

MINUTES OF COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS
JANUARY 21, 2014

Roll Call: Present: Ms. Nancy E. English
Mr. Mark Wiseman
Mr. Steven Sims
Mr. Phillip Ertel
Ms. Pamela Cameron

Absent: Mrs. Susan D. Pardee
Mrs. Adele Zucker

Also Present: Law Director Anthony Coyne
Clerk of Council Kelly M. Thomas
Finance Director Larry Heiser
Police Chief Steven Hammett
Service Director Jeffrey Pokorny
Building Commissioner David Menn

MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON to excuses the absence of Vice Mayor Pardee and Mrs. Zucker. On roll call, all voted “aye.”

Minutes of the Regular Meeting of January 6, 2014

Councilman Wiseman noted under item (a) Vice Mayor Pardee name was incorrectly listed as Vice Mayor Goldberg. There were no further corrections or additions to the minutes of the regular meeting of January 6, 2014.

MOTION BY MS. ENGLISH, SECONDED BY MR. WISEMAN to approve the minutes of January 6, 2014 as corrected. On roll call, all voted “aye.”

Comments from Audience

Mr. Ed Kelley, retired Mayor from Cleveland Heights introduced himself and announced that he is a running for the District 10 County Council seat. District 10 represents University Heights, Cleveland Heights, Bratenthal, East Cleveland, Cleveland Wards 8 and part of 10.

Comments from Mayor

Mayor Infeld reported the following:

- Library Renovation Meetings; are scheduled for Jan. 29 at Whole Foods 2pm; Feb. 4 John Carroll University – Dolan Science Center Auditorium 7pm; and Feb. 13 University Heights Library 2pm.
- Shaker Heights Municipal Court is holding training session on how the court operates on Thurs., January 30 from 8am – 10am.
- The Cleveland Heights Home Repair Resource Center is hosting a free lecture “Green Driveways, Permeable Pavers and Other Options” on February 11 at 7pm at the Home Repair Center on Noble Road.
- Park Planning Committee met with the architects on January 15th. The concept drawings are on display in Council Chambers; lobby of City Hall and on the City’s website on the home and project pages.

Agenda Items:

- A. Ordinance 2014-01 authorizing an Contract Wage Reopener Agreement between the City of University Heights and the Ohio Patrolmen’s Benevolent Association, setting forth the rate of compensation and benefits and conditions of employment for members of the bargaining unit and declaring an emergency.**

Mayor Infeld explained that Ordinance 2014-01 is the reopener for the Police Dispatchers, the salary reopeners for the Police Union and Fire Unions were previously approved by Council. In all three cases the increase in the base salary was the same with an half percent one-time signing bonus for its members.

Mr. Wiseman asked for clarification on what Council was actually approving since the dates are in the past.

Mayor Infeld replied that the contract period ended on June 30th and sometimes the negotiations aren't finished and ready to be put in place by July 1st. That is what happened in this case. Therefore, whatever was negotiated such as a salary increase would be applied retroactively back to the date that the contract year began, July 1, 2013.

Mr. Wiseman asked how many employees were affected and what how much would be paid out in terms of the budget.

Mr. Heiser answered \$2,000 total and the bonus of \$650 for a total of less than \$3000 for the three (3) dispatch employees.

Mrs. Cameron asked if the contract term was two (2) years.

Mayor Infeld stated it is a three (3) year contract. When the contract was negotiated in 2011 the Unions and Administration agreed to freeze the wages for the first two (2) years of the contract with the third (3) year being opened for salary re-negotiations. Mayor Infeld also noted that the current contract expires June 30, 2014 so city will soon be beginning negotiations for the next contract.

Mr. Wiseman asked if this would have the same condition as when the Fire Department wage re-opener that if Council didn't pass the Ordinance it would still go into effect within 30 days and when was the negotiations approved.

Mr. Heiser answered yes, that it would be the same conditions.

Mayor Infeld stated that Ordinance 2014-01 relates to a time period that has already passed, the pay was due seven months ago.

Mr. Sims restated Mr. Wiseman question as to when did the City reach an agreement with the dispatchers.

Mayor Infeld answered the agreement was reached in late December.

MOTION BY MRS. CAMERON, SECONDED BY MS. ENGLISH to approve Ordinance 2014-01 authorizing a Contract Wage Reopener Agreement between the City of University Heights and the Ohio Patrolmen's Benevolent Association, setting forth the rate of compensation and benefits and conditions of employment for members of the bargaining unit and declaring an emergency. On Roll of Suspension of the Rules, all voted "aye," except Mr. Wiseman who voted "nay."

Ms. English asked if there could be a vote on passage of the ordinance since there were only four votes on suspension of rules.

Law Director Coyne referred to the Codified Ordinance and stated that there was enough council members present for a quorum to conduct the meeting, the codified states passage requires two-thirds of the members of council, it doesn't say "present" members of council, so would require 4 of the 5.

Mr. Sims stated that in all the years that council has operated it has been, if not the law, the practice that it took two-thirds to have a quorum and then when meeting as a quorum and there's only two-thirds of the council it takes the entire number of councilpersons present to pass an ordinance.

Mr. Coyne replied that to pass legislation two-thirds of the members of council or 5 members were necessary.

Mr. Coyne ruled that with Mr. Wiseman's "nay" vote of suspension of the rules the ability for the Ordinance to be passed on an Emergency basis stops.

MOTION BY MR. WISEMAN, SECONDED BY MR. SIMS to perform a re-vote to consider Ordinance 2014-01 on emergency. On roll call, all voted "aye." Roll call on suspension of the rules, all voted "aye." Roll call on passage, all voted "aye."

B. Motion to authorize purchase of 2014 Ford Escape for the Building Department in the amount of \$20,013.80.

Mr. Menn reported that this is the same vehicle that Council approved for purchase July 2013. At that time the dealership agreed to hold the pricing for the purchase of a second vehicle if that vehicle were purchased within the first quarter of 2014. This vehicle will replace a 13 year old pickup truck with between 40,000 and 50,000 city miles.

Mayor Infeld stated the pickup truck that is being replaced will be moved to the Service Department.

MOTION BY MR. SIMS, SECONDED BY MR. ERTEL authorizing the City to purchase a 2014 Ford Escape for the Building Department in the amount of \$20,013.80. On roll call, all voted "aye."

C. Motion to approve painting City Hall Council Chambers

Mayor Infeld stated that the Administration has been working with the Architectural Review Commission to decide how to freshen up the look of Council Chambers.

Mr. Menn reported that the Administration received pricing from companies that have completed projects for the city in the past. Mr. Menn recommended Robert C. VanGuntten, Inc. as the lowest and best bid.

Mr. Ertel asked if the roof repairs were completed to eliminating further water damage.

Mr. Menn answered yes, he feels secure in that it's fix and further explained that was the reason in waiting a year until now to do the painting.

Mrs. Cameron asked what the scope of the remodel consist of.

Mr. Menn replied the remodel will consist of scraping, plaster repaired/smoothed out and painting the walls and new carpeting.

MOTION BY MR. WISEMAN, SECONDED BY MR. SIMS to hire the Robert C. VanGuntten, Inc. to perform the paint and plaster work in Council Chambers as specified on the December 7, 2013 estimate in the amount of \$5,585.00. On roll call, all voted "aye."

D. Motion to approve installing new carpet in City Council Chambers

Mr. Menn showed a sample of the proposed carpet colors and recommended Marshall Carpet One for the installation.

Mayor Infeld also noted that carpet would be carpet squares to allow single squares to be replaced if necessary.

MOTION BY MR. ERTEL, SECONDED BY MRS. CAMERON to hire Marshall Carpet One to install new carpet for Council Chambers in the amount of \$5,476.04. On roll call, all voted "aye."

E. Motion to approve payment to Land Networking LLC for the emergency repair of the sanitary sewer at 2535 Eaton Road

Mr. Pokorny reported that the city had a sanitary sewer blockage at 2535 Eaton Road where the sewer pipe was broken. Land Networking was called out to give an estimate on the repair cost. The emergency repair has been completed and the final cost of \$6,234.00 was lower than the estimated figure of \$6,800.00.

MOTION BY MRS. CAMERON, SECONDED BY MS. ENGLISH for the payment of \$6,234.00 to Land Networking LLC for the emergency repair of the sanitary sewer at 2535 Eaton Road. On roll call, all voted "aye."

F. Motion to authorize Mayor to request bids for the 2014-2016 Emergency Sewer Repair Contract.

Mr. Pokorny reported that the previous contract was bid in 2011; four contractors submitted bids and the contract was awarded to Land Networking LLC. The contract was enforced 2012 and 2013. Mr. Pokorny explained that the bids are based on time and materials. The contract is based on several variables such as; 6" sanitary and storm sewer pipes, larger pipes (by size), stones, mobilization items, etc. All items are bid based on lineal feet or cubic yards.

Mr. Sims stated that the previous Land Networking contract was for one year. Mr. Sims further asked if the contract was extended for the second year with a price increase to \$158,875 or did the city have a two year contract?

Mr. Pokorny responded that the city had a two year contract with Land Networking. However the award was based on the low bid of quantities within items that were limited within scope and we (the city) extended the quantities which cause the price to go beyond the low bid of \$78,875.00. In order to get the second year (which was within the contract time but not in dollars) the city had to raise the amount of the contract award. Thus the city provided Council an estimate of \$158,000, but only spent approximately \$100,000 over the two years.

Mr. Sims asked and received clarification on the bidding process, in regards to advertising and participation of women and minority businesses.

Mrs. Cameron asked Mr. Pokorny if the bid specs include an estimated dollar amount.

Mr. Pokorny responded that the City Engineer provides within the bid specs an engineer's estimated cost sheet. On the previous bid the estimate was \$110,000.00 per two year contract.

MOTION BY MS. ENGLISH, SECONDED BY MR. ERTEL to advertise for bids for 2014 to 2016 Emergency Sewer Repairs. 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

Mayor Infeld requested a motion to hold an executive session immediately following this regular meeting for the purpose of discussing personnel, litigation and real estate matters.

MOTION BY MR. SIMS, SECONDED BY MS. ENGLISH to hold an executive session immediately following this regular meeting for the purpose of discussing personnel, litigation and real estate matters. On roll call, all voted "aye."

Directors' Reports

Finance Director Larry Heiser reminded everyone of the Joint Finance and Financial Advisory meeting for Thursday, January 23 at 7pm.

Building Commissioner David Menn reported that two employees from the Building Department would be attending the Shaker Municipal Court training session on Thursday, January 30. Mr. Menn also reported that the new Fire Department garage bay doors had been installed.

There were no other director reports.

Standing Committee Reports

Building Committee Chairman Steven Sims reported that the schedule for the Building Committee has been established and the he is in attendance at monthly Board of Zoning meetings.

Civic Information Committee Chairman Nancy E. English reported that the Black History program will be presented at the next Council meeting on February 3rd. Students from community schools will be in attendance along with a special guest speaker. Ms. English asked her fellow council members to invite their friends and neighbors. Lastly Ms. English reported that she is reviewing all the files for Civic Information from Vice Mayor Pardee and will schedule a committee meeting in the near future.

Recreation Committee Chairwoman Pamela Cameron gave an overview on the park committee meeting that was held on January 15th with the park architects. The meeting was open to the community. Some features of the park are; walkways, gazebo, playground, benches, planting gardens, soccer field, tee ball, baseball diamond, etc. The priority of the park will be the University Heights neighbors, where they will be given the opportunity to share their interest in terms of privacy, sound control, lighting and safety. Mayor Infeld also remarked that Council can weigh in on the planning of the park.


Mayor Infeld requested the following items be removed from the City Council Agenda's second page under Committee of the Whole; 1) consider use of the former Fuchs Mizrahi School Property and 2) consider services provided by the Cuyahoga County Department of Public Service.

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

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



Kelly M. Thomas, Clerk of Council



Susan K. Infeld, Mayor