Mayor Infeld called the regular meeting to order at 7:30 p.m.

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

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

Pledge of Allegiance

Minutes of the regular meeting held on December 6, 2010

There were no corrections or additions to the minutes of December 6, 2010.

**MOTION BY MS. GOLDBERG, SECONDED BY MRS. PARDEE to approve the minutes of the regular meeting held December 6, 2010. On roll call, all voted “aye,” except Mr. Consolo, who “passed.”**

Comments from the Audience:

There were no comments from the audience.

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

Mayor Infeld reported that the Service Director position was advertised in the Plain Dealer. Fifty-nine resumes were received. Twelve of the applicants were interviewed in the first round. The list was narrowed down to four applicants for the second round of interviews.

Mayor Infeld announced that an employee appreciation day event was held today in Council Chambers. She noted that employees who received positive comments from the general public throughout the year received certificates. Also, two employees won Cavs tickets in a drawing. The tickets were provided by City Engineer Joseph R. Ciuni.

Mayor Infeld reported that the traffic study for McDonald’s has started. Chief of Police Gary Stehlik noted that the traffic counts have been completed, now they are working on the analysis. Mayor Infeld mentioned that she will contact McDonald’s to get a indication of when the traffic study might be completed.

Mayor Infeld informed the Council that a 1996 dump truck is available through the City of Bainbridge for the amount of $12,000. She noted that Bainbridge is willing to hold the truck for the City, but requested a letter of intent to purchase. Mayor Infeld requested permission to send a letter to the City of Bainbridge indicating that the City of University Heights intends to purchase the truck. Law Director Kenneth J. Fisher advised that it would be within the Council’s authority to authorize the letter without public bid.

Vice Mayor Goldberg inquired as to the life expectancy of the truck. Acting Service Director John Pucella replied that the truck has 82,000 miles on it and he could not guarantee the life of the truck, but mentioned that the mechanics inspected the truck and found it to be in good condition. He noted that the truck comes with a plow and salt spreader. He also noted that a new truck would cost approximately $150,000. Mr. Pucella mentioned that the used truck would replace a 1986 chipper truck for which parts will no longer be available next year.
MOTION BY MR. SIMS, SECONDED BY MR. ERTEL to add the consideration of the 1996 dump truck offered by the City of Bainbridge, Ohio to the agenda. On roll call, all voted “aye.”

MOTION BY MR. SIMS, SECONDED BY MR. ERTEL to authorize Mayor Infeld to send a letter of intent to purchase the 1996 dump truck to the City of Bainbridge.

Councilman Bullock inquired if the truck is being added to the City’s fleet as part of a plan. If not, he did not feel good about the purchase. Mayor Infeld stated that if the truck is purchased, the plan initially would be to retire the 1986 truck. Mr. Pucella noted that the 1986 truck will be used as long as possible, but it will need an entire brake system shortly and starting next year parts will no longer be available for the truck. Mr. Bullock stated that he would feel better if the purchase was part of a short-term plan to be implemented with the intention of moving beyond this with a long-term plan so that at some point the City will not be replacing 20, 30, or 40 year old equipment any longer. He added that it is not a good long-term strategy. Councilman Murphy agreed, but inquired what would happen if trucks need to be replaced and a $12,000 truck is not available as a stopgap measure and the City does not have $150,000 to purchase one. Councilman Bullock stated that a stopgap is a plan, but he was not hearing such a plan. Mr. Murphy noted that to him a stopgap is not a plan, but rather a bandage on a gaping wound.

On roll call, on the motion, all voted “aye,” except Mr. Bullock, who voted “nay.”

Mayor Infeld presented a proclamation to Jennifer Thomas proclaiming her as the 2010 Citizen of Year for dedicating her career to advancing the stature of the Northeast Ohio region as a place that is welcoming and supportive of innovative, entrepreneurial ideas, projects and businesses.

Mayor Infeld presented a proclamation to Detective Lieutenant Edward Schmidt proclaiming him the 2010 Employee of the Year. Det. Lt. Schmidt, a thirty-two year sworn officer of the University Heights Police Department, was selected for this award by his fellow employees.

Agenda Items:

A. Resolution No. 2010-84 A Resolution honoring Jennifer Thomas as the 2010 Citizen of the Year

The Council members read Resolution No. 2010-84 congratulating Jennifer Thomas on being chosen the 2010 University Heights Citizen of the Year. Ms. Thomas stated that her family enjoys living in University Heights and thanked that the City for the recognition. Ms. Thomas was joined by her husband, Steve Washington, daughters, Sophie and Caroline, and other family members for a group photograph.

MOTION BY MRS. PARDEE, SECONDED BY MR. BULLOCK to approve the passage of Resolution No. 2010-84. On roll call, all voted “aye.”

B. Resolution No. 2010-85 A Resolution honoring Det. Lt. Edward Schmidt as the 2010 Employee of the Year

The Council members read Resolution No. 2010-85 congratulating Detective Lieutenant Edward Schmidt for being selected as the 2010 University Heights Employee of the Year. Det. Lt. Schmidt thanked that City of the recognition. He introduced his wife, Vickie, and son, Edward Jr., who joined him for a photograph.

MOTION BY MR. ERTEL, SECONDED BY MRS. PARDEE to approve the passage of Resolution No. 2010-85. On roll call, all voted “aye.”

C. Ordinance No. 2010-71 Amending Section 1424.02 of the Codified Ordinances by amending the amount of certain building permit fees (2nd Reading)

Ordinance No. 2010-71, which was presented on first reading on December 6, 2010, amends Section 1424.02 of the Codified Ordinances by increasing the amount of certain building permit fees as follows:

- 1424.02(f) Accessory buildings residential increased from $30.00 to $60.00;
- 1424.02(l) Fences increased from $20.00 to $35.00;
- 1424.02(m) Decks increased from $30.00 to $50.00;
- 1424.02(n) Three or more replacement windows and/or doors increased from $20.00 to $35.00.
Vice Mayor Goldberg stated that the increase in fees as specified in Ordinance Nos. 2010-71, 2010-72 and 2010-73 were recommended by the Building Committee at its meeting of November 9, 2010 after discussion with Building Commissioner David Menn and reviewing the fees in neighboring communities.

**MOTION BY MS. GOLDBERG, SECONDED BY MR. ERTEL to approve the passage of Ordinance No. 2010-71.** On roll call, all voted “aye.”

D. Ordinance No. 2010-72 Amending Section 1424.04(a) of the Codified Ordinances by amending the base fee amount for residential plumbing permits (2nd Reading)

Ordinance No. 2010-72, which was presented on first reading on December 6, 2010, amends Section 1424.04(a) of the Codified Ordinances by increasing the base fee amount for residential plumbing permits from $20.00 to $35.00.

**MOTION BY MS. GOLDBERG, SECONDED BY MR. ERTEL to approve the passage of Ordinance No. 2010-72.** On roll call, all voted “aye.”

E. Ordinance No. 2010-73 Amending Section 1424.05 of the Codified Ordinances by amending the amount of certain electrical permit fees (2nd Reading)

Ordinance No. 2010-73, which was presented on first reading on December 6, 2010, amends Section 1424.05 of the Codified Ordinances by increasing the amount of certain electrical permit fees as follows:

1424.05(a) Base fee (residential) increased from $25.00 to $35.00;
Base fee (commercial) increased from $35.00 to $50.00;
1424.05(b)(2) For electrical repairs to single-family and two-family dwellings increased from $10.00 to $25.00.

**MOTION BY MS. GOLDBERG, SECONDED BY MR. ERTEL to approve the passage of Ordinance No. 2010-73.** On roll call, all voted “aye.”

F. Ordinance No. 2010-74 Authorizing John Carroll University to erect 125th Anniversary signs in U-1, U-2, and Zoning Districts for a period of January 15, 2011 through December 31, 2011 upon the approval of the Safety Director and applicable utility companies (2nd Reading)

Ordinance No. 2010-74 authorizes John Carroll University to erect 125th Anniversary signs in U-1, U-2, and U-5 Zoning Districts and on utility poles in the public right-of-way for a period commencing January 15, 2011 through December 31, 2011 upon the approval of the Safety Director and applicable utility company owners. Mrs. Dora Pruce, director of Government and Community Relations, John Carroll University, was present representing the University.

**MOTION BY MR. ERTEL, SECONDED BY MRS. PARDEE to approve the passage of Ordinance No. 2010-74.** On roll call, all voted “aye.”

G. Ordinance No. 2010-75 Appropriating funds for current expenses and other expenditures of the City for the period commencing January 1, 2011 and ending March 31, 2011 (2nd Reading)

Ordinance No. 2010-75, which was presented on first reading on December 6, 2010, appropriates funds for current expenses and other expenditures of the City for the period commencing January 1, 2011 and ending March 31, 2011.

Councilman Sims stated that the temporary appropriation ordinance was reviewed at the Finance Committee meeting held on December 16, 2010. He added that the ordinance provides the City the ability to operate through March 31, 2010 until a permanent budget is approved. Finance Director Jennifer Esarey noted that Exhibit “A,” which is attached to the ordinance, has been amended since the first reading. Pursuant to the Finance Committee meeting, the line item under 101 General Fund, 7708 General Services, Other Expenditures has been increased by $300,000 to accommodate for Police and Fire Pension. Therefore, the new total for that account is $350,000. All other figures remain the same.

**MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2010-75 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. 2010-78 Authorizing Transfers (2nd Reading)

Ordinance No. 2010-78, which was presented on first reading on December 6, 2010, authorizes the transfer of funds from the General Fund to the Police Pension Fund in the amount of $103,668 and to the Fire Pension Fund in the amount of $124,344.

Councilman Sims reported that the ordinance authorizes the transfer funds to satisfy an obligation that the City has relating to Police and Fire pension. He noted that the authorization is made on a quarterly basis.

**MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE** to approve the passage of Ordinance No. 2010-78 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. 2010-79 Authorizing the advance of funds to the Ashurst Community Garden Grant Fund 219

Ordinance No. 2010-79 authorizes the advance of funds in the amount of $8,943.00 from the General Fund to the Ashurst Community Garden Grant Fund 219.

Finance Director Jennifer Esarey reported that the Ashurst Community Garden Fund 219 is insufficient for year-end 2010 due to outstanding reimbursements due from the Northeast Ohio Regional Sewer District (NEORSD) for expenditures previously made. When funds are reimbursed by NEORSD and properly credited to the Ashurst Community Garden Fund 219, the advance will be repaid to the General Fund.

**MOTION BY MR. SIMS, SECONDED BY MR. ERTHEL** to approve the passage of Ordinance No. 2010-79 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. 2010-80 Authorizing the transfer of funds to the Street Lighting Fund

Ordinance No. 2010-80 authorizes the transfer of funds from the General Fund to the Street Lighting Fund in the amount of $46,844.

Councilman Sims noted that the ordinance was reviewed and discussed as a part of the overall discussion on the 2010 final appropriations at the Finance Committee meeting held on December 16, 2010.

**MOTION BY MR. SIMS, SECONDED BY MR. ERTHEL** to approve the passage of Ordinance No. 2010-80 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

K. Ordinance No. 2010-81 Amending Ordinance No. 2010-17 for the purpose of authorizing 2010 final appropriations for the period of January 1, 2010 through December 31, 2010

Ordinance No. 2010-81 amends Ordinance No. 2010-17 for the purpose of authorizing amended 2010 final appropriations for the period of January 1, 2010 through December 31, 2010 for current expenses and other expenditures of the City.

Mayor Infeld stated that this is the final reconciliation of accounts which are required by law. Councilman Sims noted that the ordinance was reviewed in detail at the Finance Committee meeting held on December 16, 2010. He noted that the Finance Director explained the need for each amendment. It was concluded that the amendments are necessary in order to ensure that the City is able to meet the expenditures of 2010, but may not necessarily incur additional expenses up to the amounts appropriated. Mr. Sims commented that most of the amendments are related to items that were under budgeted or unanticipated at the time.

**MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK** to approve the passage of Ordinance No. 2010-81 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. 2010-82 Amending Section 238.02(c) of the Codified Ordinances by allowing the Chief of Police to assign any member of the Division of Police to act in the Juvenile Bureau (1st Reading)

Ordinance No. 2010-82 amending Section 238.02(c) of the Codified Ordinances by allowing the Chief of Police to assign any member of the Division of Police to act in the Juvenile Bureau.

Councilman Bullock noted that Ordinance No. 2010-82 was considered at the Safety Committee meeting of December 15, 2010 and will be discussed at the next Council meeting.

Ordinance No. 2010-82 was presented on first reading.

M. Ordinance No. 2010-83 Amending Section 414.03(c)(5)(B) of the Codified Ordinances by removing certain prohibitions of right turns against steady red signals in certain locations (1st Reading)

Ordinance No. 2010-83 Amending Section 414.03(c)(5)(B) of the Codified Ordinances by removing certain prohibitions of right turns against steady red signals in certain locations.

Councilman Bullock reported that Ordinance No. 2010-83 was also discussed at the Safety Committee meeting on December 15, 2010. He noted that the traffic signs will not be bagged, but rather removed. Councilwoman Pardee mentioned that she was in favor of bagging the signs for a short period of time, but did not want to see garbage bags on the signs for an interminable period of time for aesthetic reasons.

Mayor Infeld noted that Fuchs Mizrachi School closed on Fenwick Road south of Silsby Road and there are several signs that prohibit making a right turn against a steady red signal at various locations. The committee discussed placing bags over the signs in the event the building is sold to another school. However, the signs will be removed and if it is sold to another school, they will be put back up.

In response to a question from Councilman Sims, it was noted that the names of the streets are actually listed in the ordinance.

Ordinance No. 2010-83 was presented on first reading.

N. Motion to approve payment to the City of Beachwood for traffic signals

Chief of Police Gary Stehlik reported that the intersection of Silsby Rd./Green Rd./Campus Rd./Beachwood Blvd. is a shared intersection with the City of Beachwood. He noted that there have never been pedestrian controls at the intersection, only painted crosswalks. He mentioned that there have been requests for pedestrian controls and it has been a priority, but the City has not had the funds. Chief Stehlik noted that the intersection has recently become a priority for the City of Beachwood because there was a bad pedestrian accident there two months ago. He noted that Beachwood has approached University Heights to pay one-half of the cost of the installation of pedestrian signals since it is an equally shared intersection (Silsby Rd. is in University Heights, Beachwood Blvd. is in Beachwood and Green Rd. and Campus Rd. are split equally). The cost would be $10,282.50 for each municipality. Beachwood has offered to take the lead on the project and then bill the City for its share next year. The project has been quoted by Signal Service Company to cost $20,565.

Councilman Bullock reported that the item was discussed at the Safety Committee meeting on December 15, 2010 and the committee recommended approval.

Mayor Infeld stated that the cost will be built into the budget. She added that it is a safety issue and has to be done. Chief Stehlik added that the pedestrian traffic of University Heights’ residents has increased because of the addition of the two synagogues on the east side of Green Road.

MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK to approve payment in the amount of $10,282.50 to the City of Beachwood for pedestrian traffic signals. On roll call, all voted “aye.”

O. 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:

Finance Director Jennifer Esarey reported that the City has received a check in the amount of $74,125 from the City of Cleveland Water Department for reimbursement of water hole repairs.

Mayor Infeld thanked Ms. Esarey for her efforts in reconciling the accounts of the City and straightening out the books. She also complimented each director for doing a wonderful job.

Acting Service Director John Pucella reported that leaf pick up will resume once the snow subsides.

City Engineer Joseph R. Ciuni reported that the counts have been completed for the McDonald’s traffic study and they are working on the analysis. He has not heard how long before the study would be completed.

Committee Reports:

Building Committee Chairman Frankie B. Goldberg did not have a report, but she inquired into the status of the house located at 4394 Groveland Road. Building Commissioner David Menn responded that the property owner, Robert Weizman, will be coming before the City Council on January 4, 2010 to appeal a decision of the Board of Zoning Appeals. He added that Mr. Weizman has been in court five times since 2004 and is scheduled to go to court again on December 28, 2010. Mr. Menn noted that the current issue is the incomplete waterproofing job and debris all over the property. Mr. Weizman has until Tuesday, December 7, 2010 to complete the waterproofing and until Tuesday, December 14, 2010 to have the yard cleaned up. Mr. Menn added that if it is not done he will push for appropriate action. Councilman Ertel stated that Mr. Menn has been pushing very hard, which he appreciates. He added that some people should not be doing projects on their homes.

Mayor Infeld stated that this unfortunate situation has been ongoing which is a hardship to the neighborhood. She added that hopefully it will be resolved.

Governmental Affairs Committee Chairman Susan Pardee scheduled a committee meeting for Monday, January 24, 2010 at 7:00 p.m. to continue strategic planning efforts. The committee will review the Master Plan. In preparation for the meeting, Mrs. Pardee will do advance work so that the committee can focus its efforts. If there is time at that meeting, the Exceptions Analysis prepared by NEO|SO will be also be reviewed.

Councilwoman Pardee stated that by January 6, 2011 she will present for consideration at least two (2) names of individuals who could serve as facilitator for a one day work session. She stated that the group could decide whom they want to work with, set a date for the work session and formulate ideas about what the group wants to achieve as outcomes of the work session.

Mrs. Pardee stated that members of the Finance Committee and Civic Affairs Committee discussed senior transportation at the last Finance Committee meeting. As mentioned at the meeting, she will make calls to other cities and develop decision criteria. Her expectation is to provide two to three suggestions for consideration.

Safety Committee Chairman Steven D. Bullock reported that the Safety Committee met on December 15, 2010 and made recommendations as presented at this meeting. He noted that the committee is also considering the no right turn off of South Belvoir Boulevard onto Carroll Boulevard. He commented that Chief of Police Gary Stehlik and City Engineer Joseph Ciuni are currently looking at this as part of a broader review of the traffic around John Carroll University. Once this is complete, the committee will consider the matter and report its recommendations.

Service and Utilities Committee Chairman Phillip Ertel reported that the committee will begin reviewing the rubbish study in January, 2011 in order to determine what should be done with rubbish collection.

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

Susan K. Infeld, Mayor

Nancy E. English, Clerk of Council