In the absence of Mayor Infeld, Vice Mayor Goldberg called the regular meeting to order at 7:30 p.m.

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

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

Pledge of Allegiance

Minutes of the regular meeting held on November 7, 2011

There were no corrections or additions to the minutes of November 7, 2011.

MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to approve the minutes of the regular meeting held on November 7, 2011 as presented. 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:

Vice Mayor Goldberg stated that with Thanksgiving approaching this week, we all have a lot to be thankful for. She shared a quote from the late President John F. Kennedy, “As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them.”

Agenda Items:

MOTION BY MR. SIMS, SECONDED BY MR. CONSOLO to amend the agenda to include Ordinance No. 2011-12, amending Section 220.09 of the Codified Ordinances by establishing the part-time position of Assistant Clerk of Council, and Ordinance No. 2011-13, establishing the rate of pay for the part-time position of Assistant Clerk of Council, which were presented on first reading on February 22, 2011. On roll call, all voted “aye,” except Mr. Murphy, who voted “nay.”

A. Ordinance No. 2011-86 Establishing Section 238.12 of the Codified Ordinances requiring members of the Division of Police to reside in Cuyahoga County or a County adjacent thereto (2nd Reading)

Ordinance No. 2011-86, which was presented on first reading on November 7, 2011, establishes Section 238.12 of the Codified Ordinances by requiring members of the Division of Police to reside in Cuyahoga County or an adjacent county in accordance with Ohio Revised Code Section 9.481.(B)(2)(b) and Ohio Supreme Court ruling, City of Lima v. State, 122 Ohio St. 3d 155, 2009 Ohio 2597, (2009).

MOTION BY MR. CONSOLO, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2011-86. On roll call, all voted “aye.”
B. **Ordinance No. 2011-87 Establishing Section 240.07 of the Codified Ordinances requiring members of the Division of Fire to reside in Cuyahoga County or a County adjacent thereto (2nd Reading)**

Ordinance No. 2011-87, which was presented on first reading on November 7, 2011, establishes Section 240.07 of the Codified Ordinances by requiring members of the Division of Fire to reside in Cuyahoga County or an adjacent county in accordance with Ohio Revised Code Section 9.481.(B)(2)(b) and Ohio Supreme Court ruling, *City of Lima v. State*, 122 Ohio St. 3d 155, 2009 Ohio 2597, (2009).

**MOTION BY MR. CONSOLO, SECONDED BY MR. BULLOCK** to approve the passage of Ordinance No. 2011-87. On roll call, all voted “aye.”

C. **Resolution No. 2011-88 Requesting tax advances from the proceeds of tax levies for the period of January 1, 2012 to December 31, 2012 (2nd Reading)**

Resolution No. 2011-88, which was presented on first reading on November 7, 2011, requests the County Auditor to advance taxes from the proceeds of tax levies for the period January 1, 2012 to December 31, 2012 pursuant to Section 321.24 of the Ohio Revised Code.

**MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE** to approve the passage of Resolution No. 2011-88 as an emergency measure. On roll call, on passage, all voted “aye.”

D. **Resolution No. 2011-89 Authorizing a Mutual Aid Agreement with John Carroll University for the provision of police services (1st Reading)**

Resolution No. 2011-89 authorizes a Mutual Aid Agreement with John Carroll University (JCU) for the provision of police services. Pursuant to the Mutual Aid Agreement, the City and the University will provide mutual assistance through the interchange and use of their respective police personnel and equipment.

Chief of Police Steven Hammett reported that the most important component of the Mutual Aid Agreement is the fact that it will provide additional resources on Friday and Saturday evenings when dealing with student issues on campus, off campus and at JCU owned properties. He explained that John Carroll University’s police officers will be called out and they will be authorized to issue citations and offer assistance for minor disturbances.

Councilman Bullock reported that the Safety Committee met on November 16, 2011 and reviewed the proposed Mutual Aid Agreement. He stated that the Safety Committee recommended approval of Resolution No. 2011-89, authorizing a Mutual Aid Agreement with John Carroll University for the provision of police services.

Councilman Consolo inquired if, pursuant to Section 1(c) of the agreement, JCU Police could go in and handle a crime committed in building owned by JCU and University Heights will never find out about it. Chief Hammett responded that the UH Police Department will remain the primary law enforcement agency and that the JCU Police will not investigate or lead any criminal investigation in the city. He added, however, that UH Police will ask JCU Police for assistance in certain circumstances. Law Director Kenneth J. Fisher stated that JCU Police will investigate and take corrective action for minor misdemeanor violations as indicated under Section 1(e) of the agreement.

Councilman Consolo requested that Section 1(c) be clarified by adding the following highlighted language, “The John Carroll University Police (JCU PD) shall enforce local and state law on property owned or controlled by the University with the knowledge of the University Heights Police Department within the city and within the Mutual Aid Agreement Area (“Agreement Area”) comprised of the properties listed and depicted in Exhibit A.” Mr. Fisher stated that he would look into clarifying the language.

Councilman Sims requested that there be follow-up to make the Council aware of what area is included in the mutual aid agreement area. Councilman Bullock mentioned that the map on Exhibit “A” was colored coded, but the copies were not in color. He noted that the agreement area includes the JCU campus, the Green Road Annex, and a list of properties owned by the University. Mr. Fisher added that at the request of Gesu Parish the agreement area also includes the Parish properties. Councilman Sims inquired if the apartment buildings in which students reside are part of the listed addresses. Chief Hammett replied that they are not included, only those properties owned by the University are listed.
Mr. Fisher further explained that the agreement area includes the U-5 University-College District, the Gesu parish properties, and the JCU Green Road Annex. Councilman Sims inquired as to why the apartments are not included and if they could be included. Mr. Fisher noted that he will clarify the area by the second reading of the Resolution on December 5, 2011.

Vice Mayor Goldberg mentioned that the term of the agreement is for three (3) years, but she inquired if there are provisions within the agreement for a review of the procedures and protocol every six (6) months to one (1) year to determine if the agreement is adequate. Chief Hammett replied that it is not addressed in the agreement, but it has been implied. He also noted that policies and procedures will have to be written by himself and Chief Peppard of John Carroll University.

Resolution No. 2011-89 was presented on first reading.

E. Ordinance No. 2011-12 Amending Section 220.09 of the Codified Ordinances by establishing the part-time position of Assistant Clerk of Council (2nd Reading)

Ordinance No. 2011-12 amends Section 220.09 of the Codified Ordinances by establishing the part-time position of Assistant Clerk of Council.

MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2011-12. On roll call, all voted “aye,” except Mr. Murphy, who voted “nay.”

F. Ordinance No. 2011-13 Establishing the rate of pay for the part-time position of Assistant Clerk of Council (2nd Reading)

Ordinance No. 2011-13 establishes the rate of pay for the part-time position of Assistant Clerk of Council at a range of $13.00 to $15.00 per hour depending on qualifications.

MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2011-13. On roll call, all voted “aye,” except Mr. Murphy, who voted “nay.”

G. 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:

Finance Director Jennifer L. Esarey did not have a report, but wished everyone a Happy Thanksgiving.

Law Director Kenneth J. Fisher did not have a report, but noted that Mayor Infeld was in Terre Haute, Indiana for the NCAA Division I women’s cross country championships. He noted that Georgetown University won its first national championship in women’s cross county lead by Emily Infeld, Mayor Infeld’s daughter, who finish fourth in the country.

Committee Reports:

Civic Information Chairman Frank Consolo reported that Cleveland Heights High School football team had a first time ever undefeated season and had a first-round playoff game on Saturday, November 5, 2011. He noted that the team, which is lead by a number of University Heights residents including the quarterback, had a very good year. Councilman Consolo also mentioned that St. Ignatius is still in the playoff games. He added that University Heights resident, Tommy Fanning, is a starting corner back for the team.

Governmental Affairs Chairman reported that the committee reviewed the ordinance for public records request. She noted that the committee will decide on a reasonable amount to charge for copies of public records and rewrite the ordinance for the next meeting.

Safety Committee Chairman Steven D. Bullock reported that his committee met on November 16, 2011 to consider EMS fees and a Mutual Aid Agreement between the City of University Heights, John Carroll University and Gesu Parish. He noted that the Mutual Aid Agreement was introduced under Resolution No. 2011-89 and will be presented on second reading on December 5, 2011 after the Law Director attempts to make changes to the agreement without renegotiating it.
With regard to EMS billing, Councilman Bullock reported that the committee discussed making a decision as to if and how to go about collecting uncollectible bills. He noted that currently Life Force sends three (3) letters with no follow-up after the letters are sent. Councilman Bullock reported that the Safety Committee has recommended to proceed as follows: for residents, who have no insurance or who have high deductibles, Life Force will continue to send the three (3) letters only; non-residents will be referred to a collection agency; and indigents, who have proven hardship, will not be pursued beyond the three (3) letters. He added that the Mayor, as Safety Director, or her designee will be responsible for making the decision regarding hardship.

Councilman Bullock also reported that Finance Director Jennifer Esarey has recommended First Federal Credit Control to act as the City’s collection agency. Ms. Esarey reported that even though First Federal Credit Control seemed to be the highest of the three (3) agencies who submitted quotes, they had the greatest percentage of collection rate success at 18% versus 3% -5% collection rate of other companies. Ms. Esarey added that she contacted Life Force and First Federal Credit Control in order to move the process forward. She noted that the City will not be under contract with First Federal; therefore, they will only go after bills that Life Force sends them. For audit purposes, whenever Life Force sends documentation to First Federal, they in turn will send it to the Finance Director. She added that if the City is not satisfied with First Federal’s services, the collections can be stopped at any time. Ms. Esarey stated that First Federal Credit Control will only bill on what they collect.

Councilman Bullock suggested that the Safety Committee review the program in six months to one year. Ms. Esarey stated that she will provide a progress report.

Councilwoman Pardee stated that the City has not used a collection agency in the past, but surrounding communities do and University Heights is updating its practice to be consistent with neighboring communities.

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

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Susan K. Infeld, Mayor

Nancy E. English, Clerk of Council