates relative to the proposed project are: Board of Zoning Appeals on Wednesday, May 12, 2010 at 8:00 a.m.; Architectural Review Board on Thursday, May 13, 2010 at 8:00 a.m.; Planning Commission to be announced; and City Council meeting to be announced. Mayor Infeld welcomed comments and questions.

Mayor Infeld reported that census takers begun going door-to-door on May 1, 2010 and will continue through July 30, 2010.

Mayor Infeld announced upcoming events:

- Meeting with neighbors regarding 2603 Ashurst Road at 6:30p.m. on Thursday, May 6, 2010.
- Memorial Day Parade Committee will meet on May 11, 2010 at 5:30 p.m. in the conference room at City Hall.
- Heights-Hillcrest Regional Chamber of Commerce will hold its 2010 Business Expo on Wednesday, May 12, 2010 from 3 to 7 p.m. at Landerhaven.
- Rain garden will be installed this week on the west side of City Hall campus off Saybrook Road.
- Election on May 4, 2010 – support Issue 1 and the Health and Human Services Levy.
- “Take a Hike” will be operating May 1, 2010 through September 1, 2010 conducting four (4) unique garden walking tours.

Mayor Infeld also reported that the Planning Commission will meet at 7:30 p.m. on May 10, 2010 to consider two items: Gesu Parish Center and Church renovations and Top It Off Pizza’s request for a special permit to operate a restaurant in a U-2 District at the Heights Jewish Center.

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Agenda Items:

**A. Ordinance No. 2010-29 Authorizing the transfer of funds**

Ordinance No. 2010-29 authorizes the transfer of funds from the Street Maintenance Fund to the Bond Retirement Fund in the amount of \$1,783,500, from the Sewer Maintenance "A" Fund to the Bond Retirement Fund in the amount of \$308,000, and from the Capital Improvement Fund to the Bond Retirement Fund the amount of \$584,500.

Councilman Sims stated that this ordinance is being presented in connection with Ord. No. 2010-25, which provided for the issuance and sale of notes in anticipation of the issuance of bonds for various purposes. He stated that notes are coming due on May 5, 2010 and the transfer appropriates funds in order to pay off the notes.

Finance Director Jennifer Esarey reported that funds will be received from the new notes on May 4, 2010 and then the City will pay off the 2009 notes on May 5, 2010.

**MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE to approve the passage of Ordinance No. 2010-29 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."**

**B. Ordinance No. 2010-30 Awarding the bid for the Dysart Road, Eardley Road & Tyndall Road Waterline Replacement**

Ordinance No. 2010-30 awards the Dysart Road, Eardley Road & Tyndall Road Waterline Replacement project to the lowest and best bidder, Noce Enterprises, Inc., in an amount not to exceed \$603,216.90.

City Engineer Joseph R. Ciuni reported that bids were opened on April 23, 2010 for the Dysart Road, Eardley Road & Tyndall Road Waterline Replacement project. Six (6) bids were received. He noted that a mathematical error was found in the low bid submitted by Monte Construction Company, Inc. He explained that correction of the error changed the positioning for the two lowest bids. The second lowest bid was submitted by Noce Enterprises, Inc., which also contained an error. Monte's corrected bid was \$603,508.40 and Noce's corrected bid was \$603,216.90, making Noce Enterprises, Inc. the lowest bidder by \$291.50. Mr. Ciuni recommended that the City enter into a contract with Noce Enterprises, Inc. as the lowest and best bid in the amount of \$603,216.90.

Mr. Ciuni stated that the City will be reimbursed for all waterline construction costs for the project by the Cleveland Water Department (CWD) as part of the Suburban Waterline Renewal Program agreement between the City of University Heights and the City of Cleveland.

In response to an inquiry by Mrs. Pardee, Mr. Ciuni noted that the project would take approximately three (3) weeks to start and one hundred twenty (120) days to complete. Mr. Ertel suggested that the residents on the affected streets be notified of the construction at least one week prior to the start of the project. Ms. Goldberg suggested that the CityWatch communication system also be utilized for notification.

**MOTION BY MR. ERTEL, SECONDED BY MR. CONSOLO to approve the passage of Ordinance No. 2010-30 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."**

**C. Ordinance No. 2010-31 Awarding the bid for the Ashurst Road & Barrington Road Waterline Replacement**

Ordinance No. 2010-31 awards the Ashurst Road & Barrington Road Waterline Replacement project to the lowest and best bidder, Terrace Construction Co., Inc. in an amount not to exceed \$726,609.40.

Mr. Ciuni reported that bids were opened on April 23, 2010 for the Ashurst Road & Barrington Road Waterline Replacement project. Seven (7) bids were received. The low bid was submitted by Terrace Construction Co., Inc. Mr. Ciuni recommended that the City enter into a contract with Terrace Construction Co., Inc. as the lowest and best bid in the amount of \$726,609.40. He noted that the project would take ninety (90) days to complete. The City will also be reimbursed for waterline construction costs for this project by the CWD.

Mr. Sims requested an update on the reimbursement of unpaid invoices by the Cleveland Water Department. Mr. Ciuni responded that the unpaid reimbursements are not for the waterline replacement projects, rather they were for street pavement repairs at various locations in the city above emergency waterline breaks. He added that the invoices for over sixty locations have been submitted to CWD and now the city is gathering the additional information requested by CWD.

**MOTION BY MR. ERTEL, SECONDED BY MS. GOLDBERG to approve the passage of Ordinance No. 2010-31 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”**

**D. Consider request for additional funding for curb on Bushnell Road**

In response to discussion at the April 19, 2010 Council meeting regarding additional funding for curbs on Bushnell Road as part of the resurfacing project on that street, Mr. Ciuni presented a summary of extra costs to the project if the curb work was accomplished at different levels. Mr. Ciuni recommended to replace all the concrete curbs between the drive aprons, approximately 3600 feet of curbs, at an additional cost of \$64,200.00.

Ms. Esarey stated that due to the fact the budget is running at a small surplus this year, her recommendation was to pass on additional curb work. Mr. Ertel agreed stating that if there was more money available it would be good to provide residents with new curbs, but it is not economically feasible at this time. Mr. Ciuni mentioned that the minimum curb work will be done and the project should be completed within the next two weeks.

**E. Motion to repair the floor of the packer box of rubbish truck 21-10**

Service Director Christopher Vild stated that he received two additional estimates for the repair of rubbish truck 21-10. The following three quotes were received: Waste Removal Equipment in the amount of \$11,097.71; American Fleet Services in the amount of \$12,400.93; and Best Equipment Company, Inc. in the amount of \$13,500.00. Mr. Vild recommended that Waste Removal Equipment be authorized to make the repairs to rubbish truck 21-10 in the amount of \$11,097.71.

There was discussion regarding the possible life of the truck and the logic of spending more than \$11,000 to repair a 19 year old truck. Mr. Vild stated that because a decision has not been made regarding the future of rubbish collection, he believes the most appropriate action would be to repair the truck in order to provide existing services. Vice Mayor Goldberg stated that even though she was uncomfortable voting for the repair, she would vote to authorize the repairs in order to provide necessary services. However, she requested that the Service and Utilities Committee review the rubbish study for a recommendation to the Council.

**MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to authorize Waste Removal Equipment to repair the floor of the packer box of rubbish truck 21-10 at a price of \$11,097.71. On roll call, all voted “aye.”**

**F. Motion to advertise for bids for 2010 General Yard Nuisance Abatement**

Building Commissioner David Menn requested permission to advertise for bids for general yard nuisance abatement for the period of mid-June through November 30, 2010. The scope of work will include: grass cutting, shrubbery trimming, debris removal, and leaf clean up in the fall.

Mayor Infeld stated that the process will be formalize by contracting the work out through bid. It was noted that the payment arrangement will remain the same by paying the contractor when the City receives payment for the abatement either through direct payment of an invoice or through the payment of taxes. Acting Law Director Dennis A. Nevar stated that the payment method will be stipulated in the contract.

**MOTION BY MR. SIMS, SECONDED BY MR. MURPHY to advertise for bids for 2010 General Yard Nuisance Abatement. On roll call, all voted “aye.”**

**G. 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:

**Building Commissioner** David Menn reported that nineteen (19) letters were mailed out in regard to the vacant and foreclosed property ordinance. He added that eleven (11) completed foreclosure registration forms have been received back.

**Finance Director** Jennifer L. Esarey reported that due to a change in administration, the Regional Income Tax Agency (RITA) requested that appointments of a delegate and alternate delegate be made to the Regional Income Tax Agency, Regional Council of Governments. Mayor Infeld appointed Director of Finance Jennifer L. Esarey as the delegate and herself as alternate delegate.

**MOTION B MR. ERTEL, SECONDED BY MS. GOLDBERG to add an item to the agenda approving the appointment of a delegate and alternate delegate to the Regional Income Tax Agency, Regional Council of Governments. On roll call, all voted "aye."**

**MOTION BY MRS. PARDEE, SECONDED BY MR. CONSOLO to approve the appointment of Jennifer L. Esarey, Director of Finance, as delegate and Susan K. Infeld, Mayor, as alternate delegate to the Regional Income Tax Agency, Regional Council of Governments. On roll call, all voted "aye."**

**Fire Chief** John Pitchler reported that the department will be flushing fire hydrants for the next two weeks. Residents will be notified by CityWatch as to the schedule. He added that if residents want to be notified on their cellular phones, they must register their cell number on the City's website.

Chief Pitchler also reported that the new smoke detectors are being distributed to residents.

**Service Director** Christopher Vild reported that the City is in the process of installing a rain garden behind the service department off the Saybrook Road driveway as part of the Phase 2 Storm Water good housekeeping requirements. The rain garden will intercept water from half of the City Hall campus. Mr. Vild noted that the water running from the service yard to the rain garden would flow through a series of chambers, solids and heavier materials like oils will settle, and cleaner water will flow out into the storm sewer.

In response to a question by Mr. Sims, Mr. Vild stated that, if possible, it is his intention to create a bio-swale in the strip between the parking lot and the building department for the flow of water to Silsby Road. After which, 80% to 90% of the storm water runoff from the City Hall campus will be captured by the two (2) BMPs (Best Management Practices) for storm water retention and cleaning.

Committee Reports:

**Building Committee** Chairman Frankie B. Goldberg reported that she will reschedule her Building Committee meeting.

**Governmental Affairs Committee** Chairman Susan D. Pardee reported that her committee met on April 27, 2010. The committee discussed updating the political sign ordinances and will continue to look at the notification ordinances. The committee is also starting the process for a new master plan and discussed how to include the community in the process.

Mrs. Pardee reported that the committee has recommended that Mayor Infeld schedule a Council of the Whole meeting with David Hartt of D.B. Hartt, Inc. regarding an update of the zoning code.

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