

MOTION BY MRS. GOLDBERG, SECONDED BY MRS. ZUCKER to approve the passage of Resolution No. 2013-16. On roll call, all voted "aye".

B. Ordinance 2013-11 Authorizing the Mayor to submit an application for funding the Power Load System (on Emergency).

Mayor Infeld explained that Ordinance 2013-11 would authorize the city to submit an application for funding through the Bureau of Worker's Compensation to obtain a power cot a grant for a Power Load System from Stryer to upgrade the City's transport cots.

MOTION BY MRS. PARDEE, SECONDED BY MRS. GOLDBERG to approve the passage of Ordinance No. 2013-11 as an emergency measure. On roll call, on suspension of rules, all voted "aye." "On roll call, on passage, all voted "aye."

C. Ordinance 2013-12 Amending Ordinance 59-88 Prohibiting Overnight Parking (1st reading).

Police Chief Hammett stated that per University Heights city code there is no parking on city streets between the hours of 2:00am and 5:00am with a stipulation of a period of 30mins. Chief Hammett explained that it is very difficult to enforce the 30 minutes and is requesting that the Ordinance be amended by removing the 30 minute stipulation. Residents can call the police department if they need permission to park on the street overnight.

Councilwoman Zucker asked if the City could advise John Carroll University and other schools in the area about the no overnight parking ordinance.

Chief Hammett replied that JCU is aware of the city's policy regarding overnight parking and that the police department receives call from JCU students requesting permission to park on the street overnight.

D. Ordinance 2013-13 Amending Ordinance 2012-44 which established section 432.47 of the City of University Heights Codified Ordinance Prohibiting use of electronic wireless communication devices for text-based communication while operating a motor vehicle.

Vice Mayor Goldberg stated that this Ordinance was amended after careful consideration. The Safety Committee along with Law Director Anthony Coyne, City Prosecutor William Doyle and Police Chief Hammett conducted two (2) separate meeting dates and reviewed the ordinances regarding the use of electronic wireless communication devices from the cities of South Euclid, Beachwood and Fairview Park. Vice Mayor Goldberg stated that this ordinance is not meant for a revenue base, but to serve as an educational factor and be proactive. Statistics from various sources relating to the number of accidents while texting and driving were noted. Within the Ordinance there is a tier approach fine system for fairness. The Safety Committee is also recommending a sixty (60) day warning period where violator would be given a warning as opposed to a ticket.

Chief Hammett explained the difference between a primary and secondary offense.

Councilman Sims questioned why University Heights would want to go beyond the State of Ohio Law regarding texting and driving and mirror other city's.

Signs noting no texting while driving will be placed on the main streets and also at all entrances to the city.

Ordinance 2013-13 was placed on first reading.

E. Resolution 2013-14 Permitting the City Administration to sell through public internet auctions, personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired for the year 2013.

Mayor Infeld noted that per Ohio Revised Code the city is required to have a Resolution in order to sell city property and to renew it annually.

Resolution 2013-14 was placed on first reading.

F. Ordinance 2013-15 Re-Establishing the temporary moratorium, as established by Ordinance Nos. 2010-64, 2011-14, 2011-70 and 2012-09, on the acceptance and processing of applications for Zoning, Occupancy, and/or Building Permit approvals for Sweepstakes Terminal Cafes and the issuance of such approvals up to and including November 9, 2013.

Law Director Coyne stated that the use of moratoriums are constitutional and acceptable to not entertain applications for the type of uses stated in Ordinance 2013-15 within the city.

MOTION BY MR. SIMS, SECONDED BY MR. ERTEL to approve the passage of Ordinance No. 2013-15 as an emergency measure. On roll call, on suspension of rules, all voted "aye." "On roll call, on passage, all voted "aye."

G. Motion to accept bid for Demolition of the Fuchs Mizrahi Building.

Mayor Infeld stated that no building within University Heights can be demolished without the expressed approval of City Council. Furthermore, if City Council were to accept the recommendation from the City Engineer as to which company could perform the demolition prior to the building being demolished additional Ordinances are required to be presented to City Council for passage.

Mayor Infeld addressed the thoughts of various residents that the building could be used for other purposes. Mayor Infeld stated that Park Committee discussed what to do with the building at their last meeting and has not able to come to a condenses as to what to do with the building.

Service Director Jeffrey Pokorny noted that the building is in disrepair and because of the asbestos it would take a tremendous amount of work to bring the building to code and to renovate it. Mr. Pokorny also mentioned that the building has no historical value.

Councilman Sims gave the background on what occurred when Council began to considered inquiring the building Council recognized cost would be inquired beyond the cost to acquire it. Council also recognized that the building could not just sit as it would become a hazard to the community. As well Council recognized that in order to use the building there needed to be a purpose and currently there is no purpose. In addition, if there was a purpose that would also be ongoing cost to operate the building. Mr. Sims remarked that this is an investment and that there isn't a park facility located in University Heights. A park could serve not just as a great utility but also increase the prices of the homes in that general area and possibly increase the value of the homes in that community.

Councilman Sims stated his hopes that the Park Committee can present a plan that is acceptable to City Council or a plan that is acceptable to the community over all as to how the city develops the park along with it's amenities. In the long run the hope is that this investment will prove beneficial to the city over the long run.

Mayor Infeld thanked Councilman Sims for summarizing the process and also noted that it is both her's and City Council's vision to offer an recreation option that is not currently available to the community.

Mr. Lushek, 3697 Washington spoke of his concerns in regards to how the property was purchase of the property and the use of it as a park. What type of park would it be, passive or active and can it be a pocket park on one end and have homes at the other end?

Mayor Infeld stated that the process will be citizen lead and driven. All residents of the community will know what decisions are made for the use of the property.

MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE to accept the City's Engineer recommendation to accept the bid from the Lower Cork Company for the demolition of the Fuchs Mizrahi Building not to exceed \$201,271.05. "On roll call, all voted "aye."

H. Approval of Tree Planting Contract for 2013.

Service Director, Mr. Pokorny stated that 11 bids were received for the 2013 tree planting contract. The apparent low bidder was Aaron Landscape Inc. although they did not include their bid bond at the time of the bid opening. Aaron Landscape Inc. provided their bid bond prior to the end of the same business day of the bid opening.

Law Director, Mr. Coyne asked Mr. Pokorny to clarify what his recommendation based on bid opening was.

Mr. Pokorny responded that his recommendation was to award the bid to Aaron Landscaping best on it being the best and lowest bid.

Mr. Coyne recited codified section 212.01 in regards to contracting procedures for the city.

MOTION BY MRS. PARDEE, SECONDED BY MRS. GOLDBERG to approve the passage of . "On roll call, all voted "aye."

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

There was no need to hold an executive session.

Directors' Reports:

There were no director reports.

Committee Reports:

Civic Information Committee Chairman Susan Pardee reported that the civic information committee is scheduled to meet on Wednesday, April 10 at 7pm. Senior Services and a local Realtor discussing how to promote the city will be on the agenda.

Safety Committee Chairman Frankie Goldberg reported that the Safety Committee met on March 12. Vice Mayor Goldberg hopes to have legislation ready to present at the next City Council agenda in regards to prohibiting use of electronic wireless communication devices for first reading.

Service and Utilities Committee Chairman Steven Sims reported the Service and Utilities Committee will meet sometime in April.


Governmental Affairs Committee Mayor Infeld stated that Governmental Affairs Chairman Phillip Ertel and Councilwoman Pamela Cameron have been attending meetings held by the School Board's Facilities Lay Committee as representatives from the City. Mayor Infeld stated she was able to attend one of the public meeting. The committee has two (2) plans with no guarantees; (1) no middle school in University Heights, (2) an elementary at either the Gearity or Wiley site. The Facilities Lay Committee is asking for a vote of confidence in a plan (which could change) to be able to capture a rebate one the cost of the construction (14% of the cost). It appears that one of the plans would be presented to the community and the community would be asked to vote. However, there's no guarantee that the plan voted on will be what is built. The district receive's 14% rebate of the construction cost but that may not be available for approximately 12 years.

Councilman Wiseman asked if University Heights could ask the School Board's Facilities Lay Committee to a City Council meeting to speak and to answer questions from Council and concerned residents. Mayor Infeld stated that was a good idea.


Councilwoman Cameron remarked that the Facilities Lay Committee was only charged to craft recommendations for the use of the buildings that are currently existing and layout a vision that incorporated all the principals that had previously been suggested. Mainly that the needs of each community be addressed.

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

MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE to adjourn. On roll call, all voted "aye".



Susan K. Infeld, Mayor



Kelly M. Thomas, Clerk of Council