Mayor Infeld called the regular meeting to order at 6:38 p.m.

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

Also Present: Clerk of Council Nancy E. English
Law Director Kenneth J. Fisher
Finance Director Jennifer Esarey
Interim Chief of Police James Williams
Fire Chief John Pitchler
Building Commissioner David Menn
Service Director Robert Jamieson

Pledge of Allegiance

Minutes of the special meeting held on May 9, 2011

There were no corrections or additions to the minutes of May 9, 2011.

MOTION BY MS. GOLDBERG, SECONDED BY MRS. PARDEE to approve the minutes of the special meeting held on May 9, 2011 as presented. On roll call, all voted “aye.”

Minutes of the regular meeting held on May 16, 2011

There were no corrections or additions to the minutes of May 16, 2011.

MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to approve the minutes of the regular meeting held on May 16, 2011 as presented. On roll call, all voted “aye,” except Ms. Goldberg and Mr. Bullock, who “passed.”

Comments from the Audience

Duane Kasten, a Barrington Road resident and member of the Memorial Day Parade Committee, commented that the committee rose to the challenge of raising its own funds. He noted that many new member joined the Parade Committee this year. Mr. Kasten stated that they initiated an official recognition of veterans by including the names of people who served in the military on an honor roll in the Memorial Day Parade program booklet. The honor roll was extended to people at the parade festivities to sign other names on an honor roll board. Mr. Kasten noted that all of the honor roll names were placed on three (3) boards and he presented them to the City. The committee hoped that the commemoration to those who served in the military would become an annual event and grow in the years to come. Mayor Infeld stated that she will find a place at City Hall to display the boards.

Sheila Hubman, an Ashurst Road resident, recognized and thanked Anita Kazarian, chairman, of the Memorial Day Parade Committee, and her chair people: Al August, Pat Baskin, Kristin Hughes, Jerry Jacobson, Linda Johnson, Jim Joyner, Winifred Weizer, and Adele Zucker for accepting responsibility as coordinators and for their time and effort relative to the success of the Memorial Day Parade.

Mrs. Hubman stated that there is a marked improvement in the aesthetic condition of Warrensville Center Road between Hillbrook Road and Meadowbrook Boulevard.

Mrs. Hubman suggested that the Council uphold the decision of Board of Zoning Appeals (BZA) regarding Top It Off Pizza. Mrs. Hubman noted that she attended the BZA meeting where the request was made. She heard nothing that would justifiy changing an agreement that is less than a year old.

Tiffanie Moss, a Silsby Road resident, supported Top It Off Pizza. She noted that as a customer it is convenient to pick up the food rather than to pay additional fees for delivery. Also, as a member of the Heights Jewish Center synagogue, Mrs. Moss mentioned that she is able to see traffic in the area on a regular basis and she does not see any reason why customers should be hindered from picking up their orders during the summer months, especially if it is made clear to pool goers that the first two
rows of the parking lot belong to the synagogue and should be accessible to the patrons of Top It Off Pizza or synagogue members.

Mayor Infeld announced that audience comments regarding the agenda items will be heard during discussion of the specific agenda item.

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

Mayor Infeld reported on several items:

She congratulated Anita Kazarian and the Memorial Day Parade Committee for a successful parade. She also recognized University Heights Patrolman Charles Darrah for speaking at the Memorial Day program. Ptl. Darrah served in Bosnia, Afghanistan and Iraq.

The Cleveland Heights High School graduation, which was taking place at the same time as this meeting, was being televised.

Street repairs have been delayed because cement cannot cure in cold and wet weather. Therefore, repairs will be made as the weather permits.

The Recycling Day held on Saturday, May 28, 2011 was very well received. Residents who observed the Sabbath on Saturday were able to drop off their items on Friday, May 27, 2011. The plan is to have another Recycling Day in the fall.

Recreation passes may now be purchased at pool and online.

The fourth workday for the Taylor Road Learning Gardens was held on Saturday, June 4, 2011. The farmers’ field is underway.

John Carroll University will host the Continental Cup again this year. The opening ceremony will be Thursday, June 30, 2011 from 6:00-9:00 p.m. on the JCU quad. Five hundred athletes from thirteen (13) different countries will participate and stay on the JCU campus from June 28 - July 4, 2011.

Agenda Items:

A. Appeal to the Board of Zoning Appeals’ decision of May 11, 2011 by Talia Gahanian of Top It Off Pizza, 14270 Cedar Road, regarding the denial to modify the ruling of City Council by not requiring delivery only from Memorial Day 2011 through Labor Day 2011 (Continued from May 16, 2011)

An appeal was filed by Mrs. Talia Gahanian of Top It Off Pizza regarding the Board of Zoning Appeals’ decision of May 11, 2011 to deny a modification to the ruling of City Council by removing the restriction of delivery only from Memorial Day 2011 through Labor Day 2011. Mrs. Talia Gahanian, president of Top It Off Pizza, and co-owner, Mrs. Zahava Seltzer, were present. This item was continued from the Council meeting of May 16, 2011.

Mrs. Gahanian stated that they are seeking an exception to the requirement for delivery only from Memorial Day through Labor Day. She noted that the exception was being requested because the original information presented to the Council on July 28, 2010 was incorrect or overstated. Since opening, they learned that the Heights Jewish Center is an active synagogue with classes and social events being held regularly. With regard to traffic generated by the restaurant, the business averages 15 cars per day—down from 35-50 cars per day estimated at the time of approval. The most traffic the business generated in a single day was 37 cars when they participated in a national fundraiser. Mrs. Gahanian also noted that deliveries will cost 22% of their average daily intake going to one employee which is an infeasibility of operating a business.

Mrs. Gahanian proposed the following safety measures to promote safety in the parking lot:
- Add a “STOP” sign with an additional “Caution Children” sign by the crosswalk at the entrance;
- Add a “Caution Children” sign at the current “STOP” sign at the exit;
- Add signage indicating that the first two rows of parking belong to and are reserved for the Heights Jewish Center;
- Add 3 or more “Caution Children” signs around the parking lot and traffic circle;
- Top It Off Pizza to provide an employee in the parking lot during the restaurant’s busy times to help direct traffic.
Vice Mayor Goldberg inquired if business has increased over the nine months that the restaurant has been open. Mrs. Seltzer replied that business has not increased, but rather it has been very consistent and steady after the initial rush of the new business wore off. Vice Mayor Goldberg asked what they have done to grow the business knowing that the restriction was tied to the special permit. Mrs. Gahanian responded that they instituted delivery in February during the dinner rush. What they discovered is that their clientele would prefer to pick up because they do not want to pay the $3 fee for delivery or the tip.

Mrs. Seltzer commented on other things they have done to increase business such as having a presence on Facebook, having a website, advertising on a Jewish blog, as well as advertising in other publications. She also noted that they are hindered by not having signage on the outside of the building on Cedar Road. Vice Mayor Goldberg stated that the location is probably not the best for the business. Mrs. Gahanian agreed that there are drawbacks to the location i.e. there is no sit-down service, there is no storefront, and it hard to advertise. However, she mentioned that they are a small business trying to grow. She mentioned that they also started a kosher rewards program, they send out a newsletter to the customers in their database, and they have doubled the menu since opening. Mrs. Gahanian added that they have a solid customer base, it is just not large enough to move to another location. She added that they hope to increase the customer base and be able to move in two (2) years. Mrs. Gahanian stated that the question before them currently is whether to close for the summer or continue to operate for the summer.

Law Director Kenneth J. Fisher offered a brief history. He stated that on June 9, 2010 the Board of Zoning Appeals (BZA) denied a special use permit for a take-out pizza restaurant, Top It Off Pizza, at the Heights Jewish Center, 14270 Cedar Road, which is located in a U-2, Two-Family Residence District. An appeal was made to City Council and at a special Council meeting on July 28, 2010, a special permit was approved to allow a take-out pizza restaurant to operate in the synagogue for one (1) year from October 1, 2010 through September 30, 2011 with an absolute condition that from Memorial Day 2011 through Labor Day 2011 there would be delivery only. Mr. Fisher stated that the special permit is an exception to the zoning code and it prohibits pick up at the location during that time period. He added that nothing has changed to remove the condition. Mrs. Gahanian stated that the traffic generated by the business has changed from the original estimates given at approval.

Councilman Murphy stated that his decision to vote against the special permit was based on the comments of former Chief of Police Gary Stehlik which was based totally on the fact that it would be a risk for the children at the pool. He added that they have not gone through a pool season so he does not know that for a fact. Mr. Murphy inquired if the Interim Chief had a comment. Interim Chief of Police James Williams stated that he was not familiar with the former Chief’s position.

Councilman Bullock stated that he stood in the parking lot with Mrs. Gahanian and Mrs. Seltzer observing the traffic and he was surprised they came back to the Council. Councilman Bullock stated that as Chairman of the Safety Committee of Council working with the police and other safety official, they have a responsibility to provide a safe environment for the residents. He would prefer to be proactive and prevent problems rather than wait for something to happen and then take action. Councilman Bullock stated that he voted no to grant the special permit because it was a bad decision to put a business in a place where it does not belong. Mr. Bullock stated that in this situation, it seems that everybody wants what they want regardless of the impact on others – the business owners want to be in that location and to do business the way they want in order the make a profit and the customers want to be served, but they do not want to pay a delivery charge. He added that in observing the traffic with former Deputy Chief of Police James Rohal, he noticed that there was a traffic problem even when Top It Off Pizza was not there. Councilman Bullock stated that he will have to support the best action to provide safety for the residents.

Mrs. Gahanian stated that they are taking a hard look at how to increase business. She mentioned that when the approval was granted it was suggested that they appeal to the BZA in May if the felt the need. They appealed to the BZA and was denied, therefore, they were forced to come back to the Council. Mrs. Gahanian also noted that Mrs. Seltzer and she take the safety of their customers, the citizens and everyone else very seriously. She also preferred to be proactive and stated that to generate a maximum of three (3) to four (4) cars an hour over the course of a 9-hour day does not pose a safety risk. Councilman Bullock remarked that was not the Police Chief’s opinion. Mrs. Gahanian stated that the opinion was based on an estimate 35-50 cars per day, not 15.

Mayor Infeld asked the Council not to let the change in status of the Police Chief delay the decision on this matter. She added that the former Chief retired and conclusions cannot be drawn as to whether he may or may not feel differently based on the new information.
Councilman Consolo inquired as to what the Heights Jewish Center receives. Mr. Gahanian replied that they rent the kitchen from the synagogue for a flat rate. Mr. Consolo asked if the synagogue could help by reducing the rent. He noted that the goal is to grow the business and get to the 35-50 cars a day. Mrs. Gahanian mentioned that the ultimate goal is to move, but they cannot do it now and there are not many places to move to within the Jewish community.

In response to a question from Councilwoman Pardee, Mrs. Gahanian noted that 85% of the business’ customer base is local. Mrs. Pardee inquired if they have considered adjusting hours in order to cut costs. Mrs. Gahanian replied that they have considered it, but nobody wants to work a split shift.

Councilman Sims stated that he supports the concept of the business and believes it could be successful. However, he noted that the business is located in an area that hampers the ability to be successful. Mr. Sims acknowledged that new information was presented as it relates to the amount of traffic the business generates. He added that to him the two or three cars an hour does not represent a significant risk over the existing amount of traffic that is already in the area, but he did not want the responsibility if an accident was to occur. Councilman Sims stated that his reservation is not that the owners came back to the City because it was made clear that they had the option to seek counsel of the Board of Zoning Appeals around May. However, Mr. Sims strongly urged Mrs. Gahanian and Mrs. Seltzer to find a more appropriate place for the business in order for it to grow.

Councilman Ertel stated that he respects Mrs. Gahanian’s and Mrs. Seltzer’s ambition. He wished his remarks could have been more favorable. Mr. Ertel noted that his number one concern is for safety of the residents, especially young families. He added that he must go along with the former Chief’s comments.

Councilwoman Pardee stated that she supports the business and would like to see them make it through the summer so they can build the business during the fall and winter. Mrs. Pardee noted that she listened to the former Chief and she is also concerned about the safety of the public.

Vice Mayor Goldberg stated that when the Council came up with the compromise to allow the special permit for one year with the restriction of delivery only from Memorial Day 2011 through Labor Day 2011, everyone was hoping the business venture would be successful. However, she does not think the current location is the best location for the business. Vice Mayor Goldberg stated that the goal is for the business to thrive, to grow, and to be a prototype for other kosher pizza restaurants. However, she stated that it is challenging trying to fit the business into the area where it does not work under the Zoning Code.

Mrs. Seltzer inquired as to why “Caution Children” signs have not been posted in the parking lot if the intent is to provide a safe environment regardless of whether the business is located there or not. She noted that they would like to help implement more safety measures to make the parking lot safer while allowing the business to remain in its current location and grow. Mayor Infeld replied that Mrs. Seltzer had a valid point because she witnessed several pedestrians including children from the Heights Jewish Center crossing the area while cars were trying to navigate. She will have the Police Department look into the suggestion for signage. Mayor Infeld mentioned that most people are knowledgeable that the pool is a community gathering space. Mr. Fisher advised that signage is under the jurisdiction of the Police Chief and if signage is needed that is something the City can and will address. He added that there is no question that safety is paramount.

Fred Taub, a Cleveland Heights resident, spoke in support of Top It Off Pizza. He appreciated the business and the Council’s concerns about safety. Mr. Taub stated that although he has not been in the area when the pool is open, he has not seen any traffic issues when he has picked up his pizza. With regard to a question from Mr. Taub as to whether or not lunch time is a peak time at the pool, Mayor Infeld responded yes, that the pool is open from 6:30 a.m. and 8:30 p.m. and there are hundreds of people in the park daily in the afternoon for tennis lessons, swim lessons, arts and crafts, and story time in the park. Mr. Taub requested that the Council grant the variance as requested.

Toni Senders, a University Heights resident, inquired if she could order a pizza and walk over to pick it up while patronizing the pool. Mr. Fisher replied that she could walk over and pick up the pizza because the restriction is on vehicular traffic only.

Tiffanie Moss inquired if the customers of Top It Off Pizza could park in the pool parking area and walk up to pick up their pizzas. Mr. Fisher responded that they could not because that would be a deceptive maneuver which would violate the special condition. Mrs. Moss also expressed her issue that there should not be any vehicular traffic from pool patrons in the first row of parking next to the synagogue.
Mrs. Moss noted that there are only three cars at the most waiting to pick up their orders and requested that the Council consider the numbers and direct the interim Police Chief to re-evaluate the situation.

Oren Gahanian, Talia Gahanian’s husband, stated that Saturday is the day when the most people go to the pool and it is also the day when the most people go to the synagogue. He noted that there is also potential danger for members of the synagogue from pool traffic. Mr. Fisher stated that the issue is that the synagogue use is permitted in a U-2, Two-Family Residence District, but a restaurant is not allowed in the U-2 District or in an institution. However, the Council allowed by special permit as an exception to the Zoning Code for the proposed use with restrictions to make sure that there was not traffic during the pool season when there are a lot of people, adults and children, in this area including members of the Heights Jewish Center.

Mrs. Gahanian mentioned that at noon on Saturday when the pool is opening the synagogue members are walking through the parking lot with their families, many with small children. She added that this has been occurring for years and there has never been an accident.

Martin Lipman, a Baintree Road resident and president of the Heights Jewish Center, commented that the issues seem to be both use and safety. Mayor Infeld stated that there is one question before the Council that being the condition which the Council imposed upon the restaurant’s operation and now the owners are asking for a reconsideration before the one year condition has expired. Mr. Lipman stated that the original objection was safety because that is the reason why it is different in the summer as opposed to the winter otherwise it would not be allowed in the winter as well. Mr. Fisher reiterated that a restaurant is not a permitted use in the U-2 District and it was granted as an exception to the Zoning Code which the Codified Ordinances allows by special permit after certain conditions are met with safety being one of them. He noted that there were many considerations discussed by the Council prior to granting the special permit as an exception to the Zoning Code. It was Mr. Fisher’s opinion that the condition not be removed. Mr. Lipman stated that he hopes the business will not move or have to close for the summer because the Heights Jewish Center is receiving rent. He suggested that perhaps they should consider conducting fundraisers over the summer in an attempt not to lose the revenue.

Mrs. Seltzer stated that in the 25 years that the pool and synagogue has been together there has yet to be an accident during the busy pedestrian/vehicular time on Saturdays. She added that Top It Off Pizza’s customers are adults who drive safely.

Fred Bolotin, clarified that he was not representing any of the interested parties, but was speaking as a University Heights resident. Mr. Bolotin stated that he heard three issues that are separate but interwoven: 1) zoning variance; 2) safety issue; and 3) timing that the business in its first 9 months of the existing condition and the owners are requesting a removal of the restriction. He commented that when Council approved the special permit with the restriction that approval was based on projected traffic. However, the projection was overstated and the owners have brought forth new information with actual data to be considered.

Councilman Bullock reiterated that he originally voted no because of safety and it is obvious that there is a use issue. Mr. Bullock stated the fact that Top It Off Pizza did not get the expected business might help the owners in future decision making. It was his opinion that trying to force a business to be successful in that location is a mistake. He also suggested that they work out a better business plan. Mrs. Gahanian clarified that the business is profitable they just have not had as many customers as expected. She added that the business with the delivery only restriction will not be successful due to the additional full-time employee, insurance for the driver, and cost of gas.

Councilman Consoled inquired how the City could stop Top It Off Pizza and/or the Heights Jewish Center from running a fundraiser if it wanted to. Mr. Fisher replied that a fundraiser is a one-time event, not a daily activity, where the proceeds would support institutional related costs. Mr. Consoled stated that as a Councilman he is not going to be an advocate for the business. But, he is interested in the City doing what it can to keep the synagogue active such as looking at the lease which the City holds on the parking lot. It was noted that the City pays the Heights Jewish Center $1 per year for the lease on the parking lot. Mayor Infeld stated that the Law Director can look into the lease, which was put in place at the time the Heights Jewish Center purchased the property from the Masonic Temple because there was a prior arrangement between the Masonic Temple and the City. Councilman Consoled noted that points have been raised which are significant to him such as the fact that no one is looking out for the pedestrians of the synagogue and protecting them against the pool traffic. Mayor Infeld stated that as Safety Director she has acknowledged the registered concern regarding safety and will personally address the issue.
Vice Mayor Goldberg inquired if the restaurant will close if the restriction is not removed. Mrs. Gahanian replied that they will investigate other options, but it is a real possibility. Councilman Murphy stated that typically when a landlord has an interest in a business staying open, the landlord could assist with percentage rent.

**MOTION BY MR. MURPHY, SECONDED MR. BULLOCK to uphold the condition established by Council at a special meeting held on July 28, 2010 to restrict pick up traffic by requiring delivery only without exception from Memorial Day 2011 through Labor Day 2011. On roll call, all voted “aye.”**

B. Motion to approve the request of John Carroll University to hold a high school football game, St. Ignatius (Cleveland) vs. St. Xavier (Cincinnati), at Don Shula Stadium

Present representing John Carroll University (JCU) were Dora Pruce, Director of Government and Community Relations, Laurie Massa, Senior Director of Athletics, and Tim Peppard, Director of Campus Safety. Ms. Pruce requested approval to use JCU’s Don Shula Stadium for a high school football game between Cleveland St. Ignatius and Cincinnati St. Xavier on Saturday, October 22, 2011 starting at 2:00 p.m. and to approve extending the stadium light curfew on Friday and Saturday nights that weekend to 10:00 p.m. in order to reschedule the men’s and women’s soccer games that would have been played that afternoon.

In addressing some of the issues, Ms. Pruce noted that the football game is expected to draw close to 5,000 people as in the past. Students will be instructed to move their cars off campus to allow for parking. Security will be coordinated between campus police and city police with the payment for additional officers to be addressed in the contract with St. Ignatius and St. Xavier. She also noted that the event will be held on the Sabbath. Therefore, the event will be communicated to the neighbors through the community newsletter.

Councilman Sims requested that a reminder notice be sent out to the surrounding neighbors closer to the event in October since the newsletter goes out around the end of August. Vice Mayor Goldberg requested that the neighbors also be notified that the sound system will be utilized during the football game.

**MOTION BY MRS. PARDEE, SECONDED BY MS. GOLDBERG to approve the requests of John Carroll University to use Shula Stadium for a high school football game between St. Ignatius (Cleveland) and St. Xavier (Cincinnati) on Saturday, October 22, 2011 at 2:00 p.m. and to approve extending the stadium light curfew to 10:00 p.m. for two (2) additional night games on Friday and Saturday, October 21 and October 22, 2011, for rescheduled men’s and women’s soccer games. On roll call, all voted “aye.”**

At this point in the meeting, Resolution No. 2011-36 was read to representatives of John Carroll University. For the purpose of these minutes, passage of the resolution is denoted in proper order under agenda item “H”.

C. Motion to approve payment of $8,000 to the City of Shaker Heights for University Heights’ contribution to the study on Fire Department services

Mayor Infeld reported that the Cleveland Foundation awarded a $25,000 grant to the City of University Heights and the City of Shaker Heights to study consolidation of fire services. The required matching contribution is being split between the two cities based on population. Shaker Heights has approved its payment of $17,000. The City of University Heights’ share is $8,000.

**MOTION BY MS. GOLDBERG, SECONDED BY MR. SIMS to approve the payment of $8,000 to the City of Shaker Heights for University Heights’ contribution to the study on Fire Department services. On roll call, all voted “aye.”**

D. Ordinance No. 2011-32 Authorizing the purchase of a 2011 Ford Crown Victoria Police Interceptor from Statewide Ford Lincoln Mercury

Ordinance No. 2011-32 authorizes an agreement with Statewide Ford Lincoln Mercury for the purchase of a 2011 Ford Crown Victoria Police Interceptor in an amount not to exceed $24,476.00 as the lowest and best price due to the purchase being made through the State of Ohio Purchasing Program.
Mayor Infeld noted that a police cruiser (UHPD Car #7232) was involved in an accident on February 26, 2011 which resulted in the cruiser being totaled. The City received an insurance check, dated March 29, 2011, in the amount of $13,170 which will be applied to the cost of the new vehicle.

Interim Chief of Police James Williams stated that the new car is needed and will be a regularly equipped police vehicle in the general duty uniform fleet. He noted that since February, they have been using the remaining six (6) uniform cars. He added that it is an aging fleet so there are a lot of mechanical problems and they average four (4) cars on the road at a given time. The uniform division is supplemented with unmarked Crown Victoria detective cars as needed for the officer in charge.

As a result of questioning by Councilman Sims, it was noted that the 401 Capital Fund does not have sufficient resources to cover the purchase of the police vehicle. Therefore, $11,306.00 will be transferred from the General Fund along with the $13,170.00 from the insurance proceeds from the totaled vehicle. It was also noted that this purchase was not part of the 2011 budget.

**MOTION BY MR. ERTEL, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2011-32 as presented. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”**

**E. Resolution No. 2011-33 Adopting the 2012 Tax Budget**

Resolution No. 2011-33 adopts the 2012 Tax Budget. Finance Director Jennifer Esarey reported that the resolution must be passed and submitted to Cuyahoga County by July 15, 2011.

**Resolution No. 2011-33 was presented on first reading.**

**F. Ordinance No. 2011-34 Establishing the position of part-time Human Resources Manager**

Ordinance No. 2011-34 establishes the part-time permanent position of Human Resources Manager at an annual compensation of $20,000.

Mayor Infeld stated that this item was discussed in executive session after the Council meeting on May 16, 2011 as a personnel matter. Mayor Infeld stated that the City would benefit from having a person skilled and trained in matters relating to employee benefits, employee relations, recruitment, contracts, governmental regulations, and negotiating health care contracts. She gave Council a history of workers’ compensation claims since 2007. In 2007 there were thirteen (13) claims, in 2008 there were sixteen (16) claims, in 2009 there were ten (10) claims, and in 2010 there were eight (8) claims. From 2007 to 2010, seventeen (17) employees were put on work continuation for approximately 8,000 hours amounting to $175,000, which was in addition to the amount paid out directly for workers’ comp claims in the amount of $140,000. Mayor Infeld stated that she believes having an experienced person trained in specific areas will help reduce the City’s workers’ compensation claims and provide guidance to the administration.

Councilwoman Pardee inquired as to how many hours the part-time position would entail and if benefits are included. Mr. Fisher replied that it is a non-hourly position similar to the Law Director position with no benefits except for PERS and sick time. Mrs. Pardee inquired if there is certification for HR professionals and, if so, will the person be certified. Mayor Infeld stated that she is looking for someone who has experienced as stated in the job description. She added that the Finance Director has undertaken the job functions, but in her observation it is a large task when she is responsible for the City’s finances.

Mr. Fisher mentioned that the vacant finance clerk position will not be filled in order to hire the Human Resources Manager. Mayor Infeld explained that funds were appropriated in the budget under the Finance Department to allow for the hiring of a full-time finance clerk, but she would use a portion of the funds allotted to that position to fund the salary of the Human Resources Manager. Councilman Bullock inquired if the amount is offset. Mayor Infeld replied that she believes the City can find someone for an amount less than what was set aside for the finance clerk.

Councilman Bullock asked if the Finance Director has always handled this work. Mayor Infeld responded that to her knowledge the Finance Director has typically handled personnel issues and the City has relied on an attorney’s advise for labor matters and employee relation issues. She added that it was the recommendation of the City’s labor counsel that the City hire someone to handle employee matters.
Vice Mayor Goldberg inquired if a part-time position will be sufficient or should the position be full-time and, if not, is there another city that has a part-time HR person which could be shared. Mayor Infeld replied that she is aware that other cities combine the HR position with another position such as Finance Director, but it is possible that there may be a part-time HR position in another city. Mayor Infeld added that she is aware that there are retired HR executives who are willing to work on a part-time basis in this position.

Councilman Consolo mentioned that they discussed a salary of $10,000. Mayor Infeld noted that the Law Director wanted to give her flexibility in case the salary was $12,000. Mayor Infeld added that she believes she can find someone for less than $20,000. Mr. Consolo inquired if the majority of the work will be workers’ comp related because the City has a third party administrator for workers’ comp which costs the City about $10,000 per year. Mayor Infeld replied that some items will be workers’ comp related, but there are other matters which need to be addressed such as OSHA issues, FMLA, and Cobra. She added that having a person on staff to troubleshoot and offer guidance on how to operate using best practices will help to professionalize the staff and have a more productive and happy workforce. Councilman Consolo inquired what the hours are going to be and questioned if the person should be full-time if he/she is to observe the employees. Mayor Infeld stated that she does not think the City needs a full-time HR person.

Councilman Murphy asked if the Mayor looked into contracting with an outside consultant instead of hiring an employee in order to save the cost of paying PERS. Mayor Infeld stated that it could be an option. Mr. Murphy stated that he would like to see a side-by-side comparison because it seems that what the City is looking for could be achieved through contracting with a consultant. He also asked the Finance Director to quantify PERS for a $20,000 salary. Ms. Esarey stated that the PERS contribution of 14% would be approximately $2,800 per year. Councilman Murphy stated that he was not questioning the need for the HR person, rather he was trying to think of a way to make it work to the City’s benefit.

MOTION BY MR. MURPHY to table Ordinance No. 2011-34 until the Council receives a side-by-side comparison of what an outside consultant would charge. Motion died for lack of a second.

Mayor Infeld stated that she will withdraw Ordinance No. 2011-34. Mr. Fisher suggested placing the ordinance on first reading.

Ordinance No. 2011-34 was presented on first reading.

G. Ordinance No. 2011-35 Authorizing an agreement with Paypal to provide online payment options for municipal fees

Ordinance No. 2011-35 authorizes an agreement with Paypal to provide online payment options for municipal fees.

Mayor Infeld stated that the City is currently offering Paypal as a payment option for the purchase of recreation passes. She noted that a representative of the State Auditor’s Office recommended that the process be formally authorized by ordinance.

After a question from Councilman Consolo, Ms. Esarey noted that the fees associated with the Paypal account are based on the month’s purchase payments received as follows: $0 - $3,000 is 2.9% per transaction plus a $.30 fee; $3,001 - $10,000 is 2.5% per transaction plus a $.30 fee; $10,001 - $100,000 is 2.2% per transaction plus a $.30 fee; etc. Mr. Consolo asked how Paypal compares to other services. Mayor Infeld stated that she decided to use Paypal based on the recommendation of the City’s webmaster who has done this for other cities. She noted that Paypal is considered the most secure and easiest to use. She added that feedback from the community has been positive.

Vice Mayor Goldberg commented that the fees the City pays will increase over the years as more people use the service. Mayor Infeld mentioned that it is her intention to offer the recreation passes as the first program and then expand it to other municipal fees.

For informational purposes, Councilman Bullock stated that he receives an email from Paypal about every three months indicating that his account needs attention and that he should contact them. Mr. Bullock noted that he has never had an account with Paypal nor does he intend to. It was noted that the emails might be a scam and not to give out personal information.
MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE to approve the passage of Ordinance No. 2011-35 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

H. Resolution No. 2011-36 Congratulating John Carroll University on the occasion of its 125th Anniversary

The Mayor and Council member read Resolution No. 2011-36 congratulating John Carroll University on the occasion of its 125th Anniversary.

MOTION BY MR. ERTEL, SECONDED BY MRS. PARDEE to approve the passage of Resolution No. 2011-36. On roll call, all voted “aye.”

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

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to hold an executive session immediately following this regular meeting for the purpose of discussing the sale of real estate and personnel matters. On roll all, all voted “aye.”

Directors’ Reports:

Law Director Kenneth J. Fisher reported that in accordance with the Ohio Revised Code, the City has designated Clerk of Council Nancy E. English as the public records official to attend required training sessions in past years. He noted that on Tuesday, June 7, 2011, Ms. English will attend a Certified Public Records Training conducted by and through the Ohio Attorney General’s Office. Mr. Fisher recommended that Council authorize by formal motion that Ms. English be the authorized designee for City officials.

MOTION BY MR. SIMS, SECONDED BY MS. GOLDBERG to authorize that Clerk of Council Nancy E. English be designated as the public records official for the City of University Heights and to attend the required Certified Public Records Training as the authorized designee for the City officials. On roll call, all voted “aye.”

Service Director Robert Jamieson reported that the City held its Household Hazardous Waste Disposal, Recycling, and Document Shredding Day on Saturday, May 28, 2011. He noted that 150 cars came through on Saturday and 10-15 cars dropped off items on Friday, May 27, 2011. The event was very successful and it will be held again in September or October.

Building Commissioner David Menn reported that the State of Ohio License Bureau is moving to University Corners at Taylor Road and should be open by mid-June. He also reported that Anytime Fitness has started remodeling its facility.

Councilman Sims complemented Mr. Menn on efforts to abate the grass on vacant properties. He encouraged a continued effort especially at the gateways to city, Cedar Road and Warrensville Center Road. Mr. Menn noted that the inspectors have written between 300-400 grass notices this year.

Mr. Sims concurred that the appearance of the properties on Warrensville Center Road has improved, but he noted that there is one property with an excessive amount of debris in the yard. Mr. Menn mentioned that he gave the Service Director five (5) abatements on Warrensville Center Road.

Vice Mayor Goldberg inquired into the status of the Weizman property at 4394 Groveland Road. Mr. Menn replied that the driveway has been poured. But, Mr. Weizman was in court today (June 6, 2011) and was served notice to remove the debris in the front yard, finish the front steps, and reseed the front yard. Mr. Weizman has thirty (30) days to comply.

Mayor Infeld reported that the gas line will be replaced on South Green Road in Shaker Heights, University Heights and Beachwood beginning at the end of June for six months. She also noted that there will be two major projects going on simultaneously on Bushnell Road for approximately two weeks. The gas line will be replaced on Bushnell Road and the waterline project will begin on Bushnell Road around the end of June.
Committee Reports:

**Building Committee** Chairman Frankie Goldberg reported that she will schedule a committee meeting by the end of June.

**Governmental Affairs Committee** Chairman Susan Pardee reported that she will schedule a meeting in June to discuss “Make A Difference Day.”

Councilwoman Pardee thanked the Parade Committee for its efforts this year. She liked the new idea of the street fair. Mrs. Pardee noted that the Memorial Day Parade program booklet was nicely done. She initially had concerns about the mailing, but was glad to hear that it was fully paid for by donations.

There being no further business to discuss, the meeting recessed into executive session. Following the executive session, the meeting was adjourned.

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Susan K. Infeld, Mayor

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Nancy E. English, Clerk of Council