

**MINUTES OF COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS, OHIO  
JUNE 2, 2014**

**Mayor Infeld called the regular meeting to order at 7:34 p.m.**

**Roll Call:**

**Present:** Mrs. Susan Pardee  
Ms. Nancy E. English  
Mr. Mark Wiseman  
Mrs. Adele Zucker  
Mr. Phillip Ertel  
Mr. Steven Sims  
Ms. Pamela Cameron

**Also Present:** Law Director Anthony J. Coyne  
Finance Director Larry Heiser  
Deputy Police Chief James Williams  
Fire Chief Douglas Zook  
Service Director Jeffrey Pokorny  
Building Commissioner David Menn  
City Engineer Joseph Ciuni  
Community Development Coordinator Libby Ellis

Pledge of Allegiance

Minutes of the Regular Meeting of May 19, 2014

There were no additions or corrections to the May 19, 2014 minutes.

**MOTION BY MR. ERTEL, SECONDED BY MRS. PARDEE to approve the minutes of May 19, 2014 as presented. On roll call, all voted "aye," except Ms. English who "passed."**

Comments from Audience

Ms. Frankie Winston, 2316 Allison Road was present to voice her concern about City Council voting not to repave Allison Road this year. Ms. Winston noted that she lives directly next door to Mr. Zucker and was not aware, until last week that a petition was sent around asking that the street not be paved. Ms. Winston also noted her awareness as a human being that no one would refuse to sign a petition that says in essence "if the street is repaved I will be seriously be seriously ill," people signed under the assumption that there would be a postponement of the repaving for one year. Ms. Winston explained that she was present to express her hope that Council will adhere to that time and continued to state that Mr. Zucker had informed her of his various elements but they haven't stopped him from walking the neighborhood or being outside in addition to his convincing Cleveland Heights not to pave their section for three years. The street is in bad condition.

Mrs. Dena Goulder, 3798 Clairidge Oval was present to urge Council to first obtain and present to the residents specific cost for operating/creating the park and asked Council not to pass the recreation levy being presented tonight on emergency. Residents need much more time to study and consider what is being offered and what can be done. The public needs to know specifically what monies would be to improving, developing and maintaining the other recreational facilities and there are other public spaces that aren't being utilized. The City has spent almost \$1mil for the park and there are curbs that have not been repaired in umpteenth years and oblivious problems with street repairs. Ms. Goulder continue to say, University Heights is not a wealthy city and so until the residents vote another bond issue the residents need to know exactly what would be covered in it, Ms. Goulder stated her feeling was there are other things besides the park that create a good environment; pool, tennis courts, several public spaces have not been developed. How will the money for a recreation levy be spent, what would be allocated to other public spaces as well?

Mayor Infeld thanked Ms. Winston for coming and expressing her opinion regarding the city's paving program. Mayor Infeld stated that she notified the residents on Allison Road on the action that had been taken by City Council, citing her expectation that Allison would be part of the 2015 street paving program. Mayor Infeld also noted that City Council has to approve the



street paving program every year. Mayor Infeld continued to state her hope that Ms. Winston's neighbor remains in good health, but her concern is for the safety of the community and when there is a street that the city knows needs repairs. However, the Service Department has been out on Allison Road filling all potholes and large cracks. Mayor Infeld assured residents that the city believes the street is safe for travelling. Mayor Infeld agreed that the street could look better and the Administration thought it (repaving) needed to be done and will introduced Allison Road for repaving again next year.

Ms. Winston thanked Mr. Pokorny for his prompt action in beginning repairing Allison Road.

Mayor Infeld explained to Mrs. Goulder why Resolution 2014-12 asking Council to submit to the Board of Elections the question of issuing bonds to pay for the construction of the new park on Fenwick Road is listed as an emergency. Mayor Infeld stated that tonight is the first reading and the second reading would typically occur in two weeks. According to City Charter when and Council passes a resolution or ordinance, there is a thirty (30) day window has to occur before action can occur. The emergency clause suspends the need to wait the thirty (30) days. Mayor Infeld remarked that she appreciated Mrs. Goulder comments.

#### Comments from Mayor

Mayor Infeld reported the following information.

- The pool opens for the summer season on Saturday, June 7<sup>th</sup> and has been opened for preseason the previous two weekends. Pool passes can be purchased at the pool anytime it is opened.
- The City's June newsletter has been sent out via email. The newsletter features information for; gas line replacement project on Cedar Road, block parties, heritage home loan program by the Cleveland Restoration Society.

#### Agenda Items:

##### **A. Certificate of Recognition to the Wiley Middle School Marching Band**

Mayor Infeld informed everyone that Wiley Middle School closes this week and that the City has for many years enjoyed the musical talents of Mr. Paul Hungerford and the Wiley Marching Band, most recently at the Memorial Day Parade.

Mayor Infeld stated that she hoped that the students continued their musical training and showcase their talents. Mayor Infeld wished everyone the best and read the Certificate of Recognition.

Vice Mayor Pardee and Councilwoman Cameron thanked Mr. Hungerford for being a musical influence in their children's lives.

##### **B. Resolution No. 2014-08 Approving the City of University Heights Purchasing Policy (second reading)**

Mayor Infeld noted that Resolution No. 2014-08 was tabled at the previous Council meeting and explained how the City operates in terms of purchasing. Large purchases such as street resurfacing, pool chemical are bided out and small purchases such as every day bills and expenses have an internal policy. Mayor Infeld stated that the resolution was tabled at the last Council meeting because Council wanted to have language added.

Councilman Sims stated that it was more or less decided that council would deal with that particular language as a separate matter that would potentially amend this (ordinance) and/or be an omission to the purchasing policy. Councilman Sims noted that the language pertained to women and minority owned businesses and added that language will come back to council as a section of the city's purchasing policy. Councilman Sims added that he did not believe

Councilman Wiseman asked Councilman Sims to clarify that if he was advocating that Council passes Resolution 2014-08 and then take up the issue regarding language pertained to women and minority owned businesses in terms of another over acting policy for the city that would govern all the contracts.



Councilman Sims clarified that particularity as it relates to the participation of women and minority owned businesses. Councilman Sims stated that he didn't believe that Council needed to delay on Resolution 2014-08 to make sure the desired language is incorporated.

Law Director Coyne clarified that Council could pass Resolution 2014-08 and then at a later date adopt a policy with the language relating to the participation of women and minority owned businesses.

**MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE to remove Resolution No. 2014-08 from the table. On Roll call, all voted "aye."**

Mayor Infeld stated that Resolution No. 2014-08 was removed from the table and Resolution No 2014-08 is active for its second reading.

Councilman Sims asked that the origin and reason why Resolution No. 2014-08 was introduced be noted.

Mr. Heiser stated the State of Ohio Auditor's office requested that City Council approves the system for purchasing that was put into place since 2012.

**MOTION BY MRS. CAMERON, SECONDED BY MS. ENGLISH to adopt Resolution No. 2014-08 approving the City of University Heights Purchasing Policy. On Roll call, all voted "aye."**

**C. 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 (on emergency)**

Mayor Infeld reported that Resolution 2014-12 will have two reading and that the emergency clause was added so that the City could take act, if passed after the second reading and not have to wait the normal thirty (30) days.

Mayor Infeld provide Council with a packet of information pertaining to the all the work that has gone into the project since it started approximately 2.5 years.

Mayor Infeld read the timeline of meetings pertaining to the project thus far and also noted that if this project is to be placed on the November 2014 general election ballot all appropriate paperwork has to be filed to the Board of Elections ninety (90) days before the election or before the end of the business day on August 6, 2014.

Mayor Infeld stated that the June newsletter explained how the bond would work and the financial impact to homeowners. The city's pool bonds will be completely paid rolled off at the end of December 2014. The bonds were issued such that residents would pay \$25 on every \$100,000 of valuation of their property. The new suggested bond for the development of a new park at former Fuchs Mizrachi school site would remain that \$25 per every \$100,000 valuation of property. This new suggested bond issue would last 15 years, whereas the pool bond lasted 20 years. The next steps are as follows: council to vote on Resolution 2014-12, upon passage City presents legislation to the Board of Elections for placement of the bond issue onto the November 4, 2014 general ballot, community to vote on bond issue. If issue passes then the city would enter a request for proposals from architects to produced a detailed drawing of the park plan concept, select an architect to produce a detailed drawing based on the received proposals, architect produces detailed park drawings, city issues a request for bids for the construction of the park, contractor selected from the received bids, then park construction could begin.

Mayor Infeld stated the City has been talking about the proposed park since the beginning of 2012 via newsletters, city council meetings, etc. and noted Rachel Schwartz and Robert Habel of Braun & Steidl Architects Inc.

Chandra Neely, Sun News Reporter asked whether the \$25 was still an accurate figure with the change in the law last year, where the state law makers eliminated the 12.5% state contribution. Mr. Heiser responded that the \$25 was still correct because the city is below the current millage of 0.7 and this is approximately 0.65.



Mayor Infeld reported that there were two bond issues for the playground and pool at Purvis Park. One was 1.3mil and another one for the other cost associated with the project.

Councilman Wiseman thanked Mayor Infeld for her though discussion on the timeline for the park and how long the city has been talking about it. Councilman Wiseman stated he was conflicted on this item, the idea of a park is a wonderful idea and he would like parks to be everywhere, but, Councilman Wiseman stated to his knowledge this was the first time the city has asked people to pay for the cost of the park and how the city will pay for it. Councilman Wiseman stated that none of the park meetings discussed bond, how much the bond would be, nor how much it would cost residents. Councilman Wiseman felt people need/deserve some type of public meeting where they would have the chance to say yes or no. This seems sudden in terms saying we are continuing the current bond. There are issues that need to be raise such as, can this be done piece meal, can we trees one year, gazebo the next year and then landscaping. Councilman Wiseman questioned whether the city's Community Development Coordinator; Libby Ellis has been able to find funding for the park.

Mayor Infeld responded that city is following the same process that occurred to get the pool and park at Purvis. Mayor Infeld stated the Ms. Ellis has lots of experience in grant writing and has done some research for park grants.

Ms. Ellis stated she has been researching the availability of public and private monies for parks. Ms. Ellis noted that there are some pools of funds for projects such as the park at the State level; these funds are extremely competitive and hard to get. For example last year in 2013 ODNR (Ohio Department of Natural Resources) called the Nature Works Grant a number of Cities, such as Beachwood and Shaker Heights received funding for park like type of projects. The average grand was approximately \$25,000. It's not uncommon to receive grants for parks but typically the money that is available through the State is for a component of the park, such as building element, educational component, etc. In regards to private funding there are several that are interested in park development and environmental kinds of project but are typically restrictive for non-profit organizations and environmental organizations. Ms. Ellis stated in her judgment the city could attract small amounts of funding for very specific parts of the project.

Mayor Infeld stated that after talking with Ms. Ellis and with research that has been done. Any grant received would be of a small dollar amount/proportion in relation to the total cost of developing the park concept plan. It is the Administration's intention to apply for type of funding but it would be used for the development of small pocket parks. Such as the space located on Jackson Boulevard. Mayor Infeld commented that she didn't believe that developing the park in a piecemeal installation would look of the proposed concept plan. Mayor Infeld stated her concern that it the park isn't developed that it would be a lost opportunity.

Councilwoman Cameron asked if and when did the City/Committee have specific series of meetings regarding the financing for the Purvis Pool and Park project. Mayor Infeld replied no, there were a series of meetings about the design after which the city cost out the features of the pool and playground for the initial bond of 1.3mil and \$350,000 for the second bond.

Mr. Coyne clarified the procedural issues provided by the City's bond counsel. The action would be to have Resolution 2014-08 placed for a second reading at the next Council meeting on June 16<sup>th</sup>. If approved at that meeting, the only emergency issue is the waiver of thirty days so that the matter can be placed in the appropriate language for current tax valuation estimates. Thereafter, council would schedule a special meeting to have a resolution approving that language so that it could be placed on the November ballot. All of this would have to been done before August 6<sup>th</sup>. The construction schedule would result in completing the park by the end of 2015 or beginning of 2016. If council not to do that or if the project were delayed past that period of time it would create a delay way beyond that. In essence there would be a period of time of two months before final action would be taken to place bond issue on ballot.

Councilman Ertel commented that the Purvis Park and Pool campaign consisted of many meetings with the public. The meetings started small but grew in size, similar to this park issue. Councilman Ertel stated that it was not until the balloted levy passed that the committee began to flush out what the pool would contain, i.e. all the bells and whistle such as the slide.

Councilman Wiseman reiterated his thoughts that an active dialogue needs to happen from the residents' perspective before this project goes on the ballot.



Councilman Ertel commented that it's always challenging to pass tax ballots, but replacements are easier.

Vice Mayor Pardee voiced her concerns that the finance part feels rushed and she note she would like to look at having an all-city recreation bond that isn't fifteen (15) years but more like twenty (20) years and that would also allow for the repair of the tennis courts, taking care of pool repairs, etc. (116)

Resolution No. 2014-12 was placed on first reading.

**D. Ordinance No. 2014-13 Approving the pricing of various snacks and drinks to be sold at the Purvis Park Pool**

Mr. Heiser stated that Ordinance No. 2014-13 was recommended by the State Auditors.

Councilman Wiseman commented that Ordinance 2014-13 is an expedient way to take care of the auditors' recommendations for this year but recommended that in the future Council look at creating a "low star" for the Mayor to administratively approve pricing for all concession stand items. Whatever the purchase price to the city determine what will help the city to pay the bill where for example all concession items would not be sold at an amount not less than 30% above what the city pays.

Mr. Coyne noted the city should establish this as a policy so it would then be an auditable item.

Ordinance No. 2014-13 was placed on seconded reading.

**E. Resolution No. 2014-14 Adopting the 2015 Tax Budget (first reading)**

Mr. Heiser remarked that this is an estimated as to what the beginning financial balances will be for 2015.

Resolution No. 2014-14 was placed on seconded reading.

**F. Motion to the purchase of a Kubota Scooter for the Service Department.**

Mr. Pokorny stated this scooter will serve as a replacement for an existing 2006 Cushman scooter. Bids were received by two companies Middlefield Farm and Garden and from Bortnick Tractor Sales, Inc. Mr. Pokorny recommended Middlefield Farm and Garden as the lowest and best bid with a bid of \$15,022.00

Councilman Sims asked if there would be any necessary modifications for the scooter.

Mr. Pokorny replied that the frame and back will be taken off the Cushman and placed onto the new Kubota scooter. The city will then receive a \$500.00 credit from Middlefield Farm and Garden.

Councilman Sims requested a listing showing the schedule of the aging of vehicles within the Police, Fire and Service Departments so that council members will know which vehicles may be ready for replacement.

**MOTION BY MR. SIMS, SECONDED BY MR. ERTEL to purchase a Kubota rubbish scooter from Middlefield Farm and Garden in the amount of \$15,022.00. On Roll call, all voted "aye."**

**G. Motion to the purchase of a Leaf Vacuum Truck for the Service Department.**

Mr. Pokorny stated that this is a purchase of leaf trailer unit. Last year two units of the five units went out of service. But we were able to combine the two units into one working unit. This purchase is in the budget as a capital improvement for this year. Three bids were received; one of the three bids was a State bid with pricing for an American Road Machinery item. The low and best bid was received from ODB Company from Richmond, Virginia in the amount of \$24,400.00.



Vice Mayor Pardee asked if there was any charge for shipping. Mr. Pokorny relied no.

**MOTION BY MRS. ZUCKER, SECONDED BY MS. ENGLISH to purchase a leaf vacuum truck from ODB Company from Richmond, Virginia in the amount of \$24,400.00. On Roll call, all voted "aye."**

**H. Motion to hold an executive session immediately following this regular meeting for the purpose of discussing personnel, real estate matters or litigation matters.**

Mayor Infeld stated there was no need for an executive session.

#### Directors' Reports

**Finance Department:** Finance Director Larry Heiser stated that there is a joint Finance Committee and Finance Advisory Committee meeting on Thursday, June 12 at 7pm.

**Police Department:** Mayor Infeld stated that Chief Hammett was out of town at a conference with the International Town Gown Association in Clemson, South Carolina with representatives from John Carroll University and other University Communities from all across the Country. In Chief Hammett's absence Deputy Police Chief James Williams was present but had no report.

**Fire Department:** Chief Zook reported that the hydrant servicing project for the spring is completed. Out of the over 500 hydrants 21 hydrants needed some type of maintenance done and 5 hydrants were serious enough to be placed out of service. All hydrants that needed repair were reported to the Cleveland Water Department so they can be fixed. Chief Zook also reported that there was a garage fire which destroyed two cars and damaged the garage. The fire was caused by a hot barbeque grill being placed too close to the garage.

**Building Department:** Building Commissioner David Menn reported that the construction fencing around John Carroll University is starting to be removed, all the heavy work is complete and the workers are tightening up the interior. Grass seed and trees are also beginning to be planted. Furniture deliveries will occur soon and student should be moving in by August 2014.

Councilwoman Zucker asked if surround residents be advised. Mr. Menn replied that residents received a newsletter that listed the various dates and time. Mayor Infeld noted that she would check and see that council receives the newsletters via email. Mayor Infeld read the dates as follows: dormitory furniture will be delivered twice a day, involving one or two delivery trucks parking on Washington Blvd. from June 16 – June 21.

**City Engineer** Joseph Ciuni followed up on Chief Zook's report regarding the fire hydrants and stated that 2 hydrants on Tullamore and Cedarbrook. Those hydrants are part of the Cleveland Heights Water Department so those hydrants can't be reported to the Cleveland Water Department for replacement. Mr. Ciuni mentioned he read in the Sun Press that Cleveland Heights is considering their water system back to Cleveland Water and urged Mayor and Council to support that so that section of University Heights can go back into the Cleveland Water System and then those residents can pay Cleveland Water fees and at that point replace some of those waterlines. The road program begins on Tuesday, June 3, signs have been erected listing all the streets that are to be paved this year. The paving will start on Scholl, Fenwick and Charney then work their way to over to the far part of Fenwick and Brockway, then Conover, Silsby and Kerwin (which we added in place of Allison). Mr. Ciuni explained the process for the repaving the streets. The project should take approximately 30 days.

Councilman Sims asked if there were any waterline replacements planned for 2014. Mr. Ciuni responded no due to the amount of construction that is taking place in the City and stated that the South Belvoir resurfacing project is on schedule and targeted to be in University Heights near the end of June and during the months of July and August.

Mayor Infeld comment that the administration is beginning to have in house preliminary talks about next year's waterline projects based on flow testing done by the Fire Department along with reports from Mr. Ciuni and Mr. Pokorny as well as having internal discussions pertaining to Cleveland Heights and their discussions regarding removing their selves from being a master (water) meter community and joining Cleveland Water. Mayor Infeld asked Mr. Coyne if a Resolution of support from City Council in addition to her (Mayor Infeld) writing a letter of support would be necessary at this point.



Mr. Coyne replied he didn't think the City would absolutely need a Resolution from Council would be needed unless Council wanted to weigh in on it.

Councilwoman Cameron asked Mr. Ciuni if Cleveland Heights Water operates under a Board that incorporates Cleveland Public Power or do they have independent leadership?

Mr. Ciuni answered that the Cleveland Water does have independent leadership but it is all under the City of Cleveland.

Mr. Coyne stated Cleveland Water is totally separately from Cleveland Public Power.

Councilwoman Cameron suggested some caution and stated she would like to see some information as to how they would proceed if University Heights were to consider that.

Mayor Infeld replied that 15% (northwest side) of the University Heights currently receive their water through the City of Cleveland Heights, who serves as a middleman by re-selling the water they (Cleveland Heights) purchase from the City of Cleveland to their customers including the pocket of residents in University Heights, approx. 800 houses.

Mr. Ciuni stated if Cleveland Heights turns the water lines to the City of Cleveland it could take two to three years.

There were no other director reports.

#### Standing Committee Reports

**Civic Information Committee** Chairwoman Nancy English announced that there is an upcoming session on the Ohio Ethics Law.

**Finance Committee** Chairwoman/Vice Mayor Susan Pardee reported that the next joint Finance/Financial Advisory Committee meeting will be on Thursday, June 12 at 7pm in Council Chambers.

**Governmental Affairs Committee** Chairman Mark Wiseman reported that the Governmental Affairs Committee met on Tues., May 27 and discussed issues surrounding meetings that had been held with Council, Commissions and Department and D.B. Hartt and Associates to revamp the Building and Zoning Code. Councilman Wiseman stated that there were several policy considerations or principals that Mr. Hartt indicated were served as the precursor to his moving forward with the project. So Council met to discuss those issues. Councilman Wiseman sent a letter was to Mayor Infeld. Councilman Wiseman asked Mayor Infeld if she wanted him to forward the letter to Mr. Hartt.

Mayor Infeld replied that she was aware that Councilman Wiseman needed contact information but will provide him with it. Mayor Infeld stated that she was not at the Governmental Affairs meeting, nor was there any representation from the City's Administration so Mayor Infeld thought if Mr. Hartt had questions she would continually refer them to Councilman Wiseman. Mayor Infeld also noted that she did not know if Mr. Hartt was at the Governmental Affairs meeting.

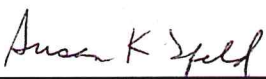
Councilman Wiseman reported some of the main points from the Governmental Affairs meeting were: (1) whether to adjust the code so that certain recommendations of the Planning Commission do not require approval by Council and the majority of Council decided to leave this as it is in the new forming of the code; (2) asked whether or not there needed to be sub-areas created within the current existing University District, Council recommendation was much the same that that is something we felt we would take a look at but the time we anticipated to short for Mr. Hartt to finish his project, so the recommendation was for Mr. Hartt to leave the University District the same; (3) whether to synthesize the Board of Zoning Appeals and Planning Commission into one entity, there were several questions relating to that and the decision was that perhaps now isn't the time but there is specific needed information that Mr. Hartt will be asked for. Councilman Wiseman stated that it was understood that when Mr. Hartt took this process he conducted in person interviews with persons from council members, several department heads and other stake holders in the community. The information related to those interviews and other information which Mr. Hartt gathered to make his recommendation that the Board of Zoning and Planning Commission be combined is needed by the Council. (4) Bellefaire Children's Home.


**Recreation Committee** Chairwoman Pam Cameron reported that the Recreation Committee is planning a meeting on June 17<sup>th</sup> at 7pm.

**Safety Committee** Chairman Phillip Ertel reported that there will be a committee meeting just prior to the next City Council meeting at 7pm on Monday, June 16 in the Conference Room.

There being no further business to discuss, the meeting was adjourned at 9:30pm.

**MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN to adjourn the meeting. On roll call, all voted "aye."**

  
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Susan K. Infeld, Mayor

  
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Kelly M. Thomas, Clerk of Council