Mayor Infeld called the special meeting to order at 6:08 p.m.

Roll Call: Present: Ms. Frankie B. Goldberg
Mr. Steven D. Bullock
Mr. Kevin Patrick Murphy
Mr. Frank Consolo
Mr. Phillip Ertel

Absent: Mr. Steven Sims
Mrs. Susan D. Pardee

Also Present: Law Director Kenneth J. Fisher
Clerk of Council Nancy E. English
Finance Director Jennifer Esarey
Interim Chief of Police James Williams
Fire Chief John Pitchler
Building Commissioner David Menn
Service Director Robert Jamieson

MOTION BY MS. GOLDBERG, SECONDED BY MR. BULLOCK to excuse the absence of Mr. Sims and Mrs. Pardee. On roll call, all voted “aye.”

Mayor Infeld mentioned that Councilwoman Pardee was absent due to a family illness.

Agenda Items:

A. Motion to approve payment to City of Cleveland Heights for 2011 Taylor Road Repaving project

Mayor Infeld reported that the City received an estimate from City Engineer Joseph R. Ciuni for the resurfacing of Taylor Road from Cedar Road to Superior Road in the amount of $44,142.30. She also noted that correspondence for Robert C. Downey, City Manager, City of Cleveland Heights, estimated the amount at $43,409.39. She requested that this item be removed from the agenda because the project just began and the final cost has not been determined. At the asking of Mayor Infeld, Finance Director Jennifer Esarey indicated that approximately $40,000 was budgeted for the project.

Councilman Consolo inquired if removing the item from the agenda will delay the project because Mr. Downey’s letter indicated that University Heights should take the necessary steps to proceed with the project. Mayor Infeld noted that the project has started this day, August 10, 2011. She added that Council approved the payment estimate for the project and it was built into the budget. Mayor Infeld suggested that the project be approved even though it has already started and that the higher cost estimated be approved.

Law Director Kenneth J. Fisher cautioned against approving the cost based on uncertainty on the timing of invoicing. But, he suggested that the Council approve the payment not to exceed a certain amount and if it is necessary to revisit the issue at a future meeting then it will be revisited. Councilman Consolo commented that City Manager’s letter was not requesting payment, in fact, the letter noted that upon satisfactory completion of the work, University Heights will be invoiced.

MOTION BY MR. CONSOLO to approve the estimated amount received from the City of Cleveland Heights with the actual amount to be paid upon completion of the Taylor Road Repaving Project.

Mr. Fisher suggested that the item be tabled until the City Engineer is present at the meeting in which the invoice for payment is to be considered. Mr. Consolo withdrew his motion.

MOTION BY MR. BULLOCK, SECONDED BY MR. CONSOLO to table payment to the City of Cleveland Heights for the 2011 Taylor Road Repaving Project. On roll call, all voted “aye.”
B. Motion to authorize the Service Director to obtain quotes for pool painting

Service Director Robert Jamieson requested permission to obtain quotes for re-painting of the municipal pool at the conclusion of this year’s swim season. He noted that the pool painting was budgeted for this year.

MOTION BY MR. CONSOLO, SECONDED BY MS. GOLDBERG to authorize the Service Director to obtain quotes for pool painting. On roll call, all voted “aye.”

C. Resolution No. 2011-39 Adopting the Storage, Use and Distribution of Personal Information Policy

Resolution No. 2011-39 adopts the Storage, Use and Distribution of Personal Information Policy. Mayor Infeld stated that adoption of the policy was recommended by the State Auditor.

MOTION BY MR. CONSOLO, SECONDED BY MR. BULLOCK to approve the passage of Resolution No. 2011-39 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

D. Resolution No. 2011-40 Permitting the City Administration to sell, through public internet auctions, items which are not needed for public use or are unfit for the use for which it was acquired for the year 2011

Resolution No. 2011-40 permits the City Administration to sell, through public internet auctions, personal property, including motor vehicles acquired for the use of municipal officers and department, 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. This resolution is for the year 2011. Service Director Robert Jamieson reported that there are a couple of government based auction site to dispose of obsolete assets. He mentioned that other communities are receiving a higher dollar return at internet auctions than by conducting locally advertised auctions. He added that the Cities of South Euclid and Shaker Heights uses internet auction sites.

Law Director Kenneth J. Fisher advised that there is a provision in the Ohio Revised Code to allow municipalities to conduct internet auctions as long as a resolution is adopted. He noted that the authority will be in effect for this calendar year, and other resolution must be passed for subsequent years.

MOTION BY MR. CONSOLO, SECONDED BY MS. GOLDBERG to approve the passage of Resolution No. 2011-40 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

E. Resolution No. 2011-41 Authorizing the City to participate in a consortium to invite bids for Solid Waste Transfer and Disposal Services

Resolution No. 2011-41 authorizes the City to participate in a consortium facilitated by the Cuyahoga County Solid Waste District to invite bids for solid waste transfer and disposal services. Service Director Robert Jamieson reported that the resolution allows the City’s continued participation in the a consortium made up of the City of University Heights, the City of Lyndhurst, the City of Pepper Pike, the City of Warrensville Heights, the City of Beachwood, the Village of Moreland Hills and the Village of Woodmere. Mr. Jamieson noted that the initial contract in 2007 was for three (3) years with the option of two (2) one-year extensions. They are at the end of the first year extension. The consortium members have decided to rebid the contract to determine if they could get better pricing. Mr. Jamieson noted that the City disposes of 4,000 - 5,000 ton of garbage annually at the current rate of $39.40 per ton. Therefore, he added that any dollar savings per ton could make a positive impact on the budget. He also mentioned that there is an opt-out clause in the consortium agreement which the City could take advantage of if it decides to go with another arrangement.

MOTION BY MS. GOLDBERG, SECONDED BY MR. BULLOCK to approve the passage of Resolution No. 2011-41 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”
F. Resolution No. 2011-42 To renew Police Department TAC computer contract

Resolution No. 2011-42, which renews the Police Department’s TAC computer contract, was not ready for adoption. Mayor Infeld reported that they do not have final cost for the contract and requested that the item be removed from the agenda.

MOTION BY MR. CONSOLO, SECONDED BY MS. GOLDBERG to remove Resolution No. 2011-42 from the agenda. On roll call, all voted “aye.”

G. Resolution No. 2011-43 Declaring it necessary to improve city owned property in the Northeast Ohio Advanced Energy District

Resolution No. 2011-43 declares it necessary to improve City owned property in the Northeast Ohio Advanced Energy District by the acquisition, installation and equipping of a special energy improvement project, together with necessary appurtenances and work incidental thereto.

Mayor Infeld stated that Resolution No. 2011-43, Ordinance No. 2011-44 and Ordinance No. 2011-45 are related to the City’s participation in the First Suburbs Consortium Development Council’s Advanced Energy District. The City’s educational product is a solar light on west side of City Hall illuminating a sandstone pillar, which demonstrates an advanced energy product to the community.

MOTION BY MR. CONSOLO, SECONDED BY MS. GOLDBERG to approve the passage of Resolution No. 2011-43 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

H. Ordinance No. 2011-44 Determining to proceed to pay costs of an initial plan approved by the City in order to improve city owned property in the Northeast Ohio Advanced Energy District

Ordinance No. 2011-44 determines to proceed to pay costs of an initial plan approved by the City in order to improve City owned property in the Northeast Ohio Advanced Energy District by the acquisition, installation and equipping of a special energy improvement project, together with necessary appurtenances and work incidental thereto.

MOTION BY MR. BULLOCK, SECONDED BY MR. CONSOLO to approve the passage of Ordinance No. 2011-44 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

I. Ordinance No. 2011-45 Levying a Special Assessment to pay costs of an initial plan approved by the City in order to improve city owned property in the Northeast Ohio Advanced Energy District

Ordinance No. 2011-45 levies a one-time special assessment of $50 in 2036 to pay costs of an initial plan approved by the City in order to improve City owned property in the Northeast Ohio Advanced Energy District by the acquisition, installation and equipping of a special energy improvement project, together with necessary appurtenances and work incidental thereto.

MOTION BY MR. BULLOCK, SECONDED BY MS. GOLDBERG to approve the passage of Ordinance No. 2011-45 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

J. Ordinance No. 2011-46 To enter into an agreement with Crafthouse Properties, LLC for the purchase and installation of windows in city buildings

Ordinance No. 2011-46 authorizes an agreement with Crafthouse Properties, LLC, the lowest and best bidder, for the purchase and installation of window in City buildings in an amount not to exceed $91,301.00. This project will be 100% funded by grant monies received from the Northeast Ohio Public Energy Council (NOPEC).

Building Commissioner David Menn reported that two (2) bids were received with Crafthouse Properties submitting the lowest bid at $81,301.00. He recommended that the ordinance be passed for an additional $10,000 to accommodate for the type of window (glass block or metal frame) to go into the Service Department. He added that the amount with the addition was still less than the other bid, which was $100,478.00.
Law Director Kenneth J. Fisher advised against increasing the contract amount and stated that the ordinance would be changed to bid amount of $81,301.00.

**MOTION BY MR. CONSOLO, SECONDED BY MS. GOLDBERG to approve the passage of Ordinance No. 2011-46 as an emergency measure with the amendment that it is in an amount not to exceed $81,301.00. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”**

Mayor Infeld mentioned that the City was told by NOPEC that if the City had money savings on the approve projects, it would be okay to use the money savings for additional projects. Therefore, she noted that perhaps there will be enough funds left over to do more projects.

**K. Ordinance No. 2011-47 To enter into an agreement with Lake Ridge Refrigeration Company for the purchase and installation of roof-top air conditioning unit for Council Chambers**

Ordinance No. 2011-47 authorizes an agreement with Lake Ridge Refrigeration Company for the purchase and installation of a roof-top air conditioning unit for Council Chambers in an amount not to exceed $11,000. This project will be 100% funded by grant monies received from the Northeast Ohio Public Energy Council.

Mr. Menn reported that three (3) quotes were received. Lake Ridge Refrigeration Company dba Medina Heating & Cooling submitted that lowest quote at $11,000. Mr. Menn recommended that the Lake Ridge Refrigeration Company be awarded the project.

**MOTION BY MS. GOLDBERG, SECONDED BY MR. BULLOCK to approve the passage of Resolution No. 2011-39 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”**

**L. Ordinance No. 2011-48 Changing the name of North Park Blvd. to John Carroll Blvd.**

Ordinance No. 2011-48 grants the petition of John Carroll University to change the name of North Park Boulevard to John Carroll Boulevard.

Mayor Infeld stated that she received a letter, dated August 4, 2011, from Maria G. Alfaro-Lopez, General Counsel, John Carroll University, which petitioned the renaming of North Park Boulevard to John Carroll Boulevard. The letter requested enactment in time for the University’s Mass of the Holy Spirit Celebration on September 6, 2011 in conjunction with the University’s 125th Anniversary. Mayor Infeld requested that the emergency clause be added to the ordinance if the Council desires to approve it.

Councilman Consolo inquired as the how the renaming will be accomplished since part of the street is in Shaker Heights. Mr. Fisher noted that the municipal boundary line between the cities of Shaker Heights and University Heights runs through the middle of the North Park Brew N Bistro in the Fairmount Circle shopping plaza.

Mrs. Alfaro-Lopez stated that she understood that the entire street was in University Heights, but if it is not then she is requesting that the portion of the street that lies within the boundaries of University Heights be renamed and the University will pursue the other portion through the City of Shaker Heights. Mayor Infeld stated that the address is University Heights and the post office looks at the addresses. Mrs. Alfaro-Lopez mentioned that it was her understanding that all the addresses are in University Heights. Councilman Consolo noted that the barbershop is in Shaker Heights.

Mr. Fisher mentioned that he received a call from a representative of the U.S. Post Office who expressed concern that the tenants be notified. Mrs. Alfaro-Lopez noted that all the tenants have been contacted and they are in support of the request. She mentioned that one or two tenants had concerns and were offered assistance.

Councilman Consolo commented that the original request to the University Affairs Committee was to change North Park Blvd. to Carroll Boulevard. He added that with the current request means that John Carroll Blvd. would flow into Carroll Boulevard.
Mr. Fisher reiterated that only a small portion of North Park is in University Heights from North Park Brew N Bistro to the end of the Pizzazz parking lot and that it would also included the second floor tenants in that area.

Mr. Consolo inquired if there is a street name sign currently posted. Mr. Jamieson replied that there is a Shaker Heights street sign on the circle that states North Park Blvd. Mrs. Alfaro-Lopez stated that the University will also pursue the name change with the City of Shaker Heights, but they would like the University Heights portion changed as well.

MOTION BY MR. BULLOCK to approve the passage of Ordinance No. 2011-48 and declare an emergency. Motion died for lack of a second.

Councilman Consolo stated that the only problem with an emergency was that the public did not know about it and this was a special meeting with no public comment. He did not feel that was fair. Mr. Fisher agreed with Councilman Consolo and stated that adding an emergency clause when it is not part of an agenda is not a good practice. He suggested that another special Council meeting be scheduled to consider it on second reading. Mayor Infeld stated that there may be need to schedule another special meeting on Monday, August 15, 2011 in order to approve union contracts. Mr. Fisher recommended that the ordinance be placed on first reading and added that he will amend the ordinance by adding an emergency clause prior to the second reading so that it goes into effect immediately after passage at the next special meeting.

Councilman Consolo suggested that public comments be allowed at the special meeting where the ordinance will be considered. Mr. Fisher stated that public comment may be allowed. However, he mentioned that there is no notice requirement under the law.

**Ordinance No. 2011-48 was placed on first reading.**

M. Ordinance No. 2011-49 Transferring funds from the General Fund to the Police and Fire Pension Funds (1st Reading)

Ordinance No. 2011-49 transfers funds from the General Fund to the Police Pension Fund in the amount of $75,307 and to the Fire Pension Fund in the amount of $99,239.

Finance Director Jennifer Esarey reported that the transfers are necessary to cover the Police and Fire Pension Funds quarterly payments for the 1st Quarter 2011 Billing Statement. She noted that the funds were budgeted in the 2011 Budget. Ms. Esarey stated that although the ordinance was drafted as an emergency, she requested two (2) readings.

**Ordinance No. 2011-49 was placed upon first reading.**

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

Susan K. Infeld, Mayor

Nancy E. English, Clerk of Council