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

Roll Call: Present: Ms. Frankie B. Goldberg  
Mr. Steven Sims  
Mrs. Susan D. Pardee  
Mrs. Pamela Cameron  
Mr. Thomas A. Cozzens  
Mrs. Adele H. Zucker  

Absent: Mr. Phillip Ertel  

Also Present: Clerk of Council Nancy E. English  
Interim Law Director Kenneth J. Fisher  
Interim Finance Director Anthony Ianiro  
Chief of Police Steven Hammett  
Interim Fire Chief David Rodney  
Service Director Robert Jamieson  
Building Commissioner David Menn  
City Engineer Joseph Ciuni  

MOTION BY MS. GOLDBERG, SECONDED BY MRS. ZUCKER to excuse the absence of Mr. Ertel. On roll call, all voted “aye.”  

A moment of silence was held in remembrance of the victims of the Chardon High School shooting, which occurred on February 27, 2012.  

Pledge of Allegiance  

Minutes of the Regular Meeting of March 5, 2012  

Councilwoman Pardee noted a correction to the minutes on second page under the upcoming meetings list for Community Development Block Grant (CDBG) Public Hearing, the word “Tuesday” should be changed to read “Wednesday.”  

Mayor Infeld noted a correction on fourth page, the word “State” in the third sentence of the first paragraph should be changed to read “estate.”  

There were no other corrections or additions to the minutes of the regular meeting of March 5, 2012.  

MOTION BY MR. COZZENS, SECONDED BY MRS. PARDEE to approve the minutes of March 5, 2012 as amended. On roll call, all voted “aye.”  

Comments from the Audience:  

Wendy Deuring commented that it was nice to be able to hear the meeting with the air conditioner running. Mayor Infeld mentioned that the new air conditioner was purchased with grant funds.  

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

Mayor Infeld announced that there is a new schedule of community meetings for the presentation of the Cleveland Heights-University Heights City School District’s facilities master plan. The remaining meetings are:  

March 22, Roxboro Elementary School, 6:30 p.m.  
March 26, Fairfax Elementary School, 6:30 p.m.  
March 27, Garity Professional Development School, 6:30 p.m.  
April 2, Noble Elementary School, 6:00 p.m.  
April 3, Oxford Elementary School, 6:30 p.m.  
April 4, Canterbury Elementary School, 6:30 p.m.  
April 5, Boulevard Elementary School, 6:30 p.m.  
April 18, Cleveland Heights High School, 6:30 p.m.  

MOTION BY MS. GOLDBERG, SECONDED BY MRS. ZUCKER to excuse the absence of Mr. Ertel. On roll call, all voted “aye.”  

A moment of silence was held in remembrance of the victims of the Chardon High School shooting, which occurred on February 27, 2012.  

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There were no other corrections or additions to the minutes of the regular meeting of March 5, 2012.  

MOTION BY MR. COZZENS, SECONDED BY MRS. PARDEE to approve the minutes of March 5, 2012 as amended. On roll call, all voted “aye.”  

Comments from the Audience:  

Wendy Deuring commented that it was nice to be able to hear the meeting with the air conditioner running. Mayor Infeld mentioned that the new air conditioner was purchased with grant funds.  

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April 5, Boulevard Elementary School, 6:30 p.m.  
April 18, Cleveland Heights High School, 6:30 p.m.
Councilwoman Pardee reported that based on the feedback already received, the two (2) plans (A and B) previously presented have been reduced to one (1) plan (C). At the upcoming meetings, Plan C will be presented and input from the community will be received.

Mayor Infeld reported that Council will interview the finalists for the position of Finance Director this week. She anticipated an appointment soon. Mayor Infeld expressed her appreciation to Interim Finance Director Anthony Ianiro for assisting the City during this transition.

Mayor Infeld also reported that a Town Hall Meeting was held on March 12, 2012 at Wiley Middle School regarding the potential acquisition of the former Fuchs Mizrachi School property by the City. Questions were asked at the meeting to determine if the community was aware of the possible purchase and to get the residents’ feedback. At that meeting, Mayor Infeld told the community that she and the Council were of the opinion that converting the property into a park would be a nice addition to the community, if the City was able to acquire the property. The Mayor noted that she has heard from about 1% of University Heights’ population. Most of the communication has been by e-mail, but she has received approximately twenty (20) telephone calls. Mayor Infeld commented that the responses have been positive. However, some people are not in favor of the acquisition, but they are much fewer in number.

Agenda Items:

A. Ordinance No. 2012-07 To appropriate for current expenses and other expenditures of the City for the period commencing January 1, 2012 and ending December 31, 2012 (2nd Reading)

Ordinance No. 2012-07, which was placed on first reading on March 5, 2012, appropriates funds for current expenses and other expenditures of the City for the period commencing January 1, 2012 and ending December 31, 2012. Interim Finance Director Anthony Ianiro stated that he distributed a revised Exhibit “A” which is attached to the ordinance. The only change to the exhibit was that the actual amount of Workers’ Compensation payments was added. Councilman Cozzens stated that the Finance Advisory Committee met on March 14, 2012 and reviewed the budget. Pertinent questions were asked and answered. The members of the advisory committee were content with the budget as presented.

Councilman Sims suggested that the budget be amended to appropriate funds for street improvements on Lansdale Road. He noted that the City intends to apply for Community Development Block Grant (CDBG) funding to possibly address the resurfacing of Lansdale Road, which he supports. However, he was of the opinion that the resurfacing of Lansdale Road should not be contingent upon the receipt of CDBG funds because there is no guarantee the application will be approved. He believes that the condition of the street is such that the street should be improved regardless of whether the City receives a grant. Councilman Sims stated that it is important to maintain a focus on preserving the quality of the area because there is a perception that is tied to the community relative to the condition of the streets. Therefore, he stated that the City should do its best to avoid disinvestment in the area and to prevent the area from becoming a blight. Councilman Sims stated that by providing a sum in the budget for the resurfacing, if the City receives a grant, the money could either be redirected to additional street improvements or at the discretion of the Mayor could be carried over into FY 2013.

MOTION BY COUNCILMAN SIMS to modify the budget as presented to include the amount of $65,000 for the resurfacing of Lansdale Road contingent upon the City not receiving the Community Development Block Grant funding.

City Engineer Joseph Ciuni commented that he was not sure if the City could apply for a grant if the street is already funded for the same improvement. Councilwoman Pardee stated that Mr. Ciuni’s point was well taken because funders never pay after the fact.

Councilwoman Cameron inquired if the matter could be revisited after the CDBG issue has been resolved. Mayor Infeld explained that typically the City does a mid-year assessment in terms of expenses and revenues. She mentioned that in the past the City has been able to do street paving projects outside of the bid for the annual Street Improvement Program. Mayor Infeld noted that this year’s program with the City of Shaker Heights is already out for bid with a different list of streets.
Councilwoman Pardee asked if the City could do major patching on Lansdale Road if the CDBG funds are not received and the City cannot afford to do full street paving. Mayor Infeld replied that it would be a choice of which streets to patch. She mentioned that there may be other streets off of main arteries which are more heavily traveled.

Councilman Sims inquired if there is a procedure to allow for the Council to reconsider the budget at a later date if the budget is passed as presented without a provision for Lansdale Road and the City does not receive the grant for Lansdale Road. Mr. Ianiro responded that the Council has the opportunity throughout the course of the year to amend any portion of the budget to accommodate any other expenditure that may come along after a reassessment. With that understanding, Councilman Sims suggested that they reassess this question on the chance that the City is not awarded the grant for Lansdale Road.

COUNCILMAN SIMS withdrew his motion to modify the budget.

MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON to approve the passage of Ordinance No. 2012-07 as an emergency measure.

Councilwoman Cameron inquired as to why the ordinance was being passed on emergency. Mayor Infeld replied that budget must go into effect before the 30-day waiting period because the City is required by law to submit the ordinance to the Cuyahoga County Budget Commission by March 31, 2012.

On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

Mayor Infeld commented that the City officials have all agreed in good faith to revisit the budget at mid-year to assess if Lansdale Road can be repaved.

B. Ordinance No. 2012-08 Authorizing the Mayor to submit an application for Community Development Block Grant funding for the Lansdale Road Streetscape Improvements (Emergency)

Ordinance No. 2012-08 authorizes the Mayor to submit the City’s application for funding of the Lansdale Road Streetscape Improvements under the requirements of the Community Development Block Grant Program as administered by the Cuyahoga County Executive.

City Engineer Joseph R. Ciuni reported that the City’s application for CDBG funding is due April 3, 2012. The project would be streetscape improvements to Lansdale Road which includes resurfacing and a traffic calming device to prevent cut-through traffic. The maximum grant is $150,000. Mr. Ciuni explained that the waterline project will be completed first and the paving will be done in the fall. Mayor Infeld noted that the County indicated that they view a waterline improvement project on the street as favorable, but there is no guarantee that the grant will be awarded. She added that the ordinance has to be submitted with the grant application.

MOTION BY MRS. ZUCKER, SECONDED BY MRS. CAMERON to approve the passage of Ordinance No. 2012-08 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

C. Ordinance No. 2012-09 Re-establishing the temporary moratorium on sweepstakes terminal cafés through October 20, 2012 (Emergency)

Ordinance No. 2012-09 re-establishes the temporary moratorium, as established by Ordinance Nos. 2010-64, 2011-14 and 2011-70, on the acceptance and processing of applications for zoning, occupancy, and/or building permit approvals for sweepstakes terminal cafés and the issuance of such approvals up to and including October 20, 2012.

Law Director Kenneth J. Fisher reported that the matter of regulating internet cafés is the subject of pending House Bill 195 before the State legislature, which will allow the Casino Commission to ultimately decide the number of and location of internet cafés within the state. He added that in the interim, the City has established a moratorium to prohibit the use pending State regulation. The present moratorium expires on April 20, 2012. Mr. Fisher recommended that the moratorium be extended to allow the State Legislature to act on pending House Bill 195.
Councilwoman Zucker asked if the City has had any requests. Building Commissioner David Menn replied that he has received several calls. Mr. Menn supported the moratorium.

Councilman Sims inquired as to what would happen if the City has a provision in place and the State passes a statute in contrary of the City’s regulation. Mr. Fisher responded that the way the present House Bill is written, the City could prohibit internet cafés altogether. He added however, that the City could not allow the use contrary to whatever the State may determine under regulations. Councilman Sims inquired if the City could prohibit this type of business in University Heights prior to the passage of legislation being considered in Columbus. Mr. Fisher stated that it would be proper and he would support it. Councilman Sims questioned why the City is not having the discussion to prohibit internet cafés in University Heights.

Mayor Infeld referred consideration of regulations for sweepstakes terminal cafés (internet cafés) to the Safety Committee of Council.

MOTION BY MR. SIMS, SECONDED BY MRS. ZUCKER to approve the passage of Ordinance No. 2012-09 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

D. Ordinance No. 2012-10 Authorizing the Mayor to enter into a purchase agreement for the purchase of 3954 Silsby Road (Emergency)

Ordinance No. 2012-10 authorizes the Mayor to enter into a purchase agreement with Joan Bitterman, Attorney-In-Fact for Lila M. Kramer (the “Seller”) for the purchase of 3954 Silsby Road, University Heights, Ohio.

Mayor Infeld stated that she was not in favor of the purchase and requested that her name be removed as introducing the ordinance and suggested that it be introduced by the Council as a Whole.

Mr. Fisher recommended that the ordinance be placed on first reading pending completion of the point of sale.

Ordinance No. 2012-10 was presented on first reading.

E. Motion to advertise for bids for the 2012 Water Main Replacement Project

Mr. Ciuni requested permission to advertise for bids for the Water Main Replacement Project. The two (2) streets approved by the Cleveland Water Department (CWD) are Lansdale Road and Westwood Road. The total cost estimate is $500,000 to be 100% paid by CWD.

MOTION BY MR. COZZENS, SECONDED BY MR. SIMS to advertise for bids for the 2012 Water Main Replacement Project. On roll call, all voted “aye.”

F. 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. ZUCKER, SECONDED BY MR. SIMS to hold an executive session immediately following this regular meeting for the purpose of discussing the acquisition of real estate. On roll call, all voted “aye.”

Directors’ Reports:

Interim Finance Director Anthony L. Ianiro reported that the State Auditor’s Office has started the process of selecting a private Independent Public Accountant (IPA) firm to perform the City’s audit. The cost proposals will be reviewed, Mr. Ianiro will make a recommendation, and present it to the Council. Mr. Ianiro noted that the decision will ultimately be that of the State Auditor.

Law Director Kenneth J. Fisher did not have a report, but he congratulated Mayor Infeld on her daughter, Emily Infeld, winning the 3,000-Meter Run at the NCAA Indoor Track & Field Championship in Nampa, Idaho on March 13, 2012. Miss Infeld became a national champion in the event representing Georgetown University.
Service Director Robert Jamieson reported that the City’s free document shredding and household hazardous waste drop off event on Saturday, March 10, 2012 was very successful with 2.6 tons of paper shredded and recycled as well as hazardous materials dropped off which will be recycled at the Cuyahoga County Solid Waste District Special Waste Drop-off Center. The next event will be Saturday, November 3, 2012.

Mr. Jamieson reported that the crews will be collecting loose yard waste during the month of April. He explained that residents may place large branches and brush untied on the tree lawn for pick up. Loose piles of leave may be placed on the tree lawn as well. Yard trimmings and leaves in craft bags may still be placed on the tree lawn for pick up on the regular rubbish day.

Mayor Infeld mentioned that batteries may be recycled in a container in the Service Department yard.

Councilman Sims inquired as to how much the City saved due to the mild winter. Mr. Jamieson replied that he has not calculated the savings yet, but he will report back.

Councilman Sims asked if the City has a policy regarding trees planted on the tree lawn. Mr. Jamieson responded that there is not a written policy, but if the City removes a tree, it is replaced upon request.

Building Commissioner David Menn reported that letters will be going out this week informing property owners that the exterior maintenance program is continuing. He noted that the target area this year will encompass Warrensville Center Road to Miramar Blvd. and Cedar Road to Fairmount Boulevard. Mr. Menn stated that contractors may contact residents to perform work on their property.

Councilman Sims suggested that the residents be provided with information that can help them when they cannot afford to make repairs as indicated in the inspection report. Mr. Menn replied that residents can contact the Building Department and they will suggest assistance that is available such as the United Way’s 211 First Call for Help, which refers to all County agencies, and the Home Enhancement Loan Program (HELP), which is a low interest loan. Mr. Sims suggested that information pertaining to assistance be included with the violation notices. Mr. Menn stated that if there is a problem have the resident contact him because the department will work with residents to get the violations corrected even if the time has to be extended. Councilman Sims noted that his concern is for elderly residents on fixed incomes and suggested that Mr. Stinson consider a session at his senior citizen speaker events at the library.

Mr. Menn mentioned that the employees in the Building Department participated in a weight loss challenge over the last eight weeks and they lost a total of 80 pounds. Also, one employee stopped smoking and has been smoke free for a year.

City Engineer Joseph R. Ciuni did not have a report, but wished everyone a Happy St. Joseph’s Day.

Committee Reports:

Finance Committee Chairman Thomas A. Cozzens reported that the Finance Advisory Committee met on March 14, 2012 and reviewed the FY 2012 Annual Budget. The meeting went well, there were suggestions made and received by Mr. Ianiro.

Recreation Committee Chairman Pamela Cameron reported that the Town Hall Meeting was held on March 12, 2012 specific to the issue of the Citizens for Saybrook Park initiative to create a green space at the site of the former Fuchs Mizrachi School property. She expressed appreciation to those who attended and offered input, both pro and con. She suggested that residents encourage their neighbors to continue the effort by e-mailing the Council members and expressing their views and intentions.

Councilwoman Cameron recommended two additional memberships to the Recreation Advisory Committee: Sheila Hubman and a representative from John Carroll University.

Safety Committee Chairman Frankie B. Goldberg reported that she will schedule a committee meeting for the end of April.
Mayor Infeld announced that Vice Mayor Frankie Goldberg is running for Cuyahoga County Juvenile Court Judge and she won the Democratic Party primary election on March 6, 2012. Vice Mayor Goldberg will be the Democratic candidate in the general election on November 6, 2012.

**Service and Utilities Committee** Chairman Steven Sims announced that his committee met on March 13, 2012. The committee reviewed reports relating to city streets and capital equipment for the Service Department. The minutes will be available soon for distribution and posting.

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

Mayor Susan K. Infeld

Nancy E. English, Clerk of Council