

**MINUTES OF COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS
SEPTEMBER 3, 2013**

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

**Roll Call: Present: Mrs. Frankie Goldberg
Mr. Mark N. Wiseman
Mrs. Adele H. Zucker
Mr. Steven Sims
Mrs. Susan D. Pardee
Mr. Phillip Ertel
Mrs. Pamela Cameron**

**Also Present: Clerk of Council Kelly M. Thomas
Finance Director Larry Heiser
Law Director Anthony J. Coyne
Assistant Law Director James A. Budzik
Chief of Police Steven Hammett
Service Director Jeffrey Pokorny
Building Commissioner David Menn
City's Legal Bond Counsel Virginia "Gigi" Benjamin**

Pledge of Allegiance

Minutes of the meeting held on June 17, 2013

MOTION BY VICE MAYOR GOLDBERG, SECONDED BY MRS. PARDEE to approve the minutes from June 17, 2013 as presented. On roll call, all voted "aye."

Minutes of the meeting held on July 17, 2013

MOTION BY VICE MAYOR GOLDBERG, SECONDED BY MRS. ZUCKER to approve the minutes from July 17, 2013 as presented. On roll call, all voted "aye."

Comments from the Audience

Michael Brennan, 3814 Washington Boulevard informed City Council that his home was abated and tagged by the City's Building Department on May 14, 2013 for tall grass. Mr. Brennan did not agree with the nuisance abatement and believed that the tag misstated the city ordinance. Mr. Brennan asked Council to waive the fee charged to him and vote down or table Ord. 2013-42 which was listed on the council agenda.

Mr. Coyne, Law Director addressed Mr. Brennan's comments and informed him of his do process rights.

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

Mayor Infeld reported that the City had it first community meeting with the architect for the park and that there will be additional meeting in the future to include the City Council and City.

Mayor Infeld attended the dedication for the new patio located at Fairmount Circle and that there is a new business "Sweet Melissa."

Agenda Items:

The agenda items were taken out of order, but for the purpose of these minutes the agenda items are denoted in proper order.

- A. Ordinance No. 2013-38 Authorizing the Transfer of Funds from the General Fund to Capital Improvements Fund (401), Street Maintenance Fund (201), Police Pension Fund (601), Fire Pension Fund (602) and Transfer from Municipal Energy Grant Fund (219) to the General Fund (101) (on first reading).**

Ordinance 2013-38 was placed on first reading.

B. Ordinance No. 2013-39 Levying a Special Assessment on all designated properties served by Street Lights at the Rate of Seventy Cents per Front Foot and Declaring an Emergency

Finance Director Larry Heiser noted that Ordinance 2013-39 as well as the next series of Ordinances pertaining to Special Assessments are on Emergency readings because the approved Ordinances have to be filed with the Cuyahoga County Auditor's Office by Monday, September 9, 2013.

Mr. Sims asked Mr. Heiser what dollar amount is collected for the Special Assessments on an annual basis.

Mr. Heiser explained the detailed revenue and expenditures report for the Street Lighting, Tree Improvement and Sewer Funds which listed the last 6 years.

Mayor Infeld noted that the assessment rates are the same as in previous years and that City Council has not adjusted the assessment rates for a long time.

MOTION BY VICE MAYOR GOLDBERG, SECONDED BY MRS. CAMERON to approve the passage of Ordinance 2013-39 levying a Special Assessment on all designated properties served by Street Lights at the Rate of Seventy Cents per Front Foot. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

C. Ordinance No. 2013-40 Levying a Special Assessment for improving the Streets of the City of University Heights, Ohio by the Spraying, Planting, Maintaining, and Removal of Shade Trees Thereon (on emergency)

Vice Mayor Goldberg questioned if the City could use some of the money from this fund to plant trees in the proposed new City Park on Fenwick Road.

Mayor Infeld replied that yes some of the funds could be used to provide trees for the proposed new park.

Mr. Sims asked if the collection of this Assessment is far exceeds what the city is doing?

Mayor Infeld explained that the Tree Fund has a "floating balance," where it is constantly being used as tree projects occur. Mayor Infeld also recommended that Council Committees meet in November to review the amounts being levied for street lighting, tree program and sewer issues.

Mrs. Pardee voiced her support of holding a Finance Committee or Utilities Committee meeting to review the levies and to monitor the tree fund and if there's an excess in the tree fund use it for the proposed new park.

MOTION BY MRS. PARDEE, SECONDED BY VICE MAYOR GOLDBERG to approve Ordinance No. 2013-40 Levying a Special Assessment for improving the Streets of the City of University Heights, Ohio by the Spraying, Planting, Maintaining, and Removal of Shade Trees Thereon. On roll call, on suspension of rules, all voted "aye," On roll call on passage, all voted "aye," except Mr. Wiseman who voted "nay."

D. Ordinance No 2013-41 Levying a Supplementary Assessment Against Property within the City for the Purpose of Establishing a Sewer Fund to Maintain, Repair and Reconstruct the Sewerage System and Waterlines Within the City and Declaring an Emergency

Mayor Infeld reported that the Sewer Fund Assessment amount changed approximately 10years ago.

Vice Mayor Goldberg asked Mr. Heiser about the timing in which the City gets reimbursement from the Cleveland Water Department for work done on the sewer and water lines?

Mr. Heiser replied that the general timeframe is approx. 6 months. Mr. Heiser also noted that the City cannot bill Cleveland Water for any work until the project is completely finished.

Mr. Sims stated that this is a great opportunity to improve the waterline in the City at no cost despite the inconvenience and the delay in receiving reimbursements from the Cleveland Water Department.

MOTION BY MR. SIMS, SECONDED BY MRS. ZUCKER to approve Ordinance No. 2013-41 levying a Supplementary Assessment Against Property within the City for the Purpose of Establishing a Sewer Fund to Maintain, Repair and Reconstruct the Sewerage System and Waterlines Within the City. On roll call on suspension of rules, all voted "aye." On roll call on passage, all voted "aye."

Mayor Infeld asked Council for a motion to hold an Executive Session at this point in the Council Meeting to discuss Real Estate, Personnel and Litigation Issues.

MOTION BY MRS. PARDEE, SECONDED BY MR. WISEMAN to enter into Executive Session to discuss Real Estate, Personnel and Litigation Issues. On roll call, all voted "aye."

Regular City Council Meeting was adjourned at 8:23pm to enter into Executive Session.

MOTION BY VICE MAYOR GOLDBERG, SECONDED BY MRS. PARDEE to leave Executive Session and resume the Regular City Council meeting. On roll call, all voted "aye."

Regular City Council Meeting resumed at 10:23pm.

- E. Ordinance No. 2013-42 Partially Abating and Authorizing the Collection of the Balance of the Special Assessments for the Year 2014 on Certain Parcels Within the City and Authorizing and Directing the Director of Finance to File the Report on the Abatement of Special Assessments, Dated August 2, 2013, with the Cuyahoga County Fiscal Officer on or Before September 9, 2013 and Declaring an Emergency**

Mr. Coyne, City Law Director stated that Council met in Executive Session with its attorneys concerning questions regarding this agenda item and the process.

Mayor Infeld noted that "Exhibit C" states that the annual necessary payment of \$2,058,124.00 would occur in "twenty (20) annual installments and be collected in calendar years 2014 to 2034. The number of installments will be corrected by Virginia "Gigi" Benjamin to read "one (1) annual installment to be collected in calendar year 2014. Mrs. Benjamin serves as the City's Legal Bond Counsel from Calfee, Halter & Griswold LLP.

MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE to approve Ordinance 2013-42 Partially Abating and Authorizing the Collection of the Balance of the Special Assessments for the Year 2014 on Certain Parcels Within the City and Authorizing and Directing the Director of Finance to File the Report on the Abatement of Special Assessments, Dated August 2, 2013, with the Cuyahoga County Fiscal Officer on or Before September 9, 2013 On roll call on suspension of rules, all voted "aye." On roll call on passage, all voted "aye."

- F. Ordinance No. 2013-43 Levying Special Assessments for Providing City Services in the Removal of Nuisance Conditions at Various Locations Throughout the City of University Heights and Declaring an Emergency**

Mayor Infeld explained that Ordinance 2013-43 provides a listing of violations issued by the Building Department for properties that have yard issues that are in violation of the City's ordinances.

Building Commission David Menn noted that there are numerous reasons that require the City to abate properties.

Mr. Coyne, City Law Director reported that the following parcels are to be removed from the current Special Assessment Certification List for review and for the Certification List to be amended to reflex such changes.

1. 722-01-040 (3478 Reymont Blvd.) – Harry Adler
2. 722-03-001 (3717 Washington Blvd.) – Sin Kiu and Hon Wah Leung
3. 722-05-091 (3606 Farland Road) – Riley F. Wilson
4. 722-08-094 (3814 Washington Blvd.) – Michael D. Brennan
5. 722-24-014 (2500 Edgerton Road) – Christine Mack

MOTION BY VICE MAYOR GOLDBERG, SECONDED BY MR. ERTEL to approve Ordinance No. 2013-43 levying Special Assessments with the amended Special Assessment Certification List for Providing City Services in the Removal of Nuisance Conditions at Various Locations Throughout the City of University Heights. On roll call on suspension of rules, all voted “aye.” On roll call on passage, all voted “aye,” except Mr. Wiseman who “abstained.”

- G. Resolution No 2013-44 Accepting the Amounts and Rates as determined by the Cuyahoga County Budget Commission and Authorizing the necessary Tax Levies and Certifying them to the Cuyahoga County Fiscal Officer (1st reading)**

Ordinance 2013-44 was placed on first reading.

- H. Ordinance No. 2013-45 Authorizing a Contract Wage Reopener Agreement between the City of University Heights and the Ohio Patrolmen’s Benevolent Association, Setting Forth the Rate of Compensation and Benefits and Conditions of Employment for Members of the Bargaining Unit and Declaring an Emergency.**

No discussion was held.

MOTION BY MRS. PARDEE, SECONDED BY VICE MAYOR GOLDBERG to approve Ordinance No. 2013-45 Authorizing a Contract Wage Reopener Agreement between the City of University Heights and the Ohio Patrolmen’s Benevolent Association, Setting Forth the Rate of Compensation and Benefits and Conditions of Employment for Members of the Bargaining Unit. On roll call on suspension of rules, all voted “aye,” except Mr. Wiseman who voted “nay.” On roll call on passage, all voted “aye.”

- I. Ordinance No. 2013-46 Authorizing a Contract Wage Reopener Agreement Between the City of University Heights and the International Association of Fire Fighters, Local 974, Setting Forth the Rate of Compensation and Benefits and Conditions of Employment for Members of the Bargaining Unit and Declaring an Emergency.**

No discussion was held.

MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE to approve Ordinance No. 2013-46 Authorizing a Contract Wage Reopener Agreement between the City of University Heights and the International Association of Fire Fighters, Local 974, Setting Forth the Rate of Compensation and Benefits and Conditions of Employment for Members of the Bargaining Unit. On roll call on suspension of rules, all voted “aye,” except Mr. Wiseman who voted “nay.” On roll call on passage, all voted “aye.”

- J. Motion to Authorize Mayor to Enter into Service Agreement with Regional Stormwater Management Program with the Northeast Ohio Regional Sewer District.**

Service Director Jeffrey Pokorny explained that the Sewer District collects stormwater fees from all properties within University Heights. The Sewer District collects samples, inspect and review stormwater issues in the City. If the City has stormwater projects the Sewer District will share 25% of the stormwater fee in the form of grants.

MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON authorizing the Mayor to enter into Service Agreement with Regional Stormwater Management Program with the Northeast Ohio Regional Sewer District. On roll call, all voted “aye.”

K. Motion to Award Contract for 2013-2 City Wide Tree Pruning and Removal Contract

Mr. Pokorny stated that the City received two (2) bids; (1) Ardmore Tree Service of Euclid, Ohio in the amount of \$12,900 and (2) The Davey Expert Tree Company in the amount of \$48,110. Mr. Pokorny recommended the contract be awarded to Ardmore Tree Service.

MOTION BY MRS. CAMERON, SECONDED BY VICE MAYOR GOLDBERG to award the 2013-2 City Wide Tree Pruning and Removal Contract to Ardmore Tree Service of Euclid, Ohio in the amount of \$12,900. On roll call, all voted "aye."

L. Motion to Authorize City to purchase 2013 Ford F-550 Truck for the Service Department

Mr. Pokorny stated that this would serve as a replacement for a non-working 1991 GMC 1-ton dump truck. The 2013/2014 Ford F-550 truck is a State Bid item.

MOTION BY VICE MAYOR GOLDBERG, SECONDED BY MRS. ZUCKER authorizing the City to purchase a 2013/2014 Ford F-550 Truck for the Service Department in the amount of \$34,579.50. On roll call, all voted "aye."

M. Motion to Advertise for Phase 3 of the 2013-3 Tree Pruning, Trimming and Removal of Trees Program

Mr. Pokorny explained that there are approximately 200 trees scheduled to be trimmed

MOTION BY MR. ERTEL, SECONDED BY MRS. ZUCKER authorizing the City to Advertise for Phase 3 or the 2013-3 Tree Pruning, Trimming and Removal of Trees Program. On roll call, all voted "aye."

N. Motion to Authorize City to purchase Data 911 M7 Mobile Data System for the Police Department

O. 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 that the City will have area youth from the Youth Opportunities Program (Y.O.U.), which is sponsored by Cuyahoga County and United Way working in various departments in City Hall for 6 weeks June 24, 2013 – August 2, 2013.

Fire Department Interim Fire Chief Phan reported that the City's fire hydrants are scheduled to be painted and flushed (July 1 – July 12) starting in the NW corner of the city and moving East. Chief Phan also reported that the training sessions at Fuchs Mizarachi have been completed.

Service Director Jeffrey Pokorny reported that the Pavement Rehabilitation Program is in progress. The base course on the five (5) streets have been completed. Adjustments are being made to the manholes and catch basins so that they are equal to grade, in addition, any other necessary curb/concrete work will be done. The last step will be laying the surface course. Mr. Pokorny summarized and provided Council the report from Cuyahoga County's Solid Waste District annual report for Residential Recycling. University Heights has about 35.74% recycled materials with approx. 4,000 tons of rubbish. This is an increase in recycled materials, generated mostly from organic material such as material from the City's tree program.

Committee Reports:

Building Committee Chairman Adele Zucker reported plans to schedule a Building Committee Meeting mid July to review rental properties.

Finance Committee Chairman Mark Wiseman met June 10, 2013 and discussed three items; (1) meeting with representatives from University Heights and Cuyahoga County in regards to the financing of University Square project; (2) possible affects of House Bill 5 on the collection of municipal taxes; (3) the prospect of raising the compensation of various Public Officials in the city. The next Finance Committee is scheduled for June 24 at 6pm.

Recreation Committee Chairman Pamela Cameron remarked that at a future Recreation Committee meeting one of the discussion topics will be possible financing for tennis courts improvements.

Mayor Infeld also announced the City Planning Commission will meet on Monday, June 24 at 7pm to discuss application of Dunkin Donuts.

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

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



Susan K. Infeld, Mayor



Kelly M. Thomas, Clerk of Council