Mayor Infeld 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  
City Engineer Joseph R. Ciuni

Pledge of Allegiance

Minutes of the regular meeting held on October 17, 2011

There were no corrections or additions to the minutes of October 17, 2011.

MOTION BY MR. ERTEL, SECONDED BY MRS. PARDEE to approve the minutes of the regular meeting held on October 17, 2011 as presented. On roll call, all voted “aye,” except Mr. Consolo, who “passed.”

Comments from the Audience

There were no comments from the audience.

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

Mayor Infeld mentioned that November 8, 2011 is election day and she encouraged everyone to vote.

Mayor Infeld commented that Cleveland Heights High School put on a wonderful production of the Sound of Music over the past weekend. She mentioned that all performances sold out. The school will offer another production in the spring.

She also mentioned that the Cleveland Heights High School football team played a Division I quarterfinal game on Saturday, November 5, 2011 against St. Edward. She added that although they did not advance to the finals, they can look forward to next year.

Agenda Items:

Mayor Infeld requested that the Council add Resolution No. 2011-88, which requests tax advances from the Cuyahoga County, to the agenda.

MOTION MRS. PARDEE, SECONDED BY MR. BULLOCK to add Resolution No. 2011-88 to the agenda. On roll call, all voted “aye.”

A. Presentation by Harry Brownfield from Fedeli Group

Mr. Harry Brownfield, RHU, Executive Vice President, Fedeli Group, stated that The Fedeli Group was selected as the new agent of record to market and service the City’s health care account. He mentioned that the various unions of the City accepted changes to the health care benefit package. Mr. Brownfield explained that The Fedeli Group markets benefits by using FormFire, an electronic application form which was filled out by every employee. When the applications were completed, the information was forwarded to the marketplace and six (6) quotes were received from United Health Care, Anthem, Aetna, Cigna, Medical Mutual, and Kaiser. After reviewing the quotes, The Fedeli Group recommended renewing the health care contract with United Health Care at a 5.02% premium reduction over last year’s rates based on the benefit changes.
Mr. Brownfield explained the changes to the health care contract that will be provided to City employees during the one year renewal period: the deductible increased from $250 to $500 for single and from $500 to $1000 per family; coinsurance went from 100% to 80%; out-of-pocket max went from $250 for single to $1,000 and from $500 to $2,000 per family; office visit co-pay increased from $15 to $25; emergency room co-pay increase from $100 to $150; urgent care co-pay increased from $35 to $50; and the prescription tiers went from $7, $20, and $50 to $10, $35 and $50. Mr. Brownfield stated that under the new contract the employees are accepting more responsibility in the cost of their health care. He mentioned that if the same benefits would have been maintained, the City would have had an approximate 18% rate increase.

In response to questions from Councilman Sims, Mr. Brownfield explained that the City will see a 5.02% decrease in premiums due to plan changes resulting in higher deductibles and out-of-pocket costs for employees. Finance Director Jennifer Esarey noted that union employees accepted a tier system where as of November 1, 2011 they will contribute 6% of medical and dental costs. In 2012, the employees will contribute 7% and in 2013 they will contribute 9%. Mayor Infeld added that the union agreements for health care will apply to the non-union employees as well.

## B. Ordinances No. 2011-81 Authorizing a one (1) year renewal with United Health Care for health insurance (Emergency)

Ordinance No. 2011-81 authorizes the Mayor to enter into a one (1) year renewal with United Health Care for health insurance. Mayor Infeld stated that the Health Insurance Committee, which is a committee of employees established by agreement of the unionized employees, reviewed the terms and made its recommendation to renew coverage with United Health Care.

**MOTION BY MS. GOLDBERG, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2011-81 as an emergency measure. On roll call on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”**

## C. Presentation by Howard Thompson, CH Economic Development Director, regarding City of Cleveland Heights’ application to the federal Department of Transportation for TIGER grant

Mr. Howard Thompson, Economic Development Director, City of Cleveland Heights, stated that the City of Cleveland Heights has applied for funds under the TIGER Discretionary Grant Program through the U.S. Department of Transportation. He noted that the program is an infrastructure oriented program. The City of Cleveland Heights applied looking at three (3) business districts encompassing the Cities of Cleveland Heights, East Cleveland and University Heights. The first would be the Cedar/Taylor District, whereby the City of Cleveland Heights already has a streetscape plan totaling $4.3M in construction. The second would be the Noble/ Nela District focusing on the GE facility and adding a component to the City of East Cleveland. The third would be the Cedar/Lee District, which would run from Lee Road to Washington Blvd., joining University Heights in the program.

Mr. Thompson stated that the City of Cleveland Heights is requesting a partnership and a letter of support from the City of University Heights, which will be forwarded to the federal government. He noted that Cleveland Heights has applied for $12,070,543 (the grant calls for a $10M minimum). He added that 20% must be matched by the local communities. Mr. Thompson commented that the City of East Cleveland will be receiving $1.7M next year from Cuyahoga County for infrastructure improvements in the Noble Road area which is committed to the program. This will leave approximately $750,000 which the City of Cleveland Heights has committed to. Therefore, they are not requesting a monetary commitment from University Heights at this time.

Councilman Ertel inquired if the City will be committed to a monetary contribution in the future even with a letter of support. Mr. Thompson replied that they should meet the match amount without University Heights putting up any additional money. However, he added that if financial support should become available from University Heights in 2012 or 2013, they would welcome it. Mr. Thompson mentioned that Cleveland Heights should know the status of the application in approximately 6 weeks. He confirmed that even with a letter of support, University Heights will not be committed to a monetary contribution.

Councilman Sims inquired as to what improvements are planned contiguous to University Heights and what is the partnership. Mr. Thompson responded that the partnership would include the three (3) cities to consider infrastructure improvement projects. He noted that the streetscape improvement project for Cedar/Lee District would include streetscape, paving, sidewalk improvements, crosswalk improvements, signage, furniture and landscaping. Mr. Thompson also mentioned that the application includes new infrastructure and new development opportunities.
Councilman Sims stated that because of the partnership, he would like to see something tied to the community contiguous to University Heights. Mr. Thompson stated that he is considering the area extending from Lee Road to Washington Blvd. along Cedar Road. Councilman Sims requested that University Heights be allowed to participate in the planning process. Mr. Thompson stated that the planning process has just started. He added that Cleveland Heights put the preliminary package together, but a lot more involvement and participation will take place.

Law Director Kenneth J. Fisher inquired as to what the benefit would be by adding University Heights to the grant application when 80% of the 20% match will come from the City of East Cleveland and the City of Cleveland Heights will make up the balance. Mr. Thompson replied that the three (3) municipalities would form a regional partnership which would reflect an agreed upon streetscape improvement plan for the three (3) business districts. It was noted that the application would score higher with a regional project.

In response to an inquiry by Councilwoman Pardee, Mr. Thompson confirmed that construction in the Cedar/Taylor District and the Noble/Nela District would begin in 2013. Mrs. Pardee also inquired if the grant is a rolling grant. Mr. Thompson replied that it is not as the funds have to be encumbered by May 31, 2013. He also noted that since the grant is very competitive, letters of support are very helpful and communities working together are even more helpful.

In regard to the job creation aspect of the application, Councilman Ertel asked what is envisioned for the 100 new employee proposed for the Cedar/Taylor District. Mr. Thompson responded that the estimate was based on the targets for the Cedar/Lee District. He offered an example of creating 100 new jobs with a commercial development at Lee Road and Meadowbrook Boulevard.

Vice Mayor Goldberg inquired if the evaluators of the grant could select certain geographical areas to focus on and defer other proposed areas. Mr. Thompson replied that they could not defer any proposed project because the grant minimum is $10M, and if they were to hold back on any area, the remaining project(s) would be under the $10M ceiling. He also noted that the funds have to be utilized by May 31, 2013.

Mayor Infeld asked how the project would be impacted if something changes with the City of East Cleveland’s matching funds. Mr. Thompson responded that he would meet with representatives of all three (3) cities, review the projects and determine what funds would be committed to the projects in order to achieve the grant opportunity. However, he noted that East Cleveland’s funds are targeted for Noble Road and must be used for infrastructure repairs in that area. Mayor Infeld stated that she wanted to make sure any financial commitment by University Heights can be fluid. Mr. Thompson reiterated that the letters of support do not mention specific financial commitment.

Mayor Infeld asked for confirmation from Councilwoman Pardee, as an expert in grant writing, that University Heights will not be unduly committed. Councilwoman Pardee stated that when there is a grant with a financial match, they have to ensure that whomever is contributing monetary support does so in writing and they are responsible for it. However, she agreed that the letter of support or becoming a partner will not commit the City to any monetary contribution. Mrs. Pardee commended Mr. Thompson for putting the grant application together in such a short period of time.

Councilman Sims also complimented Mr. Thompson for putting the grant application together in a short period of time. He mentioned that University Heights has projects within its borders that City officials want to achieve which could have been incorporated into the grant application had the City been a part of the initial conversation. Mr. Sims requested that University Heights be contacted sooner if other opportunities present in the future. Mr. Thompson commented that this gives the cities the incentive to start to collaborate more closely on various opportunities. Vice Mayor Goldberg stated that if this grant is not awarded, she would hope they can continue the dialogue and look for other grants and work with other cities as an economic engine and for jobs.

Councilman Bullock hoped University Heights could be looked at as adding value to the partnership without writing a check in the future. He asked Mayor Infeld if she was okay with entering into the partnership and if she was recommending a motion for a letter of support. Mayor Infeld replied that she was pleased it could be a fluid situation in the event University Heights cannot contribute momentarily. The Mayor added that she wants Cleveland Heights to be successful in the grant application because their success would flow to the City of University Heights also.
D. Motion to authorize Letter of Support for City of Cleveland Heights’ TIGER grant application

MOTION BY MR. CONSOLO, SECONDED BY MR. BULLOCK to authorize a Letter of Support for City of Cleveland Heights’ TIGER grant application. On roll call, all voted “aye.”

E. Motion to authorize payment to Noce Enterprises, Inc. for repair of asphalt in Service Department yard

Service Director Robert Jamieson reported that a section of pavement in the service yard has deteriorated beyond repair and needs to be replaced. The section which is 19’ wide by 37’ deep and 8” thick will be replaced with concrete due to the heavy equipment and loads in this area. Quotes were received from two (2) contractors currently performing work in the city. Both contractors quoted $6,500. Mr. Jamieson recommended that Noce Enterprises, Inc. be awarded the job because they could complete the job in a short amount of time.

MOTION BY MRS. PARDEE, SECONDED BY MR. CONSOLO to retain Noce Enterprises, Inc. to repair the service yard pavement at a cost of $6,500. On roll call, all voted “aye.”

F. Ordinance No. 2011-82 Authorizing an agreement with Noce Enterprises, Inc. for emergency repair of Fenwick Road (Emergency)

Ordinance No. 2011-82 authorizes the Mayor to enter into an agreement with Noce Enterprises, Inc. for the emergency repair of Fenwick Road in an amount not to exceed $59,840.00. City Engineer Joseph R. Ciuni reported that a severe water main break occurred on at the end of July on Fenwick Road between Faversham Road and Grenville Road which undermined the pavement. He noted that the road has been closed since that time. Two (2) quotes were received from contractors working in the area. Noce Enterprises, Inc. submitted the lowest and best quote in the amount of $59,840. Mr. Ciuni stated that the new Water Commissioner of the City of Cleveland Division of Water, Bernardo Garcia, has agreed to contribute $30,000 for this repair. The City Engineer has determined that 224 square yards of pavement, curbing and two (2) drive aprons need to be replaced and the entire block of Fenwick Road needs to be resurfaced. Mr. Ciuni recommended that the job be awarded to Noce Enterprises, Inc. so that the work can be completed before winter. He noted that if awarded, the contractor would start within one week and be finished within thirty (30) days.

Councilman Consolo suggested that the fifth “Whereas” clause of Ordinance No. 2011-82 be amended to read, “WHEREAS, the City of Cleveland Division of Water has committed to the Mayor and City Engineer that it will be responsible for $30,000 of the cost.”

MOTION BY MR. CONSOLO, SECONDED BY MS. GOLDBERG to approve the passage of Ordinance No. 2011-82, as an emergency measure, and that the fifth “Whereas” clause be amended to read, “WHEREAS, the City of Cleveland Division of Water has committed to the Mayor and City Engineer that it will be responsible for $30,000 of the cost.” On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

G. Ordinance No. 2011-83 Authorizing payment to the City of Cleveland Heights for the City of University Heights’ portion of the Taylor Road Resurfacing Project (Emergency)

Ordinance No. 2011-83 authorizes payment in the amount of $26,448.20 to the City of Cleveland Heights for the City of University Heights’ portion of the Taylor Road Resurfacing Project. Mr. Ciuni reported that the resurfacing came in less than the estimated cost of $44,142.38 because the road did not need base repairs.

MOTION BY MR. CONSOLO, SECONDED BY MRS. PARDEE to approve the passage of Ordinance No. 2011-83 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

H. Ordinance No. 2011-84 Authorizing the transfer of funds from the General Fund to the Capital Improvement Fund (Emergency)

Ordinance No. 2011-84 authorizes the transfer of funds from the General Fund to the Capital Improvement Fund in the following amounts and for the following purposes: $20,215 for the purchase of a PTO Generator for the fire pumper truck; $12,000 for the purchase of a 1996 garbage/dump truck from the City of Bainbridge; $24,476 for the purchase of a 2011 Ford Crown Victoria Police Interceptor; and $14,200 for a Kubota Scooter.
MOTION BY MS. GOLDBERG, SECONDED BY MRS. PARDEE to approve the passage of Ordinance No. 2011-84 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”


Resolution No. 2011-85 authorizes payment in the amount of $91,118.85 to the Northern Ohio Risk Management Association Self-Insurance Pool, Inc. (N.O.R.M.A.). $56,703.85 represents that City’s annual premium for the year commencing October 1, 2011 and $34,415 is for the City’s share of the reserve fund. The reserve fund costs will be paid in quarterly installments of $8,603.75.

MOTION BY MR. BULLOCK, SECONDED BY MR. CONSOLIO to approve the passage of Resolution No. 2011-85 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. 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 (1st Reading)

Ordinance No. 2011-86 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).

Law Director Kenneth J. Fisher reported that the current residency requirement in the Civil Service Rules and Regulations is that no member of the Divisions of Police and Fire may reside more than twenty-five (25) miles from City Hall. He noted that the residency requirement has been stricken by a decision of the Ohio Supreme Court. Therefore, it will be necessary to formally amend the Civil Service Rules and Regulations of the City of University Heights. At the Civil Service Commission meeting on October 28, 2011, Mr. Fisher suggested and the Commission recommended that Council take legislative action through an ordinance establishing a provision in the Codified Ordinances requiring members of the safety forces to reside in Cuyahoga County or any contiguous county.

Councilman Consolo mentioned that another option would be to have the residency requirement be silent in the Code and allow safety forces personnel to live anywhere. Mr. Fisher stated that is an option. Mayor Infeld mentioned that there was a discussion about that issue at the meeting. The Commission preferred that the safety forces live in close proximity in order to get to City Hall in a timely manner. She also noted that mutual aid agreements with surrounding communities are in place to ensure that safety is provided at all times. Fire Chief Pitchler and the Chief of Police Hammett agreed to the amendment.

Ordinance No. 2011-86 was presented on first reading.

K. 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 (1st Reading)

Ordinance No. 2011-87 establishes Section 238.12 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).

Ordinance No. 2011-87 was presented on first reading.

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

Resolution No. 2011-88 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.

Resolution No. 2011-88 was presented on first reading.
M. Motion to hold an executive session immediately following this regular meeting for the purpose of discussing personnel, litigation and real estate matters

MOTION BY VICE MAYOR GOLDBERG, SECONDED BY MR. CONSOLO to hold an executive session immediately following this regular meeting for the purpose of discussing the employment of a public employee and the potential purchase of real estate. On roll all, all voted “aye.”

Directors’ Reports:

Finance Director Jennifer L. Esarey reported that the Regional Income Tax Agency (RITA) will discontinue the mailing of tax forms to individuals. Instead a postcard will be mailed to everyone and they are encouraging the use of e-file. Forms are available online and at City Hall for those who do not want to use e-file.

Chief of Police Steven Hammett reported that there will be no additional charges billed back to the City for processing of prisoners. He noted that this will save the City $16,000 to $20,000.

Service Director Robert Jamieson reported that the paper recycling, shredding and household hazardous waste drop off event was a success. Sixty cars came through from 9:00 a.m. to 1:00 p.m. on Saturday, November 5, 2011. Mr. Jamieson stated that another recycling day will be hosted next year on the date of the time change.

Mr. Jamieson reported that the City’s tree contractor started trimming trees last week on Bushnell Road working toward Wrenford Road. The south side is completed and work will begin on the northbound lane. He hopes to get a 10-year life span without having to do further trimming. He added that some trees will be removed. After Bushnell Road is completed, the contractor will move to Saybrook Road from Traymore Road to Hillbrook Road. Other areas are being considered.

Mr. Jamieson also reported that city crews will be making storm sewer and curb drain repairs throughout the winter as the weather permits.

City Engineer Joseph R. Ciuni reported that Dominion East Ohio is still working on the gas line projects in the city. They were to be completed by October 31, 2011. The Washington Blvd. project is basically finished, but there is quite a bit of restoration on Green Road. Mr. Ciuni stated that he will request that Dominion come back in the spring for restoration. He noted that the sidewalk will also be replaced.

With regard to the waterline projects, Mr. Ciuni reported that four (4) of the five (5) streets have been completed. Glendon Road and Traymore Road were paved on November 7, 2011 and are completed. Dysart Road is the last street to be completed. Mr. Ciuni stated that any damages should be reported to him for payment by the contractor. He noted that all items will be completed prior to the release of final payment.

Councilman Consoled mentioned that the sidewalk at Wiley Middle School which leads to Purvis Park did not get repaired with Wiley’s parking lot improvement project. Mr. Ciuni stated that he will check on the status.

Committee Reports:

Safety Committee Chairman Steven D. Bullock reported that he will schedule a committee meeting to consider EMS fees and a mutual aid agreement with the City of University Heights, John Carroll University and Gesu Parish. Mayor Infeld stated that it is hopeful the mutual aid agreement will alleviate some of the neighborhood issues near John Carroll University.

The meeting recessed into executive session. A motion carried to adjourn the executive session. Following the executive session discussion ensued briefly in public session and Councilman Sims requested that the discussion continue in executive session.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to recess back into executive session to discuss the employment of a public employee. On roll call, all voted “aye,” except Mr. Bullock who voted “nay.”

A motion carried to adjourn the executive session. Following the executive session the public meeting reconvened.
MOTION BY MS. GOLDBERG, SECONDED BY MR. BULLOCK for Council to hire a permanent part-time employee to assist the Clerk of Council at an annual salary of $15,000 per year, which shall be subject to PERS contribution and sick leave; the job shall be posted immediately. On roll call, all voted “aye,” except Mr. Murphy, who voted “nay.”

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

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Susan K. Infeld, Mayor

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Nancy E. English, Clerk of Council