

MINUTES OF COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS  
MAY 2, 2011

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

Roll Call: Present: Mr. Steven D. Bullock  
Mr. Kevin Patrick Murphy  
Mr. Frank Consolo  
Mr. Philip Ertel

Absent: Ms. Frankie B. Goldberg  
Mr. Steven Sims  
Mrs. Susan D. Pardee

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

**MOTION BY MR. BULLOCK, SECONDED BY MR. CONSOLO to excuse the absence of Mr. Sims, Ms. Goldberg and Mrs. Pardee. On roll call, all voted “aye.”**

Pledge of Allegiance

Minutes of the regular meeting held on April 18, 2011

There were no corrections or additions to the minutes of April 18, 2011.

**MOTION BY MR. CONSOLO, SECONDED BY MR. BULLOCK to approve the minutes of the regular meeting held April 18, 2011 as presented. On roll call, all voted “aye,” except Mr. Ertel, who “passed.”**

Comments from the Audience

Tracey Willmott, a freshman at John Carroll University, offered a public apology for her actions that caused a disturbance to a University Heights resident last winter. She stated that it would not happen again.

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

Mayor Infeld reported on several items:

The Summer Recreation Booklet is at the printer and will be mailed out soon. The City will offer online payment for recreation passes. Residents will still have to appear in person to get their picture taken and show proof of residency. Passes can be purchased at City Hall one week before the pool opens, May 23 - 28, 2011. After which, passes may be purchased at the pool during pool hours.

The Harvest for Hunger campaign ends on May 5, 2011. Donations will be collected until that time.

John Carroll University is replacing the track and field surface. Construction hours will be Monday through Saturday, 8:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on Saturday.

The Cedar-Taylor Merchants Association is actively branding the Cedar/Taylor area as a place to shop.

The Northeast Ohio Public Energy Council (NOPEC) has awarded that the City three (3) grants totaling \$121,170 for multiple projects: new windows for all city buildings; roofs for the building and finance department house and the storage house; a rooftop air conditioner to be installed on the City Hall building; and bay doors for the fire department.

Congresswoman Marcia Fudge is sponsoring a United States Veterans Resource Fair on Friday, May 6, 2011 from 10:00 a.m. to 3:00 p.m. at Tri-C East.

The Cleveland Heights-University Heights Schools Facilities Committee will hold a public comment and question session on Thursday, May 12, 2011 at 7:00 p.m. in the social room at Cleveland Heights High School.

The Heights-Hillcrest Regional Chamber of Commerce will hold its Business Expo on Thursday, May 12, 2011 from 3:00 p.m. to 7:00 p.m. at 700 Beta Banquet & Conference Center in Mayfield Village.

The State of Ohio is working to balance its biennial budget. The impact to local municipalities is severe because funds that the cities relied upon for operating will be cut back this year and next year. The Cuyahoga County Mayors and Managers Association provided an update as of April 28, 2011. The Ohio House Finance and Appropriations Committee accepted a substitute version of the biennial budget, known as Sub. H. B. 153. Changes included in the bill are:

- ▶ the Ohio Estate Tax will be eliminated effective January 1, 2013;
- ▶ postpones for two (2) years the proposed phase out of tangible personal property tax payments and electric generation assessment rate payments to local governments and schools;
- ▶ establishes a new mechanism to encourage local governments to participate in shared services projects including making them eligible for one time assistance of \$250,000 each;
- ▶ caps the annual increases in college tuition at public universities at 3.5%;
- ▶ adds \$40 million per year to the school foundation formula and limits cuts in state aid to school districts to no more than 20%;
- ▶ includes the suggestion to merge the Public Utilities Commission of Ohio (PUCO) and the Ohio Consumers Counsel call centers and prohibits the Ohio Consumer Counsel from operating an individual call center;
- ▶ limits the broad authorization for privatization of State assets contained in the Governor's budget to only highway services and requires the General Assembly to approve any such privatization before proceeds are expended;
- ▶ the Governor's plan to privatize five (5) State prisons remains in the bill.
- ▶ suggestion to remove sentencing reform provisions contained in the Governor's budget, these are to be addressed concurrently in H.B. 86.

Mayor Infeld stated that she will present updates as more information is received. She noted that the State budget must be passed by June 30, 2011.

Mayor Infeld read and presented a proclamation proclaiming Police Chief Gary Stehlik an honorary citizen of University Heights on the occasion of his retirement. Chief Stehlik served the City and its residents for 37 years. He was presented with a gift box displaying all his badges and patches.

Mayor Infeld read and presented a proclamation proclaiming Deputy Police Chief James Rohal an honorary citizen of University Heights on the occasion of his retirement. Deputy Chief Rohal served the City and its residents for 41 years. He was presented with a gift box displaying all his badges and patches.

Agenda Items:

**A. Resolution No. 2011-26 Congratulating Chief of Police Gary Stehlik on the occasion of his retirement**

Councilman Bullock and Councilman Consolo read Resolution No. 2011-26 congratulating Chief of Police Gary Stehlik on the occasion of his retirement effective May 2, 2011.

**MOTION BY MR. BULLOCK, SECONDED BY MR. CONSOLO to approve the passage of Resolution No. 2011-26. On roll call, all voted "aye."**

**B. Resolution No. 2011-27 Congratulating Deputy Chief of Police James Rohal on the occasion of his retirement**

Councilman Ertel and Councilman Murphy read Resolution No. 2011-27 congratulating Deputy Chief of Police James Rohal on the occasion of his retirement effective April 26, 2011.

**MOTION BY MR. ERTEL, SECONDED BY MR. BULLOCK to approve the passage of Resolution No. 2011-27. On roll call, all voted "aye."**

**C. Planning Commission Recommendation: McDonald's Corporation final approval of proposed development plans for 2216 - 2234 Warrensville Center Road**

Mayor Infeld noted that at its July 26, 2010 special Council meeting, City Council tabled the recommendation from the Planning Commission to grant approval of McDonald's site plan for its proposed development at 2216-2234 Warrensville Center Road pending a traffic study. The traffic study is now complete and a work session was held with the traffic engineer on April 26, 2011.

Councilman Ertel entertained a motion to table this item due to the importance of this issue and due to the fact that three (3) Council members were absent and unable to vote.

**MOTION BY MR. ERTEL to table consideration of the Planning Commission's recommendation regarding McDonald's proposed development plans until a special meeting to be held on Monday, May 9, 2011 at 7:30 p.m. in City Hall Council Chambers.**

Mr. Bruce G. Rinker, Esq., legal counsel for McDonald's with Mansour, Gavin, Gerlack & Manos Co., L.P.A., stated that it has been a year this month since Board of Zoning Appeals approved the special permit for the project. He noted that since then everyone has worked hard to ensure that they present a quality project. He stated that a consensus is necessary and important for all involved. Mr. Rinker requested that the motion be seconded and granted with the understanding that representatives of McDonald's will be present on May 9, 2011 for the special meeting.

Councilman Bullock thanked the representatives of McDonald's for their efforts to date. He noted that the three members of Council who were absent were out town on business, but everyone should be available for a meeting on May 9, 2011.

**MR. BULLOCK SECONDED the motion to table consideration of the Planning Commission's recommendation regarding McDonald's proposed development plans until a special meeting to be held on Monday, May 9, 2011 at 7:30 p.m. in City Hall Council Chambers. On roll call, all voted "aye."**

Mayor Infeld mentioned that the traffic study and the final approved site plan is available for viewing in the Building Department and on the City's website.

**D. Ordinance No. 2011-10 Authorizing the City to enter into an Amendment Agreement with the Cleveland-Cuyahoga County Port Authority and the Cleveland Heights-University Heights City School District, relating to a Cooperative Agreement, a Tax Increment Financing Agreement and a Memorandum of Understanding related to the University Square parking garage (2<sup>nd</sup> Reading)**

Ordinance No. 2011-10, which was placed on first reading on February 22, 2011, authorizes the City to enter into an Amendment Agreement with the Cleveland-Cuyahoga County Port Authority and the Cleveland Heights-University Heights City School District, relating to a Cooperative Agreement, a Tax Increment Financing Agreement and a Memorandum of Understanding related to the University Square parking garage.

Law Director Kenneth J. Fisher stated that the legislation provides amendments to the 2001 TIF Agreement and Cooperative Agreement providing for the payment of the 2008 funds received by the City in the approximate amount of \$2 million, of which \$500,000 has been paid to date. In terms of the rollback payments received in 2004, 2005 and 2006 which the City received from the State in the amount of \$420,000, it provides that those funds would be paid back beginning this year through 2017 in two (2) semi-annual payments of \$60,000 per annum. It also establishes a refund account wherein upon payment of the balance of \$1.5 million to the trustee for the bond holders some of the money that the City was debited from general revenues as a result of real estate tax valuation complaints on the Macy's and Target parcels would be paid back to the City. The amount that would come back to the City's General Fund is estimated to be approximately \$300,000.

Councilman Bullock stated that there has been considerable discussion on this item and most of the Council's questions have been answered, however, due to the critical nature of the item he respectfully entertained a motion to table this item until the special Council meeting of May 9, 2011 so that all members of Council could be present for the vote.

**MOTION BY MR. BULLOCK, SECONDED BY MR. CONSOLO to table Ordinance No. 2011-10 until a special meeting to be held on Monday, May 9, 2011 at 7:30 p.m. in City Hall Council Chambers.**

Mr. Consolo requested that the attendance of the City's bond counsel, Ms. Virginia "Gigi" Benjamin of Calfee, Halter & Griswold, be requested at the meeting on May 9, 2011. Mr. Fisher stated that Ms. Benjamin will be present at the special meeting. However, he has another commitment that will prohibit his attendance, but the Council has his memo and chart that details the various reduction complaints on the Target, Macy's and Inland parcels. Mr. Fisher added that the current administrator, Argus, has declined to come and address the Council, but a letter has been submitted by Julie Burkart, Managing Director of Argus, indicating that the last annual report the City received from Argus is consistent with the information the City received from the County on the amount of the Target and Macy's refunds. He added that there has been no refunds to date on the Inland parcels although it has been requested. Mr. Fisher stated that there is a pending matter in the Ohio Supreme Court on the 2005 complaint for Inland.

Mayor Infeld stated that this is a serious financial obligation that the City did not meet in 2008. She noted that there are five (5) parties to the Amendment Agreement and all parties with exception of the City have signed off on the agreement. She hoped there would be a resolution to this matter after the May 9, 2011 meeting. Mayor Infeld noted that the \$1.5 million is ready to be transferred once the agreement is executed and the City is ready to meet other obligations under the agreement.

Councilman Bullock stated that once the agreement is approved the City will not have an opportunity to revisit it for a number of years so it makes sense to have everyone present when the Council makes the commitment.

Mr. Fisher stated that he, Mayor Infeld, Finance Director Jennifer Esarey and Bond Counsel Gigi Benjamin worked diligently to obtain information from the County in regards to refunds paid and the amount that came out the City's general revenues. He noted that it took sixty (60) days to get the information partially because of the change in county government. However, as soon as the information became available on April 28, 2011, he forwarded it to the Council. Mr. Fisher noted that he requested that the ordinance be placed on the agenda of this meeting because the City is the only party that has not approved the Amendment Agreement.

**On roll call, to table Ordinance No. 2011-10 until a special meeting to be held on Monday, May 9, 2011 at 7:30 p.m. in City Hall Council Chambers, all voted "aye."**

**E. Ordinance No. 2011-23 To repeal Section 678.10 of the Codified Ordinances regarding fireworks**

Ordinance No. 2011-23 repeals Section 678.10 of the Codified Ordinances regarding fireworks in its entirety. Fire Chief John Pitchler reported that the City follows the State Code with regard to fireworks because it is more comprehensive, therefore, it is his recommendation that the local code provision be repealed.

Councilman Bullock stated that the Safety Committee met on April 26, 2011 and discussed the items relating to Ordinance No. 2011-23, Ordinance No. 2011-24 and Resolution No. 2011-25. He noted that the committee recommended approval of the legislation.

**Ordinance No. 2011-23 was presented on first reading. This ordinance will be presented on second reading at the special Council meeting on May 9, 2011.**

**F. Ordinance No. 2011-24 To repeal Section 678.105 of the Codified Ordinances regarding display of aerial fireworks**

Ordinance No. 2011-24 repeals Section 678.105 of the Codified Ordinance regarding the display of aerial fireworks.

**Ordinance No. 2011-24 was presented on first reading. This ordinance will be presented on second reading at the special Council meeting on May 9, 2011.**

**G. Resolution No. 2011-25 Adopting the Cuyahoga County Emergency Operations Plan**

Resolution No. 2011-15 adopts the Cuyahoga County Emergency Operations Plan. Chief Pitchler stated that after the terrorist attack of September 11, 2001, the federal government instituted the National Incident Management System (NIMS) so that all governments could work together under one system.

The County has updated its Emergency Operation Plan to incorporate the NIMS procedures and has requested that all cities pass a resolution adopting the updated Cuyahoga County Emergency Operations Plan. Councilman Bullock stated that the Safety Committee recommended approval.

**Resolution No. 2011-25 was presented on first reading. This ordinance will be presented on second reading at the special Council meeting on May 9, 2011.**

**H. Ordinance No. 2011-28 Awarding the 2011 Street Resurfacing Program to Karvo Paving Company jointly with the Cities of Shaker Heights and Cleveland Heights**

Ordinance No. 2011-28 awards the 2011 Street Resurfacing Program to the lowest and/or best bidder, Karvo Paving Company, in an amount not to exceed \$97,600 for University Heights' portion of the project.

City Engineer Joseph R. Ciuni reported that the City of Shaker Heights advertised for, received and opened bids on April 22, 2011 jointly with City of University Heights, the City of Cleveland Heights for the 2011 Street Resurfacing Program. Mr. Ciuni noted that University Heights' portion of the project is Silsby Road from Fenwick Road to Washington Boulevard and large area patching (at least 6ft. wide and at least 50ft. long) on various streets throughout the city.

Councilman Consolo inquired if the Silsby Road portion of the project include curbs. Mr. Ciuni replied that it does not, but the bid includes a price per lineal foot for curb replacement. Mr. Consolo requested that Mr. Ciuni provide the cost for curb replacement so that the Council can decide if curbs should be added to the project.

**Ordinance No. 2011-28 was presented on first reading. This ordinance will be presented on second reading at the next regular Council meeting on May 16, 2011.**

**I. Motion to authorize the lease of a new postage machine**

Mayor Infeld noted that the lease for the postage machine is expiring soon. Quotes were solicited from four (4) companies. The lowest quote was submitted by Neo Post for a 63-month contract at \$129.99 per month totaling \$1,559.88 a year. Mayor Infeld requested a motion to accept the contract terms proposed by Neo Post. There was uncertainty as to the lowest cost as the recommendation and comparison chart indicated that the Pitney Bowes had the lowest cost. Mayor Infeld stated that Neo Post was lower because it is a 63-month contract versus a 60-month contract. However, she suggested that the item be held until the next regular meeting so she could get clarification on the quotes.

**This item was placed on hold and will be presented at the next regular Council meeting on May 16, 2011.**

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

An executive session was not required.

**Directors' Reports:**

**Law Director** Kenneth J. Fisher, on behalf of the Law Department, thanked Chief Stehlik and Deputy Chief Rohal for their many years of dedicated, loyal, and valuable service to the City. He commented that they will be missed.

**Chief of Police** Gary Stehlik expressed that he has enjoyed his career in University Heights. He thanked the Mayor, Council members, fellow directors and colleagues for their support.

**Fire Chief John Pitchler** reported that they are continuing to work on the new pumper truck and anticipated that it will be in service the second week of May. He noted that they are investigating ways of dispose of the old pumper. Mayor Infeld mentioned that a requirement of the City accepting the FEMA grant for the new pumper truck was that the old pumper truck has to be retired and cannot be used for fire safety services.

**Service Director** Robert Jamieson reported that Spring Clean Up of loose yard waste has concluded. All residents are asked to bag their leaves and trimmings or cut and bundle the brush in 4 ft. sections weighing no more than 50 lbs. and logs should be cut in 2 ft. sections.

Mayor Infeld reported that the orange cones and orange barrels on city streets marks places where there had been waterline breaks underneath the street. She noted that the Cleveland Water Department has repaired the breaks and now the City must repair the roadway surface with concrete, which is weather dependent material. She mentioned that the Service Director is waiting for the temperature to stabilize and weather to dry up before repairs are made. Mayor Infeld stated that the roadway repairs will take place soon.

Committee Reports:

**Civic Information Committee** Chairman Frank Consolo reported the Heights-Hillcrest Regional Chamber of Commerce Business Expo will be held on May 12, 2011.

Councilman Consolo announced that the Service Department personnel was congratulated for going above and beyond the call of duty when they collected garbage from area lawns during a wind storm.

**Recreation Committee** Chairman Kevin Patrick Murphy reported that the Recreation Committee met on May 2, 2011 prior to this meeting. He noted that there are anticipated expenses such as the tennis courts, lane markers, pool painting, and new umbrellas for which funds are not available. Therefore, Councilman Murphy requested that the Mayor and Council consider increasing some of the fees next year in order to keep the pool and park running smoothly.

Mayor Infeld noted that this year the fees will remain the same as last year. However, they may be changed next year. She mentioned that funds are available in this year's budget for the pool to be painted. If it cannot be painted this spring due to the weather, it will be painted in the fall. She added that the water slide will also be painted this year.

**Safety Committee** Chairman Steven D. Bullock reported that the Safety Committee met on April 26, 2011 and reviewed the code provisions regarding fireworks. The committee recommended the approval of the two (2) ordinances and one (1) resolution which were on the agenda of this meeting.

Councilman Bullock stated that the committee also discussed wide intersection choking at two locations in the city. The first location is at South Belvoir Blvd. and Silsby Road. Chief Stehlík mentioned that there is funding for pedestrian improvements in the plans for the repaving of South Belvoir Boulevard. He explained that the median at the intersection will be extended northward in order to create a safety island landing for pedestrians so that they only have to cross 24 ft. of roadway at a time rather than 60 feet.

The second location is at Miramar Blvd. and Washington Boulevard. Councilman Bullock requested that this item be placed on someone's agenda. Mayor Infeld stated that they can work on it together, but they will need the advice and counsel of the City Engineer on costs and feasibility to do this. She stated that perhaps they could determine how to pay for it in next year's budget.

Mayor Infeld also mentioned that South Belvoir Blvd. from Mayfield Road to Fairmount Blvd. is scheduled to be resurfaced by the County in 2013. She noted that potholes will continue be filled until then.

Mayor Infeld introduced the Interim Chief of Police, Detective Lieutenant James Williams, who took the oath of office as Chief on this day, May 2, 2011.

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

---

Susan K. Infeld, Mayor

---

Nancy E. English, Clerk of Council