

MINUTES OF COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS
NOVEMBER 15, 2010

Mayor Infeld called the regular meeting to order.

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

Absent: Mr. Steven D. Bullock

Also Present: Clerk of Council Nancy E. English
Law Director Kenneth J. Fisher
Finance Director Jennifer L. Esarey
Chief of Police Gary Stehlik
Fire Chief John Pitchler
Building Commissioner David Menn
Acting Service Director John Pucella
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 November 1, 2010

There were no corrections or additions to the minutes of the November 1, 2010 regular meeting.

MOTION BY MR. ERTEL, SECONDED BY MR. SIMS to approve the minutes of the regular meeting held November 1, 2010. On roll call, all voted “aye,” except Mr. Murphy, who “passed.”

Comments from the Audience:

Judith Weiss, 4141 Silsby Road, commented that she received an email regarding a proposed EPA enforced revision of the city water system. She mentioned that there is a meeting on November 16, 2010 in Parma, Ohio regarding a proposed 300% rate hike for sewer and water. Ms. Weiss was concerned about such a rate hike when so many families are experiencing hard financial times. She was seeking additional information.

Mayor Infeld stated that there are requirements that the Northeast Ohio Regional Sewer District (NEORS) is attempting to meet and has proposed the new rates, but they have not been voted on. She distributed a list of public meetings regarding this matter to the Council members. Mayor Infeld mentioned that Mayor Gary W. Starr of Middleburg Heights, who sits on the NEORS Board, has been publicly opposing the proposed increase. She relinquished the floor to City Engineer Joseph R. Ciuni for further explanation.

Mr. Ciuni stated that the reason NEORS proposed an increase in sewer rates is that the USEPA is requiring the water of Lake Erie to be cleaner. He mentioned that raw sewage is dumped into the lake occasionally when the system cannot handle the flow. The Sewer District has been in negotiations with the USEPA for a 30-year plan to make the necessary improvements instead of a 20-year plan. Mr. Ciuni noted that this is an unfunded mandate by the USEPA for clean water in Lake Erie.

Ms. Weiss found it suspicious that this is happening at the same time as the proposals for selling Lake Erie water. She inquired as to how the public can find more transparency as to what is behind the push at this particular time. Mayor Infeld replied that the issue has been going on for some time and the changes were announced three or four years ago. She added that the proposal will not be voted on yet because the rates are to go into effect in 2012. Mayor Infeld stated that the Council and the public should educate themselves about the issue.

Sara Wilder, 3706 Meadowbrook Blvd., read a letter dated November 15, 2010, as a follow-up to her letter of November 5, 2010, expressing concern about the lack of an organized Department of Senior Services to address the needs of University Heights' senior adults. She noted that it is important for Walter Stinson, Senior Services Manager, to have office space and a telephone at City Hall as well as regular office hours. She mentioned that the lecture series is commendable, but they do not meet the needs of senior adults. Dr. Wilder stated that there should be planned elder specific services for senior adults and suggested that a survey be conducted to get residents' input regarding the type of services needed by the senior adults in the community. She also suggested that town hall meetings be held to get input on other issues as well. She hope to promote diversity and involvement of all age groups, including junior and senior high school students. Dr. Wilder asked the elected officials to consider ways to help move University Heights forward and to let it begin with cooperation, communication and collaboration in a respectful and professional manner.

Councilman Sims stated that he hopes the City is able to respond to Dr. Wilder's concerns in a constructive manner. He asked how the recent months have been different then in the past as it relates to senior services. Dr. Wilder replied that during the past several months residents have not had access to Mr. Stinson. She noted that the Western Reserve Area Agency on Aging (WRAAA) and the City of Cleveland have very extensive programs with Shaker Heights, Beachwood, and South Euclid, and for University Heights to have a part-time person who works out of his home is unfair to the senior residents of University Heights. Dr. Wilder also mentioned that there may be grants available through the WRAAA.

Mayor Infeld stated that she communicated with Mr. Stinson after receiving Dr. Wilder's letter and he is agreeable to having set office hours at City Hall, but the details have not been worked out. She noted that a representative from Congresswoman Marcia Fudge office will come into City Hall once a month for regular office hours and what Mr. Stinson will do will mirror this effort. She added that he will do something complementary, but on a different day or days. Mayor Infeld stated that facilities planning is currently underway for all City buildings to determine where there is available space.

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

Mayor Infeld stated that the newsletter has been published and will be distributed throughout the city on the regular rubbish days.

She reported that the community garden located at 2603 Ashurst Road has been installed, but additional plantings will be installed in the spring.

Mayor Infeld announced that a video of the Beautiful Home Winners is on the City's website, www.universityheights.com.

Information on discount prescription drug cards and the senior lecture program at the University Heights Library are available on the counter in the main lobby.

Mayor Infeld read the following statement into the record: "As you know, I have spent a significant amount of time this year reviewing the city's finances and accounting methods. What have been uncovered are significant issues that impact the City's financial position. These include: delayed payments of expenses from last year; failure to remit to the bond trustee certain payments received from the County for payment of the Port Authority bonds in 2008; a change in preferred rating status for premiums for Worker's Compensation because of late payments in 2009 and the failure to file a required annual application. Additionally, successful appeals to the County Board of Revision by commercial properties for property valuations from 2006 to 2008 resulted in lowered valuations for those properties. Last week our bond counsel, GiGi Benjamin, notified me that she had been contacted by the Bank of New York Mellon Trust, who is the trustee for the bonds about the City's non-compliance with the Memorandum of Understanding dated December 23, 2004. This agreement set forth a payment schedule for rollback payments received by the City from the State of Ohio and the Cuyahoga County Auditor for the property involved in the Tax Increment Financing Agreement dated December 1, 2001. It was determined by the trustee that the City owes approximately \$420,000 for rollback monies that was suppose to be paid by the City. These payments were suppose to be paid in semi-annual installments of \$30,000 commencing in 2006 through 2012. Together with our bond counsel, we are in process of reviewing the money owed and plan to set up a payment schedule for past due payments. It is my intention to be compliant with the schedule set forth in the December 23, 2004 agreement from this point forward." Mayor Infeld stated the she and the Council have been in consultation with bond counsel to determine how best to proceed and move the city forward. She assured the residents that it is their intention to continue city services to the residents.

Mayor Infeld also reported that the City is involved in a legal matter with John Carroll University. It was her hope that the issue will be settled out of court in order to avoid legal fees.

Agenda Items:

A. Overview of the Solid Waste Collection Analysis, Jim Skora, GT Environmental, Inc.

Mr. Jim Skora of GT Environmental presented an overview of the Solid Waste Collection Analysis which was finalized October 30, 2009. Mr. Skora stated that the intent of the study was to evaluate the existing solid waste collection services in order to identify operational efficiencies and cost savings and also to look at alternate collection systems. The analysis looked at how the existing collection program operates, equipment, staffing, maintenance, operational costs, capital expenditures, vehicle replacement, examination of the current collection routes, disposal and recycling costs, overhead and other factors. In addition, they looked at scheduling, customer service, and complaint management issues. In reviewing the routes, GT Environmental followed of the trucks during the course of the day observing the operations and performed a time study in order to obtain efficiencies and to determine how the current routes work with the backdoor service. They looked at six (6) cities of similar size and/or demographics with various collection methodologies, such as curbside and back/side door service. After all pertinent information was reviewed GT Environmental arrived at its conclusions and formulated the report.

Mr. Skora stated that data collected was from 2008. They collected data such as operating cost, tonnage, flow of recyclable material, number of pickups, number of hours to complete the routes, the number of set outs (whether or not trash was out), the number of pass-bys, weight per route, and weight per set out. GT Environmental also surveyed eleven (11) communities within Cuyahoga County. The following six (6) cities responded with usable data for the analysis: Brook Park, Independence, Lakewood, Lyndhurst, Pepper Pike and Shaker Heights. They looked at general demographics for each of the cities as well as how the trash programs operated. The cities of Brook Park, Independence and Lyndhurst have municipally operated curbside pickup. The cities of Pepper Pike, Shaker Heights, and University Heights, all have municipally operated back/side door pickup. The City of Lakewood was municipally operated back/side door collection in 2008, but has since changed to curbside pickup. A comparison of the information received is shown in the report through graphs and charts.

In regard to cost for the trash collection program, Mr. Skora pointed out that in Cuyahoga County most of the households do not pay directly for trash collection, but rather it is part of their tax base. However, GT Environmental broke down the costs on a per household per month basis in the six cities surveyed to get comparison costs for University Heights. When they looked at the average cost of the program operated by University Heights versus the other communities, the back/side door collection had a higher cost per household per month than communities that operated curbside programs. This is because of the collection methodology. Mr. Skora explained that 60%-70% of the cost of a program is in transportation and collection not disposal.

GT Environmental also conducted a regional curbside economic analysis. Mr. Skora noted that of the fifty-nine (59) political subdivisions in Cuyahoga County, thirty-two (32) or 54% of them contract with the private sector to provide curbside trash and recycling services. The average cost for private sector curbside service is \$13.72 per household per month. The average municipally operated curbside service is approximately \$16.00 per household per month. The average back/side door program is approximately \$25.00 per household per month. University Heights' cost is \$18.89 per household per month.

GT Environmental offered the following recommendations for improvements to the existing program:

Program Promotion, Education and Awareness

- Enhance City's website by giving residents specific instructions on how the trash collection and recycling operates;
- Update trash and recycling brochure to improve design and increase the amount of resources and information provided.

Customer Service

- Conduct customer satisfaction survey including questions regarding the cost of premier collection service and willingness to increase or reduce service;
- Since there are 32 missed pickups per week, questions should be included in the survey to get the residents' view on why missed pickups occur.

General Collection Operations

- Drivers and collectors should wear high visibility clothing at all times.

Trash Program

- Reroute the city through computer technology to obtain the best efficiency for trash routes;
- Maximize capacity of truck (collect a single route's tonnage in 1 packer truck) saving wear and tear on the vehicles and unnecessary trips to the transfer station;
- Require residents with gates or driveway parking issues to bring trash to the curb to cut down on missed pickups;
- Consider a fee for return trips due to failure to have the trash ready and accessible for collection;
- Consider premium back door collection for a fee, except for residents over 65 and those receiving a medical referral, and offer curbside collection free of charge.

Recycling Program

- Consider collecting cardboard and paperboard with recycling program in order to increase the City's recycling rate and reduce the amount of disposal costs incurred;
- Consider modifying the scooters to handle more accumulated recyclables;
- Consider modifying the packer truck fleet to hold the collected recyclables from each route or purchase split body packer trucks when replacing older trucks.

Yard Waste Program

- Consider collecting yard waste in a different manner to eliminate double handling.

Paper Program

- Expand the collection of qualified paper commodities that Carastar accepts in order to maximize paper recycling revenues.

GT Environmental also gave options for new programs. Mr. Skora noted that curbside collection can be achieved with manual, semi automated and automated systems. He reviewed the economic analysis spreadsheet for University Heights operating its own curbside collection program for trash and recycling. Various scenarios were considered such as using existing trucks, purchasing new rear load manual trucks, new side load manual trucks, semi automated trucks and fully automated. Therefore, when they looked at the cost of the trucks, the staff required, and operational costs for each methodology used, the potential cost savings was estimated at \$280,000-\$380,000 per year.

Mr. Skora stated that it would be a difficult decision make whether to change from backyard collection, but this type of program is not utilized very much any more because it is expensive to operate. He added that the City of Lakewood changed from backyard collection using scooters to an automated collection system approximately one year ago. Other cities (Akron and Cuyahoga Falls) were concerned about the bottom line and have gone to automated collection in order to save on worker's compensation claims, to improve efficiencies, and to offer value to the residents.

Councilman Ertel inquired as to how the Lakewood residents accepted the transition to curbside pickup. Mr. Skora replied that he did not hear any negative comments. He added that some people may be upset, but the efficiency of an automated system is much greater.

Councilman Sims stated that GT Environmental prepared a good report. He mentioned that the Council was very concerned about the issue and wanted to make sure that they had solid information to stand on when making a decision. He noted that a lot of the recommendations would have to be implemented by the administration. But, the Council's decision would be whether a different type of service is utilized. Mr. Sims inquired as to how a dual backyard/curbside program would work. Mr. Skora responded that a special truck would be sent out to the homes of the senior residents or individuals with medical referrals.

Councilman Sims also mentioned that the City has a fairly efficient back/side door program based on cost because the City operates its program at \$18 per household per month, versus the \$25 average. He noted that the City's program is an amenity and that the City of University Heights must distinguish itself from other communities. He added that for the two dollar difference in the curbside program, it might be an amenity that is worthwhile. However, further analysis and decision-making is needed.

Councilman Sims asked Mr. Skora to explain how trash collection is handled outside of Cuyahoga County. Mr. Skora explained that in Medina County, Lorain County, southern Ohio and other places across the state, trash collection is considered a utility and residents pay per month or per quarter for the service.

Councilman Murphy inquired if it is logistically possible to have residents opt to have backyard pickup for a fee even if they are not senior citizens or medically disabled. Mr. Skora replied that the City would have to establish a policy with criteria. He did not have an example of such a policy, and noted that it could potentially be a logistical nightmare. He added that most communities offer the special dispensation to the elderly or those with medical referrals.

Vice Mayor Goldberg stated that the report did not consider merging University Heights' service department with another city. Mr. Skora explained that multiple communities see a cost savings on disposal and transfer services by participating in a consortium. He added that from an operational standpoint shared equipment among communities is more likely than combining departments.

Vice Mayor Goldberg inquired if the age of the City's equipment was taken into account when the economic analysis was prepared. Mr. Skora replied that the aging trucks were an issue and were taken into consideration. He added that due to the wear and tear on the equipment most trucks become less efficient after 10 years. Vice Mayor Goldberg asked if there is a charge for the container for the automated trucks. Mr. Skora responded that it depends on how the program is set up. The price of a 96-gallon container is \$50 each and can be built into the cost of the program or could be passed on to the residents. He added that the City of Akron gave each residents one 96-gallon container for trash and a 64-gallon container for recyclables, and if they wanted more they have to purchase them for \$50 each.

Vice Mayor Goldberg inquired if the price differential on page 30 of the report includes all expenses involving labor e.g. workers' comp, healthcare, etc. Mr. Skora replied that it does include an annual labor cost.

Councilman Consolo stated that he remembered the presentation from last year and did not have any questions. He is hoping to receive a recommendation from the Service and Utilities Committee soon.

Councilwoman Pardee's questions had been answered.

Councilman Ertel inquired if the level of satisfaction could be maintained if the City changed to curbside pickup whether private or public. Mr. Skora was absolutely certain that the level of satisfaction could be maintained. He mentioned that the City of Dayton has had automated curbside pickup for years and its sanitation program is the number one rated program by the residents. Mr. Skora added that with any change education, awareness and communication are very important.

Mayor Infeld noted that GT Environmental offers additional services to supplement the report such as rerouting the city through the use of a computer program. She asked the Service and Utilities Committee to consider this also.

Councilman Sims inquired as to what the role of the City would be to assure that the refuse is picked up if it switched to a private hauler. Mr. Skora replied that the contractor will be held accountable through the contract. Law director Kenneth J. Fisher mentioned that there are provisions in the Ohio Revised Code for that process.

B Motion to approve the accounting firm of Ciuni & Panichi, Inc. to perform the 2010 GAAP conversion

Councilman Sims reported that this matter was discussed in a Finance Committee meeting held on November 8, 2010. The committee has recommended that Ciuni and Panichi, Inc. perform the 2010 GAAP conversion.

MOTION BY MR. SIMS, SECONDED BY MR. CONSOLO to approve the accounting firm of Ciuni & Panichi, Inc. to perform the 2010 GAAP conversion. On roll call, all voted "aye."

C. Motion authorizing the Mayor to submit names of residents serving on the Tax Incentive Review Council to Cuyahoga County Board of Commissioners

Mayor Infeld presented the names of Michael Bohan, a member of the City's Financial Advisory Committee, and Adele Zucker, former Vice Mayor, to serve on the Tax Incentive Review Council.

MOTION BY MR. SIMS, SECONDED BY MR. CONSOLO authorizing the Mayor to submit the names of Michael Bohan and Adele Zucker to serve on the Tax Incentive Review Council to the Cuyahoga County Board of Commissioners. On roll call, all voted "aye."

D. Ordinance No. 2010-69 Authorizing the Mayor to submit a grant application to County Department of Development for the 2011 CDBG funding

Ordinance No. 2010-69 authorizes the Mayor to submit the City's application for funding of the Lansdale and Vernon Roads traffic calming measures under the requirements of the Community Development Block Grant Program as administered by the Board of Cuyahoga County Commissioners.

City Engineer Joseph R. Ciuni reported that passage of the legislation is a requirement of the grant application. This is a Tier 1 grant with maximum funding up to \$325,000. The city intends to apply for \$254,600 for the Lansdale and Vernon Roads Traffic Calming Project. It is a 100% grant with no match for the City. The project will include resurfacing of both Lansdale Road and Vernon Road and the installation of traffic calming measures on both streets.

Councilman Consolo inquired as to the types of traffic calming measures being considered. Mr. Ciuni reply that a raised island with plantings is being considered at the Vernon/Lansdale/Washington intersection. Other traffic calming measures could include raised platforms, narrowing curbs, speed tables, signage and striping.

Councilman Sims inquired if traffic diversion methods could be incorporated into the grant to eliminate cut-through traffic on Lansdale and Bushnell Roads because he believes this method would be needed as opposed to traffic calming methods due to the proposed development in the area. Mr. Ciuni answered that it could as long as the improvements are in the public right-of-way. He noted, however, that Bushnell Road is not in the CDBG target area, and therefore, funds cannot be used for that street.

MOTION BY MR. SIMS, SECONDED BY MR. MURPHY to approve the passage of Ordinance No. 2010-69 as an emergency measure. On roll call, on suspension, all voted "aye." On roll call, on passage, all voted "aye."

E. Ordinance No. 2010-70 To create a special revenue fund known as the Ashurst Community Garden Grant Fund 219 (1st Reading)

Ordinance No. 2010-70 creates a special revenue fund known as the Ashurst Community Garden Grant Fund 219.

Finance Director Jennifer Esarey reported that the account is being created in order to properly account for and allocate the revenues and expenditures of the grant funds received from the Northeast Ohio Regional Sewer District for the Ashurst Community Garden Project located at 2603 Ashurst Road.

Councilman Sims questioned the appropriateness of Council establishing funds. He added that if passage by Council is necessary that future funds be created within the ordinance to accept the grant. Mr. Fisher stated that it is proper for Council to establish funds by ordinance.

Ordinance No. 2010-70 was presented on first reading.

F. 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:

Law Director Kenneth J. Fisher reported that the City has received the \$60,000 pre-payment for the first 5-year term on the tower lease from Clear Wireless.

Building Commissioner David Menn reported that Quiznos is reopening in the same location in Cedar Center under corporate management. He also reported that Anytime Fitness is looking to locate in the former Hollywood Video space at University Corners.

Mr. Menn reported that two inspectors attended a bed bug conference sponsored by the Cuyahoga County Board of Health. He mentioned that residents experiencing problems with bed bugs should call the Board of Health.

City Engineer Joseph R. Ciuni reported that URS Corporation started the traffic study for McDonald's. The study should take 4-6 weeks to complete and a presentation will be made to Council.

Committee Reports:

Building Committee Chairman Frankie B. Goldberg reported that her committee met on November 9, 2010. Minutes are forthcoming. Items discussed included: raising permit fees, parking issues, and outdoor vending machines.

Under Civic Information Committee , Mayor Infeld reported that senior transportation is being considered by the Civic Information Committee.

Finance Committee Chairman Steven Sims announced that the Finance Committee meeting scheduled for November 18, 2010 has been cancelled and will be rescheduled.

Mr. Sims noted that the deadline is approaching with respect to grant opportunities through NOPEC. Mayor Infeld noted that there is an opportunity to get grant funds by submitting projects. She will keep the Council informed about potential projects.

Governmental Affairs Committee Chairman Susan Pardee reported that the planning discussion with David Hartt has been rescheduled for a Committee-of-the-Whole meeting on November 22, 2010 at 7:00 p.m.

Service and Utilities Committee Chairman Phillip Ertel reported that he will schedule a meeting to consider the rubbish study.

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

Susan K. Infeld, Mayor

Nancy E. English, Clerk of Council