Mayor Infeld called the regular meeting to order at 7:33 p.m.

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

Absent: Mr. Phillip Ertel  

Also Present: Clerk of Council Nancy E. English  
Law Director Kenneth J. Fisher  
Finance Director Jennifer Esarey  
Chief of Police Steven Hammett  
Fire Chief John Pitchler  
Service Director Robert Jamieson  
Building Commissioner David Menn  
City Engineer Joseph R. Ciuni  

MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE to excuse the absence of Mr. Ertel.  
On roll call, all voted “aye.”  

Pledge of Allegiance  

Minutes of the regular meeting held on September 6, 2011  

There were no corrections or additions to the minutes of September 6, 2011.  

MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK to approve the minutes of the regular meeting held on September 6, 2011 as presented.  On roll call, all voted “aye,” except Mr. Consolo, who “passed.”  

Minutes of the regular meeting held on November 21, 2011  

There were no corrections or additions to the minutes of November 21, 2011.  

MOTION BY MRS. PARDEE, SECONDED BY MS. GOLDBERG to approve the minutes of the regular meeting held on November 21, 2011 as presented.  On roll call, all voted “aye.”  

Comments from the Audience  

Winifred Weizer, 2177 Jackson Blvd., read a letter into the record on behalf of Patricia Baskin, 2177 Jackson Blvd., thanking Mayor Infeld for choosing Anita Kazarian as the 2011 Citizen of the Year.  
She noted Ms. Kazarian’s volunteer efforts which include the City Beautiful Commission, the Community Emergency Response Team, the Police Auxiliary, the Memorial Day Parade, the Concerned Citizens of University Heights, and writing a monthly column for the Heights Observer.  

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

Mayor Infeld reported that the 125th Anniversary celebration of John Carroll University (JCU) has come to a close.  She mentioned that JCU was awarded $16M to be used for scholarships for students of high academic achievement.  

Agenda Items:  

A. Resolution No. 2011-93 Honoring Public Servant of the Year Patrolman Kyle Nietert  

Resolution No. 2011-93 proclaims Patrolman Kyle Nietert as the 2011 Public Servant of the Year.
The Mayor and Council read the resolution which honors Patrolman Nietert for rescuing the Seltzer family of 2350 Milton Road on July 9, 2011 from a house fire. As the first responder, Patrolman Nietert saved the entire family from the burning structure within three minutes of arriving on the scene.

Mayor Infeld presented the resolution to Patrolman Nietert. After which, he introduced his family members who were present at the meeting.

MOTION BY MRS. PARDEE, SECONDED BY MR. BULLOCK to approve the passage of Resolution No. 2011-93. On roll call, on passage, all voted “aye.”

B. Resolution No. 2011-94 Honoring Citizen of the Year Anita Kazarian

Mayor Infeld stated that a proclamation was written instead of a resolution proclaiming Anita Kazarian as the 2011 Citizen of the Year. She requested that the resolution be removed from the agenda.

MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE to remove Resolution No. 2011-94 from the agenda. On roll call, all voted “aye.”

C. Certificate of Recognition to the Gesu Boys Baseball Team for winning the CYO City Championship

Mayor Infeld read the Certificate of Recognition to the 8th Grade Boys Baseball Team of Gesu School for winning the 2011 Catholic Youth Organization City Championship on May 22, 2011. She presented team members Jackson Lynn, Nick Daly, Owen Reynolds, Johnny Kirincic, Lenny Soeder, Conner Washington, Matt Mulhern, Tommy Murphy, Luke Diggins, Cameron Callahan, Sam Danford and Peter Hyland as well as Team Manager Jay Murphy and Coaches Lenny Soeder, Tim Mulhern and Jeff Lynn with certificates.

D. Certificate of Recognition to the Varsity Volleyball Team of Beaumont School for advancing to the State Semifinals

Mayor Infeld read the Certificate of Recognition to the Varsity Volleyball Team of Beaumont School for advancing to the State Semifinals, which were held at Wright State University on November 10, 2011. This is the first time a Beaumont volleyball team has made it to the State Semifinals. Mayor Infeld presented the players Maria Ianni, Kelsey Vallee, Mairin Jerse, Macie Pifer, Katie Siefert, Courtney Bowman, Toni Anderson, Natalie Palumbo, Erika Howard, Molly Davet, Lauren Youngblood, Midori Harrison, Jacky Brady, Emma Vaughn, Amy Pilat and Nell Bornhorst, Head Coach Pat Royer, Assistant Coach Sarah Gallik, and Freshman Coach Laura Bossard with certificates for the team’s accomplishment.

E. Resolution No. 2011-89 Authorizing a Mutual Aid Agreement with John Carroll University for the provision of police services (2nd Reading)

Resolution No. 2011-89, which was presented on first reading on November 21, 2011, authorizes a Mutual Aid Agreement with John Carroll University (JCU) for the provision of police services. Pursuant to the Mutual Aid Agreement, the City and the University will provide mutual assistance through the interchange and use of their respective police personnel and equipment.

Law Director Kenneth J. Fisher stated that a revised color coded map has been attached to the Mutual Aid Agreement accurately depicting the agreement area, which includes the entire U-5 University-College District, the Gesu campus, the Green Road Annex, and specific addresses as listed. Councilman Sims inquired if the apartment buildings owned by John Carroll University on the west side of Warrensville Center Road are included on the map. Chief Timothy J. Peppard of John Carroll University Police confirmed that all University-owned apartments are included.

Mr. Fisher noted that language in Section 1(c) was amended to clarify that the City Police Department will be the primary investigating agency on every type of offense with the exception minor misdemeanors.

Mr. Fisher and City Prosecutor William T. Doyle, who negotiated the agreement, recommended passage of the Resolution No. 2011-89.
Councilman Consolo inquired if procedurally the resolution could be acted upon because the Mutual Aid Agreement had been changed since the first reading. Mr. Fisher advised that even though the terms have been changed, the Council could vote to approve the legislation as amended.

Mayor Infeld commented that she and Chief of Police Steven Hammett have been meeting with residents in the area of the University over concerns about student behavior and police response time. She noted that the Mutual Aid Agreement will supplement the police force by having University Police also patrolling the perimeter streets of the campus. She added that crimes involving citations will be issued by the City Police.

Councilman Sims inquired if other properties will be added to the agreement area list as John Carroll University purchases more properties. Mr. Fisher replied that the agreement does not have an automatic inclusion clause so the map would have to be amended on a property by property basis and come back before the Council for approval.

Vice Mayor Goldberg asked who would make the court appearance on a minor misdemeanor. Mr. Fisher responded that under sub-section 1(d) of the agreement the University Police would have the authority to make the court appearance, but it would depend on decisions between the departments. Chief Hammett added that it would also depend on who made the citation. Mayor Infeld also noted that in addition to any court action, the University has its own internal mechanism for disciplinary action.

Councilman Bullock stated that the Safety Committee met on November 16, 2011 and reviewed the proposed Mutual Aid Agreement. He noted the two (2) main issues have been resolved since the first reading of the resolution. Councilman Bullock recommended approval as amended with the understanding that as changes occur the agreement would be reviewed again.

**MOTION BY COUNCILMAN BULLOCK, SECONDED BY MS. GOLDBERG to approve the passage of Resolution No. 2011-89 as amended. On roll call, all voted “aye.”**

**F. Ordinance No. 2011-90 Authorizing the transfer of funds from the General Fund to the Police Pension Fund and the Fire Pension Fund (Emergency)**

Ordinance No. 2011-90 authorizes the transfer of funds from the General Fund to the Police Pension Fund in the amount of $92,921 and the Fire Pension Fund in the amount of $132,671.

Ms. Esarey reported that the transfers will cover the 3rd Quarter 2011 billing statements that will be paid December 9, 2011. She added that the Police and Fire Pension Funds will have positive balances at the end of the year.

**MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE to approve the passage of Ordinance No. 2011-90 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”**

**G. Resolution No. 2011-91 Amending the Public Records Policy of the City of University Heights (1st Reading)**

Ordinance No. 2011-91 amends the Public Record Policy of the City of University Heights by amending Section 3, Costs for Public Records. Section 3.1 was amended to establish the charge for paper copies at $0.05 per page for 8.5x14 or 11x17 size paper and $0.04 per page for 8.5x11 size paper. Section 3.2 was amended to establish the charge for compact discs at $.18 per disc and $0.34 per DVD. Former Section 3.2 was renumbered 3.3. New Section 3.4 establishes actual cost for postage and mailing supplies for mailed documents.

Councilwoman Pardee reported that the Government Affairs Committee reviewed the charges for public records and learned that the City could only charge the actual costs of providing public records. Employee time could not be calculated into the cost nor could the City charge for e-mails. They also learned that the policy included time limits to fulfill the requests. Councilwoman Pardee stated that the committee is recommending a new Public Records Policy that is legally compliant. Mr. Fisher added that the resolution amends the Public Records Policy as previously adopted to reflect current Ohio requirements.

**Resolution No. 2011-91 was presented on first reading.**
H. Ordinance No. 2011-92 Amending Section 234.10 of the Codified Ordinances regarding public records (1st Reading)

Ordinance No. 2011-92 amends Section 234.10 of the Codified Ordinances regarding public records to reference the Public Records Policy.

Ordinance No. 2011-92 was presented on first reading.

I. 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 L. Esarey reported that she distributed packets of information which included the proposed 2011 Amended Appropriations, 1st Quarter 2012 Temporary Appropriations, 2011 GAAP Conversion Quotes, and actual financials for 2011 through October 31, 2011. She added that the amended appropriations and temporary appropriations must be passed on emergency at the December 19, 2011 Council meeting.

The Service Director did not have a report, but Mayor Infeld announced that leaf collection will continue until snow plowing operation begins.

City Engineer Joseph R. Ciuni reported that construction season is over. The Fenwick Road job is completed. With regard to the waterline projects, Mr. Ciuni reported that Dysart Road has been paved and the projects are complete with the exception of clean-up and some concrete work.

The Dominion East Ohio gas line project is complete on Green Road, but the final walk through will have to be done in order to determine punch list items. He added that restoration items will have to be completed in the spring.

Councilman Sims inquired if there will be tree lawn restoration in the spring for streets that had water line replacement. Mr. Ciuni replied that top soil and seed was put down, but it has not germinated so inspection will be made in the spring to determine if the contractor has to come back for restoration. He added that money will be held to restore the tree lawns, if necessary.

Building Commissioner David Menn reported that the new windows have been installed in City Hall. Mayor Infeld added that new windows have been installed in all buildings with the exception of the Service Department, which will be completed next.

Committee Reports:

Finance Committee Chairman Steven Sims reported that a Finance Committee meeting will be scheduled to review the packet of financial information submitted by the Finance Director.

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

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Susan K. Infeld, Mayor

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Nancy E. English, Clerk of Council