Mayor Infeld called the meeting to order at 7:35 p.m.

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

Also Present: Clerk of Council Nancy E. English
Interim Law Director Kenneth J. Fisher
Finance Director Larry Heiser
Interim Fire Chief David Rodney
Chief of Police Steven Hammett
Building Commissioner David Menn
City Engineer Joseph R. Ciuni

Pledge of Allegiance

Minutes of the Regular Meeting of April 16, 2012

Mayor Infeld noted three corrections to the minutes of April 16, 2012. The first was on page 3 under Item B, the word “Miramar” in the second sentence should be changed to read “Milford.” NOTE: Although the minutes accurately reflected what was reported at the meeting, the area to be improved was North Park Blvd. between Milford and Fairmount, therefore, the minutes were amended to reflect the correct information.

The second correction was on page 4 under Item G, the words “as an emergency measure,” should be removed from the motion. Law Director Kenneth J. Fisher mentioned that the ordinance was not written as an emergency measure.

The third correction was on page 7 under Item P, the word “that” in the last sentence of the first paragraph should be replaced with the word “to.”

There were no other corrections or additions to the minutes of the regular meeting of April 16, 2012.

MOTION BY MRS. ZUCKER, SECONDED BY MS. GOLDBERG to approve the minutes of April 16, 2012 as amended. On roll call, all voted “aye.”

Comments from the Audience:

There were no comments from the audience.

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

Mayor Infeld announced upcoming meetings and events:

Joint Boards Meeting
Monday, May 14, 2012 at 7:30 p.m.
Cleveland Heights Community Center
This will be a joint meeting of the Councils of University Heights and Cleveland Heights and the Cleveland Heights-University Heights City School District.

Public Meeting
Tuesday, May 15, 2012 at 7:00 p.m.
Council Chambers
This will be a public meeting regarding the shared initiative for a Fire Services Feasibility Study between the Cities of University Heights and Shaker Heights. This meeting will be part of the information gathering process by the consultant, Emergency Services Consulting International. The City of Shaker Heights will hold its public meeting on Monday, May 14, 2012 at 7:00 p.m. in the Stephanie Tubbs Jones Community Center.
Memorial Day Parade
Monday, May 28, 2012 at 11:00 a.m.
The parade will start at Silsby Road near South Taylor Road and continue south down South Belvoir Blvd. to John Carroll University (JCU) campus. There will be a memorial ceremony honoring our fallen soldiers at the JCU campus following the parade.

Mayor Infeld also reported that thirty-five (35) resumes have been received for the position of Service Director. She has eight (8) interviews scheduled.

Agenda Items:

A. Oath of Office - James D. Williams, Deputy Chief of Police

Mayor Infeld administered the oath of office to Lt. James D. Williams. After which, Deputy Chief Williams introduced his family members present at the meeting. Mayor Infeld thanked others in the audience who came to support Deputy Chief Williams.

B. Ordinance No. 2012-21 Amending Chapter 284 of the Codified Ordinance by updating the provisions therein (2nd Reading)

Ordinance No. 2012-21, which was presented on first reading on April 16, 2012, amends Chapter 284 of the Codified Ordinance of the City of University Heights by updating the provisions of the Cable Television/Internet Advisory Commission to the Technology Advisory Commission.

Councilwoman Pardee reported that the technology related industries are defined as including, but not limited to, internet services, computer and information services, data storage and retrieval, mobile technology and cable TV. She added that the Technology Advisory Committee will make recommendations to the Civic Information Committee, which, in turn, will make recommendations to the Mayor.

MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to approve the passage of Ordinance No. 2012-21. On roll call, on passage, all voted “aye.”

C. Ordinance No. 2012-25 Amending Article 2, Section 1 of the City Charter by amending the deadline for filing nominating petitions with the Board of Elections from sixty (60) days to ninety (90) days (2nd Reading)

Ordinance No. 2012-25, which was presented on first reading on April 16, 2012, amends Article 2, Section 1 of the City Charter by amending the deadline for filing nominating petitions with the Cuyahoga County Board of Elections from sixty (60) to ninety (90) days prior to the date of election and placing said amendment on the ballot of the November 6, 2012 general election.

Law Director Kenneth J. Fisher reported that the ordinance was introduced at the request of the Cuyahoga County Board of Elections. He noted that the change from sixty (60) days to ninety (90) days would be in conformity with other political sub-divisions within Cuyahoga County. He further explained that the purpose of the change is that the Board of Elections is attempting to achieve uniformity in order to have a more orderly method of accepting petitions, certifying petitions for the ballot, and getting the ballots printed. Mr. Fisher added that the ordinance also places the issue on the ballot and will require a majority vote of the electorate to amend the Charter.

MOTION BY MRS. PARDEE, SECONDED BY MR. COZZENS to approve the passage of Ordinance No. 2012-25. On roll call, on passage, all voted “aye.”

D. Ordinance No. 2012-27 Amending Ordinance No. 2011-51 correcting the abatement and authorization of the collection of the balance of the special assessments for the Year 2012 and authorizing the Director of Finance to file the amended report on the abatement of the special assessments, dated August 19, 2011, with the Cuyahoga County Fiscal Officer (Emergency)

Ordinance No. 2012-27 amends Ordinance No. 2011-51 correcting the abatement and authorization of the collection of the balance of the special assessments for the year 2012 on certain parcels within the City and authorizes and directs the Director of Finance to file the amended report on the abatement of special assessments, dated August 19, 2011, with the Cuyahoga County Fiscal Officer.
Ms. Virginia “GiGi” Benjamin reported that Council passed Ordinance No. 2011-51, authorizing the collection of special assessment for debt service for the University Square project. That ordinance was passed based on the report provided by the administrator which indicated that the assessment was to be levied against four (4) parcels, which was accepted by the County and the assessments were duly placed on the tax duplicates for those four (4) parcels. However, she explained that the ordinance passed by the Council in 2001 authorized the levy of assessment only against one (1) parcel.

Ms. Benjamin stated that all four (4) property owners paid the assessment. She mentioned that all four properties are owned by Inland Western University Heights, but the taxes on one parcel are paid by someone else. The County collected the full amount of the assessment from all the property owners, but will return the assessment to the property owner for the one parcel which someone else pays the taxes on. She noted that the correction is being made so that the full amount of $2,009,149 will be collected against the one parcel that it is to be collected on. Ms. Benjamin noted that she and Mr. Fisher met with the County and conferred that the pending ordinance would allow the County to correct their records and collect the assessment properly.

Vice Mayor Goldberg inquired as to how the error was discovered. Ms. Benjamin replied that in looking for the answer to a question, she discovered that the original assessment ordinance was only against one parcel. She also mentioned that Ordinance No. 2012-27 is in line with the Ohio Revised Code, which permits correction of errors with respect to assessments.

Mayor Infeld commented that she received calls inquiring about the assessment and referred them to Ms. Benjamin. She noted that luckily the error was caught right away. Mayor Infeld mentioned that this is not something the City has any control over because the City only acts as the pass through agent for the TIF.

Councilman Sims asked when the situation came to her attention. Ms. Benjamin responded in January or February after the tax bills had gone out and were being paid. Councilman Sims inquired if the correction will cost the City any money. Ms. Benjamin replied that she would work with the Law Director on that. Mr. Fisher stated that he is not aware of any financial liability to the City. He added that the problem was in the report that the City received from Argus Growth Consultant, Ltd., who is the bond advisor to the Cleveland-Cuyahoga County Port Authority, issuer of the bonds. He added that based on that report, the City passed the ordinance to impose the special assessment. Mr. Fisher explained that shortly after the collection ended in January, it came to Ms. Benjamin’s attention that in fact there had been an error and that the special assessment had been imposed on four (4) parcels owned by Inland, but the taxes on the one (1) parcel are paid by someone else. Therefore, the third party on the one parcel paid the assessment. However, it has to be refunded because the assessment never should have been imposed on that parcel.

Councilman Sims asked Mr. Fisher to consult with Ms. Benjamin because he was concerned that a similar situation to this transpired with the same property where, as a result, the amount to taxes collected were insufficient and the City ended up having to bear that cost. Mr. Fisher concurred, noting that was a situation where the special assessment was not imposed and the deficiency came out of the City’s refund for the entire duplicate in University Heights, of which, the City recovered approximately $400,000. Ms. Benjamin explained that the situation is different because in this case the County did not pay over to the City the amount of the assessment that was improperly paid. Rather, the County kept that money and will return it to the property owner. Finance Director Larry Heiser noted that the County is taking care of all the money issues so that the City is made whole by the end of the year, by the second distribution. Ms. Benjamin added that the balance will be collected from the correct property owner in the second half collection.

Councilman Sims asked if the value of that one property is enough to generate a sufficient tax revenue to cover the assessment. Ms. Benjamin replied that the amount of the assessment is the difference between the service payments and the amount of debt service. She added that in 2001, when the City levied the assessment, the property owner at that time, Starwood Wasserman, agreed voluntarily to assessment up to $4 million a year, regardless of the value of the property. Ms. Benjamin explained that because the value of the property has been reduced and because the amount anticipated to come in from the TIF service payments will not be sufficient to pay debt service, the administrator determined that there was about a $2 million shortfall so that is the amount that is assessed. Mr. Heiser stated that he contacted the County, they understand what is going on with the assessment, and will do the assessment properly.
Mr. Fisher added that in the previous situation the City got hit with an obligation of which a large part was recovered because the value of various properties within the TIF district were reduced. Mr. Fisher reiterated that he is not aware of any scenario where the City has any liability presently as it relates to this particular situation and the pending legislation. He will advise Council immediately if that changes.

MOTION BY MRS. ZUCKER, SECONDED BY MS. GOLDBERG to approve the passage of Ordinance No. 2012-27 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

E. Ordinance No. 2012-28 Authorizing an agreement with Noce Enterprises, Inc. for the Westwood and Lansdale Roads Waterline Replacement Project (Emergency)

Ordinance No. 2012-28 authorizes the Mayor to enter into an agreement with Noce Enterprises, Inc., the lowest and best bidder, for the Westwood Road and Lansdale Road Waterline Replacement Project in an amount not to exceed $441,317.80.

City Engineer Joseph R. Ciuni reported that bids were opened on April 27, 2012 for the Westwood Road and Lansdale Road Waterline Replacement. Six bids were received. Terrace Construction was the apparent low bidder at the bid opening, but there was a math error of which Terrace Construction admitted to the mistake and is not protesting the bid. Therefore, the lowest and best bid was submitted by Noce Enterprises, Inc. in the amount of $441,317.80. Mr. Ciuni recommended that the City enter into a contract with Noce Enterprises, Inc. as the lowest and best bid. This project is funded by the Cleveland Water Department.

Councilman Sims mentioned that the City awards numerous contracts and the City does not have a process or method to encourage the successful bidders to work with women- or minority-owned companies. He was not proposing that a set-aside be required, but suggested that language be included in bid documents that the City encourages primary contractors to consider the participation of women- and minority-owned businesses as subcontractors.

Mr. Fisher stated that even though the City advertises in the Sun Press, public works projects are listed in the Dodge Report and the City’s legal notices are included. He added that the Dodge Report has a wider circulation than the Sun Press and is available throughout the community to all companies which may be interested. Mr. Fisher stated that the City does not have a MBE/FBE program. Councilman Sims noted that he is not asking for a MBE/FBE program. Mr. Fisher stated that the objectives are to strive to get the lowest and best bidder and include everyone in the process. Mr. Ciuni mentioned that he would need the language to add to the bid specifications.

Mayor Infeld inquired if such language is included in bids of communities similar in size to University Heights. Mr. Ciuni replied that the big cities like Cleveland, the County and regional organizations like RTA, all have goals in their bids specs. He added that most local municipalities do not have such language. Councilman Sims mentioned that even if it were not a requirement there could be a responsibility to encourage it.

Councilwoman Cameron inquired if it is possible to include standard language in all bid advertisements or RFPs to encourage firms to use women- and minority-owned companies as subcontractors. Mr. Fisher stated that he would work on appropriate language, but he added that the bid would still be weighted as lowest and best.

Mayor Infeld commented that she would prefer to use language in the bid specifications and not establish a formal policy. She added that it would be good to spread the work around. Councilwoman Pardee suggested language like, “The City of University Heights encourages participation of women- and minority-owned businesses.” Mr. Fisher stated that he will draft language and circulate it for input. The language would then be used as a template in future bid packages.

MOTION BY MS. GOLDBERG, SECONDED BY MRS. PARDEE to approve the passage of Ordinance No. 2012-28 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

Mr. Ciuni had two students with him from Gilmore Academy, senior Oliver Flesher, who was shadowing Mr. Ciuni for his senior project, and sophomore Jim Rooney, who attended the meeting as a requirement to earn his eagle scout badge.
F. Motion to authorize the purchase of a used dump truck from the City of Lyndhurst

Mayor Infeld reported that the City of Lyndhurst has a 1998 Ford full-size dump truck with snow plow for sale for $9,200. She noted that prior to former Service Director Robert Jamieson leaving, he recommended the purchase because the truck is in good condition. She explained that City’s existing truck #34-17, a 1986 International, is in poor condition, is unreliable and is scheduled for replacement in 2013. Mayor Infeld mentioned that the proposed purchase of the used dump truck was not included in the 2012 budget so it would be an out-of-budget purchase. In regard to the financing, Mr. Heiser stated that the budget could be amended to appropriate for the expenditure.

Mayor Infeld explained that she was advised by the Law Director that the purchase should be authorized by ordinance, not a motion. Therefore, Mr. Fisher provided an ordinance for Council’s consideration. Since it was the consensus of Council to approve the purchase, Mayor Infeld entertained a motion to amend the agenda to remove the motion and replace it with Ordinance No. 2012-29, authorizing the Mayor to enter into an agreement with the City of Lyndhurst for the purchase of a 1998 Ford full-size dump truck with snow plow in an amount not to exceed $9,200.

MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE to amend the agenda to remove the motion under Item F. authorizing the purchase of a used dump truck from the City of Lyndhurst and replace it with Ordinance No. 2012-29 authorizing the purchase of a used dump truck from the City of Lyndhurst. On roll call, all voted “aye.”

MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON to approve the passage Ordinance No. 2012-29 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

G. Motion to authorize the Police Department’s continued participation with other agencies in the Violence Against Women grant-funded program coordinated by John Carroll University

Chief of Police Steven Hammett reported that the City has participated in the Violence Against Women federally-funded grant program coordinated by John Carroll University since 2008. In 2010, the Police Department received approximately $6,000 from that grant with no city match. Equipment such as digital recorders, a laptop, etc. were purchased with the funds. Chief Hammett stated that if the grant is awarded again, the department should receive a larger amount of money to be used to purchase more equipment, i.e. additional digital recorders, cameras, and to receive specialized training. Other agencies participating in the program with John Carroll University include, but may not be limited to the Cuyahoga County Prosecutor’s Office, Shaker Heights Municipal Court, Shaker Heights Police Department, Cleveland Rape Crisis Center, Legal Aid, and the Domestic Violence and Child Advocacy Center.

MOTION BY MR. COZZENS, SECONDED BY MRS. ZUCKER to authorize the Police Department’s continued participation in the Violence Against Women grant-funded program coordinated by John Carroll University. On roll call, all voted “aye.”

H. Motion to authorize Clerk of Council Nancy English to attend the Ohio Certified Public Records Training as the designee for Councilman Steven Sims and Councilman Thomas A. Cozzens

Clerk of Council Nancy E. English reported that she will attend the Certified Public Records Training sponsored by the Ohio Auditor of State at the Mayfield Village Civic Center on Friday, May 25, 2012.

MOTION BY MRS. PARDEE, SECONDED BY MR. COZZENS to authorize Clerk of Council Nancy English to attend the Certified Public Records Training as the designee for Councilman Steven Sims and Councilman Thomas A. Cozzens. 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. ZUCKER, SECONDED BY MRS. PARDEE to hold a executive session immediately following this regular meeting for the purpose of discussing a personnel matter regarding the Council’s search for a Law Director. On roll call, all voted “aye.”
Directors’ Reports:

Chief of Police Steven Hammett reported that the Police Department has recently had the opportunity to take advantage of free training locally, which included: legal update training, international and national security training, training on protection orders, and civil rights training hosted by the U.S. Attorney General’s Office.

Interim Fire Chief David Rodney reported that the State Fire Marshal’s Office in conjunction with the State Fire Academy will bring their Flashover Training Trailer to the City of University Heights on May 16-18, 2012. There will be four hours of training on all three shifts, from 8:30 a.m. to 12:30 p.m. each day. The training will consist of a 3-hour classroom session and then participants will go to the Flashover Trailer and experience actual pre-flashover fire conditions. Turnout gear will be provided. Chief Rodney mentioned that Firefighter Paul Nees was instrumental in organizing the training session. City officials and personnel from other fire departments were invited to participate in the training.

Building Commissioner David Menn reported that the house at 3578 Silsby Road has been demolished by the Cuyahoga County Land Bank and the lot has been seeded. He also reported that the parking lot at McDonald’s will be paved soon.

Mr. Menn announced that new businesses are coming into the city: Family Dollar will move into the former Rite Aid building in University Corners at Cedar and South Taylor; Nationwide Insurance opened at University Corners; and Mr. Heros will be going into Cedar Center.

Mr. Menn reported that the City of Mason, Iowa has requested the City’s housing maintenance ordinances to use a model for a new housing program they are starting.

Councilman Sims mentioned that the tree lawns along Fairmount Blvd. in the Shaker Heights/Beachwood area had been serviced uniformly. He requested that an inquiry be made to determine if the City did it. City Engineer Joseph R. Ciuni noted that the tree lawns were restored by Dominion East Ohio Gas as part of the gas line replacement project.

Councilwoman Cameron stated that she received a call from a concerned citizen relative to demolition of 3578 Silsby Road. She inquired as to the procedure for notifying the neighbors of pending demolition. Mayor Infeld responded that approximately sixty (60) letters were hand-delivered (placed in doors) by the Building Department staff to residences along both sides of Silsby Road from Farland Road to Brockway Road notifying the residents of the demolition process with dates. She noted that some Cleveland Heights residents were also included.

Committee Reports:

Civic Information Committee Chairman Susan D. Pardee reported that instead of a Senior Advisory Council meeting, a Civic Information Committee meeting will be held on May 23, 2012 at 7:00 p.m. in Council Chambers to get input from senior citizens in order to determine what services are needed for seniors, what services they want, and to come up with methods for gathering more information from a wider group of seniors than can attend the meeting, such as a survey. She mentioned that the purpose of accumulating this information is to consider what the City can do if there is a reallocation of resources or an opportunity to collaborate with another City and coordinate services. Councilwoman Pardee noted that a Senior Advisory Council would have to be established by legislation.

Recreation Committee Chairman Pamela Cameron did not have a committee report, but Mayor Infeld reported that the 2012 Summer Recreation Guide has been sent to the printer and will be delivered directly to the homes from the printer. She also reported that the City will once again offer Paypal as an online payment option for the purchase of recreation passes.

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