Mayor Infeld called the regular meeting to order.

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

Absent: Mr. Kevin Patrick Murphy

Also Present: Clerk of Council Nancy E. English  
Law Director Kenneth J. Fisher  
Finance Director Jennifer L. Esarey  
Chief of Police Gary Stehlik  
Fire Chief John Pitchler  
Building Commissioner David Menn  
Acting Service Director John Pucella  
City Engineer Joseph R. Ciuni

MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE to excuse the absence of Mr. Murphy. On roll call, all voted “aye.”

Pledge of Allegiance

Minutes of the regular meeting held on October 18, 2010

There were no corrections or additions to the minutes of the October 18, 2010 regular meeting.

MOTION BY MRS. PARDEE, SECONDED BY MR. CONSOLO to approve the minutes of the regular meeting held October 18, 2010. On roll call, all voted “aye.”

Councilman Ertel read the following statement into the record: “As Councilmen we’ve been given the honor and responsibility of leading our city. University Heights is not a huge city. It should not be an overwhelmingly difficult task. Having served with you on Council for nearly a year now, I can say without hesitation that the collective intellect of this body is most impressive and yet very little has been accomplished this past year. Over the past several months I’ve been decidedly less engaged with this body as a majority has become more combative and less effective culminating at the Council-of-the-Whole meeting last Wednesday, October 27th. Still, I remain committed to working with you to move our city forward by way of accomplishments that are in the best interest of our residents. I believe that is what this job is all about. Thank you.”

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

Mayor Infeld thanked Councilman Ertel for his statement. Mayor Infeld stated that anyone at the meeting on October 27, 2010 did not see a good display of civility on behalf of the elected officials. She offered a collective apology for behavior not befitting elective officials. Mayor Infeld stated that from this point forward she and the Council will determine how they can best work together to further the interest of the residents of the city.

Agenda Items:

A. Overview of the STC program, Janice M. Dzigiel, Executive Director, Senior Transportation Connection

Mayor Infeld reported that the City had a contract with the Senior Transportation Connection (STC) to provide transportation to senior and disabled residents. The one-year contract expired on June 30, 2010, therefore the City has been operating without a contract. She noted that the terms of the last contract are still in effect. Mayor Infeld stated that she gave Council the background and history of usage patterns, which she had researched and determined how to move forward with the service. However, she was advised by the Law Director that the decision about how the service continues and the contractual arrangement have to be determined by the Council. Therefore, Mayor Infeld referred the contract with STC to the Civic Information Committee.
Ms. Janice M. Dzigiel, executive director of the Senior Transportation Connection, presented an overview of transportation service. Ms. Dzigiel stated that STC is a non-profit organization, which was founded in 2005. The mission of STC is to provide quality, accessible and affordable transportation to seniors and disabled adults. STC serves twenty-two (22) suburban municipalities in Cuyahoga County.

Ms. Dzigiel mentioned that STC contracted with the City in July of 2009. She presented a summary of activity from July 1, 2009 through October 31, 2010: University Heights has 158 registered riders; the average monthly ridership is 27; the average monthly trips are 187; and the total trips for 2010 was 1906. Ms. Dzigiel noted that the total trips per month exceeded the number agreed to per contract in 10 out of the 16 months resulting in a overage fee billed to the City. In 2009 and 2010, the agreed upon total trips were 167 trips per month. Ms. Dzigiel mentioned that University Heights does not have a trip restriction for its riders per month. She noted that other communities have restricted riders to two round-trips per individual, per week. The trips are categorized as follows: medical related at 37.40% (includes dialysis, 4-6 trips per month); personal trips at 33.20% (beauty shop, post office, bank, etc.); senior center at 13.52% (South Euclid and Lyndhurst centers); shopping at 13.22%; and therapy at 1.80% (Peter B. Lewis Center).

Ms. Dzigiel offered a summary of the contracts for 2010 and 2011. The 2010 contract stipulates: 167 trips per month; fee per month is $3,667.00; 12-month contract total of $44,000; and the per trip overage fee is $18.72. Ms. Dzigiel stated that after discussion with Mayor Infeld, the 2011 contract is proposed to stipulate: 100 trips per month; fee per month would be $2,100.00; 12-month contract total of $25,200; and the per trip overage fee would be $21.00. Mayor Infeld noted that the 2011 contract will be determined by the Council.

Ms. Dzigiel stated that STC services 30 residents on a regular basis and more detailed frequency information could be provided if needed. Most of the riders stay within University Heights or in the immediate surrounding communities. Fares are $3 inside of University Heights and $5 outside of University Heights. The fee is retained by STC. Ms. Dzigiel stated that STC currently operates thirty-four (34) handicapped accessible vehicles and will be purchasing five (5) more vehicles to keep the fleet safe and accessible. She added that STC is looking at diversifying the fleet for transporting 1-2 people. Ms. Dzigiel also provided a copy of STC’s 2009 annual report.

Councilman Con solo stated that if 30 residents are utilizing the service on a monthly basis and the contract rate is $44,000 annually, the City is spending approximately $1,500 per month for the 30 residents. Ms. Dzigiel concurred. In regard to University Heights’ cost per ride as compared to other communities, Ms. Dzigiel stated that most of the other communities have larger ridership. She mentioned that increasing the ridership would bring that cost down. Ms. Dzigiel was willing to work with the City to increase ridership.

Councilman Bullock inquired if it would be more efficient with increased participation. Ms. Dzigiel replied that it could be, but added that STC works hard to get multiple riders from various communities on the buses.

Vice Mayor Goldberg inquired if most cities have restrictions. Ms. Dzigiel responded that it varies by city, some do and other do not. She added that STC is currently in negotiations with communities and they are considering various ways to keep the contract price down, such as raising the fare. She noted that Shaker Heights has limited ridership to two round trips per week, per individual. Other communities limit shopping to group shopping only – Tuesdays STC goes to Aldi’s and Fridays they go to Giant Eagle.

Councilwoman Pardee asked how the STC service is different from RTA’s paratransit service. Ms. Dzigiel stated that STC does not have the eligibility requirement that RTA paratransit does. She added that paratransit is funded by state and federal dollars and tax subsidy while STC is entirely supported by the fee for service contracts. Ms. Dzigiel mentioned that STC subcontracts with RTA for seven (7) routes a day under the paratransit service. However, STC is more economical than RTA.

Councilman Sims inquired if the $3 and $5 fare is for round trip service. Ms. Dzigiel replied that the fee is a one-way fare. Mr. Sims also inquired if an additional approximate $40,000 was collected from the riders on top of the $3,667 per month fee paid by the City. Ms. Dzigiel stated that they track the fares by route, but she would have check on the amount and provide that information. Mr. Sims asked how program services differ from supporting services. Ms. Dzigiel stated that program services are the direct call center and transportation services and the supporting services would be the management and administrative services. Mr. Sims mentioned in 2009 the actual cost of transportation was $1.1M. Ms. Dzigiel concurred.
Mr. Sims stated that the low ridership is driving the cost per passenger up. Ms. Dzigiel agreed, but stated that if you look at the unit cost or cost per trip, University Heights is on par with all the other communities. Mayor Infeld stated that we do not know that the unit cost will go down if the ridership goes up. Ms. Dzigiel stated that the cost per trip would likely remain the same. Mr. Sims stated that the cost would remain the same to the passenger, but if STC serves thirty (30) people now and increases to serving sixty (60) with the same contract amount, the cost per unit would down. Ms. Dzigiel stated that it should go down. Mayor Infeld stated that the cost would go down for STC, but the city contracts by the number of rides.

Councilman Consolo inquired if the contract is still in effect. Ms. Dzigiel stated that the contract expired at the end of June, but they have been going month to month operating out of contract under the same contract terms.

Councilman Sims inquired if the STC model is unique or if other communities have it. Ms. Dzigiel stated that it is a unique program that looks at high tech scheduling and works on the premise of regionalism. She mentioned that a slightly similar program is operated out of Portland, Oregon. Ms. Dzigiel noted that they are considering bringing in other communities. Mayfield Village and Solon have shown interest. She added that bringing in more communities would bring the price down for everyone.

Ms. Sims inquired if the grants are renewal. Ms. Dzigiel replied that the grants were investment grants to get STC started and most of the foundations have continued support. However, in 5 years STC has moved from 96% of revenue coming from grants to 10% of revenue coming from grants and 90% coming from fee for service contracts.

Mr. Sims stated that one benefit to the University Heights is that the City has no responsibility for capital investment. Ms. Dzigiel stated that STC has two federal earmarks remaining both to purchase new vehicles.

Councilman Consolo inquired if the new contract would be effective January 1, 2011. Ms Dzigiel stated that they would like it to start on January 1, 2011, but if more time is needed, they would continue the month to month extension. Mr. Consolo inquired as to the recommendation for 100 trips per month. Ms. Dzigiel stated that was something which came up in conversation with Mayor Infeld, but most months the trips were over the contracted 167 service level. Mr. Consolo requested a proposal for 200 trips per month. Ms. Dzigiel stated that she would rework the proposal.

B. Motion to authorize the demolition of Building M at Bellefaire JCB - Betty Schieferstein, Director of Administrative Services, and Debbie Cowan, Associate Director

Ms. Betty Schieferstein stated that Bellefaire was requesting a permit to demolish Building M on its campus. Building M is a small 5,000 sq. ft., two-story building which was built in 1950. She noted that in order to correct a serious structural problem with the building and bring it up to code the cost would be over $1M. It was decided that the potential future use of the building did not warrant expending that amount of money to repair the building. Therefore, the Executive Committee and the Building and Grounds Committee have voted to demolish the building. Ms. Schieferstein stated that they would like to demolish it before the winter and hopefully during the week of Thanksgiving in order to do it when the Bellefaire School and the Monarch School are not in session.

Ms. Schieferstein stated that Bellefaire is tentatively planning to have the demolition performed by Independence Excavating and Skye Group has been hired to coordinate the project. She added that the proposed demolition includes removal of the basement and foundation of the building and filling it with an engineered backfill so the property is prepared for future construction. However, there are no plans at this time for construction on the site.

Councilman Consolo inquired if there is an issue with asbestos in the building. Ms. Schieferstein replied that there is a small amount, but it will be abated by Precision Engineering, which is a sister company to Independence Excavating. It was noted that Building I was demolished two years ago.

Councilwoman Pardee inquired if the structural problems with the building is consistent with the buildings throughout the campus. Ms. Schieferstein responded that the problem is unique to this building. Councilman Ertel inquired if the building was being used. Ms. Schieferstein noted that the building has not been used since June, 2010, but prior to that it was used for music classes.
Building Commissioner David Menn reported that Fire Chief John Pitchler, Fire Prevention Officer Steve Ineman and he performed a walk through of building M on October 19, 2010 with Bellefaire staff. It was Mr. Menn’s opinion that the building is a safety hazard and cannot be used.

Fire Chief John Pitchler stated that after reviewing the building, he concurred with the Building Commissioner. He noted that due to the structural damage, the building should be demolished because it is a safety issue.

City Engineer Joseph R. Ciuni stated that he has not toured the building, but he has a lot of respect for Issac Lewin, PE, who is one of the best structural engineers in Northeast Ohio. Mr. Ciuni stated that Mr. Lewin has recommended that the building be demolished and he agrees with demolition.

MOTION BY MR. CONSOLO, SECONDED BY MR. BULLOCK to approve the demolition of Building M on the Bellefaire campus based on the presentation of Bellefaire, the report of Engineer Issac Lewin, the reports from City department heads. On roll call, all voted “aye.”

C. Motion granting John Carroll University permission to allow Shula Stadium to be used for a high school payoff game on Saturday, November 6, 2010 from 7 p.m. - 10 p.m.

Ms. Dora Pruce, director of Government and Community Relations, and Ms. Laurie Massa, director of Athletic Development, John Carroll University (JCU), were present representing the University. Mayor Infeld stated that JCU was approached by Willoughby South to use Don Shula Stadium on November 6, 2010 against an opponent to be determined, but based on the results of this past Friday night football game things have changed.

Ms. Dora Pruce reported that Willoughby South requested to use Shula Stadium for a possible high school playoff football game on November 6, 2010. However, due to the results of the games last Friday night football game things have changed.

Ms. Dora Pruce stated that Should JCU receive a similar request in the future to host a playoff game, the University would like to be better prepared to provide an answer to the requesting school in a timely manner. She noted that 6,000 fans that the game would bring to the city would be a positive impact to the local economy. Ms. Pruce stated that the current approval process does not benefit the University or the City and should be changed. She proposed expanded use of the stadium to host up to 12 non-university events per year (to include high school contests, but does not include the Greater Cleveland Sports Commission’s events which are already authorized) and 12 additional night JCU events during the academic year with utilization of the sound system and use of lights seven days a week until 11:00 pm from August through November and March through May primarily for student recreational use including club sport practices and intramurals and would not include the sound system.

Ms. Pruce stated that the University looks forward to a new era in City-University relations where both parties work together in a collaborative way to mutual benefit. She requested a decision on the request at this meeting.

Mayor Infeld inquired if the City was to approve the request, would the University contact the appropriate City departments and residents. Ms. Pruce stated that she envisions it working in the same manner as the approval for the East-West game and Continental Cup and the appropriate City officials and residents would be notified.

Councilman Consoled stated that as much as he would like to engage in this discussion it is not an agenda item for this meeting. He stated that the residents in the area has not been notified of the discussion and felt it was not proper to be considering the matter at this meeting.

Law Director Kenneth J. Fisher stated that the item on the agenda for this meeting is now mute because Willoughby South does not have a home game. Mr. Fisher stated that in accordance with Codified Ordinance Section 1258.05, a new application would have to be made to the Planning Commission with new perimeters as to what is being requested as opposed to what was previously approved. The Planning Commission’s recommendation would come to the Council and in accordance with Codified Ordinance Section 1258.06, the Council would act on the recommendation within 30 days of receiving the recommendation. He invited John Carroll University to make application to the Planning Commission and they will be heard.

There was discussion about a hypothetical situation for a short notice of a possible upcoming playoff game. It was suggested that a special Council meeting could be called, if necessary.
D. Ordinance No. 2010-60 Amending Section 12 of Ord. No. 2008-41 by providing that when New Year’s Day falls on a Saturday, the legal holiday will be observed the following Monday (2nd Reading)

Ordinance No. 2010-60, which was presented on first reading on October 18, 2010, amends Section 12 of Ordinance No. 2008-41 by providing that when New Year’s day is on a Saturday, the legal holiday will be observed the following Monday. This Ordinance covers non-union employees.

MOTION BY MS. GOLDBERG, SECONDED BY MRS. PARDEE to approve the passage of Ordinance No. 2010-60. On roll call, all voted “aye.”

E. Ordinance No. 2010-61 Amending the Service Union Contract to provide that the 2011 New Years’s Day holiday will be observed on Monday, January 3, 2011 (2nd Reading)

Ordinance No. 2010-61, which was presented on first reading on October 18, 2010, amends Article XVI, Section 2 (Holidays) of the Collective Bargaining Agreement between the City of University Heights and National Production Works, Local 707 to provide that the 2011 New Year’s Day holiday will be on Monday, January 3, 2011 instead of Friday, December 31, 2010.

MOTION BY MRS. PARDEE, SECONDED BY MS. GOLDBERG to approve the passage of Ordinance No. 2010-61. On roll call, all voted “aye.”

F. Ordinance No. 2010-62 Increasing the depreciable asset threshold from $500 to $5,000 (2nd Reading)

Ordinance No. 2010-62, which was presented on first reading on October 18, 2010, increases the depreciable asset threshold from $500 to $5,000 to provide a baseline for the effective creation and maintenance of a capital asset policy.

MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2010-62. On roll call, all voted “aye.”

G. Ordinance No. 2010-63 Amending Chapter 1450 of the Codified Ordinances pursuant to the requirements of Federal Emergency Management Agency’s standard flood control ordinance (2nd Reading)

Ordinance No. 2010-63, which was presented on first reading on October 18, 2010, amends Chapter 1450 of the Codified Ordinances pursuant to the requirements of the Federal Emergency Management Agency’s (FEMA) standard flood control ordinance requirement.

City Engineer Joseph Ciuni reported that the Ohio EPA approved the ordinance with a change to (b) “Findings of Fact.” The new language reads, “The City of University Heights has no special flood hazard areas and a flood map for the community has not been published.” He noted that the ordinance must be passed prior to December 3, 2010 in order to retain FEMA membership and be eligible for other FEMA funding. Mr. Ciuni recommended approved.

MOTION BY MR. ERTEL, SECONDED BY MS. GOLDBERG to approve the passage of Ordinance No. 2010-61, as amended. On roll call, all voted “aye.”

H. Ordinance No. 2010-66 Authorizing the transfer of funds

Ordinance No. 2010-66 authorizes the transfer of funds from the General Fund to the Police Pension Fund in the amount of $131,290 and to the Fire Pension Fund in the amount of $151,676.

MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE to approve the passage of Ordinance No. 2010-66 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

I. Ordinance No. 2010-67 Amending Section 238.09(e) of the Codified Ordinances to update referenced Ohio Revised Code Sections

Ordinance No. 2010-67 amends Section 238.09(e) of the Codified Ordinances by updating referenced Ohio Revised Code (ORC) Section from 2933.43(D) to 2981.13( C)(1) creating a Law Enforcement Trust Fund and stipulating that the proceeds from the sale of contraband shall be deposited into it after
the payment of costs and balances due. It also updates ORC Section 2933.43(D) to 2981.13( C)(2)(a) allowing the Police Department to use funds of the Law Enforcement Trust Fund for payment of certain items. It also adds a new subsection, 2981.13( C)(2)(D), which reads, “To pay the cost of emergency action relative to the operation of illegal methamphetamine laboratories if the forfeited property or money involved was that of a person responsible for the operation of the laboratory.”

**MOTION BY MR. BULLOCK, SECONDED BY MRS. PARDEE to approve the passage of Ordinance No. 2010-67 as an emergency measure.** On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

**J. Ordinance No. 2010-68 Amending Section 8(A) of Ordinance No. 2009-16 by clarifying the notice requirement to receive cash payment for unused sick time upon termination of employment**

Ordinance No. 2010-68 amends Section 8(A) of Ordinance No. 2009-16 by clarifying the notice requirement to receive cash payment for accumulated, but unused sick time upon termination of employment.

Mr. Fisher stated that the ordinance as it reads proves to be an inequitable provision as an employee must give written notice within thirty (30) days prior to the effective date of termination in order to be paid in cash for accrued but unused sick leave credit. He noted that the language also appears in the collective bargaining contracts and should be corrected.

The ordinance was amended on the floor to replace the word “by” with “but” in the fifth line under “CASH PAYMENT ON TERMINATION OF EMPLOYMENT.”

**MOTION BY MR. SIMS, SECONDED BY MS. GOLDBERG to approve the passage of Ordinance No. 2010-68, as amended, as an emergency measure.** On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

**K. 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 pending litigation, the purchase of real estate, and public employment.** On roll call, all voted “aye.”

**Directors’ Reports:**

**Finance Director** Jennifer Esarey reported that she submitted quotes to the Council members for the 2010 GAAP conversion with the intention of selecting a new firm to perform the GAAP conversion at the November 15, 2010 Council meeting. Councilwoman Pardee suggested the Ms. Esarey ensure that the quotes are apples to apples.

Councilman Sims inquired as to how soon the firm as to be engaged and when the work will be completed. Ms. Esarey replied that the majority of the work will be started in January, 2011 and concluded in February or March. She added that the firms are requesting to know as soon as possible in order to schedule their time.

Councilman Sims reported that there is a Finance Committee meeting scheduled for November 18, 2010, which is beyond the November 15, 2010 council meeting date. Therefore, Mr. Sims suggested that the recommendation for the GAAP Conversion be taken up at the Council Committee-of-the-Whole meeting on November 8, 2010.

Mr. Fisher stated that professional services does not require bidding. However, anything over $5,000 will require Council approval. Mr. Fisher stated that Council can make a recommendation at the Committee-of-the-Whole meeting and formally approve the recommendation at the Council meeting on November 15, 2010.

Ms. Esarey reported that the City’s reimbursement from the Cleveland Water Department for the restoration of road work from 2008 to March, 2010 in the amount of $74,124 for 72 invoices will be paid to the City by end of year, most likely the first week of December.
Law Director Kenneth J. Fisher reported that the Clear Wireless lease has been executed and the commencement date is November 1, 2010. He noted that the City will receive the $60,000 pre-payment for the first 5-year term by November 15, 2010.

Acting Service Director John Pucella introduced himself. Mr. Pucella has been an employee of the City for almost 20 years. He reported that leaf season started October 15, 2010 and runs through December 1, 2010. 400 yards of leaves have been removed in 10 days with an additional 200 yards in the service yard ready to be removed. Mr. Pucella noted that he is preparing for the snow plow season and ensuring that the salt is stocked in the Cleveland Heights salt bin.

Mr. Pucella requested that any questions regarding the department be addressed to Mayor Infeld or her assistant, Sherri Wisnieski.

Mr. Pucella noted that the recycling truck went down, but he saved the City about $600 by towing it back to the service yard. He noted that the repair is pending.

Mayor Infeld stated that GT Consultant will be invited to the next Council meeting to give an overview of the rubbish study which was performed in 2009.

Building Commissioner David Menn reported that Top It Off Pizza will be opening this week. He noted that Mr. Fisher received the company’s insurance policy. Vice Mayor Goldberg inquired if Top It Off Pizza has requested signage. Mr. Menn noted that they just have a traffic sign, no business signs.

Councilman Consolo mentioned that outdoor vending machines have been placed at various locations throughout the City. He noted that they are prohibited by code and suggested that the ordinance be considered at the Council Committee-of-the-Whole meeting. Mr. Menn stated that some businesses have special permits to have the outdoor vending machines. However, it could be addressed at a Building Committee meeting.

Committee Reports:

Building Committee Chairman Frankie B. Goldberg reported that she will schedule a meeting for next week.

Civic Information Committee Chairman Frank Consolo stated that he will follow up with Janice Dzigiel of STC and schedule a meeting to discuss senior transportation.

Mr. Consolo urged everyone to vote on Tuesday, November 2, 2010 as it is the first election for Cuyahoga County executive and council.

Governmental Affairs Committee Chairman Susan D. Pardee reported that the Council met with Kevin O’Brien from Cleveland State University prior to this meeting for the second of three (3) planning discussions. He talked about infrastructure, land use and economic tax capacity. She noted that at the last meeting Paul Alesnas, director of the Cuyahoga County Planning Commission talked about creating a structure or continuum for making decisions and a framework for strategic community management. Mrs. Pardee reported that the Council will hear from David Hartt of D.B. Hartt, Inc., Planning and Development Consultants, on November 15, 2010 at 6:30 p.m. in the conference room.

Service and Utilities Committee Chairman Phillip Ertel reported that the rubbish study will be considered.

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