Mayor Infeld called the regular meeting to order at 7:32 p.m.

Roll Call:

Present: 
  Mr. Mark Wiseman
  Mr. Steven Sims
  Mr. John Rach
  Mrs. Pamela Cameron (7:32pm)
  Mr. Phillip Ertel
  Mrs. Michele Weiss

Absent: 
  Mrs. Susan Pardee

Also Present: 
  Law Director Luke McConville
  Finance Director Larry Heiser
  Clerk of Council Kelly M. Thomas
  Police Chief Steven Hammett
  Service Director Jeffrey Pokorny
  City Engineer Joseph Ciuni
  Fire Chief Douglas Zook

MOTION BY MR. SIMS, SECONDED BY MRS. WEISS to excuse the absence of Vice Mayor Pardee and Councilwoman Cameron. On roll call, all voted “aye.”

Pledge of Allegiance

Approval of Minutes

Mrs. Weiss noted the few typographical errors on pages 4 and 7.

MOTION BY MR. RACH, SECONDED BY MR. SIMS to approve the Council Minutes from January 19, 2016 as presented and corrected. On roll call, all voted “aye.”

Comments from Audience

There were no audience comments.

Mayor’s Report to Community

- The City’s website provides updated information and pictures on the progress of the construction for the new park.

  Mr. Sims noted that the Prime Contractor agreed to the usage of minority/female subcontractors in an amount of approximately 6% and asked what progress the contractor was making in the use of those subcontractors.

  Mayor Infeld replied that she couldn’t remember an exact agreed to number, but added that there will be a progress meeting once the construction starts back up.

  Mr. Sims stated that in part the city should be able to be determined who has been used based on the applications that have been processed already.

  Mr. Pokorny stated he wasn’t sure if the Contractor’s progress payments have that detail but that he would ask.
Agenda Item:

A. Ordinance 2016-04 Amending Section 2 of Ordinance No. 2014-03 by updating Annual Compensation Rate of Specified Employees (on second reading for passage)

Mayor Infeld stated that this was discussed at length at the last Council meeting when it was presented on first reading.

Mrs. Weiss noted she thought that there needed to be additional discussion regarding this Ordinance and asked if Council could go into Executive Session regarding this item.

Mr. McConville replied that could be moved to discuss matters of employee compensation in Executive Session.

Mrs. Cameron noted her wish that the vote for this item be table until the next meeting in light of the absence of Vice Mayor Pardee, who also serves as the Chair for the Finance Committee.

MOTION BY MRS. WEISS, SECONDED BY MRS. CAMERON to table Ordinance 2016-04 Amending Section 2 of Ordinance No. 2014-03 by updating Annual Compensation Rate of Specified Employees. On roll call, all voted “aye.”

B. Resolution 2016-05 Waiving any conflict of interest for, and providing informed consent to, Law Director Luke F. McConville to enter into a consulting agreement with the Cuyahoga County Land Re-utilization Corporation and Declaring an Emergency

Mr. Rach asked if this Resolution contains the same information as the letter that was presented to Council at the last meeting, except for the deletion of the signatures of each Councilperson.

Mayor Infeld replied that out of the discussion from the last meeting it was thought that this should be of legislative action from the Council because the Council appoints the Law Director.

Mr. McConville stated that this is to serve as a disclosure of the potential for conflict of interest. The letter that was present to Council at the last meeting with each of the Council member’s signature was at the suggestion of Mr. McConville’s legal counsel. Mr. McConville added that it was not meant to be contractual but as an acknowledgement.

Mr. McConville added that he represents the City of University Heights and has been offered a consulting agreement from the County Land Bank. It is not an employment arrangement - it is a consulting arrangement where he would be retained on a monthly bases to provide media relations services for the County Land Bank. The issue is that the County Land Bank and the City are parties to a Municipal agency agreement/contract. Pursuant to which the City has the right to request that the County Land Bank provide funds for and performs defoliation services with respect to blight or distressed properties that have been identified by the City and that have gone through due process and notice for demolition. Mr. McConville stated that the legal question is whether he can continue to provide competent and diligent representation of the City if he enters into the consulting agreement. The legal opinion that Mr. McConville received indicated that should not be a problem and noted that he himself didn’t see any issues that exist presently that would prevent him from doing that. Mr. McConville noted that he has made full disclosure of the opportunity to Council and Mayor Infeld and described the possible conflicts that could arise. Namely, if there are problems with a particular demolition or if there is a media request that relates to a property in University Heights, those could present conflicts that Mr. McConville would recuse himself from and not be involved in. Mr. McConville added he would not be involved in any litigation. In the Land Bank’s 9 year history they have had one lawsuit filed against them by a third party and the Land Bank has not sued anyone. Mr. McConville added that there is a technical conflict which is the reason for his request.

Mr. Wiseman noted his feeling that there wouldn’t be a conflict of interest or that there wouldn’t be the potential for a conflict of interest if Mr. McConville were to enter into a consulting agreement with the Cuyahoga County Land Re-utilization Corporation (Land Bank). Mr. Wiseman added Mr. McConville was being enlisted by the Land Bank to be their month piece should they need public relations help but in no way
ever infringe or be opposite to the City’s interest as a city. Mr. Wiseman asked Mr. McConville if the Land Bank had been presented with any paperwork to waive any conflict of interest on their part; and if so what was their response?

Mr. McConville replied yes, that he has given them a letter to sign and the Land Bank’s response indicated there would be no problem in their signing it.

Mr. Ertel noted for the record that there is a difference between public relations and media relations.

Mayor Infeld asked Mr. McConville what would happen if the City were to request funds from County for the demolition funds for properties and if a property were demolished in University Heights and someone who felt they had claim to the property wanted to sue the City and/or the Land Bank; what would be his role in that case.

Mr. McConville replied that if litigation was filed he would recuse himself from both parties.

Mayor Infeld stated that then the City would then have to hire an attorney to represent it.

Mr. McConville clarified that he is not General Consul or being hired by legal services for the Land Bank, so he would never represent the Land Bank in any litigation ever. If it were only the City that was being sued he would not have a conflict of interest that would prevent him from representing the City. If both the City and the Land Bank were to be sued, his concern would be that it not possible to predict when or whether the parties’ interest might diverge at some point and that therefore it would be appropriate for him to recuse himself at the inception of the litigation.

Mr. Sims stated that he supported Mr. Wiseman’s comments in terms of his impression of what the possibilities and probabilities are. And added that part of his comfort is the fact the Council has letters of legal opinions with respect to those matters. Mr. Sims noted that you never know what might happen, but Council now knows what will happen if a conflict should arise, and that is that Mr. McConville will recuse himself as a party to any litigation.

MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN to approve Resolution 2016-05 Waiving any conflict of interest for, and providing informed consent to, Law Director Luke F. McConville to enter into a consulting agreement with the Cuyahoga County Land Re-utilization Corporation and Declaring an Emergency. Roll call on suspension of the rules, all voted “aye.” Roll call on passage, all voted “aye.”

C. Request for Authorization to Seek Bids for a Four Wheel Utility Refuse Collection Vehicle

Mr. Pokorny stated that this vehicle would be replacing one of the existing rubbish scooters and that going forward the rubbish scooters will be replaced on a recurrent basis.

Mrs. Cameron asked if there was another company that would provide more durable scooters so that they would need to be replaced so often.

Mr. Pokorny replied no, not at this time.

MOTION BY MR. ERTEL, SECONDED BY MRS. CAMERON to grant authorization to seek bids for a Four Wheel Utility Refuse Collection Vehicle. On roll call, all voted “aye.”

D. Request for Authorization to Seek Bids for the City’s 2016 Street Program

Mr. Ciuni provided Council with a memo listing the streets for the 2016 Road Improvement Program. The streets were listed in priority order along with listing alternate bid items of the Saybrook Parking Lot (modifying the Park Project Design) and the Purvis Park Parking Lot.

Mrs. Weiss asked if the City were to pay for the Saybrook Park parking lot now would it then not be part of the park design.

Mr. Ciuni replied that the Saybrook parking lot was also bid as an alternate with the Park bids, but it would
put the City over the budgeted amount.

Mr. Sims asked if Council/City decided to proceed with this alternate A1 for a parking lot and it did cost $100,000 if there are additional funds that are available from the Bond Issue, even if it not the full amount how would that work.

Mr. Heiser stated that if monies remain after the park construction is completed the remaining funds from the Bond Issue could be used for the park’s Saybrook parking lot as long as it doesn’t exceed $1.66mil amount.

Mr. Wiseman asked how the streets and add-ons were selected. In terms of the parking lot for the park, every meeting there was discussion about redoing the parking lot now are you saying that wasn’t included in the bid and the bond doesn’t pay for the parking lot.

Mayor Infeld replied that the Administration reviews the amount of traffic, whether water line work is scheduled to be done, how much overall street work is being done in that section of the neighborhood to keep the inconvenience to the residents at a minimum.

Mr. Ciuni stated that it was his understanding that the parking lot was also listed as an add-on alternate and not a base bid for the park bids. Mr. Ciuni added that the parking lot does need to be expanded and resurfaced.

Mr. Wiseman stated that regarding the Purvis Park parking lot, he understood the Mayor to say that if the bids came in ($1.25 million or more) then the Purvis Park parking lot would not be done.

Mayor Infeld informed Mr. Wiseman that he misunderstood and that if that were the case, Miramar would probably not be done.

Mr. Ciuni explained that the add-ons are listed to get pricing, if the budget is exceeded then neither Miramar nor the add-ons would be done. But the City would have pricing for the future budgeting.

Mr. Wiseman voiced his opinion that the parking lot at Purvis Park is in bad shape and his noted his unhappiness that it will not be done unless everything else comes in under $1 million dollars.

Mayor Infeld noted that anything that would happen to the Purvis lot is depended on the construction of the four (4) tennis courts. There are several items that would have to fall into place in a specific order for that to happen.

MOTION BY MR. SIMS, SECONDED BY MR. ERTEL authorizing the Administration to Seek Bids for the City’s 2016 Street Program. On Roll call, all voted “aye,” except Mr. Wiseman who voted “nay.”

E. Motion to Authorize the Mayor to expend funds for the printing and mailing of a Community Survey for the Master Plan

Mayor Infeld explained that the postage cost would include the mailing of the survey as well as the return for an estimated mailing cost of $2,400. That included with the cost to print the survey may exceed her $5,000 spending authority.

Mr. Ertel noted that this is a great opportunity for the community and asked if the return envelope included the postage for the return of survey?

Mayor answered yes.

Mrs. Weiss agreed that it is an excellent idea and that the return postage should be for everybody.

Mr. Sims stated his support of the survey and asked if there was any mail method where the City would only pay for the envelopes that are returned?

Mayor Infeld stated that she would check.

Mr. Wiseman asked if Council would see the survey prior to it being mailed out to the residents.
MOTION BY MR. SIMS, SECONDED BY MR. ERTEL Authorizing the Mayor to expend funds for the printing and mailing of a Community Survey for the Master Plan, not to exceed $10,000.00. On roll call, all voted “aye.”

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

Based on Mrs. Weiss’ question/comment during the discussion for agenda item A there was a need to have an executive session.

MOTION BY MR. WISEMAN, SECONDED BY MR. RACH to hold an Executive Session for the purpose of discussing personnel and real estate matters. On roll call, all voted “aye.”

Directors’ Reports

Finance Director, Larry Heiser stated that the city has back out of out sourcing payroll but that he was still working ADP, Paychex and Paycor and hopes to move back to technology by the end of the first quarter. ADP only processed one payroll. Mr. Heiser is requiring that the companies prove that they do pension reports straight out of the system.

There were no other Director reports.

Standing Committee Reports:

Building Committee: Mr. Wiseman stated that a Building Committee meeting will be schedule for the week of February 15th or the week of February 27th.

Civic Information Committee: Mr. Rach noted that he is working with Mrs. Pardee for the Black History Program.

Finance Committee: Mr. Heiser reminded everyone that the Joint Finance and Finance Advisory Committee meeting is on February 18th at 7:00pm.

Service/Utilities Committee: Mr. Sims reported that he will schedule a Service/Utilities Committee meeting before March.

Council entered into executive session at 9:12pm.

MOTION BY MR. WISEMAN, SECONDED BY MR. SIMS to exit executive session and to resume regular Council session. On roll call, all voted “aye.”

Council resumed its regular council session at 10:10pm.

MOTION BY MR. WISEMAN, SECONDED BY MRS. WEISS to adjourn the meeting. On roll call, all voted “aye.”

Susan K. Infeld, Mayor

Kelly M. Thomas, Clerk of Council