

**MINUTES OF COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
APRIL 7, 2014**

Roll Call:

Present: Mrs. Susan Pardee
Ms. Nancy E. English
Mr. Mark Wiseman
Mrs. Adele Zucker
Mr. Phillip Ertel
Mr. Steven Sims
Ms. Pamela Cameron

Also Present: Law Director Anthony J. Coyne
Clerk of Council Kelly M. Thomas
City Engineer Joseph Ciuni
Building Commissioner David Menn
Fire Chief Douglas Zook
Police Chief Steven Hammett
Service Director Jeffrey Pokorny

Pledge of Allegiance

Minutes of the Regular Meeting of March 17, 2014

There were no corrections to the minutes.

MOTION BY MRS. ZUCKER, SECONDED BY MS. ENGLISH to approve the minutes of March 17, 2014 as presented. On roll call, all voted "aye."

Comments from Audience

There were no audience comments.

Comments from Mayor

Mayor Infeld welcomed the Dr. Carrie Buchanan's Journalism class from John Carroll University and reported the following information.

- New ambulance is in service and tours will be given following the meeting.
- Due to Passover the next Council meeting will be on Wednesday, April 23, 2014 at 7:30pm. Be sure to check the City's website for listing of meetings.
- The April newsletter is being distributed to resident via email and by home delivery by City Service Department. April is also yard waste collection month; residents can place their yard waste on treelawns for removal.
- The Park Committee will meet on Tuesday, April 29 at 7pm for the final presentation by the architect. The proposed park plan is on the City's website.
- The City received a Technical Assistance Award from NOACA. The award will consist of NOACA conducting a study looking at the Warrensville Center and Cedar Road pedestrian corridor (sidewalk area). The study will examine how to make the area more pedestrian and bike friendly, as well as, how to beautify them. NOACA planners will actually conduct the planning and depending on the suggested projects the City will submit for grants to fund the project.
- The repaving of South Belvoir Blvd. (from Fairmount Blvd. to Mayfield) will begin on March 31 at 7pm. Included in the repaving will be a pedestrian table in the John Carroll block. The pedestrian table will make crossing easier for the students.
- The Memorial Day Parade Committee will meet in the conference room, Monday, April 28 at 7pm.

Agenda Items:**A. Approval of Planning Commission recommendation allowing John Carroll University, 1 John Carroll Boulevard, to convert the temporary access drive off Washington Boulevard that was created for the Murphy Hall Renovation to a permanent emergency access drive.**

Dora Pruce, John Carroll University's Director of Government and Community Relations spoke about the concerns and suggestions voiced at the previous City Council meeting. Ms. Pruce explained the proposed modifications address the concerns regarding students using the proposed emergency access drive as a temporary parking and drop-off site. Ms. Pruce stated that the University believes that the grade of the driveway is so steep that the nature flow of traffic would not afford delivery persons and others to park there in addition to the distance needed to walk to get to the front of the buildings for entry. Ms. Pruce also noted that students will not be able to keep doors prop opened for entry because every exit door has a timed alarm feature where the door will sound if left opened for more than the set time. There are also cameras in all stairwells.

Carole Dietz, Associate Vice President for Facilities reviewed the design aspect of the new apron for the proposed emergency access driveway. The apron will feature the installation of a geo grid structural mat system. The system will support vehicles but also allow grass to grow, masking the emergency access drive apron. The green structural mat system will extend from the curb to the sidewalk for a distance of approx. 13'4". There will be the standard 4" curb along the majority of the roadway; but where the apron sits there will a curb cut with a 4" roll up curb. These type of roll up curbs are used in many residential developments, as well as, being used by the County in the South Belvoir repaving project. Ms. Dietz stated that the roll up curb along with the geo green mat system will likely discourage driving onto the apron because it will look like the green treelawn.

Ms. Pruce continued to discuss the previous question regarding the use of the Murphy drive. Ms. Pruce stated that the Murphy drive is used for garbage pickup, ambulatory access to the health center and as a fire service lane if needed. Ms. Pruce clarified that the proposed emergency access drive is for emergency purposes only and will be gated at both the bottom and top of the drive.

MOTION BY MRS. ZUCKER, SECONDED BY MR. ERTEL to approve the Planning Commission recommendation allowing John Carroll University, 1 John Carroll Boulevard, to convert the temporary access drive off Washington Boulevard that was created for the Murphy Hall Renovation to a permanent emergency access drive with the modifications of the rollup curbing and grass pavers. On roll call, all voted "aye."

Law Director Anthony Coyne requested that the minutes note that Council approved the measure subject to the stated amendment from the Planning Commission's approval.

At its meeting held on Wednesday, February 26, 2014, the Planning Commission made the following motion

MOTION BY MR. FINE, SECONDED BY MS. ENGLISH to recommend to City Council the approval of the application John Carroll University, 1 John Carroll Boulevard, convert the temporary access drive off Washington Boulevard that was created for the Murphy Hall Renovation to a permanent emergency access drive as submitted. On roll call, all voted "aye," except Mr. Siemborski, who voted "no."

Mayor Infeld thanked Mr. Kenny, 4105 Meadowbrook Blvd. for his comments at the last Council and Planning Commission meetings as they helped to make the project better.

B. Motion to authorizing the purchase of two (2) mobile computers for the Police Department.

Police Chief Hammett explained that the purchase of the two (2) mobile computers was appropriated in the 2014 Capital Budget for installation in the marked police cruisers. The computers will be replacing the two mobile computers which should have been replaced in 2012. The current mobile computers are on a XP software format and no longer supported by Microsoft. Chief Hammett also noted that after April 30 the mobile computers will no longer have the capability to be used for police work because there will not be access to the LEADS program which used by Police Departments. The new mobile computers will be good for 10 years and will be purchased under State contract.

Councilwoman Cameron asked the age of the mobile computers being replaced.

Chief Hammett replied that the computers being replaced were purchased in 2006 and 2007.

Councilwoman Zucker questioned if the old computers could be sold.

Chief Hammett stated that they could not be resold because of various reasons in addition to them containing secure information, not being supported by LEADS. Mr. Hammett noted they would be kept for parts.

Councilman Wiseman asked if there were other mobile computers that needed to be replaced.

Chief Hammett stated that the other mobile computers could be upgraded, but as police cruisers are replaced the mobile units will need to be replaced also.

Councilman Sims asked Chief Hammett to provide the inventory of Police Vehicles along with their perspective mileage.

MOTION BY MR. ERTEL, SECONDED BY MR. WISEMAN to approve the purchase of two (2) mobile computers for the Police Department from Data 911 (Hubb Systems) in the amount of \$13,846.02. On roll call, all voted "aye."

C. Motion to enter into contract for 2014 Spring Tree Planting.

Mr. Pokorny reported that bids were opened on March 28, 2014 and that 4 bids were received. Mr. Pokorny recommended the contract be awarded to Nate Johnson Landscaping Inc. of Painesville as the lowest and best bidder in the amount of \$42,463.00. There are a total of 214 trees to be planted.

Councilman Ertel asked if Johnson Landscaping had been used by the city in previous years.

Councilwoman Cameron asked if Johnson Landscaping did work within the area.

Mr. Pokorny replied that they had not been previously used by the City, but that he checked all their references. Mr. Pokorny noted that Johnson Landscaping does business in the Northeast Ohio area, mostly for Walmarts and shopping centers.

Councilman Sims questioned if the one (1) year tree guarantee is covered by the nursery or the contractor.

Mr. Pokorny answered that the one (1) year guarantee is with the contractor who plants the trees not the nursery.

MOTION BY MS. ENGLISH, SECONDED BY MRS. CAMERON to enter into contract with Johnson's Landscaping Inc. of Painesville for the 2014 Spring Tree Planting Program in the amount of \$42,463.00 for 214 trees. On roll call, all voted "aye."

D. Motion to enter into contract for the 2014 General Yard Nuisance Abatement Program

Building Commissioner David Menn reported that bids for the 2014 General Yard Nuisance Abatement Program were opened on March 13, 2014. Bids were received from eight (8) companies and that he provided Council with the prices of the three (3) lowest bidders. Mr.

Menn recommended Northcoast as the company with the best and lowest bid. Mr. Menn noted that he had checked the references provided by Northcoast. Northcoast informed Mr. Menn that they are performing the work for three other cities but assured him that they could complete the work.

Councilman Sims questioned how the price for the 2014 Abatement Program compares with 2013.

Mr. Menn stated that he couldn't give a comparison in the pricing for 2014 and 2013 but that this year the program is different. In that, this year the City is paying the contractor up front for the work they complete as opposed to previous years where the contractor received payment after the City received payment from the County's collection of property taxes from the various specific addresses.

Mayor Infeld further explained the abatement program and the process of how the contractor is paid.

Councilman Wiseman asked Mr. Menn to explain the bid from Bonner Management because it appeared that they could be a lower price.

Mr. Menn replied that upon speaking with Mr. Bonner, he (Mr. Bonner) did not want to adhere to their bid quote of per man pricing and wanted to use a flat fee. Mr. Menn stated that he made sure that Mr. Bonner understood that request in the bid packet which the City provided stated that all bid were to be based on a per man hour. Mr. Menn also noted that he had Finance Director Larry Heiser as a witness to the phone conversation. Due to the fact that Mr. Bonner did not want to adhere to the bid requirements and the figures in his submitted bid his bid was essentially withdrawn.

Councilman Wiseman also asked about the Pro Property bid in that their bid for removal of debris appeared cheaper.

Mr. Menn stated that he wanted to recommend approval based on the charge for grass because that is the majority of the work. Mr. Menn clarified that debris clean-up includes the removal of tree branches and limbs not household items. The removal of those types of items would come under the Service Department's special pick up program and a different city code violation process.

Councilman Sims asked if the yard abatements included the cutting and trimming of grass and if necessary more than one (1) person working on a given property.

Mr. Menn replied that the contractor (Northcoast) assured him that one (1) person would suffice in completing the work load for University Heights. Mr. Menn also noted that his office would be performing random checks of the various properties and would keep track of jobs. Per the contract, if the contractor does not perform satisfactorily the City can chose a different contractor.

MOTION BY MR. SIMS, SECONDED BY MRS. ZUCKER to enter into contract with Northcoast Landscaping for the 2014 General Yard Nuisance Abatement Program. On roll call, all voted "aye."

E. Motion to enter into contract for the 2014 Concrete Sidewalk Repair and Replacement Program

Mr. Menn stated that the 2014 Concrete Sidewalk Repair and Replacement Program is a new program for the City. There were between 6 and 8 contractors at the pre-bid meeting but only 2 contractors submitted their bids. The bids were opened on March 13, 2014 and based on the two bids Mr. Menn recommended Caver Brothers Inc. as the best and lowest bidder. The Building Department will inspect all work and if the work is not up to standards or if there are complaints from residents the City can change the course of action.

Councilwoman Zucker asked if Caver Brothers did work in nearby cities.

Mr. Menn replied that Caver Brothers performs random municipal work but the majority of their work is on the Westside. Mr. Menn also noted that not too many cities have this type of program.

Councilman Wiseman asked Mr. Menn to explain the various bidding prices and categories.

Mr. Menn explained the difference between a T=4inch and T=6inch. The T=4inch is the basic 4" sidewalk block; the T=6inch blocks are the sidewalk blocks located (larger public sidewalk blocks) between the apron and the beginning of the actual driveway.

Mr. Menn also noted that it is hoped that the program will give a consistent price for residents needing to repair their concrete blocks. Residents will not be required to use this contractor; the program only serves as an option.

Councilwoman English asked Mr. Coyne what liability the City has if something goes wrong since the City is entering into contract with the contractor.

Law Director Anthony Coyne replied that in having an independent contractor the City built into the agreement language requiring the contractor to be insured and bonded and if necessary, list the City as a additional insurer. Mr. Menn does not have any responsibility of the direction of how they (contractor) do their work. Thus, the City would no liability if something were to happen, it is a separate contract. Also according to Ohio Law there is an Independent Contractor relationship. If the contractor was an agents of the City that would be different. A example would be the Service Department employees.

Councilman Wiseman asked how the program would be advertised.

Mr. Menn replied that the program would be listed as an option for residents to use. Caver Brothers would have to obtain a permit for each job they are hired to do within the City just like all other contractors. Mr. Menn also noted that with each job there is a pre-inspection (done prior to the pouring of concrete) and a final inspection once all the work is complete.

Mayor Infeld commented that it is hoped that the program will benefit the residents by providing them with a stable price to have concrete work done to their sidewalks.

MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN to enter into contract with Caver Brothers Inc. for the 2014 Concrete Sidewalk Repair and Replacement Program for the following prices; (1) 4" walk replacement under 75sq. ft. \$6.00 labor and \$5.00 materials, (2) 4" walk replacement over 75sq. ft. \$5.00 labor and \$5.00 materials, (3) 6" walk replacement under 75sq. ft. \$6.00 labor and \$5.00 materials, (4) 6" walk replacement over 75sq. ft. \$5.00 labor and \$5.00 materials. On roll call, all voted "aye."

F. Resolution 2014-06 in Support of Ohio House Bill 300 – Amending the Ohio Revised Code to expand the offense of "Ethnic Intimidation" to prohibit conduct specified in the offense when the conduct is committed by reason of another person's gender identity, sexual orientation, or disability.

Mayor Infeld introduced Resolution 2014-06 as a Resolution in support of Ohio House Bill 300 and stated that the Bill is strongly supported by the Anti-Defamation League.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS on the passage of Resolution 2014-06 in Support of Ohio House Bill 300 – Amending the Ohio Revised Code to expand the offense of "Ethnic Intimidation" to prohibit conduct specified in the offense when the conduct is committed by reason of another person's gender identity, sexual orientation, or disability. On roll call, all voted "aye."

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

Mayor requested a motion for executive session for the discussion of litigation issues.

MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON to enter into executive session for the purpose of solely discussing litigation issues. On roll call, all voted "aye."

Directors' Reports

Law Department: Mr. Coyne reported that the work session for Council to discuss different procedures of the Council and the Administration is targeted for May 12 at 6:00pm in Council Chambers.

Fire Department: Chief Zook invited everyone over to the Fire Department after the meeting to see the new ambulance.

City Engineer: Mr. Ciuni reported the follow:

- Shaker Heights will open bids for the joint 2014 Road Resurfacing Program on Friday, April 11.
- The County project to resurface South Belvoir will begin April 23 in South Euclid and will not be South of Cedar Road until mid May. The schedule is also do to close the one block of South Belvoir around John Carroll starting June 3 or 4 for 30 days. The John Carroll section will take longer because they are installing bump-outs, a raised table, stamped concrete crosswalks and also installing a new traffic signal.
- The gas line work on Cedar Road between Miramar and Legacy Village is scheduled to begin June and will last about 3 months.

There were no other director reports.

Standing Committee Reports

Civic Information Committee Chairwoman Nancy English reported that the Technology Advisory Commission met on Wednesday, March 26. The Commission had an overview discussion on items referred to them by the Civic Information Committee. The Commission also set the priorities of items for their Commission. The next meeting will be Wednesday, May 14th at 7:00pm in Council Chambers.

Governmental Affairs Committee Chairman Mark Wiseman reported that on March 27th the School Board Lay Facilities Committee (Create the Future) met at Heights High to discuss the change-over of the high school. The large group was divided into smaller groups and each group worked to re-figure various school buildings with legos on mats that were pre-printed with the each building's footprint. Mr. Wiseman noted the structure that they didn't refigure was the original section of the high school building because it may remain with the original clock tower.

Recreation Committee Chairwoman Pamela Cameron reported that the joint Recreation Committee and Recreation Advisory Commission met on Wednesday, March 19 at 7pm in Council Chambers. The Committee reviewed the following:

Pocket Parks incorporating the Ashurst Road rain garden

- Planting plan
- Plans for park/garden area at Silsby and Fenwick Roads
- Discussed various features to consider for marketing and working with local business to improve the gardening/landscaping of the parks
- Bike Routes – committee members recommended inviting Mary Dunbar from Cleveland Hts. to attend a meeting to provide information consistent with her expertise regarding bike routes.
- Suggestions for Saybrook Park Development
 - what's needed
 - issues to be brought to the table (fencing, planting, etc)
 - naming rights for the park

There were no other standing committee reports.

Mayor Infeld requested a motion to enter into executive session for a litigation matter with no new business to conduct after the executive session.

MOTION BY MRS. ZUCKER, SECONDED BY MR. ERTEL to enter into executive session for the purpose of solely discussing litigation issues. On roll call, all voted "aye."


MOTION BY MR. WISEMAN, SECONDED BY MRS. PARDEE to resume the regular Council meeting session. On roll call, all voted "aye."

Mr. Sims was not present when the regular Council meeting session began.

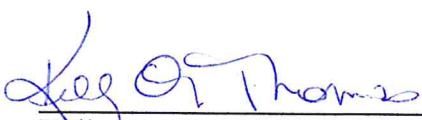
Mrs. Cameron amended her recreation committee report to reflect that Kristin Hughes, Athletic Director for Cleveland Heights High School would like to join the University Heights Recreation Committee.

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

**MOTION BY MRS. CAMERON, SECONDED BY MR. ERTEL to adjourn the meeting.
On roll call, all voted "aye."**



Susan K. Infeld, Mayor



Kelly M. Thomas, Clerk of Council

