

**MINUTES COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS, OHIO  
JANUARY 5, 2015**

Mayor Infeld called the regular meeting to order at 7:37 p.m.

Roll Call:

Present: Ms. Nancy E. English  
Mr. Mark Wiseman  
Mrs. Adele Zucker  
Mr. Steven Sims (not at roll call)  
Mr. Phillip Ertel  
Ms. Pamela Cameron

Absent: Mrs. Susan Pardee

Also Present: Law Director Anthony J. Coyne  
Finance Director Larry Heiser  
Police Chief Steve Hammett  
Service Director Jeffrey Pokorny  
Building Commissioner Eric Tuck-Macalla  
Clerk of Council Kelly M. Thomas

**Pledge of Allegiance**

**MOTION BY MS. ENGLISH, SECONDED BY MR. WISEMAN to excuse the absence of Vice Mayor Pardee and Councilman Steven Sims. On roll call, all voted "aye."**

**Approval of Minutes from Council Meeting December 15, 2014**

There were no additions or corrections to the Council Minutes of December 15, 2014.

**MOTION BY MS. ENGLISH, SECONDED BY MR. ERTEL to approve the minutes of December 15, 2014 as presented. On roll call, all voted "aye."**

**Comments from Audience**

There were no comments from the Audience.

**Mayor's Comments**

Mayor Infeld reported the following:

- Attended the inauguration of the new County Executive, Armond Budish. Mr. Budish gave a positive uplifting message to lift everybody up and to move the County forward.
- The City received a grant in the amount of \$142,369.00 from the Ohio Department of Natural Resources, Nature Works Program to resurface the city's tennis courts.
- In regards to the deer initiative a deer flyover to obtain an estimated deer count occurred for three (3) nights during the holiday season in December. A report with the results will be provided to the City at a later date.
- Mayor Infeld provided member of Council with a letter from Dominion East Gas which listed their estimated rates. Once the actual rates available Mayor Infeld will forward that information to Council as well.
- The last County four year report under the previous County Executive Edward Fitzgerald which list all the initiatives that were started and what progress has been made towards them. The report will be in the city hall lobby for anyone to look at.

**A. Presentation by Mr. Ken Fisher regarding the Cedar Road homes owned by Mr. Larry Weiser**

Attorney Kenneth Fisher was present to represent Cedar Green Associates and Mr. Weiser. Mr. Fisher informed City Council that pursuant to Ordinance 1242.14 his office provided Building Commissioner Eric Tuck-Macalla with a request to obtain demolition permits for the residential properties located at 14506, 14510, 14514 and 14518 Cedar Road. Mr. Fisher stated that the listed properties were the subject of the November 17, 2014 rezoning from a U-2 use district to a U-7. Mr. Fisher provided pictures of the condition of the properties and stated that they have been vacant for 13+ months. Mr. Fisher stated that the intention of his client, Cedar Green Associates is to redevelop the properties that abut the present parking lot of the existing commercial property for commercial use consistent with the U-7 permitted uses. Mr. Fisher noted that his client has nothing at this point specific is being contemplated other than it will be commercial development consistent with the zoning that Council determines is appropriate.

Mayor Infeld thanked Mr. Fisher for coming and speaking to herself and City Council about Mr. Weiser's intentions.

Mr. Fisher stated that Cedar Green Associates have been good property owners and that at this point the houses truly constitute a safety hazard because they are unoccupied. Mr. Fisher continued to say it wouldn't make sense to renovate or improve the properties either for sale or for rental purposes and be consistent to with the U-7 zoning that Council established and approved on November 17, 2014.

Mr. Ertel asked Mr. Fisher if there were any ideas of a possible new tenant.

Mr. Fisher replied that he has not per se privy but has been told by Mr. Weiser that there is interest from restaurant type uses and others; but there is nothing specific at all. Mr. Fisher stated that he could represent with complete confidence that at this point there is nothing under contract and nothing contemplated. The thought is that because of the condition of the houses and because they are unoccupied the demolition should occur before any plan because there is no telling when a plan would be available and submitted. In the meantime there are four empty houses that are in poor condition. Any plan would go before the Planning Commission and City Council for approval. The City maintains complete authority over what will ultimately be built.

Building Commissioner Eric Tuck-Macalla commented that he had nothing to add to Mr. Fisher's comment except that the Building Department monitors the properties weekly to make sure that there are no issues. Mr. Tuck-Macalla also acknowledged that the properties are empty and in poor condition.

Mr. Wiseman noted to Mr. Tuck-Macalla that there was an inspection notice for just one of the properties and asked if all four properties have been inspected and given notices of violations.

Mr. Tuck-Macalla replied yes, but that he had not followed up on those inspections yet so at the present moment he could not comment on what stage the properties are currently at. But any action that would have occurred on those properties were probably placed on hold because of the thought that something would be happening with the property.

Mayor Infeld stated that the City was under the impression from the property owner that there would be action at that property and that the owner had requested forbearance on the citations to allow him to present his plan through the proper channels to the City. Mayor Infeld stated that there is a process in which homeowners are able to receive up to four (4) notices for correction of violations before they are taken to court for those violations. If the case goes to court then sometimes the judge will work with the homeowner to handle the corrections of the violations.

Mr. Coyne clarified for the record that Mr. Fisher on the behalf of Cedar Green Associates came before the Council under code 1242.14, specifically (b)(4) which finds that the properties or structures are potential safety hazards, public nuisance so that at that point Council has the authority to make that determination and so that the Building Commissioner can issue the demolition permit. There are three (3) other provisions within that section that would not require council manic approval, but they don't fit into this situation, although now based on the zoning code they are non-conforming structures. Mr. Coyne stated to Mr. Wiseman, since he is the chairman of government affairs and even though this is a separate issue than what is being discussed, that he (Mr. Coyne) did have trouble with the wording of 1242.14 (b)(1) because he was not sure it is worded correctly. Mr. Coyne stated that he thought there should be a not an accelerated or not necessary to a principal use, and that there was a word missing in that section.

Mayor Infeld added that when the properties were used as rental homes they were subject to the bi-annual inspection and if there were violations that needed to be corrected at those properties action was taken. Mayor Infeld noted that there was a period of time in which there were tenants living in the homes. It was once the tenants left the homes that it was at that point that rental inspections stopped and the City became aware of Mr. Weiser's intention to move towards the development of commercial property at that site and it was at that time Mr. Weiser asked for forbearance for the violations and the City gave him what felt to be an appropriate period of time to develop a plan to present to the City.

Mr. Coyne stated that the approval to grant the permits to demolish the homes could be done by either motion or resolution. A finding under that section of the code would authorize the Building Commissioner to proceed with the issuance of the permits.

Ms. English asked Mr. Fisher if the Council were to approve for the demolition permits to be issued, how soon would Mr. Weiser take the homes down?

Mr. Fisher replied that Mr. Weiser's and Cedar Green Associates intentions are to take the houses down immediately because of the safety hazards that are involved with vacant houses especially in this type of weather.

Mr. Wiseman stated he had several questions and noted that the properties have been rezoned and that he is in favor of the houses coming down. But in terms of making an informed decision from the information presently before the members of council, Mr. Wiseman didn't think Council has enough information to determine that the houses are nuisances and that there should be a more formal process of inspecting the houses and have the Building Commissioner make a determination if the houses should come down.

Mayor Infeld replied that at this point the Administration is not presenting anything before the Council at this meeting for a ruling on the demolition of the houses.

Mrs. Cameron commented that to delay the approval to demolish the houses is being somewhat disingenuous; the owner wants to remove the properties from residential use and demolish them. Mrs. Cameron continued to say that the properties are Mr. Weiser's and he wants to make it available for commercial development, Mrs. Cameron noted she didn't have a problem with Mr. Weiser's decision to do so and to move forward. Whether or not the houses are structurally sound is not the point. The point is that Mr. Weiser wants the buildings removed and that is his right.

Motion by Mrs. Cameron to approve Mr. Weiser's request for demolition of the houses.

Mrs. English also agreed that the houses should come down but felt that if the applicant is asking for the Council to determine that the structures are a safety hazard and a public nuisance Council would need more information in that case. However, there's four (4) different items where the City can grant a demolition permit. Number 3 under section 1242.14 states "a development plan has been approved by the Planning Commission and City Council for replacement buildings on the same parcel. So there are other criteria that Council can use to grant the approval, but if the ruling is based on number 4 of section 1242.14 there probably should be more information before Council stating the property truly is a safety hazard and a public nuisance.

Mr. Fisher suggested that the property could be made available for the Building Commissioner to inspect and inform Council of his findings. Mr. Fisher noted that he would be able to extend to offer to the members of Council to see the houses as well.

Mrs. Cameron asked Mr. Fisher what would be the difficulty in pursuing the request based on number 3 of section 1242.14.

Mr. Fisher replied that it may take a year to two (2) years before an actual development plan may be available. At this point nothing is planned.

Mayor Infeld commented that at this point Council does have a letter from Building Commission Eric Tuck-Macalla expressing his opinion that having the homes remain could be problematic. Mayor Infeld stated in her estimation besides the opinion of Mr. Macalla and at the next Council meeting additional information will be provided a decision could be made. But the zoning change and the owner's desire to use it for commercial purposes would be best met if the ground was clear where a developer could see clear land and not have to look beyond the existing structures to envision what new development would be.

Mayor Infeld summarized stating that with Mr. Fisher's presentation it was the Administration's intention for the Council to hear what the property owner would like to have happen. The Administration was not coming before Council with a request for demolition, although Council can chose to do that at any point. Mayor Infeld stated she expects that request to occur at the next council meeting.

**The Motion by Mrs. Cameron to approve Mr. Weiser's request for demolition of the houses died due to the lack of a second.**

**B. Motion authorizing the Mayor to enter into an agreement with Cuyahoga County for the County Property Demolition Program**

Mayor Infeld stated that in order for University Heights as a municipality to be able to participate in the County's property demolition program the City needs to enter into agreement with the County.

Mr. Sims questioned if the City would have to sign the County agreement prior to the specific application and asked for clarification on the Land Bank application.

Mayor Infeld replied that yes the City would have to have a signed agreement with the County prior to any specific application being filled out. University Heights already uses the Land Bank as our agent to acquire property but the County just wanted to have addition verification that the Cities are either going to use the County Land Bank or use their own Land Bank.

Ms. English asked if there any properties currently being considered for demolition that the City might apply for and if the City has the insurance coverage required under the contract.

Mayor Infeld replied that no there aren't any properties currently being considered and that yes, she believed that the City has the required insurance coverage.

Mr. Wiseman asked if the two agreements: (1) County Agreement and (2) Land Bank Agreement were the same.

Mayor Infeld replied that anytime there is a competitive situation the County wants to have it's own agreement. Separately, the County is requiring that the City show proof that a mechanism is in place to handle the demolition funding. And, likewise the Land Bank has developed a new agreement as well specific to the County Agreement.

Mr. Coyne commented that the Municipal agency agreement with the Land Bank is an agency agreement, where the Land Bank is taking the lead on addressing the demolition and other items. The Demolition Program agreement could be done by the City on its own; then the City would get reimbursed by the County as opposed to the Land Bank doing it and getting the reimbursement. Mr. Coyne stated that the City could sign both agreements (County and Land Bank) and not use the Land Bank Program.

**MOTION BY MR. WISEMAN, SECONDED BY MR. SIMS authorizing the Mayor to enter into an agreement with Cuyahoga County for the County Property Demolition Program. On roll call, all voted "aye."**

**C. Motion authorizing the Mayor to enter into an agreement with the County Land Bank for recent demolition funding made available by Cuyahoga County**

**MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON authorizing the Mayor to enter into an agreement with Cuyahoga County for the County Property Demolition Program. On roll call, all voted "aye."**

**D. Motion to approve 2015 Engineering Fees for GPD Group**

Mr. Sims commented that Council has approved the fees for GPD Group in the past and asked how does the use of GPD services occur when Mr. Ciuni is working as the City's Engineer.

Mr. Ciuni stated that the use of GPD occurs with large projects such as resurfacing project, waterline replacement projects, etc. When those types of projects occurs Mr. Ciuni stated that he provides the Mayor with a proposal based on the approved fees.

Mr. Sims questioned, without the compensation that is been voted on by Council for Mr. Ciuni's work as the City Engineer, what amount was GPD Group paid in 2014.

Mr. Heiser answered the fees are paid out of various different funds depending on what the project is.

Mayor Infeld noted that Mr. Ciuni is paid on a retainer so that he is available to the Administration with any questions, attends Director Meetings, manages the public bidding for projects, etc.

Mr. Ciuni stated that GPD works with 15 cities and the fees are the same for each of the cities.

Mayor Infeld added that she is very satisfied with the services received by Mr. Ciuni and GPD Group.

Mr. Wiseman asked how long the contract for and if there is a mechanism to look at other engineering groups and their fees.

Mr. Ciuni replied that it is a year contract.

Mayor Infeld answered that the City Engineer is a Mayoral appointment and given the longevity of GPD with the City and its historical knowledge of the City and its infrastructure in her estimation there is no need to make a change. And, actually a change could be disruptive to the functioning of the City.

Mr. Wiseman commented that he's wasn't suggesting a change but was only asking if there was a way to compare services.

Mrs. Cameron asked Mr. Ciuni if there was any area of expertise where he has to ask for assistance from other sources.

Mr. Ciuni replied only GO Technical. In house GPD Group has traffic engineers, electrical engineers, mechanical engineers, architectural engineers and environmental engineers.

**MOTION BY MS. ENGLISH, SECONDED BY MRS. ZUCKER to approve the 2015 Engineering Fees for GPD. On roll call, all voted "aye."**

**E. Ordinance 2014-51 Amending Section 220.10(a) of the Codified Ordinances Relative to the Mayor's Authority to Appoint Councilmen to Committees (second reading)**

Mr. Wiseman stated that this item was discussed at the Council of the Whole meeting that was held just prior to the last Council meeting. The Ordinance is meant to straighten up an inconsistency between the Code and Ordinance. The Code states that Council shall organize itself. It was the feeling of the Governmental Affairs Committee that Council would benefit from having the Vice Mayor (whoever that might be) help the Council organize itself into committees and to appoint the committee heads.

Mayor Infeld commented that she read something in the newspaper, possibly written by Mr. Jewel that was in error, when (Mr. Jewel) referred to this bringing the Ordinance more in line with the Charter, Mayor Infeld stated she didn't believe that was the case. This is simply a change of the Ordinance. The Charter only says that the Council would organize itself. The Ordinance as stated before us says that Councilmen get appointed to standing legislative committees, as it stands now the Mayor makes those appointments so this is a request from the Council to itself to change the Ordinance so that the Mayor would no longer make those appointments, and that they would be made by the Vice Mayor. Mayor Infeld stated that at the Committee of the Whole meeting she expressed her opinion saying that in order to have the City function most smoothly that the Ordinance was put in place so that the Mayor would be able to appoint people on Council with various levels of expertise to different committees so that they could work well with the

Administrative agenda. Mayor Infeld stated she understood that Council has the ability to change the Ordinance but also, that it is incorrect to state that changing this Ordinance brings this more in line with the City Charter because she doesn't feel that is correct.

**MOTION BY MR. WISEMAN, SECONDED BY MS. ENGLISH for the passage of Ordinance 2014-51 Amending Section 220.10(a) of the Codified Ordinances Relative to Committees be adopted with the changes therein. On roll call, all voted "aye," except Mrs. Zucker who voted "nay."**

**F. Resolution 2014-53 Establishing a One Year Special Council Committee for the Purposes of Community Engagement (second reading)**

Mr. Wiseman asked for Council to table Resolution 2014-53 until the next Council meetings to allow additional time for the language in section 2 to be revised.

**MOTION BY MR. WISEMAN, SECONDED BY MR. SIMS to table Resolution 2014-53 Establishing a One Year Special Council Committee for the Purposes of Community Engagement. On roll call, all voted "aye."**

**G. Motion to hold an executive session immediately following this regular meeting for the purpose of discussing litigation**

Mayor Infeld remarked that there was a need to discuss potential litigation in executive session.

**MOTION BY MRS. ZUCKER, SECONDED BY MRS. CAMERON to hold an executive session for the purpose of discussing potential litigation matters. On roll call, all voted "aye."**

### Directors' Reports

**Finance Department:** Finance Director Larry Heiser noted the need to speak to Council members on how they will track their hours for the Affordable Care Act requirements.

Mr. Wiseman asked Mr. Heiser if a Council person has health insurance on their own and don't requires the City's health insurance would they still have to estimate or track their hours.

Mr. Heiser replied that he has to have some mechanism to track hours for anyone who is receiving a pay check even if health insurance is not needed.

Mrs. Cameron suggested that Mr. Heiser furnish Council members with a form to fill out with their hours.

Mr. Heiser stated he would create a form for Council to track their hours.

There were no other director reports.

### Standing Committee Reports:

**Civic Information Committee:** Chairwoman Nancy English had no report. Mayor Infeld informed Ms. English that she will provide her with the names of residents who are interested in the Technology Committee.

**Governmental Affairs Committee:** Chairman Mark Wiseman had no report. Mrs. Cameron stated that she had been attending meetings regarding the facilities financing and management for the Cleveland Heights/University Heights School System. The last meeting was in December and the items that were being reviewed had to do with the construction process. Consistently over the summer the Lay Finance Committee has found that the project is on time, on budget and has even found ways to save money. The committee is quite pleased with the progress thus far. Mrs. Cameron noted that she will continue to attend meetings and provide the University Heights Council with information moving forward. Mrs. Cameron stated that one of the issues that have arisen at this point deals with the development of community technical programs at Heights High School. There is a question as to where the programs can be placed; even with the new school there will not be enough space to house all the programs. At this point career technical programs will likely be housed at the Delisle Center on Superior Road. The School District has acknowledge that it is an issue in not having the career tech programs at the actual high school and have pledged to elevate the program in ways that haven't been done in the past such as providing lunches, etc.

**Recreation Committee** Chairwoman Pamela Cameron had no report. Mayor Infeld reported that the RFQ for the new park has been publically posted.

There were no other standing committee reports.

City Council entered into executive session at 8:50pm.

City Council resumed its regular session at 9:51pm.

**MOTION BY MR. ERTEL, SECONDED BY MRS. ZUCKER to exit Executive session and enter back into regular Council session. On roll call, all voted "aye."**


Mayor Infeld asked if there was a motion to authorize the Law Department to represent the City's best interest and cooperate with the trustee for the bond holders of the University Square Development in remedying the delinquency in the special assessments acquired under the cooperative agreement.


**MOTION BY MR. ERTEL, SECONDED BY MRS. CAMERON to authorize the Law Department to represent the City's best interest and cooperate with the trustee for the bond holders of University Square Development in remedying the delinquency in the special assessments acquired under the cooperative agreement. On Roll Call all voted "aye," except Mr. Wiseman who voted "no."**

**Mr. Wiseman stated that there was a lengthy discussion about this and explained that he was of the opinion that this action is not necessitated and that the City is not obligated to take the above stated action and that he was voting no.**

There being no further business to discuss, the meeting was adjourned at 9:52pm.

**MOTION BY MR. ERTEL, SECONDED BY MRS. CAMERON to adjourn the meeting. On roll call, all voted "aye."**

  
\_\_\_\_\_  
Susan K. Infeld, Mayor

  
\_\_\_\_\_  
Kelly M. Thomas, Clerk of Council

