Mayor Infeld called the regular meeting to order.

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

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
Service Director Christopher Vild
City Engineer Joseph R. Ciuni

Pledge of Allegiance

Minutes of the special meeting held on July 28, 2010

There were no corrections or additions to the minutes of the July 28, 2010 special meeting.

MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to approve the minutes of the special meeting held July 28, 2010. On roll call, all voted “aye.”

Comments from the Audience:

Carol Gibson, 1836 Wilton Rd., Cleveland Heights, announced that the League of Women Voters is sponsoring a candidates night for District 11 Cuyahoga County Council Representative on Wednesday, October 6, 2010 from 7:00 p.m. to 9:00 p.m. at Brush High School.

Linda Johnson, 2604 Ashurst Rd., addressed the Council about maintaining the city-owned property located at 2603 Ashurst Road as a greenspace. She noted that some debris was left on the lot after the house and garage were demolished and that there is an ongoing stormwater issue on the property. Ms. Johnson stated that the City has an opportunity to accept a grant from the Northeast Ohio Regional Sewer District (NEORSD) which would provide funding to help abate the stormwater issue at 2603 Ashurst Road and develop the lot into a pocket park rain garden. She hoped the Council would consider it an opportunity that would benefit the neighborhood as well as the entire community. She noted that the petition signed by residents on Ashurst Road to maintain a greenspace still stands. Ms. Johnson had previously submitted a letter and supportive evidence to the Council regarding the advantages of pocket parks.

Sheila Hubman, 2528 and 2532 Ashurst Rd., asked why Ordinance No. 2010-52 was introduced as an emergency measure. She feels too many ordinances are passed on emergency. Mrs. Hubman stated that she would like to see a house built on the property located at 2603 Ashurst Road. She mentioned that a house would generate much needed taxes for the City. Mrs. Hubman commented that she is not against greenspace, as a garden would benefit her, but not the entire city. She would also like to see efforts and funds going to improve Cedar Road and Warrensville Center Road. She hoped the Council would not respond to a small group, but rather look at what would benefit the entire city.

In regard to the NEORSD grant, Mrs. Hubman was concerned because the duration of grant was for five (5) years. She noted that the City may decide before the five years are up that it can no longer spend the money to maintain the property and may want to sell the lot in order to recapture it losses. Mrs. Hubman inquired if drawings have been submitted and, if not, who would prepare the drawings. She mentioned that the sandbags in the garden behind the service garage are very unattractive. She also asked if the signage in the rain garden would have to go before Board of Zoning Appeals. Mrs. Hubman inquired if the City has the $10,000 to put toward the $20,000 project because the grant is in the amount of $10,000. She also asked what account the funds would be taken out of and if the project has been let out to bid.
Casey Solice, 2595 Ashurst Rd., commented that her home is immediately north of 2603 Ashurst Road. She stated that her property always got run-off from the property in question, but since the house has been razed the run-off is more aggressive. Mrs. Solice is happy with the lot being used as greenspace and was excited to hear about the plans for a rain garden which will control the water. She suggested that the neighbors would be willing to volunteer to help maintain the garden.

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

Mayor Infeld reported that the City received notification from the County Auditor that the City will have to repay approximately $160,000 in advanced taxes because various property owners of commercial properties in the city won appeals on the appraised value of their land before the County Board of Revision. She is working out a repayment plan.

Mayor Infeld noted that this is the third financial hit the City has taken this year. The first being repayment of the missed TIF payment of $2M. She mentioned that there is a verbal agreement for the repayment, but it has not been finalized. The second was the change in group ratings for Workmen’s Compensation coverage.

Mayor Infeld announced that the South Euclid City Council has passed legislation allowing University Heights residents to rent rooms in its community center at the same rate charged to South Euclid residents.

Mayor Infeld also reported that the County Solid Waste District will hold its last household hazardous waste round-up at the county fairgrounds on September 23-25, 2010. Next spring, there will be a new year-round facility in Garfield Heights making it more convenient for residents to recycle unwanted household chemicals and to protect the environment.

Mayor Infeld announced that the annual Ride for Miles Bicycle Ride will take place on September 26, 2010. The 7 or 15 mile ride will start and end at John Carroll University.

Agenda Items:

A. Motion to extend the agreement with BFI for one year for the transfer and disposal of solid waste

Service Director Christopher Vild reported that several communities formed a consortium in 2007 and authorized the Cuyahoga County Solid Waste District to obtain bids for Solid Waste Transfer and Disposal Services. A contract was awarded to BFI for three years with two (2) one-year options. The original term terminates on September 30, 2010. The Solid Waste District has recommended that the contract be extended for an additional year. In late spring or early summer the Solid Waste District with analyze where the market is and make a recommendation to the consortium whether to exercise the second year option or go out to bid.

Councilman Ertel stated that Council discussed the issue at the September 13, 2010 Committee-of-the-Whole meeting and agreed to extend the contract because the group was getting better rates. Mr. Vild noted that the consortium is the third largest municipal generator of refuse in the county behind the Cities of Cleveland and Parma. He added that the member communities can get better rates than they can individually.

MOTION BY MR. ERTEL, SECONDED BY MR. BULLOCK to extend the agreement with BFI for one (1) year for the transfer and disposal of solid waste. On roll call, all voted “aye.”

B. Motion to advertise for bids for pool painting project

Mr. Vild reported that last year he was notified by the pool staff that the paint was wearing away on portions of the pool bottom. They had intentions of painting the pool last spring, but could not due to weather conditions. Mr. Vild noted that the last time the pool was painted four (4) years ago it cost $15,000. He expects the bids to come in between $15,000 - $20,000. Finance Director Jennifer Esarey stated that funds are available for the expenditure.

Councilman Sims recommended that the City be more proactive in identifying additional ways of advertising bids in order to ensure more diversity and inclusion in contracting with women and minority contractors. Mayor Infeld noted that the contract for the pool concession operations was awarded to a female owned business.
Councilman Consolo suggested using the City of Cleveland’s list of minority, female, and small business enterprises. Mr. Sims mentioned that the Sewer District, the County and other organizations also have lists.

Law Director Kenneth J. Fisher suggested that local minority contractor associations be identified and notified to advise the City in writing if they would like to be placed on a bidders list to be notified of public bids or RFPs as a way to encourage greater participation throughout the general community. Councilman Bullock suggested that the notice of bid be sent to them automatically. Mr. Fisher stated that there are provisions in the Ohio Revised Code whereby if any interested party requests information about a particular item, the Clerk must provide that individual organization with the information on that particular item.

Mr. Consolo stated that the City is going to be proactive and he will provide the Clerk with the City of Cleveland’s list of business enterprises. Mr. Sims stated that the Law Director’s suggestion was acceptable to him and he will provide the names of several associations as well.

Councilman Consolo asked about the current condition of the pool. Mr. Vild replied that the paint is wearing off and the concrete is starting to show through. Mr. Consolo inquired if the pool could go through another season if the funds cannot be spent this year. Mr. Vild suggested that the condition be reassessed in the spring. Mayor Infeld mentioned that the paint has worn away on the warning signs and on the depth markers, which are safety issues.

MOTION BY MR. ERTEL, SECONDED BY MR. CONSOLO to advertise for bids for the painting of the municipal pool. On roll call, all voted “aye.”

C. Ordinance No. 2010-52 To enter into an agreement with the Northeast Ohio Regional Sewer District to accept a grant for the City’s Rain Garden Project

Mayor Infeld responded to questions from the public comment period. Regarding signage for the rain garden, Mayor Infeld stated the grant required that the rain garden have appropriate signage to meet the educational requirement of the Sewer District. She suggested that bronze plaques be used to identify the native plants. With regard to ongoing maintenance, Mayor Infeld stated they intend to use native plants that do not require constant watering. She explained that the ordinance was introduced on emergency because the City cannot receive the money until the ordinance is passed and goes into effect. If the ordinance is passed on two readings, it would be another two (2) weeks before the ordinance is passed and then another thirty (30) days before it takes effect.

Mr. Vild commented that once the house and garage at 2603 Ashurst Rd. were demolished, the stormwater run off from the property to the Solice property was exasperated. In late February, he was contacted to come out to the Solice house where he found three (3) places where water was running off the 2603 property onto the Solice property completely flooding the backyard and significantly flooding the front yard. He added that all properties going north up to Bradford Road were also being impacted by the lot.

Mr. Vild noted that NEORSD established the Small Scale Stormwater Demonstration Projects (S3DP) Grant to help fund and promote stormwater management in a target area. Because of the flooding on the property, Mr. Vild applied for the grant and was awarded $10,000. Mr. Vild stated that they do not have a plan yet because he did not want to engage the consultant until the grant had been awarded and Council had given approval to do the project.

He added that the plan is to reshape the property by creating mounds and swales to effectively contain the water on the property, thereby, mitigating impact to adjacent properties. While at the same time loading up the property with native plants that will thrive in dry and wet conditions. The plants to be selected will require a minimum amount to maintenance and will be effective in controlling stormwater.

Mayor Infeld stated that she made it known during her campaign for the position of Mayor that she saw the value of small greenspaces throughout the city. Her viewpoint was if a neighborhood had a greenspace developed into a garden it would increase the value of the homes surrounding it, and that it would be a gathering place and the neighbors would be engaged with one another while maintaining the property.
Mayor Infeld mentioned that she and Mr. Vild met with the Ashurst Road neighbors to hear their ideas for the greenspace. They favored a garden of plants and flowers. She noted that the intention is to use the landscape designer who designed the rain garden behind the service department. Mayor Infeld stated that she believes the $10,000 would adequately cover the cost associated with developing the rain garden. The only cost to the City would be grass seed and costs associated with city personnel planting the garden. She added that there have been offers from John Carroll University and the neighbors to assist with the planting.

Mayor Infeld mentioned that the sandbags in the rain garden behind the service department are temporary. Mr. Vild explained that the sandbags were used to capture the “first flush” before the water flow was directed into the garden to allow time for the plants to become established. He noted that the sandbags will be removed soon. Mr. Vild noted that the design on Ashurst Road will be different because water is not being moved from an impervious surface to a pervious surface.

Mr. Vild stated that the landscape design consultant, Jean Loria of CW Waterworks, Inc., lives in Cleveland Heights. She has been in business for eleven (11) years and specializes in projects where she purifies water through bio remediation.

In regard to the budget for the project, Mr. Vild stated that he has the ability to adjust the figures on the budget summary worksheet as needed.

Vice Mayor Goldberg inquired if this is a one time grant or if the City can apply annually for the same property. Mr. Vild responded that it is an ongoing grant, but the City can apply for a different project next year. He added that this is the second year of grant funding. Mr. Fisher noted that the grant is project specific. Vice Mayor Goldberg inquired as to what the in-kind cost would entail. Mr. Vild replied that the in-kind labor would involve service department personnel and City equipment. He mentioned that the neighbors have expressed an interest in helping to maintain the garden. He added that future maintenance may require minimal watering and weeding. Vice Mayor Goldberg also asked if people from other neighborhoods could walk on the property. Mr. Vild stated that it is public property, and anyone can walk on the property. Finally, Vice Mayor Goldberg inquired if the November 15, 2010 deadline is sufficient to have the installation of the project completed. Mr. Vild stated that it is an appropriate time line. He noted that after Council approval, the next step would be to craft a design and get it approved by the NEORSD, who promised a quick turn around. After that, the installation will go quickly by shaping the property and planting the plants. Vice Mayor Goldberg was excited about the project for the neighborhood and the entire community. Mr. Vild mentioned that NEORSD is excited about the concept also and noted that it may be utilized as a model for other communities.

Councilman Sims stated that he was not opposed to the project, but he is not supportive of it either. Even though he wants to help mitigate the water problem for the neighbors, his initial position on the property was for the City to rehabilitate the house. Mr. Sims stated that his preference would be to construct another house on the site because the City has to stay focused on income producing opportunities. He suggested that the new construction would also help to alleviate the aggressive run-off that is occurring.

Mr. Sims mentioned that the City has about $20,000 invested into the property currently and inquired as to what the ongoing cost of maintaining the rain garden would be. He mentioned that what has been indicated as in-kind services, with the exception of labor, is actually a local match and the city will be expending funds for materials, rental equipment and plants. Mr. Vild stated that his goal is to minimize the cost by using materials that the City has on hand such as stone and soil. He budgeted $5,000 for materials, but does not anticipate on spending that much. He added that the majority of the in-kind service will come from the labor and use of equipment. Mayor Infeld assured Mr. Sims that the rain garden will not cost any more than the grant amount because the City cannot afford to expend the funds. She mentioned that the City equipment will be used, not rented, and the materials used such as piping will not be expensive. She noted that the point of the rain garden is to make it educational for school groups. Mr. Sims appreciated the comment that the cost of the project would not exceed $10,000, but noted that is not the budget indicated. He also saw value in the educational opportunities and everything that the project is intended to address. Mr. Sims asked what the minimum yearly costs would be to maintain the rain garden. Mr. Vild responded that the costs are unknown because the rain garden has not been designed yet. He mentioned that the City is currently maintaining the property by cleaning the property and mowing the lawn. It was noted that annual maintenance will involve general upkeep and will not require an additional outlay of funds above and beyond the type of labor previously described. Mr. Sims hoped the demonstration project is successful and could be duplicated in other areas if there is no cost the City as indicated.
Councilman Consolo asked where the water from the property would go. Mr. Vild replied that the water would remain on the property and absorb into the ground which will alleviate the flooding and clean the water as it is filtering through the soil. In response to a question by Mr. Consolo, Mr. Vild noted that there may be some ponding on the property in the late winter and early spring. He mentioned that they may install a relief drain to the street in the event of a 50-year rain. He added that the drain tile is anticipated in the budget. Mr. Consolo inquired if there will be areas on the property that people cannot walk on. Mr. Vild responded that there will be areas that should not be traversed and there will not be room on the property for active play. He added that a path from the sidewalk to a small patio with a bench could be incorporated into the design. It was noted that the garden will not have lights.

Mr. Consolo inquired if there were any alternate plans for use of the property such as selling the property. He asked if the market value of the property had been determined. Mayor Infeld stated that she is marginally aware of the value of a vacant lot, but she was not aware of a large market for infill housing in the city. She stated the City has an opportunity to develop the lot in question into a garden, which she think will improve the character of the neighborhood. Therefore, Mayor Infeld’s preference was that the best use of the property is to develop it into a community garden.

Councilwoman Pardee mentioned that she would like to see a trail and bench on the property. She congratulated Mr. Vild for pursuing grant funds and being successful. Councilwoman Pardee thanked her colleagues for reviewing the financial aspect of the grant because everything has to be scrutinized very carefully. She added that is sounds like an excellent project and will solve the runoff problem.

MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to approve the passage of Ordinance No. 2010-52 as an emergency measure. On roll call, on suspension of rules, all voted “aye,” except Mr. Consolo, who voted “nay.” On roll call, on passage, all voted “aye,” except Mr. Consolo, who voted “nay.”

D. Motion to hold an executive session immediately following this regular meeting for the purpose of discussing personnel, litigation and real estate matters

MOTION BY MR. SIMS, SECONDED BY MS. GOLDBERG to hold an executive session immediately following this regular meeting for the purpose of discussing pending litigation. On roll call, all voted “aye.”

Directors’ Reports:

Finance Director Jennifer Esarey reported that because of late payments to the Bureau of Workers’ Compensation in 2009 and failure to file a retrospective rating application by December 1, 2009, the City has been disallowed to participate in a preferred rating system with discounted premiums. Because of this, the City will incur increased premiums between $80,000 to $100,000 for the 2010 Payroll Year (payable in 2011). Ms. Esarey noted that for the 2011 Payroll Year (payable in 2012), the City has already been disallowed in the 2011 Workers’ Compensation Group Rating Program because of the lapses in coverage. She added that the City will file and application for another Retrospective Rating Program that it is eligible for, which is due October 29, 2010. However, the new program will not offer the same saving as the previous plan. Ms. Esarey will present a time line and further information at the Finance Committee meeting on September 21, 2010.

Councilman Sims inquired if she will be able to report at the finance meeting as to what the exact differential will be between $80,000 or $100,000 or a different amount all together. Ms. Esarey replied that she has not received that information yet.

Fire Chief John Pitchler reported that the firefighters collected $1,833 for Muscular Dystrophy on Labor Day weekend and volunteered their time to help at Metro Health during the MDA telethon.

Service Director - In response to questions from Councilman Sims, Service Director Christopher Vild reported that there will be costs involved with the consultant used for the rain garden project, but the fees will be paid by the Northeast Ohio Regional Sewer District. Mr. Vild stated that he has known the consultant for several years through Friends of Dugway Brook, which she started. After finding out that she has a business of designing rain gardens and systems for water purification, he asked her to review that area behind the service department for a rain garden. After she did the initial calculations, he asked her to design the garden. Mr. Sims was glad a female is benefitting from a contract with the City.
Councilman Sims inquired if the City has a plan to beautify and/or add greenery or trees to the entrances of the City on Cedar Road and Warrensville Center Road. Mr. Vild replied that Cedar Road is a challenge because the tree lawns were removed. He added that Warrensville Center Road would be a little easier to improve. Unfortunately, the wide tree lawn area on the east side of the street has low power lines so it would not afford the ability to plant large trees, but trees could be planted on that side. The west side of the street does not have power lines, but the tree lawn is small so large trees could not be planted there either. Mayor Infeld mentioned that they are studying ways to improve the appearance of Cedar Road and Warrensville Center Road through tree planting on private property. She added that they have model legislation from the Cities of Kent and Woodmere to assist in achieving this. Mayor Infeld referred the study of tree planting on private property to the Service and Utilities Committee. She also referred the contract for the collection of recyclables from the Solid Waste District to the Service and Utilities Committee.

City Engineer Joseph R. Ciuni reported that the waterline construction has been completed on all five (5) streets. He noted that punch list items will be completed in the next few weeks.

Councilman Sims asked where the City stands with outstanding waterline reimbursements from previous years. Mr. Ciuni replied that Cleveland Water Department (CWD) is up to date on waterline reimbursements. Ms. Esarey also reported that CWD has reimbursed the City for the waterline projects. She is working with the CWD on reimbursement of five (5) or six (6) invoices out of several for waterline hole repairs in an amount of $65,000 to $75,000. Ms. Esarey mentioned that CWD questioned the measurements of the area repaired. She added that their questions have been answered and the City is in line for reimbursement.

Councilman Consolo inquired if the waterline replacement program will be continued next year. Mr. Ciuni responded that two (2) streets, Traymore and Dysart, are scheduled for projects next year. He noted that Fire Chief Pitchler requested to have two additional streets completed next year due to low water flows. The streets were submitted, but a response has not been received as to whether they will be added next year or the following year.

Mr. Ciuni reported that URS Consultants has been selected to perform the McDonald’s traffic study. The scope of work for the traffic study has been finalized. The fee is due into his office September 21, 2010. Mr. Ciuni stated that McDonald’s will pay for the traffic study once the fee is presented.

Building Commissioner David Menn reported that complaints regarding WOW have stopped. The company has 26% service to the city in the area west of Warrensville Center Road and south of Silsby Road. They anticipate being finished by the end of October.

Mr. Menn announced that KFC on South Taylor Road has closed and a temporary store, Halloween City, will occupy the former Hollywood Video space for six (6) weeks.

Committee Reports:

Finance Committee Chairman Steven Sims reported that two committee meetings have been scheduled for September 21, 2010 and October 5, 2010 at 7:00 p.m. both nights in City Hall Council Chambers.

Governmental Affairs Committee Chairman Susan D. Pardee reported that the committee is working on bringing someone in to talk about planning for the next Committee-of-the-Whole meeting on Monday, September 27, 2010.

Mayor Infeld stated that Jennifer Kuzma will also be at the next Committee-of-the-Whole meeting to talk about the Solar SID Project.

There being no further business to discuss, the meeting recessed into executive session. Following the executive session, the meeting was adjourned.

Susan K. Infeld, Mayor

Nancy E. English, Clerk of Council