

**MINUTES COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
APRIL 20, 2015**

Mayor Infeld called the regular meeting to order at 7:35 p.m.

Roll Call:

Present: Ms. Nancy E. English
Mr. Mark Wiseman
Mrs. Adele Zucker
Mr. Phillip Ertel
Mr. Steven Sims
Ms. Pamela Cameron

Absent: Mrs. Susan Pardee

Also Present: Law Director Luke McConville
Police Chief Steve Hammett
Finance Director Larry Heiser
Clerk of Council Kelly M. Thomas

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to excuse the absence of Mrs. Pardee. On roll call, all voted "aye."

Pledge of Allegiance

Approval of Minutes from Council Meeting April 6, 2015

Mayor Infeld informed Council that Vice Mayor Pardee contract the Clerk of Council and asked that the approval of the minutes be tabled until the next meeting as she had corrections to the minutes.

MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON to table the approval of the minutes of April 6, 2015 until Mrs. Pardee is able to give her corrections. On roll call, all voted "aye."

Comments from Audience

There were no audience comments.

Mayor's Report to Community

- The April newsletter is being distributed to the community and extra copies are available in the lobby of City Hall.
- Arbor Day is Friday, April 24 and the City will celebrate with students from area schools with a tree planting in front of the Police Department at 1pm.
- Police Deputy Chief James Williams is retiring and there will be a celebration honoring him for his years of service on Friday, April 24 at 10am in Council Chambers.
- The Memorial Day Parade Committee met just prior to this Council meeting and will be meeting again just before the Council meeting on May 4 at 6pm at City Hall.
- The NOACA Planners will hold a public meeting on April 21 at 7pm at the John Carroll University in the Dolan Science Center Auditorium. The meeting will update the community on the latest design plans for the pedestrian improvement project along Warrensville Center and Cedar Roads.
- The Design Team for the City's new park will held a public meeting to hear comments from the community in regards to the latest plans on Wed., April 22 at 7pm in Council Chambers.

- The City experienced water main breaks last week around the areas of 2374 Traymore, 2301 Fenwick, 3688 Silsby and the Bethany/Charney intersection. The repairs have either been completed or are in the process of being completed.

Agenda Items:

- A. Ordinance 2015-01 Authorizing the Mayor to enter into an agreement with Dr. Arnold Feltoon at the rate of \$500 per month for the position as Medical Director of the city jail (take off the table/passage).**

Mayor Infeld stated that Dr. Feltoon has been the City's Medical Director since 1994 and to be on call his contract rate is \$500 per month and that rate has not changed since 1994.

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to take Ordinance 2015-01 Authorizing the Mayor to enter into an agreement with Dr. Arnold Feltoon at the rate of \$500 per month for the position as Medical Director of the city jail off the table. On roll call, all voted "aye."

Mr. Wiseman stated he was looking for a contract for Dr. Feltoon and that he was a little hesitant to approve a contract with someone where the contract is not attached to the motion. Mr. Wiseman added that as a point of reference for future contracts that the contract list the scope of services to be provided and that contracts mirror each other in terms of content.

Mayor Infeld replied that an agreement was attached to the Ordinance.

Mr. Wiseman stated that what was attached was a vendor agreement and it really is not a contract that explains in details the doctor's duties or scope of services.

City Law Director, Mr. McConville stated that he reviewed, commented on the agreement and in his opinion the agreement is a contract. Mr. McConville further stated that as long as the City indicates and exhibits that Dr. Feltoon receives payment of \$500 per month the City has then met the requirements for a binding contract. Mr. McConville noted that he added language in the agreement that states "the vendor agrees to be the doctor for jail services. The vendor shall provide medical and/or physician services to persons held in custody by the City of University Heights.

Mrs. Cameron asked for further explanation as to what the scope of service entails.

Mayor Infeld responded that the doctor provides medical advice via telephone along with the City's EMS team being present if necessary.

Chief Hammett added that if there is an oblivious emergency the person is transported to the emergency room and Dr. Feltoon is in communication with the EMS team via phone while in route to the hospital.

Mr. McConville added that the medical contracts are written in a general matter due to the possible complexity of the services provided.

Mr. Wiseman noted that he had no problem with Dr. Feltoon and would be in favor of the contract; but going forward for the City to have a strategy of providing a agreement that doesn't describe the services but does include a budgetary figure does not seem to be sufficient for the Council to be able to make a decision. Mr. Wiseman continued and pointed out that one of the conditions/exclusions on Dr. Feltoon's declaration page of his Malpractice Insurance Policy states that it excludes coverage for all duties related to Dr. Feltoon's EMS Medical Directorship. Mr. Wiseman asked if that is a position that Dr. Feltoon holds in the City.

Mayor Infeld replied no and that Dr. Feltoon may hold that position in other cities but not in University Heights. That position is held by a Dr. Luke at University Hospitals. Mayor Infeld noted that the borders between Police and Fire are being crossed in Mr. Wiseman's question and reiterated Mr. McConville's explanation that Dr. Feltoon is paid to provide medical and/or physician services to people held in custody by the City.

MOTION BY MRS. ZUCKER, SECONDED BY MR. ERTEL for the passage of Ordinance 2015-01 Authorizing the Mayor to enter into an agreement with Dr. Arnold Feltoon at the rate of \$500 per month for the position as Medical Director of the city jail. On roll call, all voted "aye."

B. Ordinance 2015-06 Transfer of Funds from the General Fund to the Street Fund (201), Street Lighting (204), Capital Projects (401), Police Pension (601), and Fire Pension (602) (on second reading).

Mr. Wiseman asked Mr. Heiser if the \$500,000 transfer to the street fund was for the street repairs and to explain what the \$100,000 to the Capital Project Fund was for.

Mr. Heiser replied yes, the \$500,000 will be used to begin the street repair season and the \$100,000 transfer to the Capital Project Fund was for Service Department Kubota and the Police Cars.

Mr. Sims asked if the Street Fund and the Capital Improvement Fund have starting balances.

Mr. Heiser answered yes and noted this transfer reflects approximately half the amount of what the transfers will be for the year.

MOTION BY MS. ENGLISH, SECONDED BY MR. ERTEL for the passage of Ordinance 2015-06 Transfer of Funds from the General Fund to the Street Fund (201), Street Lighting (204), Capital Projects (401), Police Pension (601), and Fire Pension (602). On roll call, all voted "aye."

C. Ordinance 2015-07 Approving the Pricing of Activities at Purvis Park in the City of University Heights. (on second reading)

No discussion was held.

MOTION BY MRS. CAMERON, SECONDED BY MRS. ZUCKER for the passage of Ordinance 2015-07 Approving the Pricing of Activities at Purvis Park in the City of University Heights. On roll call, all voted "aye."

D. Ordinance 2015-08 Authorizing the Mayor to enter into contract with Thomas Morgan for Professional Services as the City's Arborist (on second reading)

Mr. Wiseman noted that in the past he has received several calls from residents who weren't too happy with the lack of notice as to when the tree in front of their house was going to be trimmed, etc. Mr. Wiseman asked if there was any way in the future to canvas the neighborhood and inform the residents prior to working being done, similar to how the City notifies the community about hydrant flushing.

Mayor Infeld stated that is one of the reasons trees are talked about so much in Council meetings, informing Council members the geographic area that is being treated and what the treatment will be, so that Council can then answer questions they may get from residents. Mayor Infeld also stated that that same information is provided in the City's newsletter and thanked Mr. Wiseman for his suggestion.

MOTION BY MR. ERTEL, SECONDED BY MRS. CAMERON for the passage of Ordinance 2015-08 Authorizing the Mayor to enter into contract with Thomas Morgan for Professional Services as the City's Arborist. On roll call, all voted "aye."

E. Ordinance 2015-09 Authorizing the Mayor to enter into contract with Joseph Ciuni, GPD Group for Professional Services as the City's Engineer (on second reading)

Mr. Wiseman noted that his comment has no reference to Mr. Ciuni and asked if there was a mechanism in place to alert Council as to the amount of money that is spent/amount billed by GPD Group beyond Mr. Ciuni contracted fee of \$12,000 as the City's Engineer. This would be other than the monthly statements that the Finance Director provides Council.

Mayor Infeld replied that there are the contracts and also the project bid packets which show the rates billed for Engineering services and work; all of which are provided to Council. Mayor Infeld stated that in the past per the advice of the previous Law Director she would bring the actual invoices that rose in value over \$5,000 to Council meetings for Council members to see. Mayor Infeld noted she would provide that level of detailed billing to Council if desired.

Mr. Sims asked Mayor Infeld that as Council proceeds through the year if they are interested in knowing the amount that has been spent with Mr. Ciuni or any other contract can they inquire and receive an up to date report.

Mayor Infeld replied absolutely and added that Mr. Heiser has been providing Council with monthly reports showing the City's expenditures.

Mr. Heiser responded yes.

MOTION BY MS. ENGLISH, SECONDED BY MRS. ZUCKER for the passage of Ordinance 2015-09 Authorizing the Mayor to enter into contract with Joseph Ciuni, GPD Group for Professional Services as the City's Engineer. On roll call, all voted "aye."

F. Resolution 2015-14 Amending Resolution 2013-01 Authorizing Certain Individuals to sign Agreements required by Bank (Firstmerit Bank, N.A.) in order to Provide Treasury Management Products/Services by Changing the name of the Law Director to Reflect the Name of the Current Law Director. (on second reading)

Mr. Heiser noted that the City is only amending the approved names for the account and not amending the actual agreement with Firstmerit.

MOTION BY MRS. CAMERON, SECONDED BY MS. ENGLISH for the passage of Resolution 2015-14 Amending Resolution 2013-01 Authorizing Certain Individuals to sign Agreements required by Bank (Firstmerit Bank, N.A.) in order to Provide Treasury Management Products/Services by Changing the name of the Law Director to Reflect the Name of the Current Law Director. On roll call, all voted "aye."

G. Ordinance 2015-13 Authorizing the Mayor and Finance Director to Solicit Bids for Electricity Supply Service through Aspen Energy and to enter into an Electricity Sales Agreement with the Lowest and Best Supplier for a term of One to Three Years (on emergency)

Mr. Heiser stated that Ordinance 2015-13 would allow Aspen Energy to go out for bids for street lighting. The general rate the City was paying in 2014 was .07 per kilowatt hour and indications show a rate of possibility .05 per kilowatt hour.

Mr. McConville noted that Ordinance 2015-13 is being presented on an emergency basis because of the timing in getting rate pricing and signing the contract before the price changes.

Ms. English asked who is currently providing the electrical service for the street lights.

Mr. Heiser responded the Illuminating Company.

Ms. English asked if the City was under contract with First Energy Solutions. And, if the street lighting bills were part of NOPEC, if so, how would going out for pricing through Aspen Energy affect that.

Mr. Heiser explained that the transmission fees are set and that the City is buying the kilowatts from a third party. First Energy would still control the lights with a fixed cost which is about half of the total bill.

Ms. English asked how this would affect the City being part of NOPEC and First Energy supplying the electric.

Mr. Heiser replied that there is no effect to NOPEC.

Mr. McConville explained that there is a distinction between supply/product and service. This contract will address the supply. The NOPEC contract handles the service.

Mr. Sims commented that looking for pricing is what NOPEC does, so how is this different.

Mr. Heiser explained that NOPEC will not compete with The Illuminating Company internally regarding the municipal street light business.

Mr. Sims clarified that Aspen will be getting pricing for the electricity that will be delivered to the street lights and asked the following series of questions: if there is a distinction between street lights and regular lights cost; if by joining Aspen Energy to solicit electric supply service would that remove the City from being aligned NOPEC; if there would be a contract that the City could opt out of if desired; what is the cost of using Aspen as the City's broker; if Aspen is a trustworthy company and how long will the contract be.

Mr. Heiser replied that if the City joined with Aspen Energy it would not remove the City from its alignment with NOPEC, there is no contract the City would have to be concerned about because we would be billed their municipal rate and Aspen doesn't charge the City to be the broker because Aspen makes their money on the contract. Aspen will look at 1, 2 and 3 year contracts, Mr. Heiser noted that three years seems a little long, two years may be a good time frame or may just try one year to see how it works out.

Mrs. Zucker asked who residents would report street lighting outages to.

Mr. Heiser replied that residents should still report street lighting outages to The Illuminating Company.

Mr. Sims asked if there was a difference in the cost of electric between street lights and homes.

Mr. Heiser replied yes.

Mr. Wiseman spoke of the deregulation of the telephone industry where a 3rd party vendor would step in and places a charge on the bill and then it becomes hard for the consumer to get that charge removed. Mr. Wiseman asked if there is a worry that that could happen to the City.

Mr. Heiser answered that would not happen and that the City will ensure that the possibility of a 3rd party vendor adding charges to the bill would not happen.

Ms. English asked if University Heights would remain a NOPEC community for electricity.

Mr. Heiser replied yes.

Mr. Sims added that the City will still be a NOPEC community and they will provide electricity to University Heights; the exception being that NOPEC will be provide electricity to the residents and the City street lights will be potentially, not necessarily provided by whatever company comes in at the lowest and best price.

Mr. Heiser replied yes.

MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON approving Ordinance 2015-13 Authorizing the Mayor and Finance Director to Solicit Bids for Electricity Supply Service through Aspen Energy and to enter into an Electricity Sales Agreement with the Lowest and Best Supplier for a term of One to Three Years. On suspension of the rules, all voted "aye," except Ms. English who voted "nay" and Roll call on passage, all voted "aye," except Ms. English who voted "nay."

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

There was no need to hold executive session.

Directors' Reports

Finance Director Larry Heiser reported that Assistant Finance Director Jackie Vigliucci resigned effective two Mondays ago. Ms. Vigliucci's last day was last Friday and Mr. Heiser is currently in the process of accepting applications for the position.

Mayor Infeld reported that the Fire Department should be done with the fire hydrant flushing by the end of the week.

There were no other director reports.

Standing Committee Reports:

Civic Information Committee: Chairwoman Nancy English reported that the iPad training is complete and publically thanked Technology Advisory Commission member Mr. Hatgas and Councilman Wiseman for conducting the training session. Ms. English added that Council was able to configure the iPads and receive training at no cost to the City by utilizing the resources that are in the City.

Governmental Affairs: Mr. Wiseman had no report but asked Mayor Infeld about the Committee of the Whole standing report on the second page of the Council agenda that list consider Warrensville Center Road median. Mr. Wiseman asked if that has been discussed or if it is under consideration.

Mayor Infeld replied that the Warrensville Center Road median has been on the agenda for quite some time and was given to the NOACA Planners. So that as NOACA is looking at making Warrensville (in this case) more pedestrian and bicycle friendly. They have been considering whether to introduce a median so there will be discussion about that as well at the NOACA Planners public meeting tomorrow night.

Recreation Committee: Chairwoman Pamela Cameron reminded everyone about the upcoming family event "All Geared Up" on Saturday, May 16, 2015 from 9am until 12noon (rain or shine). There will be games, other activities related to safety, as it relates to the children and helping them to understand wearing helmets. There will be give-a-ways, demonstrations by the University Heights and Cleveland Heights police officers to sponsor bike safety.


There were no other standing committee reports.

There being no further business to discuss, the meeting was adjourned at 8:38pm.

MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN to adjourn the meeting. On Roll Call, all vote "aye."



Susan K. Infeld, Mayor



Kelly M. Thomas, Clerk of Council