

**MINUTES COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
NOVEMBER 3, 2014**

Mayor Infeld called the regular meeting to order at 7:34 p.m.

Roll Call:

Present: Mrs. Susan Pardee
Ms. Nancy E. English
Mr. Mark Wiseman
Mrs. Adele Zucker
Mr. Steven Sims
Mr. Phillip Ertel
Ms. Pamela Cameron

Also Present: Law Director Anthony J. Coyne
Assistant Law Director James C. Budzik
Finance Director Larry Heiser
Police Chief Steve Hammett
Service Director Jeffrey Pokorny
Building Commissioner Eric Tuck-Macalla
City Engineer Joseph Ciuni
Clerk of Council Kelly M. Thomas

Pledge of Allegiance

Approval of Minutes from Council Meeting October 20, 2014

Mr. Sims made the following corrections:

- Page 6: second to the last paragraph to strike out the first sentence so that it reads "Mr. Sims commented regarding the Mayor's comments"
- Page 6: second to the last paragraph where it reads "Mr. Sims commented that in his years, which admittedly are not as long as the Mayor"
- Page 7: third paragraph add the following to the beginning of the sentence "In response to a comment by Mr. Weiser, Mr. Sims"
- Page 7: last paragraph delete (cut off by Mr. Sims)
- Page 8: delete all "*" notations in front of Mayor Infeld's name
- Page 8: delete entire paragraph with "*" explanation

MOTION BY MR. ERTEL, SECONDED BY MRS. CAMERON to approve the minutes of November 3, 2014 as amended and corrected. On roll call, all voted "aye," except Mrs. Pardee who "passed."

Approval of Minutes from Special Council Meeting of October 27, 2014

Mr. Wiseman asked for the words "is not" be inserted before the word listed in his first comment.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to approve the minutes of October 27, 2014 as amended and corrected. On roll call, all voted "aye," except Ms. English who "passed."

Comments from Audience

There were no audience comments.

Mayor's Comments

Mayor Infeld provided the following report.

- At 7pm on Wed., Nov 5 at John Carroll University, Dolan Science Center Auditorium the planners from NOACA will meet with the steering committee and public to discuss and receive feedback on how to make the pedestrian areas around Cedar/Warrensville more pedestrian and bicycle friendly and attractive.

- The Solid Waste District has drop-off boxes for prescription drugs in various Police Departments, the closes one to University Heights is the South Euclid Police Department.
- The Cuyahoga County Health Department has released its annual Childhood Fatalities Report.
- Open Door Academy is having an outreach to get people to adopt a family in need during the holiday season. Information will be posted on the City Hall Lobby bulletin board.

Mayor Infeld reported that Jennifer Waxman who works on special projects at City Hall has been analyzing the usage of the Senior Transportation Connection (STC) Bus. Mayor Infeld provided Council with the updated report regarding the usage of the STC bus service so that the Civic Affairs Committee to review the contract. Mayor Infeld also noted that she has been in conversations with Mrs. Janice Dzigiel, STC Executive Director to see if the contract can be changed so that it reflects the use of the service by the community seniors in a better fashion.

In addressing the review of the Council minutes from the previous meeting Mayor Infeld stated the when the City was established in 1941, Ordinances were also established for how Council meetings would be run procedurally. The Charter suggested that the Council would be the body to determine the procedures of the meeting. Mayor Infeld noted that at the previous Council meeting there was a 3-3 tie vote; and that she broke that tie based on when she was a Council member and witnessed the previous Mayor Rothschild breaking a tie on more than one occasion and a few of them were rather large City projects.

Mayor Infeld commented that due to the unusual event at the previous Council meeting where a tie-vote was taken the Law Director has made a determination to have Mr. Weiser's application for the rezoning of the said parcels on Cedar Road to U-7 Local Retail come back before Council even though a vote and ruling was made at the previous Council meeting. Mayor Infeld stated that it was her obligation to abide by the Law Director's decision.

Mr. Coyne stated that at the October 20th meeting a vote was taken on the application and recommendation from the Planning Commission to the City Council regarding the application from CESO/Waterway and Wash Company for the parcel numbers identified on the agenda. Mr. Coyne continued to provide the history behind the application in stating the rezoning request was to change the current zoning of U-3, U-8 and U-2 zoning to a local retail district U-7.

Mr. Coyne remarked that the reason he requested that this item be placed on the tonight's agenda was because at the previous Council meeting there was a lively debate regarding the application and there were two (2) competing motions. (1) Motion to table the matter and refer it to another working committee of the City Council; this motion had a 3-3 tie vote; (2) Motion to approve the rezoning recommendation made by the Planning Commission, with a 3-3 tie vote. Mayor Infeld broke the tie in the affirmative. Mr. Coyne stated for the record that he takes the responsibility for not intervening at that time and addressing the vote. Mr. Coyne stated that he thought in fairness, particularly to Mayor Infeld, as she is correct in saying that there had been several tie breaking votes by the previous Mayor (at least three in the past 18 years). Mr. Coyne noted that he also reviewed the City's Charter, the Administrative Code and the Ordinances of University Heights. Mr. Coyne reported that he did not see that the Mayor can break a tie of the City Council, furthermore City Council requires for the approval of an Ordinance, Resolution or Motion that it be approved by four (4) members of City Council. Mr. Coyne added that it is a rare occurrence that a tie would happen because it would only happen if six (6) members present with a vote of three to three; it couldn't happen if there were a quorum of four (4) or quorum of five (5).

Mr. Coyne noted that he began to investigate this matter because eight (8) days after the Council meeting a member of Council in reviewing the code pointed out that they did not see where the Mayor was given this authority in the Charter, Ordinances, nor in the Administrative Code. Mr. Coyne stated that no one questioned the vote at the time it was taken and it didn't occur to Mr. Coyne to double check the Mayor's authority to break a tie vote. Mr. Coyne noted that this government is set up so that the Mayor works with the established agenda, presides over the meetings, introduces Ordinances/Resolutions, and participates in the discussions. Mr. Coyne stated that he did research the Mayor's authority within 24 hours of the Council person's inquiry and did not see where the Mayor is authorized to break a Council vote that ends in a tie.

Mr. Coyne stated that he believed that it was the intent of Council to do one of two things at that Council meeting; (1) table the measure; and (2) approve or disapprove the Planning Commission Recommendation. Furthermore, Mr. Coyne stated he thought that it would be in the best interest of the City that the matter be reviewed again at this meeting as if it were a second reading. Council could still take action or a member of Council could make a motion to change the vote or reconsider their vote because the approval didn't go into effect immediately.

Mr. Wiseman stated that in his mind the paramount consideration is that rules have been established and that Council follows those rules, whatever they are. Mr. Wiseman continued to say that it seemed to him that if the Ordinance states that a motion needs four (4) votes to pass and that if the motion did not get the four votes, it then did not pass; it failed. Mr. Wiseman remarked that he was not sure why the motion is back for a second reading because it doesn't seem to be practice to keep presenting things back to Council if it fails, so it may possibly change at the next meeting. In regards to Mr. Coyne's statement that it was in the City's best interest to represent it, Mr. Wiseman stated that he did not think he heard anything based on Code or applicable law that say this needs to be represented. Mr. Wiseman noted that he would be very concerned if Council takes a step because of what one or two people think is the fair thing to do when it is not supported by the rules and the law. Mr. Wiseman questioned how when the motion failed on October 20, that then in two (2) weeks it can come back because somebody thinks that it is in the best interest of the City to relook at Council's votes and then to vote again. Mr. Wiseman noted that it seemed like it (vote) failed.

Mr. Coyne remarked that the motion hasn't gone into effect yet, so a member of Council could reconsider the vote, prior to it going into effect. But once goes into effect, Mr. Wiseman would be correct. Mr. Coyne continue to say that it could die now at this meeting for failure to change the vote and Council has the discretion to do so because it hasn't gone into effect yet.

Mr. Wiseman responded that there is nothing to go into effect, if a motion fails, it doesn't take 30 days for it to go into effect, it fails the day that it failed and then it is over with. Mr. Wiseman stated he would like to see language that states that you have 30 days after a motion fails to re-present it. Council's paramount concern should be following the rules and to own the decisions that Council makes going forward. Mr. Wiseman noted that it is regrettable that no one caught this at the meeting and asked if a motion fails, why how can it be re-presented at the next meeting.

Mayor Infeld remarked on Chapter 220.18 which deals with the absence of rules. Mayor Infeld stated that she was on council for twelve years and provided examples where she saw the previous Mayor cast the tie breaking vote more than one occasion. Mayor Infeld continued to say that as the Law Director, Mr. Coyne previously stated it is an unusual situation for the Mayor to break a tie vote. But, every time that did happen the previous Mayor referred to 220.18; absence of the rules. Mayor Infeld stated that the Charter reflects that the Council will set the procedure and that the Ordinances reflect how procedures are set. Mayor Infeld continued to say the Ordinance is from 1941/1942 and includes the order of business, style of legislation, number of require readings, absence of the Mayor at a meeting, etc. and the absence of rules clause which states that when there is no defined procedure or process Roberts Rules of Order comes into play. Mayor Infeld noted that, that is the reason why she, like Mayor Rothschild, voted. Mayor Infeld also remarked that the use of absence of rules was not just arbitrary but to her was defined in the Administration Code. Mayor Infeld noted that she does accept the Law Director's opinion that this wouldn't apply. Mayor Infeld added that Mayor Rothschild took her duties very seriously and that she (Mayor Infeld) did not want in any way for anything that happens with this tie breaking vote reflect negatively upon Mayor Rothschild or any decision she made when she broke ties. Mayor Infeld stated that to her Chapter 220.18 is almost a catch-all; to catch any situation that isn't particularly defined. Mayor Infeld noted that she would like to refer to Mr. Wiseman's Governmental Affairs Committee the topic of what to do if there is ever a tie vote, so that there is some definition for future City Councils and because it is worth looking at.

Mrs. Pardee thanked Mayor Infeld for the history but stated she was interested in the current code and Council's current processes. Mrs. Pardee stated that Roberts Rules is set up in the absence of anything specific; section code 220.12 – action of Council stated very specifically that each ordinance, resolution or motion shall require for its adoption or passage the concurrence of at least four members of Council. Mrs. Pardee noted that there aren't eight (8) members of Council so there can never be a tie and that Council must have four (4) to pass something. In terms of the process Mrs. Pardee stated similar to what Mr. Wiseman stated in that it appeared to her, by means of section code 220.12 that the motion failed with a 3-3 vote. Mrs. Pardee stated that to entertain and vote on it again tonight makes no sense in "process" because it is very clear that it failed. If it were re-introduced through the process, perhaps coming through the Planning Commission and coming back as a recommendation to Council; it could then be entertained again.

Mr. Coyne stated his reasoning is unchanged and that he thought with the full complement of the Council it may have been appropriate. Council could reconsider its vote at the next Council meeting, that's not uncommon per say. Mr. Coyne said the issue could be; re-introduce, go back

to Planning Commission. Again, Mr. Coyne noted that he thought by having the full complement would be a way of addressing this. The minutes from the previous Council meeting shows lively discussion and it was apparent from his seat that the two (2) directions that Council was going was to possibly approve it, or not or to table it. Mr. Coyne remarked that to him it was worth consideration given the zoning change and given the approvals received from the Planning Commission decision in August for the retail use.

Mrs. Pardee commented on Mayor Infeld recommendation that perhaps this goes to Councilman Wiseman's committee and asked Mr. Coyne if there was any lack of clarity in item 220.12 that would require that this be moved to Councilman Wiseman's committee (Governmental Affairs Committee) for clarification.

Mr. Coyne replied that if that is what Mr. Wiseman would want to do, it could be done if Council were to approve it.

Mayor Infeld stated that Council doesn't have to approve anything that goes to Committee as the Mayor can assign a topic to a committee. Mayor Infeld cited her designation of that need has to do with the interpretation of Chapter 220.18 – the absence of rule, which Mayor Infeld thought, would apply to a tie vote. Mayor Infeld noted that she totally recognized Council's position on a vote of less than four (4), but again stated her witness of those types of ties in the past and restated her concern regarding that catch-all. That absence of rule is a catch-all that introduces Roberts Rule and that it was put there for a reason.

Mrs. Cameron commented that Mayor Rothschild's views and decision making have not been subject to the Charter Review that occurred much later, probably near the end of her tenure, and while it historical Mrs. Cameron didn't think it was accurate to use it as a reference given the rules Council is expected to follow. Mrs. Cameron also stated that it is unfortunate that everyone overlooked the oblivious; but Mrs. Cameron felt that chapter 220.12 is very clear and states without equivocation that the Mayor does not vote and the problem should not be compounded by rewriting the rules.

Mrs. Pardee asked Mr. Coyne why there is an attempt to make things difficult and more confused than they are. Absence of rules deals with just what it states, when there an absence of rules. There a clear rule, so there's no absence of rules in this.

Mr. Coyne agreed that there is a clear rule.

Ms. English commented to Mr. Coyne's comment about reintroducing the matter by giving it another number stating that this was not legislation; it was a recommendation from the Planning Commission to the Council. Ms. English stated she did not see how Council could give it another number and reintroduce it. If it failed, it failed.

Mayor Infeld gave the floor to Mr. Weiser if he desired to address her and the Council.

Mr. Wiseman stated he appreciated Mr. Wisier coming but didn't know what having him address Council will actually add to this.

Mayor Infeld stated having Mr. Weiser talk may add nothing, but as the Presiding Officer of the meeting she was extending the courtesy to him as he has come before this body four consecutive meetings/eight weeks not counting the Planning Commission meetings. Mayor Infeld noted that Mr. Weiser is a major business owner in University Heights and deserves respect as he has put himself out and that he can be given a moment to say something if he wishes no matter what Council's ruling is.

Mr. Weiser stated that he didn't think it was anyone's fault, but if he had not been informed before the meeting that there would be seven voting members here and that there would be seven votes (and he didn't know what the vote would be), he would not have had this introduced at that time at all. He would have waited until Mrs. Pardee could have been at the meeting. Mr. Weiser stated that he thought he had been misled on this information and if for some reason it was misrepresented how many votes would be represented and that would count. Mr. Weiser stated he would like to get a fair hearing on how Council feels with the seven members, which is what he was told would be counted. Mr. Weiser stated he was willing to oblige by a full council, and that that is what he is entitle to. Mr. Weiser again stated he was told before the meeting that seven votes would be counted on that evening. If there aren't seven votes and you aren't counting them, then Mr. Weiser said he was misled.

Mr. Wiseman asked Mr. Weiser if he was told that there would be seven Council members at the hearing voting.

Mr. Weiser clarified that he was told that if there was a 3-3 tie in something then the Mayor's vote would count. But if that was not it, the vote could have been 4-2; 5-2 then the Mayor would not have had a vote.

Mr. Wiseman asked Mr. Weiser if he was told that before the meeting, and if so by whom.

Mr. Weiser replied, yes he was told that before the meeting by the Mayor; that there would be seven votes. Mr. Weiser stated if the Mayor was wrong, fine – but Mr. Weiser stated he thought he could rely on the representation of that and that he didn't care what the Ordinance says as he relying on the representation of this body. Mr. Weiser said that waiting another two weeks would not have mattered to him. Mr. Weiser noted that he knew he needed four votes; he would count on all seven people to be at the meeting and not rely on just six people.

Mrs. Pardee remarked on Mrs. English's statement of Council re-introducing or having the Planning Commission reintroduce.

Mr. Coyne clarified that it was not legislation and that it would not have an Ordinance number and in that Ms. English is correct.

Mrs. Pardee asked if it could be reintroduced so that the proper procedures are followed.

Mr. Coyne replied that it was a recommendation so it could be reintroduced or a change could occur.

Mr. Wiseman spoke to the Mayor's comment that she is obligated to obey the decision of the Law Director to reintroduce this on second reading tonight. Mr. Wiseman stated that he still hadn't heard anything that is based on law or in the code that states anyone is obligated to reintroduce this.

Mr. Coyne again stated he was approaching this purely out of fairness. Because it hasn't gone into effect Council could change its vote to reconsider the action taken; table it, disapprove it or not take any action and it would then die because it doesn't have the fourth approval.

Mrs. Cameron asked what is the applicant's opportunity to have something reintroduced if the proposal fails for lack of voting also if all seven council members are present and the motion fails. What procedures would the applicant follow?

Mr. Coyne replied that the applicant would have to reapply to the Planning Commission and go through the process.

Mrs. Cameron clarified that the applicant would have to reapply to Planning and asked what the difficulty with that process is.

Mr. Coyne stated it could be significant time and cost.

Mr. Wiseman stated that Council is bound by rules and that it can't just take up motions again because someone thinks it's fair to do so. If a motion passes it takes 30 days to take effect. If a motion fails it doesn't take 30 days for it to fail, it fails the moment it failed.

Mayor Infeld stated that when the Planning Commission makes a recommendation to Council it is not the same 30 day time frame as an ordinance or resolution takes to go into effect. A Planning Commission recommendation is simply approved, denied or tabled. So there is no 30 days, it is just whatever the Council decides.

Mr. Wiseman commented that that is more to the point. Council decided this issue and it failed. Mr. Wiseman stated he didn't see what law or ordinance affords the Council the opportunity to reintroduce it today because the Law Director thinks it is fair.

Mr. Coyne stated that the Council can reintroduce it at this time. Council can make a motion to approval the Planning Commission recommendation.

Mr. Wiseman asked if there was any example of where a motion failed and was then reintroduced at the next Council meeting.

Mr. Coyne replied that he had not looked into that and added that when everyone left the previous meeting everyone thought that it had been approved. So when a mistake is made Mr. Coyne said he felt that there should be an attempt to be remedy it, if possible. It is Council's discretion if the decision is not to approve this. Mr. Coyne reiterated that there was not a full complement of Council present and that it made sense to him that Council discuss it again and make a decision on going forward. Again there was a group of Council persons who might have thought that tabling it was better in order to get additional information. Mr. Coyne stated that all he was trying to do what would be in the best interest of the City. When everyone left Council Chambers at the previous meeting the applicant thought he had an approval; Mr. Coyne noted that he thought that every member of Council who was present thought that as well.

Mrs. Cameron asked if it would be procedurally compatible with the Administrative Code to request an Executive Session at this point for the purposes of discussing this issue.

Mayor Infeld referred to the Law Director because an Executive Session can only occur for three specific topics; personnel, city own real estate, litigation or potential litigation.

Mr. Coyne replied that the last topic could certainly be a possibility.

Mayor Infeld said she didn't want the discussion not happen in public session.

Mr. Coyne noted that an Executive Session is necessary tonight for the discussion of personnel matter items as well.

Mayor Infeld again stated her concern of entering into executive session at this time and shielding the public from hearing discussion.

Mr. Coyne stated that Council could adjourn for executive session and then come back out into the open session.

Mayor Infeld asked Mr. Coyne, in knowing what the topic of the executive session would be, is this an appropriate adjournment into executive session for this topic alone and not mixed with other topics.

Mr. Sims suggested that in this matter Mayor Infeld is correct. Even if wasn't for that purpose it would leave the appearance that Council was leaving opening discussion for closed discussion on this matter. Mr. Sims stated he would not favor going into executive session at this time.

Mrs. Cameron voiced that she felt "put upon" by this project from the outset. Mrs. Cameron stated that this item was placed on the agenda without having the benefit of having any information, other than the Planning Commission made a recommendation. Mrs. Cameron stated that Council did not have materials and asked the applicant to come back to the next Council meeting. Now due to a mistake, which everyone is somewhat responsible for, we are now being asked to reconsider this without the benefit of understanding why. There was an unintentional mistake made and it placed a burden on the applicant as well as Council. Mrs. Cameron stated she didn't have a vested interest in anything except that the City thrive and do well. Mrs. Cameron stated that personally she felt rushed to make a decision, rushed to vote when the item had failed. Chapter 220.12 states that the Mayor does not vote, so the motion failed. Mrs. Cameron noted that she didn't feel inclined to change that.

Mr. Ertel stated that the code is very clear and requested that Council moved on to agenda Item B.

Mr. Coyne noted that that was Council's prerogative.

Mr. Coyne stated that the approval request from the Planning Commission would fail due to the lack of the fourth vote of the City Council.

Mrs. Cameron asked what Mr. Weiser would have to do at this point to present his proposal.

Mr. Coyne stated that if Council doesn't want to reconsider the action, to table or approve the matter then Mr. Weiser would have to reapply. Mr. Coyne stated if Council wanted to table this matter, they would need a member who voted in the opposite way.

Mrs. Pardee questioned what tabling the item would do.

Mr. Coyne replied that at the previous Council meeting there was a discussion where several

Council members were interested in maybe referring it either Building Committee or Planning Commission for further discussion, particularly related to the potential site plan and the traffic impact. That motion ended in a 3-3 tie. The subsequent vote was to approve the Planning Commission recommendation which also ended in the 3-3 tie breaking situation. This could be tabled for Council to seek additional information to make sure some of the concerns could be addressed.

Mayor Infeld informed Mr. Weiser that he could always make a new application to the Planning Commission.

Mayor Infeld asked if there were any other comments from Council. Hearing none, Mayor Infeld stated that there was no action on agenda Item A and moved forward to agenda Item B.

B. Ordinance 2014-44 Authorizing the Mayor to enter into a contract with CompManagement, Inc. for the purpose of providing third-party administrator services with The Ohio Bureau of Workers' Compensation in the amount of \$6,795 (first reading)

Mr. Heiser stated that CompManagement is the City's current third party administrator.

Mrs. Cameron asked if there were any materials available that explained what type of services CompManagement provides or if Mr. Heiser could provide an example of their services.

Mr. Heiser replied that CompManagement gets the City into the Ohio Municipal League Group which offers the best plan for Municipalities regarding risk versus returns.

Ordinance 2014-44 was placed on first reading.

C. Discussion of Vendor Contracts and Companies doing business with the City

Mayor Infeld stated that this is a recurring item for the discussion of vendor contracts and companies doing business with the City. Mayor Infeld asked Council if they had any questions about recent bills that may have been paid or comments they may have received from the community regarding companies doing business with the City. Mayor Infeld noted that she wants to keep this as an open item in case people have questions.

Mr. Wiseman commented that he realized that the Mayor wants to keep this as an open item and asked if this item had to remain on the agenda. Mr. Wiseman stated that the same discussion occurs at every meeting regarding this item and Council is aware that they can ask question about it. Mr. Wiseman noted he wasn't sure why Item C is still on the agenda.

Mayor Infeld replied that she didn't know in what way Council would like to receive the information and that this is the Administration's attempt to say they are operating as usual, purchasing supplies, paying vendors and also continuing the practices suggested by the Law Director of having vendors sign contracts anytime the Administration thinks that it would extend the Mayor's spending authority.

Mrs. Cameron asked for clarification in that she thought that Council passed an Ordinance based on a recommendation from the Finance Committee regarding this issue. So that there is a procedure and Ordinance that directs how the City finances are handled.

Mayor Infeld responded that Mrs. Cameron was correct but that this gives Council the opportunity to ask questions about what services, products that the City is purchasing.

Mrs. Cameron asked if that would be under Mr. Heiser's role as Finance Director as it is a financial issue and vendor that he is responsible for coordinating and paying.

Mayor Infeld stated she wants to be opened with the community.

D. Motion to hold Executive Session

Mayor Infeld asked for a motion to hold an Executive Session for the purpose of discussing personnel bargaining union contracts.

MOTION BY MR. ERTEL, SECONDED BY MRS. CAMERON to enter into executive session for the purpose of discussing personnel bargaining union contracts. On Roll Call, all voted "aye."

Directors' Reports

Service Department: Service Director Jeffrey Pokorny reported that curbside leaf pick-up is on going with the completion of the third pass through the City, usually the leaf trucks complete six cycles so we are about half way done.

The City has approx. 1,800 tons of salt stored in the Cleveland Heights salt dome. 1,000 tons of that was purchased at the end of the last winter season from Morton as our summer fill for \$47.97 per ton. The City's current contract is with Cargill at a cost of \$55.12 per ton and the first 200 tons have been ordered to fill the on-site salt storage. Currently two trucks are ready for salt and snow removal; once leaf pickup season is completed those trucks will be switched over to salt and plow trucks.

Mrs. Pardee asked Mr. Pokorny approximately how many tons did he expect to order for the season. Mr. Pokorny stated it depends on the winter, but it varies between 2,000 and 3,700 tons.

Mr. Sims asked if the City is locked into a salt contract in case of another salt shortage. Mr. Pokorny replied that the City is part of ODOT's contract and they will supply us up to 2,800 tons or as low as 2,500 tons. Mr. Pokorny noted that the City should be covered with salt for the winter season, even if it is a difficult season.

Mr. Pokorny reported that all 52 trees from Fall Tree Planting project have been planted. The Fall Pruning project for zone 3 is scheduled for approx. 660 trees; of which 80 trees will be removed and 580 trees will be pruned the project should start next week and completed by the end of February.

City Engineer: Mr. Joe Ciuni reported that the paving of South Belvoir started and should be completed by mid-week.

There were no other director reports.

Standing Committee Reports

Finance Committee Chairwoman/Vice Mayor Susan Pardee reported that she will be scheduling the next Joint Finance/Financial Advisory Committee meeting to review the budget for the second time and possibly be ready with a recommendation.

Mrs. Pardee also announced that the Heights Coalition for Public Education is presenting "the myth of failing public schools" program on November 10 at Heights High School Social Room from 7pm – 9pm. The program will explore test and punish culture harming our students in public education. Please don't forget that "Guys and Dolls" is playing at the high school.

There were no other standing committee reports.

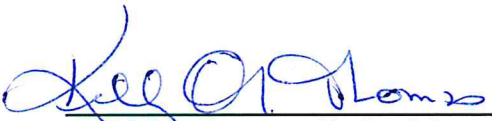
Council entered into executive session at 8:48pm to solely discuss personnel bargaining union contracts.

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to come out of executive session. On roll call, all voted "aye."

There being no further business to discuss, the meeting was adjourned at 9:33pm.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to adjourn the meeting. On roll call, all voted "aye."


Susan K. Infeld, Mayor


Kelly M. Thomas, Clerk of Council