

MINUTES OF COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS
SEPTEMBER 4, 2012

Mayor Infeld called the regular meeting to order at 7:30 p.m.

Roll Call: Present: Ms. Frankie B. Goldberg
Mr. Steven Sims
Mrs. Susan D. Pardee
Mr. Philip Ertel
Mrs. Pamela Cameron
Mrs. Adele Zucker
Mr. Thomas Cozzens

Also Present: Clerk of Council Kelly M. Thomas
Assistant Clerk of Council Janice Giles
Acting Law Director Dennis Nevar
Finance Director Larry Heiser
Chief of Police Steven Hammett
Fire Chief David Rodney
Service Director Jeffery Pokorny
City Engineer Joseph R. Ciuni

Pledge of Allegiance

Minutes of the regular meeting held on June 18, 2012

There were no corrections or additions to the minutes of June 18, 2012.

MOTION BY MRS. ZUCKER, SECONDED BY MRS. GOLDBERG, to approve the minutes of June 18, 2012 as presented. On roll call, all voted “aye.” Motion carried.

Minutes of the special meeting held on June 21, 2012

There were no corrections or additions to the minutes of June 21, 2012.

MOTION BY MRS. GOLDBERG, SECONDED BY MRS. PARDEE to approve the minutes of the special meeting held on June 21, 2012 as presented. On roll call, all voted “aye.” except Mr. Sims who “passed.” Motion carried.

Minutes of the special meeting held on August 13, 2012

Mayor Infeld made the following corrections for readability and general understanding;

- pg. 1 - Mrs. Annie Rawlingson ... “she also asked if the city had an ordinance like other cities that prohibited eating in cars.”
- pg. 2, paragraph 6 - Mayor Infeld stated.
 - change to “read on streets”
 - remove the word “identified”
 - in the second sentence that begins Center Road, remove the word “as” and add the words “in the same way they were notified”
- pg 3, paragraph 4; motion K - where Mayor Infeld states “to make sure it was done” - replace the word it with each
- motion L Commission Menn reported recommended by the
- changed the words that needed as needing
- line 4 change line where it says “because of grants fundings” to read “because of the grant funding timeline only two (2) bids were received.
- line 5 Menn will cover the project cost as identified in the grant
- pg. 6, item g. ordinance 2012-47, paragraph 2 insert “the Mayor responded that the granting of health insurance benefits does not correspond to a probation period and the city does not have a uniform probation period for employees.”

Mr. Sims made one additional correction to that section of the minutes - add a “t” where it says Mr. Sims thought.”

Mr. Sims made additions to his comments in regards to JCU as follows:

“Mr. Sims questioned Mr. Stiles if he had any feedback from neighbors in the community in regards to McDonald’s service and operations. Mr. Stiles responded that the Drive Thru times are getting better and that there are a lot of capacity issues because this McDonald’s didn’t have a operator involved from the beginning of the project. One of the issues is not having a over flow shed for dry stock goods (which most McDonald’s have). In terms of residential concerns Mr. Stiles was only aware of two neighbors who stopped in during the first two weeks of the opening. (1) complained rubbish was still being deposited on her lawn, but she hasn’t complained since mid March. (2) resident complained about cars turning right onto Bushnell Road, Mr. Stiles reported that he hasn’t seen her since, except as a guest of McDonalds.”

“Mr. Sims further asked if the conditions of Bushnell and Lansdale Roads have impacted business. Mr. Stiles replied that the only impact he sees is due to the temporary road construction.”

MOTION BY MR. COZZENS , SECONDED BY MR. SIMS to approve the minutes of the special meeting held on August 13, 2012 as corrected. On roll call, all voted “aye.”

Comments from the Audience

Mr. Sam Mastriani, John Carroll University student, stated he was pulled over by a University Heights Police Officer because he was riding his lawnboard in the street. Mr. Mastriani stated that this was his form of transportation to school and that it is not considered a normal skateboard. Perhaps the law could be looked at because this is a up and coming way of transportation. Mayor Infeld stated she would refer this to the Council Safety Committee because the ordinance that relates to modes of transportation considers this as a toy vehicle. The Safety Committee may chose to consider it as a bike or a typically accepted mode of standard transportation.

Mr. Frank Consolo, 2259 South Belvoir was present to address council on three agenda items in regards to special assessments items d, f, and i. Mr. Consolo asked council to consider not passing them on emergency to allow the public the opportunity to vent about the increase, if any, they are being asked to pay. Mr. Consolo stated that he wasn’t sure what some of the assessments were for. He knew one was in regards to the waterline improvement. When he was on council they signed a agreement with the City of Cleveland to maintain the waterlines. In regards to the abatement of nuisance he hoped it’s not for residents to pay for someone else’s property that’s become a nuisance. Mr. Consolo stated he will stay to hear the background information in regards to each of the assessments. Mayor Infeld gave a brief overview by stating that the assessments have been occurring for years. They were established by Council and the rates were set by Council. Anytime the rates are changed those rate changes come through the Council’s recommendation. The nuisance abatement and other assessments are all long standing. Council approves them on a standard basis during this time of the year so that the County Budget Commission can collect the taxes and distribute them as identified.

Mrs. Annie Rawlinson, 3949 Bushnell Road was present as a representative of her neighborhood to say thank you to Police Chief Hammett and City Council for listening to the residents when they came to a previous council meeting in regards to the traffic coming down their street from McDonald’s and for enforcing the no right hand turn onto Bushnell Road from McDonald’s. Chief Hammett commented that since the previous Council meeting the department has issued several citations and stops in hopes the public will become accustomed to the signage. Chief Hammett agreed that there was a problem there. Even though the police had always been there, it wasn’t enough so they have doubled and staggered time there.

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

Mayor Infeld remarked on Mrs. Rawlinson’s comment in regards to not receiving phone messages from the phone calling system. The city’s phone calling system has been very problematic this year. Every time the City thinks its fixed it isn’t. So the City is investigating what others cities are doing. Residents are encouraged to provide the city with their email addresses for the email blast. The newsletter was on summer hiatus and will resume in September. In the meantime the City is trying to fix the phone system. An email blast did go out in regards to the Fire Department flushing the fire

hydrants (done annually) over the next 10 days until approx. September 14, 2012. The fire department began flushing hydrants on the western side of town (South Taylor Road) and are moving east ending at South Green Road. The email blast message directed residents to look for the signage around the actual hydrants with the warning that if their water looks rusty after the hydrants have been flushed to run cold water until it clears. For cases where a resident washes their cloths and they have spots on them from the water, they can contact the Fire Department for a special laundry detergent to remove the stains.

The Municipal Energy Grant program which has been paying for building improvements this summer has been extended until September 17, 2012. One of the agenda items this evening is one of those projects that the City was able to add. Thus far the following improvements have been made: Police Department installed a new boiler and light system; Service Department installed a new heating system in the garage; Fire Department has new lighting and new exit signs were installed in the City Hall, and Police buildings.

Mayor Infeld mentioned she received a notice from the Heights Youth Club. They are having a call for art supplies, any items that can be used for art projects either new or recycled. Supplies can be taken to the Heights Youth Club at 2065 Lee Road between the hours of 6:30pm - 8:30pm Monday - Friday. They will also give tax receipts to those who ask.

Mayor Infeld also announced that Councilwoman Adele Zucker (our avid tennis player) received a silver medal in the Senior Olympics in doubles competition with her partner Vicki Adelman. Mrs. Zucker announced that they will be playing in the National Competitions in Cleveland next year.

Agenda Items:

A. Ordinance No. 2012-51 Appointing Kelly M. Thomas, CMC as Clerk of Council (Emergency)

Mayor Infeld stated this is an emergency ordinance so that the Ordinance can take affect immediately.

MOTION BY MRS. ZUCKER, SECONDED BY MRS. PARDEE to approve the passage of Ordinance No. 2012-51 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

Vice Mayor Frankie Goldberg administered the oath of office for the position of Clerk of Council to Kelly M. Thomas. Mrs. Thomas introduced her family and friends who were present.

Vice Mayor Goldberg noted that Janice Giles had been a tremendous interim Clerk and thanked her for her hard work.

B. Resolution No. 2012-52 Permitting the City Administration to sell, through public internet auction, personal property, including motor vehicles acquired for the use of Municipal officers and departments, and road machinery, equipment, tools or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired for the year 2012. (Emergency)

Mayor Infeld stated that Resolution No. 2012-52 permits the City to sell equipment and vehicles on the internet via internet auctions. Based on recommendations from other cities the city signed an agreement with Gov.deals. This is an avenue that many cities use to sell equipment and vehicles. It allows cities to make more money than they would by having a typical public auction. The city found this to be the case last year. This year the City has more police vehicles, a swat vehicle, service equipment and other items that will be sold. This resolution is to be passed annually.

Mrs. Zucker questioned if this (resolution) will be done to replace newspaper advertising? Mayor Infeld remarked yes. This will save the cost of newspaper ads.

Mrs. Pardee asked if we typically have a lot of items to sell over the course of one (1) year and how much did the city make last year?

Mayor Infeld didn't have the actual number but stated it was more than had been made with the former public auction method. The typical newspaper ads for auction can cost approximately \$1,000 or more in the classified section. Previously the city received hundreds of dollars for items such as

cars and with gov.deals it is more, in the higher hundreds or thousands.

Mr. Sims asked if the language in Section 4 of the Resolution means the City is designating Ebay and if we use something else would another notice be necessary?

Mayor Infeld explained the Resolution explains the parameters that gov.deals operates under.

Mr. Nevar responded that yes, the City could use something else and this Resolution serves as notice.

MOTION BY MRS. PARDEE, SECONDED BY MRS. GOLDBERG to approve the passage of Resolution No. 2012-52 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

C. Ordinance No. 2012-53 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.

Mayor Infeld stated that this Ordinance relates to the tax budget that was passed in June 2012. The Budget Commission is responsible for collecting the real estate taxes. This Ordinance is a step that the City has to take to inform the Budget Commission what the collections figures are. Also the Budget Commission legally is unable to collect those taxes until the City informs them.

Finance Director Mr. Larry Heiser, explained that the procedure is the same as before. The city adopted the tax budget Ord. 2012-38 and sent it to the Budget Commission for approval. The City's inside millage was set at 4.05 and the outside millage at 9.15 as shown on schedule "A". There is no tax increase from last year. This Ordinance is on first reading because there is time to have a second reading. This budget follows a different procedure than the other assessments on the agenda.

Mr. Sims questioned if there's any intent to further brief Council to matters such as this for consideration.

Mayor Infeld replied that it is the standard method of operations. The City cannot collect the taxes itself, it is handled through the County Budget Commission (they act as the City's agent). The Budget Commission can't collect anything other than what we tell them to collect. The millage rates were determined in large part long before this Administration. The process is the same and established by law. The City's only way of receiving real estate taxes is to operate through the County Budget Commission. There's no change in the millage rates, unless Council intervenes and decides to change a rate where they can.

D. Ordinance No. 2012-54 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. (Emergency)

Mayor Infeld stated that this is being presented to Council on a Emergency basis and spoke of the two reasons items can be presented for emergency (1) the most common is so an item can take effect immediately so the city doesn't have to wait 30 days, which is the normal waiting period for an item passed by ordinance to become effective. This is typically used when the city is paying bills or (2) when there's a time line of when something has to take effect.

Mayor Infeld explained these assessments were levied decades ago. The monies were collected from property owners to establish the sewer fund. The sewer fund monies are used to repair waterline issues in the street, such as sewer repairs and waterline breaks.

Mr. Heiser remarked that monies from the sewer maintenance go into account fund # 208 and many things go in and out of that fund such as capital projects but those funds are dedicated to sewer maintenance.

Mayor Infeld remarked that the amount charged in this Ordinance is completely up to City Council. In previous years City Council has raised the rate as the cost of doing business has increased and our infrastructure has aged. Periodically over the years Council has determined that the amount collected is not enough and has then adjusted that amount. Any amount levied is determined and controllable by the City Council. The rate has been unchanged and has been the same for a while.

Mr. Sims expressed his concern about process, not with the County or any other entity but with the

City's process. He is unable to support consideration of any tax legislation for a vote whether it is continuing or new when Council has not received any information about it at all in terms of where the City stands. No part of Council has had a opportunity to review and discuss it on the chance that there's a need to modify it. Mr. Sims stated that he personally didn't know (maybe his colleagues knew) whether the rates that are established are the right rates or not. He didn't know where the funds started nor what funds had been expended, for what purpose and how much is presently being raised as a result of the imposition of the levying of this tax in any particular year (is it the same or different). He asked if there was there a surplus or deficit from prior years. Mr. Sims recalled in past years there was a deficit partial in the lighting fund. Council made a decision to modify the rates to accommodate the deficit because the City wasn't collecting enough. As a individual Council member, Mr. Sims didn't feel he had the information that he needed to make a proper decision on the levying of the taxes under any provision except for item "I". Mr. Sims also stated, speaking for himself and not his colleagues, that in terms of process it was only appropriate that these matters be reviewed in a committee setting before these type of items are placed on the agenda. It is owed to Council, the residents and tax payers of the community. The fact that something is done in the previous year does not alleviate this Administration of its responsibility to brief Council on any and everything that is placed before it. Mr. Sims stated his appreciation of the memo that Mr. Heiser presented to Council, which was modeled exactly after what was present in 2010 and 2011 but he felt he should not have to research through any and all papers that he may or may not have to gain a understanding of what being placed for a vote. There should be some briefing and analyses that comes along with any significant legislation such as this.

Mayor Infeld remarked that Mr. Sims is the chair of the Service and Utilities Committee which met on June 18, 2012 and tonight the Council approved Council minutes from that same date when a meeting was held before that Council meeting. There was a program about this topic presented by the County Public Works where dollars figures were given to Council.

Mr. Sims reiterated that he felt the level of discussion warranted for consideration of matters of this nature goes beyond the Service and Utilities discussion because this goes into other areas. Mr. Sims stated that this is a matter of finances for the city and should have gone to the Finance Committee.

Mayor Infeld stated that it did go before the Committee of the Whole that involved both the Finance and Service & Utilities Committees of Council. She (Mayor) had explained to Council that it was too important a matter to assign to only one committee (Service and Utilities) because so much of it had to do with the City's finances. Mayor Infeld noted and thanked Mr. Sims for his concerns.

Mr. Sims thanked Mayor Infeld for hearing his concern and expressed one final concern because this has become a way of operating in our Council meeting; that matters that have to be voted on because a time line would suggest that if we didn't pass it we failed in some area of responsibility. These matters have to be brought before council sooner. Council met over the summer twice. If this were of such a urgent nature it should be presented before tonight. To Mr. Sims recollection this has become a way of recently operating. Things are put before council to pass on emergency bases because the next time Council meets to would be passed the deadline. The city needs these things on a more expeditious matter.

Mr. Heiser stated that if he were looking to increase any resident's taxes by changing the rates he would come to Council. In Mr. Heiser's humble opinion the city didn't need to increase taxes but still needed to receive what it had been collecting. And in the future Mr. Heiser will communicate with the Finance Committee chair to see if any special meetings are needed for these type of items. Mr. Heiser also stated that legislation had just reached his desk and it is imperative that approved ordinance is at the County's Budget office by Monday, September 10, 2012 in order to get the assessments on the tax rolls in order to collect the funds needed.

Mayor Infeld advised Mr. Cozzens, Chairman of the Finance Committee that if he desires to call a meeting in regards to these issue that he would be within his authority to do so.

Mr. Cozzens stated he was aware of these issues and he didn't see where a meeting was necessary. If there was a reason to raise taxes he would have heard from the Administration.

Mr. Sims remarked on Mr. Heiser report that the city is supplementing funds with general fund dollars and he does not know the extent of occurrence. If that is the case then the City need to understand to what extent, and examine the levying of these taxes. The City could have been over collecting but as a councilperson he hasn't been told.

Mayor Infeld stated that the previous Finance Director spent a significant amount of time with Councilman Sims when he chaired the Finance Committee of Council. The Finance Director at that time explained the special assessments, how the monies were collected and the funds that were supplemented with monies from the general fund. It was the decision of the Council Finance Committee when the information was presented to Mr. Sims and the Finance Committee not to raise the rates.

Mr. Sims stated, that was two years ago. The current council should be afforded the same opportunity. Mr. Sims asked Mr. Heiser how much was raised in total, expended in the past calendar year and what is currently on hand in regards to the sewer assessment we are seeking now.

Mr. Heiser gave an explanation of the sewer assessment report and funds. The monies supplement whatever the City can get done. The city bills the Cleveland Water Department out of this fund. As projects develop the Administration analyzes what can be done. The City's Engineer, Mr. Ciuni is developing a list of what needs to be done, but the City can only do what it can afford. So yes, if the City raised everyone's taxes on this assessment the City could do a lot more. But with everybody's budget being tight the city is living within its means and doing what the City can with the revenues it gets.

Mr. Sims remarked that his comments weren't directed to Mr. Heiser as a individual or to suggest what he personally should or should not have done because he is relatively new. But the explanation he just provided to Council is one that they deserved. Mr. Sims asked the Administration to brief him when asking him to do anything and explain further if necessary.

Mrs. Pardee suggested that it be noted annually on the calendar around June to prepare for this ordinance over the course of the summer to get information out to Council.

Mayor Infeld questioned, if the Administration is not recommending that the taxes be raised what information does Council want to know?

Mr. Sims remarked that he was not saying that we might have to consider an increase in the level of taxes. He noted that that wasn't the case at all. Mr. Sims stated his point had to do with the proper way of briefing and informing Council of matters that are on the agenda.

Mayor Infeld suggested that his committee (Service and Utilities) and the Finance Committee meet to renew their study of the County Public Works Program to touch upon emergency repairs that are paid for out of the sewer fund.

Mr. Sims excused himself from the meeting.

Mrs. Goldberg stated that if Council could receive a summary in the form of a memo prior to the meeting would be helpful for all Council members.

MOTION BY MRS. CAMERON, SECONDED BY MR. COZZENS to approve the passage of Ordinance No. 2012-54 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

E. Ordinance No. 2012-55 Levying a special assessment on all designated property served by street lights at the rate of seventy cents per front foot. (Emergency)

Mr. Heiser reported that the City is losing ground in the street fund and with the increase in electricity rates the City will have to have future discussions in regards to this.

Mrs. Goldberg asked when had the last increase occurred? Mr. Heiser stated he checked as far back as 2009 and found no change. Mayor Infeld stated it could have also been the same rate prior to 2009.

Mrs. Camron asked what the average front footage is? Mr. Ciuni responded that most homes have either a 40' or 50' frontage.

Mayor stated that the monies are used to pay the monthly street lighting bill.

MOTION BY MR. COZZENS, SECONDED BY MRS. ZUCKER to approve the passage of

Ordinance No. 2012-55 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

F. Ordinance No. 2012-56 Levying a special assessment for improving the streets of the City by spraying, planting, maintaining and removal of shade trees thereon. (Emergency)

Mr. Heiser stated that this is the same cost as previous years. The fund will end with the about the same balance as last year depending on work being done. (i.e. stump grinding, tree removal).

Mayor Infeld commented that University Heights has been designated as a Tree City USA for the past 34 years and part of the National Arbor Day Foundation requirements for that designation is that the recipient establish and maintain a fund where the monies are used for planting, maintaining and improving trees.

MOTION BY MRS. CAMERON, SECONDED BY MR. COZZENS to approve the passage of Ordinance No. 2012-56 as an emergency measure. On roll call, on suspension of rules, all voted “Aye.” On roll call, on passage, all voted “aye.”

G. Ordinance No. 2012-57 Partially abating and authorizing the collection of the balance of the special assessments for the year 2013 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 1, 2012, with the Cuyahoga County Fiscal Officer on or before September 10, 2012. (Emergency)

Mayor Infeld stated that this is done yearly and is the collection of the tax parcels that are located in the TIF area where University Square is located. This was an agreement established by City Council in 2001. The amount collected is determined by the administrator for the TIF bonds. The Administrator then notifies the city as to what dollar amount is necessary to pay the bonds. The city only acts as a pass through agent. The County collects the monies, gives it back to the city and the city has ten (10) days to transfer those monies back to the Administrator, so payment can be made on the bonds.

Mr. Heiser referred to “exhibit B” and stated that in the past the city collected enough to pay the debt but the Administrator wasn’t counting the 1% that the County retains. This year Mr. Heiser made sure that the amount included enough to cover that 1% for the County, so that the city net amount didn’t subject the general fund.

Mrs. Goldberg questioned the expenses for the Administrator fees which appeared to be very high. Mr. Heiser wasn’t sure if the city is in the position to change the Administrator’s fee.

Mayor Infeld reiterated that the monies collected are not fees paid by the city. It’s monies that are collected by the County from the property taxes on those particular parcels, none of which are city parcels. It is money that would not be available to the City.

Mrs. Zucker questioned if the Ordinance needed to be passed tonight. Mayor Infeld responded yes, otherwise the taxes cannot be collected and only the city can do this. The City is a party to this only because the Administrator cannot compel the County to collect taxes. Furthermore, if the taxes aren’t collected the bonds may go into default.

After much discussion it was decided to move forward with the Ordinance.

MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON to approve the passage of Ordinance No. 2012-57 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. 2012-58 Authorizing the Mayor to enter a professional services agreement with D.B. Hartt, Inc. For the purpose of evaluating and updating the City of University Heights Zoning Code. (Emergency)

Mayor Infeld remarked that this is her Administration’s third time requesting the Zoning Code be updated. Mayor Infeld informed the Council that the city is experiencing issues with businesses that

express a desire to be in University Heights. Due to our zoning code being old, the zoning is not consistent or correct for current usage in some areas. In these cases the businesses are required to go before the Board of Zoning for a Special Permit which would be renewed annually. Mayor Infeld gave the example of McDonalds and stated that many potential business owners won't make the investment with the requirement to obtain a Special Permit that would have to be renewed annually. Mayor Infeld stated it is the Administration's belief that for the health and vitality of the City there needs to be a zoning code that operates in a way that is reflective of today's society and life. This will help the city to operate more effectively and it will help in the City's economic development efforts.

Mayor Infeld introduced Mr. David Hartt who has updated Zoning Codes for many cities in Cuyahoga County. University Heights has used Mr. Hartt several times for special use zoning situations, i.e., rezoning of Cedar Center to a U-9 district, updating the U-5 University District, etc.

Mr. Hartt explained the process of updating the Zoning Code. Once authorized to proceed he can begin the process to have the code ready for the adoption. The process will take approximately one (1) year. That time period depends on the review meetings and the consistency among city officials. There are three (3) phases.

1. Complete Review of entire code (most important part)
 - outline the conceptual directions the new code should take
 - conversational interviews with members of Council, Zoning Board, Planning Commission, Architectural Review Board (ARB) and Administration
2. Hold joint meetings with the Council, Zoning, Planning and ARB Boards to get a much of a consensus as possible in the agreement of the fundamental direction
3. Develop the Code in more detail

* note there will be review meetings during the second and third phases as well

Mrs. Pardee asked how the public will be involved. Mr. Hartt responded that all meetings are opened to the public, but in terms of the extent of reaching out and deliberately advertising is up to Council and the Administration. Mr. Hartt stated that if the city does that he recommends it happens earlier rather than later because it would be important that the public understand the general concepts before too much detail is done. A decision will have to be made whether the city represents the public or if the City will be deliberately calling public meetings.

Mrs. Pardee also questioned whether Mr. Hartt worked with templates, because South Euclid has a fully developed set of interlocking sign ordinances or would it better to build it from bottom up?

Mr. Hartt responded that his template is his company's experience in providing zoning services to to approximately 200 communities in the State of Ohio alone with 35 total rewrites. In summation he uses his companies experience as a template as each community has it's own unique challenges, missions and objectives.

Mrs. Goldberg clarified that this would be a total recoding with a comprehensive view. Mrs. Goldberg asked if it would be helpful to bring in the business/stake holders of the community? Mr. Hartt said yes, they could be brought in. His only concern would be the number of meetings and proposed budget.

Mayor Infeld remarked that the rezoning was budgeted last year and again for this year and mentioned that it is fortunate that Mr. Hartt is keeping the same quote as he provided last time.

MOTION BY MRS. GOLDBERG, SECONDED BY MR. COZZENS to approve the passage of Ordinance No. 2012-58 as an emergency measure. On roll call, on suspension of rules, all voted "Aye." On roll call, on passage, all voted "aye."

I. Ordinance No. 2012-59 Levying a special assessment for the removal of nuisance conditions at various locations throughout the City. (Emergency)

Mayor Infeld remarked that this is voted on every year in relation to property issues. The building department issues violation notices to homeowners when their property is not being maintained, i.e. grass not being maintained (too high), conditions of the home itself, etc. The property owner would be notified of the fee being attached to their property tax (fees are established and approved by the Council). When the list of affected properties and the dollar amounts are approved by Council the information goes to the County Budget Commission for assessments against the various properties.

The assessments are levied and collected against the property by the Budget Commission. This can't be done until the Council passes the Ordinance for the assessments. Once the monies are collected for these nuisance condition assessments the monies come back to the City. In the past the city service department would take care of the repairs. But for the past several 5 - 6 years the City Council has approved contracts with private companies to make the repairs on behalf of the city. The current contact is with Creekside Landscaping. This is the City's fourth year with the company.

Mrs. Zucker asked how the city collects from HUD (Housing and Urban Development). Mayor Infeld stated that the city doesn't collect from HUD. The County Budget Commission assesses the monies against the properties and all identified owners. The monies are collected when the property taxes are paid .

Mr. Heiser added that the city does not pay the contractor until the County collects the taxes the following year and sends the monies collected to the city. In terms of HUD, there is a chance that those taxes won't be paid next year and the property is sitting vacant. But eventually the property will sell and at that point the city will be made whole on the taxes.

Mrs. Pardee asked about the different percentages that are charged over the invoiced total.

Mr. Heiser answered that the city bill is as follows: 5% originally to the first invoice, 6% (after closure to 12% the original invoice) and then another 10% when it goes to the County for a total of 22%.

MOTION BY MRS. PARDEE, SECONDED BY MR. COZZENS to approve the passage of Ordinance No. 2012-59 as an emergency measure. On roll call, on suspension of rule, all voted "Aye." On roll call, on passage, all voted "aye."

- J. Motion to consider the Planning Commission recommendation regarding the request of Donald Plunkett, Jr. registered architect for property owners, David and Mary Wright, 3710 Meadowbrook Boulevard for a lot consolidation in order to build an addition to the residence.**

Mayor Infeld stated that Mr. and Mrs. Wright are adding an addition to their home. The project went before the Planning Commission because it involved a lot consolidation. Mr. and Mrs. Wright own the empty lot and desire to add an addition to their home but it would cross adjoining lot lines. The city code requires a consolidation of the lots.

Planning Commission Recommendation:

MOTION BY MR. REICHEK, SECONDED BY VICE MAYOR GOLDBERG to recommend to City Council approval of the request for lot consolidation by Donald Plunkett, Jr., registered architect for property owners David and Mary Wright, 3710 Meadowbrook Blvd. For the purpose of building an addition to the residence; subject to the approval of the City Engineer of the lot consolidation plat.

Mr. Ciuni reported that the Wrights want to add on to their home crossing over the property line. According to the County records they own both lots. Therefore it is permissible for them to consolidate the two lots into one. Mr. Ciuni is in receipt of the consolidation plat. He hadn't viewed the final lot consolidation plat mylar but recommended approval of the lot consolidation. Once Mr. Ciuni signs off on the mylar it goes down to the County for approval and at that point the lots will be consolidated and the Wrights can begin construction.

Mayor Infeld stated that if Council approves this item, the Wrights and their architect will then have to go before the Architectural Review Board for final approval.

MOTION BY MRS. ZUCKER, SECONDED BY MRS. PARDEE to accept the Planning Commission recommendation for lot consolidation by Donald Plunkett, Jr., registered architect for property owners David and Mary Wright, 3710 Meadowbrook Blvd. for the purpose of building an addition to the residence

K. Motion to accept the bid of Skettle Electric for the work identified in the Municipal Energy Audit to upgrade the lighting system in the Fire Department.

Mayor Infeld stated that this is another project that will be using grant monies awarded to the city from the Department of Energy Funding. The grant requirement was that any project submitted for energy improvements to City owned buildings had to be identified in the municipal energy audit with a pay back investment of 5 to 10 years.

Mayor Infeld reported that Building Commissioner David Menn has done a fabulous job adjusting to the constantly changing requirements for this grant. Mr. Menn worked with a County employee to take the required photographs on all equipment and boxes showing the made in USA labels and other various steps of the project. Mr. Menn as well as the City's intern Patrick Grogan from John Carroll University, did a great job. The city received three (3) quotes.

Mayor Infeld stated that the quotes were determined in the same manner as those received for the Police Department lighting projects. Mr. Menn contacted local companies who have lighting projects in the city and companies from the Blue Book that list only minority owned businesses including female owned businesses. The Administration recommends approval of the quote from Skettle Electric for \$7,000 to install new lighting in Fire Department.

MOTION BY MRS. PARDEE, SECONDED BY MR. COZZENS to accept the bid for \$7,000 from Skettle Electric for work identified in the Municipal Energy Audit Report to upgrade the lighting system in the Fire Department. On roll call all voted "aye."

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

Mayor Infeld requested executive session to discuss disposition of real estate and personnel matters relating to the position of Law Director which Council has been conducting interviews for.

MOTION BY MRS. PARDEE, SECONDED BY MRS. GOLDBERG to enter into executive session for the purposes of real estate and personnel matters. On roll call all voted "aye."

Directors' Reports:

Finance Director Larry Heiser reported that August monthly distribution report showed an increase of approximately 5% over last year in income taxes.

Service Director Jeffrey Pokorny reported that collection of household hazardous materials will be collected on Sat., November 3, 2012 during the hours of 9am - 1pm paper shredding will be done at the same time.

The Service Dept. has done several emergency sewer repairs over the last few weeks; 3630 & 3622 Washington Blvd. There is also a sewer repair of the 15" storm sewer scheduled for Miramar Boulevard as it approaches the intersection of Cedar Road. Mr. Pokorny reported that he obtained estimates from Land Networking for the repair on Miramar Blvd., the job will be approx. \$9,000 the other two proposed on Washington approx. \$4,000.

The city has received notice from Joe Lynch, Cuyahoga Board of Health that raccoon rabies baiting has started in University Heights. The County will be placing bait blocks with the vaccine in the grass areas and around dumpsters. They will be in white pickup trucks with Cuyahoga County Board of Health printed on the side and should be finished in about one (1) week.

There were four contracts for tree trimming and removal. All four are now completed. Three were done by Tree Service Now and the other by Northeast Tree Service. There may be one more contract for trimming this year. Proposals are out for stump grinding. There are 47 stumps and it should cost around \$7,000 - \$8,000.

Two Service Department employees have announced their expected retirement around October 31, 2012. One employee has 30 years of service and the other has 25 years of service.

Mayor Infeld remarked that the paper shredding/household hazardous materials collection is done twice a year on the weekend the clocks are changed. It is available on Friday and Saturday 9am - 1pm. Notice of this is on the website and in the newsletter listing the items that can be dropped off.

Mrs. Cameron thanked Mr. Pokorny for his prompt attention to a her concern in reference to a resident's email about McDonald's and stationary rubbish containers.

Fire Department Chief Dave Rodney reported that fire hydrant testing has begun for the next two weeks moving from the westside to the eastside. Chief Rodney told Council members if they hear any complaints about rusty water please have the resident phone the Fire Department. The department has a detergent that will remove stains caused by the hydrant flushing. Notifying the residents is the department main concern. There are 16 new signs that are placed on the boundary streets in the affected area.

Committee Reports:

Civic Information Committee Chairman Susan D. Pardee reported that the committee is continuing to research into senior services during the months of July and August. Mrs. Pardee met with three agencies. (1) Community Partnership on Aging - Stacy O'Brien, (2) Cleveland Heights Department on Aging - Amy Jenkins, and (3) Fairhill Partners - Dr. Stephanie FallCreek. Fairhill Partners provides a lot of services including free programs we could offer immediately. She will attempt to schedule a meeting in September.

Mayor Infeld stated she will speak with Councilman Cozzens and Councilman Sims about scheduling a Committee of the Whole to look at the program offered by the County Public Works Department to take over the sewer line maintenance issues.

Recreation Committee Chairman Pamela Cameron wanted to encourage everyone to check out the Heights library's website: heightslibrary.org. The Heights Libraries has tremendous programs that are available to our citizens. Many of the programs are free. There are programs for all different age groups from teen programs, children programs to free computer and job search classes for adults, etc. In summation our libraries are a valued resource, please participate and support them.

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

Susan K. Infeld, Mayor

Kelly M. Thomas, Clerk of Council