

**MINUTES OF SPECIAL COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
JULY 14, 2014**

Mayor Infeld called the regular meeting to order at 7:14 p.m.

Roll Call:

Present: Mrs. Susan Pardee (not at roll call)
Ms. Nancy E. English
Mr. Mark Wiseman
Mrs. Adele Zucker
Mr. Phillip Ertel
Mr. Steven Sims
Ms. Pamela Cameron

Also Present: Assistant Law Director James C. Budzik
Finance Director Larry Heiser
Police Chief Steve Hammett
Service Director Jeffrey Pokorny
Clerk of Council Kelly M. Thomas

MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON TO EXCUSE THE ABSENCE OF VICE MAYOR PARDEE. On roll call, all voted "aye."

Mayor Infeld asked Council if they wanted to open the floor for audience comments regarding Resolution 2014-12.

Mayor Infeld opened the floor for audience comments.

Anita Karazian, 3813 Claridge Oval read her statement that was addressed to the Mayor, members of Council and citizens of University Heights. (attached to these minutes).

Mrs. Mary Ebner, 2627 South Belvoir Blvd stated that she's a resident of 24 years and commented that the swimming pool is in fabulous shape. Mrs. Ebner said she had no problems with the city and the recreation facilities. In terms of the proposed park Mrs. Ebner said it would be a mistake to leave it as just green space because it would become a area with trash and water runoff. Mrs. Ebner continued to say University Heights would be enhanced by having the park, whether it would be used by the young or old. Mrs. Ebner urged Council to make a decision because there had already been two years of discussion regarding the park.

Mrs. Muzis, 2573 Warrensville Center Road noted that she was familiar with the different projects and wanted to know the affect the projects will have on the City's budget and on the budget of University Heights residents. Mrs. Muzis stated that residents should have a choice of different options for the park; for example option a, option b and option c. The City is presenting only one idea and no cost figures, is there transparency with this project?

Mayor Infeld read some of the emails she received and noted that there may be other emails that Council received. Mayor Infeld thanked the public for their comments.

Rachel Schwartz and Robert Habel of Braun & Steidl Architects Inc.

Agenda Items:

- A. Resolution No. 2014-12 Determining to submit to the electors the question of issuing \$1,800,000 of bonds for the purpose of paying costs of improving the city's park and recreational facilities by constructing and equipping a public park area and related improvements (take off table and passage)**

Mayor Infeld reported that Vice Mayor Pardee had requested that she and/or the Finance Director provide Council the numbers that make up the 1.8mil bond issue for the park project so she invited Rachel Schwarz, of Braun & Steidl Architects Inc., to speak.

Councilman Sims commented that Council was aware to the project's history and noted that Council's concern was to that they have a clear understanding of what make up the \$1.8million.

Vice Mayor Pardee stated that Council had two report estimates; a summary of costs and the full breakdown of detailed costs from May 20, 2014 and letter dated May 20, 2014 that listed the aggregated cost.

Ms. Schwarz, Braun & Steidl Architects Inc., reported that there had been five public meetings where input from the community was given. After the fourth public meeting an estimated cost of construction was provided based on preliminary programming and ideas. Ms. Schwarz stressed that the provided information is not a bid document. After the fourth meeting discussions were held with the public to review the specific items they wanted for the park. All of which led to the concept plan showing the gazebos, playgrounds, accessible walking trails, etc.

Ms. Schwarz continued to explain that there are three (3) different estimates and that each one represented a different snap shot in time. So the first estimate was the beginning and each of the next two estimates was more refined. The estimates were derived from different methodologies; i.e. the needed quantity of a product (brick, wood, etc), some assumption pricing was based the architect's knowledge and experience in the industry and designing parks (use of historical data), escalation dollars for bidding out in 2015 and allowance for contingencies figures were also added to the estimates. Each item for the park was itemized with its cost, and then each line was added together giving the total cost. Ms. Schwarz re-stated again that the figures were an estimate and a generic site plan as well as noted that the City's Engineer Mr. Ciuni reviewed the report; respect to quantities of sewer lines, fresh water, utilities.

Vice Mayor Pardee questioned what made up the site preparation and earthwork and also the 10% design contingency in each section?

Ms. Schwarz replied that the various utilities have to be brought onto the site; i.e. sewer lines, power lines and underground utilities. Some of the buildings will require a foundation so that earthwork would include the excavation, grade change (of soil for different levels) and preparation for the parking lots and walkways. The 10% design contingency gives a bit of insurance for the bidding which includes the schematic design, another additional cost estimate, design development with another cost estimate and then construction documents. At least three more estimates will be prepared by the time the project goes out to bid; each estimate will be more defined as the project gets more defined.

Vice Mayor Pardee asked if the contingency fees were different than the design/engineering fees.

Ms. Schwarz stated that the design and engineering fees are what it cost to hire an architect and engineer to prepare the documents for bidding and overseeing the construction. The fees listed in the summary are the construction administration fees which in part follow the contractors to make sure that they are performing the job according to the contract documents.

Vice Mayor Pardee asked Ms. Schwarz to explain the site amenities?

Ms. Schwarz reviewed the amenities such as the fencing (chain linked 2000 lf), signage (welcoming signs at both ends of the park and inside the park area, informational signs, signs especially as they relates to ADA), gazebo (price/item is pre-manufactured), foundations for certain amenities, picnic pavilions (smaller in size two (14x14), parking lot and pathway lighting (powered and solar), spot lighting around gazebo, bike racks, trash receptacles, two play structures (pour rubber surface – accessible ADA soft play surface for safety), workout stations, park benches.

Councilwoman Zucker asked what type of material the pathway would be made of, where would the uneven areas be located and if the uneven areas would cause water to pool.

Ms. Schwarz replied that the pathway would be an asphalt material. The uneven mounded areas will be located in the central part of the park with natural flower beds. It's not believed that the uneven areas will cause water pooling because the area will be natural and re-absorb the rainwater. But a full study and geotech report with the soil absorption rate has not been done yet; there will be storm drainage on the site.

Councilwoman Cameron asked if Ms. Schwarz had an idea of what the cost of a smaller footage gazebo would be. Ms. Schwarz replied no, but would be able to research and report the cost of a smaller gazebo at a later date.

Councilman Wiseman asked for clarification that the percentage contingencies are an estimate figure for additional monies the City might need for extra particular items.

Ms. Schwarz answered the contingencies aren't extra. Contingencies are an insurance policy at this point, particularly for scope changes and escalation because of inflation or any changes that may occur. As time gets closer to the final contract that contingency figure may come down a bit. Ms. Schwarz noted that even once you have the final bid documents and you have specified everything each bidder will come in at a different price based on the same elements. The contingencies provides a little bit of leeway, often cost can come in under.

Councilman Wiseman asked if it possible that the contingency amounts won't be used if the bids come in lower and if that is the case with the \$322,927 construction contingency monies.

Ms. Schwarz stated that the \$124,203 construction contingency (10%) is the total contingency for the total project based on the construction cost. The bonds and permitting bonds (\$31,051) are from University Heights issues, monies that typically go to the city for inspections. General conditions (\$43,471) are for the contractor's oversight what it cost to keep trailer on site and the staff in the trailer and overhead profits. These are estimates of a point and time based on a concept. It was meant to give the city an order of magnitude idea of what it would take to develop a park of this magnitude. Once you go out for bids you will have more final numbers.

Councilwoman Cameron asked how were the selection of site amenities chosen and narrowed down?

Ms. Schwarz replied that those persons who were in attendance at the park meetings were polled on a list of amenities that were suggested. The initial list was quite lengthy, some items were ruled out immediately by those in attendance due to interest. The remaining items were color coded based on if it was really wanted, neutral or didn't want it. The answers were weighted and scored and then reviewed at the next meeting for assurance.

Councilman Sims asked for a legal option based on Ms. Schwarz's presentation which gave the suggestion that it is possible that the cost of the park could be less than the anticipated total amount, raising a question of timing of the bond issue as well to Councilman Sims. The standpoint of Resolution 2014-12 is pretty definite at \$1.8 million. Councilman Sims asked if the amount could be written in a way to say up to \$1.8 million. The reason for this question of timing is because we (city) probably will not be issuing the bonds until we have firm estimates. So if it wasn't necessary to issue \$1.8 million in bonds, if we (city) weren't obligated to issue \$1.8 million in bonds then we could issue bonds equivalent to the cost of the project. Councilman Sims asked if you issue \$1.8 million in bonds you have a repayment series schedule for the bonds that the bondholders expect, so you could have monies that go unutilized at least for a period of time unless there's some other plan for the utilization of the monies. So from a timing standpoint when would the bonds be issued?

Finance Director Larry Heiser responded that there are a lot of depends. Meaning if it gets voted for and passes the next step is to get detailed drawings. When we (city) goes to the County and say this is how much we (city) needs to collect to pay for the bonds that the point in which we made the commitment. If we get a good estimate of cost before that time, before we issue the bonds we can reframe the amount. So, yes if the Resolution reads up to \$1.8 million if the bonds came in and the cost was less then we could say we only need to issue i.e. \$1.6, \$1.7 million or whatever that dollar amount is. Timing is the key.

Councilman Sims asked of the Resolution locks the City into \$1.8 million?

Assistant Law Director James Budzik stated that once the Resolution is passed, it is then sent to the County Fiscal Officer for review the estimates provided by the City, once that is approved it is returned to the City and then the City has approve and file the enabling Resolution. Mr. Budzik stated that before the City goes to the Fiscal Officer we have to the plan in place in which to calculate their (County) numbers by to make sure they are accurate. Those numbers have to be firm.

Councilman Sims clarified that the second vote will be on the enabling legislation.

Mr. Heiser remarked that the enabling legislation will give the city the right to go up to the \$1.8 million. The assumed rate is 4%. The plan is to issue as few bonds as possible. What may happen is that properties won't be assessed until the second half of 2015. Because the city is in a

decent cash position it could carry the cost and add those to the bond at a later point.

Councilman Sims asked how stringent is the language in the Resolution from the standpoint of requiring that the City issues \$1.8 million if we don't need the 1.8mil and/or requiring that the City begin to levy charges as stated on the legislation on a certain day if we (city) decides that we want to step back.

Mr. Budzik replied that the City could go down but not up.

Councilman Sims provided a scenario that if the construct was to begin March 2015; the city probably wouldn't issue the bonds until January of 2015 or in enough time to have the monies in hand. There are some timing issues for potential reductions and savings relative to what the end cost will be, even with the same plan.

Mr. Heiser stated again if the project comes in at a lesser amount than the \$1.8mil the City is not allowed to issue the bonds for \$1.8million.

Councilwoman Cameron asked for clarification that the City can only issue bonds for the exact amount of the anticipated amount of the cost of construction.

Mr. Heiser answered yes, along with the contingency.

Councilman Wiseman questioned if the language in Section 1 of Resolution 2014-12 that was presented at the June 16, 2014 Council have language about "... various other park facilities within the city" as opposed to "...by constructing and equipping a public park area and related improvements", which appears to be a qualifying statement which limits it actually to this (park's) area. Councilman Wiseman stated it appeared to him that any monies raised by this bond can only be used for this park and its related improvement.

Councilman Ertel commended that he thought Council talked about separately putting aside \$100,000 every year.

Councilwoman Cameron stated she understood Section 1 to read differently and suggested that it be written so that it is clear one way or the other way. Is the city able to extend the funds to anything other than the development and use of the park, because it was Councilwoman's Cameron's understanding that that was not allowed. If the funds can be used for other recreational facilities, such as the pool which already exist then that is a bonus. Councilwoman Cameron repeated what she heard Mr. Heiser say the City has to be specific to what is being constructed.

Mr. Heiser stated he will have the City's bond counsel reviewed and correct that section.

Mr. Coyne agreed that initially the thought is that the City of looking at this park, but again this park can have various improvements.

Councilwoman Cameron stated that then the legislation language has to change, it can't state recreational facilities. The Park has to have an identifying name in order to be specific to this park. Because otherwise it leaves someone reading this legislation to believe if there any excess funds could be used for other purposes for any of the city parks. Councilwoman Cameron noted she is in favor of using the excess funds, if there are any for the other city parks, but that is not the understanding of the Finance Director, Mr. Heiser nor the Assistant Law Director, Mr. Budzik.

Mayor Infeld weighed in that the City needs to have a bond issue that is voted on by the community that is clearly understandable so that the community know what they are voting on. Thus far the City has told the community that the cost estimates that were used to come up with the \$1.8million bond figure was rounded up rather than rounded down and that is what they (community) will be voting on. If the city begins to collect this and it not all necessary then it would then be returned to the residents in a way that their taxes would not be collected up to this maximum amount (as stated by Mr. Heiser). Mayor Infeld remark what happened with the pool which was done in a similar manner, was the issuance of \$1.3million in bonds and that was not sufficient so the city issued additional bonds to cover the shortfall resulting in two (2) bond issues that were issued for the pool. One that was voted on and one that wasn't voted on. Mayor Infeld remarked that in this case we want the community to know what the park concept will cost and right now the best most educated estimate is the \$1.8 million. Mayor Infeld spoke in

addition to Ms. Schwarz's comment about inflation that the city could consider the interest rate on the bonds could like be less, the 4% was an conservative estimate but there are some elements that are out of the city's control; i.e. petroleum prices would impact the cost of the asphalt, there are cost that could be higher than the opinion and there could be cost that could be less. But this is a good estimate on what it will cost to construct the park. If it is less than the \$1.8million then the city would in effect return the monies by not collecting it.

Councilwoman Cameron explained to Mayor Infeld that she was not referring to the principal amount. Councilwoman Cameron continued to explain that she understood that the development of the park is \$1.7 etc., etc., and therefore it was rounded up to be \$1.8mil. But Councilwoman Cameron stated she was speaking to is the specific language in resolution 2014-12; section 1, line 3 "... for the purpose of paying cost of improving the City's parks (as a plural) and recreational facilities by constructing and equipping a public park area and related improvements." Councilwoman Cameron stated that that sentence gave her the impression that any extra that is not used for the purpose of the Fenwick/Saybrook Area Park would be for used for other purposes, if that not something that can be done than the language needs to change to be specific to this park that we are talking about.

Mayor Infeld replied that, that could be done by striking the plural. The section is just restating what is listed in the title. Was it a typo, we can check.

Mr. Heiser stated it may have been the Bond Counsel (Squires) giving the city a little bit of leeway just in case.

Mayor Infeld commented on Councilman's Ertel earlier point and the discussion of keeping the dollar amount as is, so that if the money collected was more than was necessary to effectuate that concept plan that it (money) could go for other purposes. But then there were discussions about budgeting in the future, \$100,000.00 to be put aside for capital.

Councilman Sims commented that he felt that sentence could be read either way and that he felt that there isn't a mistake, it is stating exactly what Squires probably intended to be stated. And that is that for the purpose of paying cost of improving the city's parks and recreation facilities but the operative piece is – "by constructing and equipping a public park area and related improvements" by doing that we are paying the cost of improving the city parks (plural) and recreation facilities (plural). Councilman Sims stated he thought the language restricts the use of the proceeds to that one area.

Mr. Budzik remarked that the discussion relates to the concept contained in the legislative document. Whether or not because we said there's a green space which is like the soccer field (is that a park?) is there a separate park to the west of the property? There are several parks contained in the one big area. Whether you (council) would consider recreational facilities and a park or parks with different parts in it but that's the design that's the concept that the \$1.8 million is coming from for the construction.

Councilman Sims stated his belief that the language restricts it to that specific one property and stated that maybe an official opinion is needed. The language as it is written suggest that the city has parks (plural) and recreation facilities (plural) that the city is going to improve and that will be done by constructing the new park.

Mayor Infeld asked if Council wanted to take action or wait until Squires can come in to calcify the language.

Mr. Heiser noted that if there is any ambiguity in the language, Squires can clean it up in the enabling legislation. The only thing that this Resolution does is to ask the County to get the numbers for the millage.

Vice Mayor asked if the language would be corrected per Squires for the next Special Council meeting on the 28th.

Councilwoman Zucker for clarification, if Council passes the Resolution and then want to clarify it more at that point can we make any changes?

Mr. Heiser answered not as far as add (increasing) the \$1.8million.

Mayor Infeld remarked that if Council approves the Resolution presented, even though the

enabling legislation will come back to Council in two weeks she (Mayor Infeld) would like Council to make it clear to the community that they (council) would be approving this Resolution to construct a public park on Fenwick Road according to the presented concept plan and not reserve the right to change it to something else. Mayor Infeld continued to explain she was requesting this because she was concerned with reservations people have been expressing about the idea that excess monies could be used for other purposes/other parks. Mayor Infeld stated that University Heights only has one other park and she doesn't see the pool needing a rebuild for decades, the pool is modern and was well constructed. There are other pools that are 50 to 60 years old that are now just being replaced. The suggestion that the pool, which is 20 years old, is on the verge of needing replacement has no bases and fact.

Councilwoman Cameron responded that if that is the position that the Mayor wants to take in her role, then she (Mayor Infeld) can make such statements. Councilwoman Cameron stated she didn't Council's view in terms of the park but she (Councilwoman Cameron) was willing to consider that people have opinions about it that may not be the same as the Mayor and didn't know why Council needs make a stated as the Mayor is requesting.

Mayor Infeld remarked that since she heard Council mention that there was a question as to whether Resolution 2014-12 applies simply and merely to the construct of the park concept plan or if there is wiggle room to include other things that she heard at this meeting; improvements to perhaps the pool needs to be made clear to the community when Council votes so that when the community hears what the Council intends to do with the money.

Vice Mayor Pardee stated that clarifying the language of the legislation clarifies that it is only for the park. Vice Mayor Pardee stated that she thought that the Council was quite forward looking and doing their duty in considering a comprehensive recreation plan with this opportunity in order to consider, not necessarily immediately but down the road, potential repairs that might come up to other recreational options. Vice Mayor Pardee stated that was taken off the table during the Recreation Committee meeting because it was made clear that the City wouldn't be able to "sit" on say \$500,000 and use it in 5 or 10 years. Vice Mayor ended by saying that Council should be thinking and discussing the future.

MOTION BY MR. SIMS, SECONDED BY MR. ERTEL to remove Resolution 2014-12 from the table of the June 16, 2014 Council Meeting. On roll call, all voted "aye," except Mr. Wiseman, who voted "no."

MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to approve the passage of Resolution 2014-12 to submit to the electors the question of issuing \$1.8 million of bonds for the purpose of paying cost of improving the city's park and recreational facilities by constructing and equipping a public park area and related improvements and declaring an emergency. Roll call on suspension of the rules, all voted "aye." Roll call on passage all voted "aye," except Mr. Wiseman, who voted "no."

Mayor Infeld thanked Council and reported that Resolution 2014-12 passed. The necessary paperwork will be done to send the Resolution to the County Fiscal Office for the review of the calculations and then returned back to the City Council in the form of ballot language. Council will need to approve the ballot language for it to be placed on the November 2014 ballot.

B. Ordinance No. 2014-16 Authorizing the Transfer of Funds from the General Fund to Street Fund (201), Street Lighting Fund (204) and Capital Improvement Fund (401) (on second reading)

Mr. Heiser reported that Ordinance 2014-16 includes the transfers of funds from the General Fund to the Capital Improvements Fund (401); Street Fund (201) and Street Lighting Fund (204) to complete the transfers for 2014.

MOTION BY MRS. PARDEE, SECONDED BY MRS. ZUCKER to approve the passage of Ordinance 2014-16 authorizing the transfer of funds from the General Fund \$837,668 to the Street Fund (201), \$200,000 to the Street Lighting Fund (204) and \$10,000 to the Capital Improvements Fund (401). On Roll call all voted "aye."

C. Resolution No. 2014-17 Approving the City of University Heights Credit Card Security Policy (first reading)

Mr. Heiser reported that the City started accepting credit cards at Purvis Park Pool this summer but that there are a lot of required compliance issues related to the industry. One of the compliance issues is to have compliance and use policy in place. Currently the City has not implemented a minimum credit card charge, but a minimum charge of \$25 is established in this resolution. At the end of the summer season the credit card machine will be relocated to the police department for their use in collecting fines and fees.

Vice Mayor asked if the City no longer used pay pal?

Mr. Heiser confirmed that the City no longer uses pay pal and explained that currently at the end of every night when the machine is turned off a settlement report is generated and automatically provided to the Finance Office. Mr. Heiser reported that he is the only bonded user for the machine and that there had been no problems with the usage of credit cards at the pool.

Councilman Sims asked if by establishing the minimum charge of \$25 what charges is the City cutting out (do we really want to cut it out) and if it would create a hardship for residents who were using their credit card for the smaller pool charges.

Mr. Heiser replied that by having the minimum of \$25 the \$10 swim fee for those who don't have a pass would have to be paid by either cash or check. Mr. Heiser noted that there is a transaction fee charged to the City of every transaction and during the first month of using the machine the City was charged \$180.

Councilman Sims stated that he doesn't want to discourage anyone from using the pool.

Mr. Heiser comment that for when the machine is moved to the Police Department it may be better to reduce the minimum charge to be \$20 to handle the parking tickets.

Councilman Wiseman asked for clarification on where the credit card machine will be located since it is currently at the pool.

Mayor Infeld clarified that by the time this resolution to effect the summer pool season will be over and the credit card machine will be relocated to the Police Department.

Councilman Wiseman noted the City may want to accept debit cards as well.

Mr. Heiser replied that the City's machine does take both, but on the compliance there is no differentiate between credit and debit. They are all considered credit transactions.

Councilwoman English asked if the \$25 fee is mandated or if it can be changed.

Mr. Heiser responded that it could be changed.

Resolution No. 2014-17 was placed on first reading.

D. Ordinance No. 2014-18 Authorizing the Mayor to Enter into a Contract for Professional Services for Computer Support, Network Security, and Network Upgrades with Meritech.

Mr. Heiser presented Council with a packet with information from various companies and recommends Meritech as being the best company to serve as the City's computer support and noted that Meritech is the company that supplied the printers which were purchased earlier this year.

Mayor Infeld reported that in researching the various companies, Meritech offered the most services and the most economical cost with 24 hour help services and response time. This is an effort to make sure that the computers and the network are secure.

Councilman Sims asked for clarification of the contract time period is 1 or 2 years because Section 1 of the Ordinance is not clear.

Mr. Heiser clarified that the two contract term would go through 2016.

Councilwoman English offered new verbiage for Section 1 to include; Meritech's name and the

rate per month. Councilwoman English questioned if the contract has already started.

Mr. Heiser replied that Meritech has started looking at our system and allowing the City to engaging their help tickets center. Mr. Heiser stated the City can walk away from this service if need be.

Mayor Infeld added that the City has experimented with having them help with some computer issues. But, this would be the first contract that would give us continuity.

Mr. Heiser stated that prior to trying Meritech the City tried All Covered for about 1 month but their proposal had a startup \$125,000 to get a network started.

Councilman Wiseman asked if Meritech is only supplying the City help desk support, how long that has been happening and if the City is obligated to continue.

Mr. Heiser replied that Meritech has only been supplying this service for about 1 month and the City is not obligated if Council doesn't approve the Ordinance.

Councilwoman English asked if the listed 25 computers and 4 workstations were located in the Police Department.

Mr. Heiser answered the computers and workstations are all within all the different departments.

Councilwoman English asked if they will be networking the entire city. Mr. Heiser responded that yes that is the ultimate goal. Councilwoman English noted this is a good step because the Technology Advisory Committee suggested to Mayor Infeld that the City's network security be looked at.

Ordinance No. 2014-18 was placed on first reading.

E. Motion Authorizing the Mayor to Enter into a Contract with AAA Flexible Pipe Inc. for the 2014-2015 Catch Basin, Inlet Sewer Cleaning & Television Program

Mr. Pokorny, Service Director explained that this is an annual contract that the City awards. The contract consist of the cleaning and inspecting 350 catch basins, cleaning and televising approx. 7500ft. of storm and sanitary sewer.

Mr. Pokorny reported that the City Engineer Joseph Ciuni opened and reviewed the 4 bids that there received. Mr. Ciuni recommended awarding the contract to AAA Flexible Pipe Inc. as the best and lowest bid.


MOTION BY MR. SIMS, SECONDED BY MR. ERTEL to authorize the Mayor to enter into a contract with AAA Flexible Pipe Inc. for the 2014-2015 Catch Basin, Inlet Sewer Cleaning & Television Program in the amount of \$340,680.00. On roll call, all voted "aye."

There being no further business to discuss, the meeting was adjourned at 9:00pm.

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



Susan K. Infeld, Mayor



Kelly M. Thomas, Clerk of Council