

**MINUTES OF COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS  
OCTOBER 7, 2013**

Mayor Infeld called the regular meeting to order at 7:43 p.m.

**Roll Call:**

<b>Present:</b>	<b>Mrs. Frankie Goldberg Mr. Mark N. Wiseman Mrs. Adele H. Zucker Mrs. Susan D. Pardee Mr. Phillip Ertel Mrs. Pamela Cameron</b>
<b>Absent:</b>	<b>Mr. Steven Sims</b>

**Also Present:** Clerk of Council Kelly M. Thomas  
Finance Director Larry Heiser  
Law Director Anthony J. Coyne  
Chief of Police Steven Hammett  
Service Director Jeffrey Pokorny  
Building Commissioner David Menn

**MOTION BY VICE MAYOR GOLDBERG, SECONDED BY MRS. ZUCKER to excuse the absence of Councilman Sims. On roll call, all voted "aye."**

Pledge of Allegiance

Minutes of the meeting held on September 16, 2013

**MOTION BY VICE MAYOR GOLDBERG, SECONDED BY MRS. ZUCKER to approve the minutes from September 16, 2013 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:

Mayor Infeld reported that: (1) The Cleveland Hts./University Hts. School System is sponsoring "Walk to School Day" on Wednesday, October 16, 2013; (2) she and Service Director Jeffrey Pokorny toured the Solid Waste District Recycling Center and were able to watch how the recycling process works; (3) the City held a backyard composting seminar with a representative from the Solid Waste District. The solid waste district also sells composting barrels, the different locations where composting seminars are held are listed on the Solid Waste District website; (4) the Fire Department responded to a roof house fire on Groveland Road. No one was home and the damage was limited to the house with no injuries and; (5) the General Election is November 5<sup>th</sup>. The League of Women's Voters will be sponsoring a Candidates night is on Tues., October 8<sup>th</sup>, 7pm at the Cleveland Heights Recreation Complex at Mayfield and Euclid Heights Blvd.

Agenda Items:

- A. Ordinance No. 2013-47 Amending Ordinance 2013-04 and 2013-27, for Current Expenses and Other Expenditures of the City of University Heights, Ohio, for the Period Commencing January 1, 2013 and Ending December 31, 2013 (on 2<sup>nd</sup> reading)**

Finance Director Larry Heiser noted that this would enable the Police Department to purchase equipment using \$15,000 out of the \$64,000 of the seized monies the City received from the FBI.

**MOTION BY MRS. ZUCKER, SECONDED BY MRS. CAMERON to approve the passage of Ordinance 2013-47 amending Ordinance 2013-04 and 2013-27, for Current Expenses and Other Expenditures of the City of University Heights, Ohio, for the Period Commencing January 1, 2013 and Ending December 31, 2013. On roll call, all voted "aye."**

**B. Ordinance No. 2013-49 Authorizing the Transfer of Funds from the General Fund to Capital Improvements Fund (401), Street Maintenance Fund (201) and Street Lighting (204) (on 1st reading)**

Mr. Wiseman identified the transfer funds and amounts for the record.

Ordinance No. 2013-49 was then placed on first reading.

**C. Ordinance No. 2013-50 Amending Section 1064.07 of the Codified Ordinances of the City of University Heights and Declaring an Emergency.**

Mr. Ertel explained that Ordinance No. 2013-50 was necessary because of the increasing cost to provide the service and for the added ease of administrative accounting purposes.

Mayor Infeld also noted that Ordinance No. 2013-50 is for the disposal of items which fall outside of the regular items that are collected during weekly rubbish pickup. Mayor Infeld also stated that items for a special pickup must be able to fit into a pickup truck.

Mrs. Pardee questioned if the city limits the number of special pickups a resident can request in a period of six (6) months?

Mayor Infeld responded that the Administrative policy which was instituted earlier in the year limiting the number of special pickups a resident can have to two (2) pickups within a six (6) month time period is under review.

Vice Mayor Goldberg asked if the fee could be paid on line, similar to the way the Recreation fees can be paid.

Mayor Infeld responded that the Administration is reviewing the possibility of paying for special pick-ups on line.

**MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to approve the passage of Ordinance 2013-50 amending Section 1064.07 of the Codified Ordinances of the City of University Heights and Declaring an Emergency. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."**

**D. Ordinance No. 2013-51 Amending Section 1084.04 of the Codified Ordinances of the Codified Ordinances of the City of University Heights by Amending the Penalty Charged to the Affected Property Owner(s) from an additional penalty fee of 5% to \$100.00 for the First Offense, \$200.00 for the Second Offense and all others thereafter (on 1st reading).**

Mayor Infeld explained that the assessments stem from the Building Department issuing violation notices for abated nuisance conditions within the City.

Mr. Menn, Building Commissioner stated that the Building Committee met and discussed how to manage and charge the property owner for the nuisance abatements conditions within the City. Mr. Menn further clarified that the assessment charge is the cost of the job plus the extra assessment fee; i.e. \$100 for the first offense, \$200 for the second offense and all others thereafter.

Mr. Wiseman expressed his concerns about assessing \$100 for the first offense which could be due to an oversight. Mr. Wiseman stated he would be more comfortable if the penalty section of the statute had an inherent safety for misunderstandings that might occur. Mr. Wiseman suggested that there not be a penalty for the first notice or just the 5%. Then charge the penalty for subsequent notices.

Mayor Infeld reported that in some cases people do notify the City prior to the assessment being attached to their property taxes and the City reviews and consideration to given to each case and circumstance.

Mrs. Pardee liked the idea of not penalizing for the first violation for persons who make a one-time mistake. Mrs. Pardee was in favor of if someone goes out of town don't make arrangements, to charge them the cost of mowing if they don't do it within the 3 days of receiving tagged and not calling the city to charge them the cost and fee for process and then if it happens again charge them the penalty would be fair. Mrs. Pardee also noted she is in favor of the \$200 penalty for the

second offense.

Mayor Infeld noted that soon the Administration will be accepting bids to contract out this work, with the idea to find the lowest price possible. The City may end up being the landscapers if no one wants this type of work. Mayor Infeld stated that if the City doesn't impose a penalty then there would be no incentive for people to maintain their yards especially for the first cut.

Mr. Menn also stated that the City does not cite property owners until the grass is 8" high and that many people once notified work with the City to rectify the condition as soon as they receive notification (tag) from the City.

Vice Mayor Goldberg recommended that the City educates the public on grass and yard regulations.

Mayor Infeld stated that a lot of man hours go into managing the abatements where the inspectors have to check, photograph and recheck the property 3 to 4 times before the property is finally abated and that waiving the fee would be counterproductive. Mayor Infeld concluded by stating the affected property owner has to communicate with the Administration and that each parcel address is treated on a case-by-case basis.

Mrs. Pardee clarified that she wanted to waive the penalty, not the fee.

Mayor Infeld stated that would mean the City would absorb the cost because the fee goes directly to the contractor.

Ordinance 2013-51 was placed on first reading.

**E. Ordinance No. 2013-52 Amending Section 1460.08 of the Codified Ordinances of the Codified Ordinances of the City of University Heights by Amending the Penalty from 5% to \$300.00 for the First Offense, \$500.00 for the Second Offense and all others thereafter (on 1st reading).**

Mayor Infeld stated that this is for rubbish debris that tends to be left behind when people move.

Mr. Menn reviewed the process of abating properties in University Heights and explained that by changing the penalty from 5% to the \$300 for the first offense and \$500 for the second offense and thereafter will cover the City's cost and labor in handling nuisances. Mr. Menn noted that many times people may have an abundant amount or very large items that don't qualify for the Special Pickup program and if they don't make arrangements for a private hauler or rent a dumpster (@\$400 or less) the removal falls back on the City. This Ordinance would enable the City to recoup the cost of removing the rubbish/debris plus the labor. Mr. Menn also noted that these types of abatements are mostly due to rental properties changing renters.

Vice Mayor Goldberg asked how is the city sure that the person being bill is the person moving and not the new resident?

Mr. Menn stated that the City bills the homeowner listed on the record.

Ordinance No. 2013-52 was placed on first reading.

**F. Resolution No. 2013-53 Approving Existing Pick-up Plan Modifications for the Police Department as Mandated by the Ohio General Assembly.**

Mr. Heiser stated that the City is mandated by the Ohio General Assembly and required by the State of Ohio.

**MOTION BY MRS. ZUCKER, SECONDED BY VICE MAYOR GOLDBERG to approve the passage of Resolution No. 2013-53 approving existing Pick-up Plan Modifications for the Police Department as Mandated by the Ohio General Assembly. On roll call, all voted "aye."**

**G. Resolution No. 2013-54 Approving Existing Pick-up Plan Modifications for the Fire Department as Mandated by the Ohio General Assembly.**

Mr. Heiser noted Resolution No. 2013-54 is the same as Resolution No. 2013-53 except it covers the Fire Department

**MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to approve the passage of Resolution No. 2013-54 approving existing Pick-up Plan Modifications for the Fire Department as Mandated by the Ohio General Assembly with the correction of changing the words "Police Department" to "Fire Department" in the "Now, therefore clause. On roll call, all voted "aye."**

**H. Motion to enter into agreement with Cleveland Heights to Resurface Nordway Road.**

Mayor Infeld reported that the City of Cleveland Heights has scheduled to have Nordway Road resurfaced. Nordway Road straddles both cities but is mainly in Cleveland Heights. The portion in University Heights is equally in need of being paved. Cleveland Heights would like University Heights to approve the project so that it can be added to their project before they go out for bids.

Service Director Jeff Pokorny reported that it is a very small portion of Nordway Road that falls within the boundary of University Heights. After Cleveland Heights bids the project, University Heights will have the cost per sq. ft. and will pay the cost of the work that was actually done in University Heights.

**MOTION BY MRS. PARDEE, SECONDED BY VICE MAYOR GOLDBERG to enter into agreement with Cleveland Heights to resurface Norway Road. On roll call, all voted "aye."**

**I. Motion to hold an executive session immediately following this regular meeting for the purpose of discussing personnel and legal matters.**

There was no need to have an executive session.

Directors' Reports:

**Finance Director** Larry Heiser reported the Finance Committee will be scheduling a meeting to begin discussion for the 2014 budget.

**Law Director** Anthony Coyne reported that the ruling in the Northeast Ohio Regional Sewer District -vs- Bath, Ohio case. In 2010 the Sewer District adopted under Title V the Storm Water Management Code. The Code created a Regional Storm Water Program to address storm water drainage problems throughout the 56 member communities within the district, including Lake, Cuyahoga, Summit and Lorain Counties. The program was to calculate the residential property's fee on a three tier schedule based on square footage of pervious surfaces for the average homeowner the cost would be between \$3 - \$9 per month. Commercial properties would fall under a different formula. The Court of Appeals has ruled that the Sewer District going beyond what the Charter provide for therefore the Sewer District did not have the authority to charge the extra fee and are no longer allowed to charge it. Mr. Coyne also reported that the RTA claim is still being reviewed by their internal adjuster as to if they have liability from the bus accident that occurred on Warrensville Center Road.

**Service Director** Jeffrey Pokorny reminded everyone that curbside leaf collection begins on October 15<sup>th</sup>. Mr. Pokorny also stated that Household Hazardous Material collection along with Paper Shredding will occur on Saturday, November 2 in the Service Yard from 9am – 1pm. For residents who aren't able to come on Saturday, they can bring their items on Friday, November 1 8:00am – 4:00pm.

**Building Commissioner** David Menn reported that the demolition of Fuchs Mizrachi is completed and the grading of the land has started. The bricks which the City asked the demolition company to retain are available for interested parties to pick up in the Service Department. Mr. Menn also reported the Murphy Hall renovation at John Carroll University is moving along.

Committee Reports:

**Civic Information Committee** Chairman Susan Pardee reported the Cleveland Heights/University Heights Public Library is holding a fundraiser entitle "An Evening with Julie Moskovitz – The Greenest Home". Mrs. Pardee noted that Mental Awareness Week is this month.

**Recreation Committee** Chairman Pamela Cameron reported there will be a Recreation Committee meeting on Tuesday, October 22 at 7:00pm

There were no other committee reports.

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

**MOTION BY MRS. CAMERON, SECONDED BY VICE MAYOR GOLDBERG to adjourn. On roll call, all voted "aye".**

  
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Susan K. Infeld, Mayor

  
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Kelly M. Thomas, Clerk of Council