MINUTES COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
JANUARY 20, 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
          Mrs. Susan Pardee
          Mr. Phillip Ertel (7:35pm; not at roll call)
          Mr. Steven Sims
          Ms. Pamela Cameron

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

MOTION BY MR. SIMS, SECONDED BY MRS. ZUCKER to excuse the absence of Councilman Phillip Ertel. On roll call, all voted “aye.”

Pledge of Allegiance

Mayor Infeld reported that Jim Price, a longtime resident of University Heights had recently passed away. Mayor Infeld stated that Mr. Price was involved in many citizen committees such as the Memorial Day Parade Committee and also served as a contributing resident to many of Mayor Rothschild’s initiatives.

A moment of silence was held in honor of Mr. Jim Price.

Approval of Minutes from Council Meeting January 5, 2015

Vice Mayor Pardee noted that she was mistakenly noted as being present at the January 5, 2015 meeting.

There were no additions or corrections to the Council Minutes of January 5, 2015.

MOTION BY MR. SIMS, SECONDED BY MS. ENGLISH to approve the minutes of January 5, 2015 as presented and corrected. On roll call, all voted “aye,” except Mrs. Pardee who “passed.”

Comments from Audience

There were no comments from the Audience.

Mayor’s Comments

Mayor Infeld had the following comments.

❖ "WOW" has upgraded their basic cable channels to an all digital video format. Part of the final phase is to remove the analog signals from the limited basic cable service tier. Therefore, all WOW customers will need to have digital equipment in order to continue viewing their basic resident cable service. Cable customers are eligible for one digital adaptor at no cost per account.

❖ The December newsletter had an article asking residents to inform city hall if they have a interest in volunteering for citizen committees. Mayor Infeld noted that the Administration is always looking to have input from residents regarding how the City operates as well as some of the special committees. Mayor Infeld provided Councilwoman English with a list of residents who would like to volunteer on the Technology Advisory Committee.
Agenda Items:

A. State of the City ~ Mayor Susan K. Infeld

Mayor Infeld read her State of the City report. The report will be posted on the City’s website as placed in the upcoming newsletter.

B. Motion to Authorize the Mayor to enter into a contract with the Senior Transportation Connection to provide rides for senior citizens in University Heights

Mayor Infeld provided Council with the updated figures for the usage of the Senior Transportation Connection services through December 31, 2014. Mayor Infeld noted that this is either the third or fourth update provided to Council and stated that she had asked Council to review the information and provide their input on how to best handle senior transportation. In the meantime the Administration has been in contact with the Senior Transportation Connection to see what type of service could be offered because the previous service was becoming very expensive in relation to the amount of usage.

Mrs. Pardee asked what the transporting geography area is and if transportation is provided throughout Cuyahoga County or is it primary the eastside?

Mayor Infeld responded that the service is primarily for travel throughout the eastside with roughly a 10 mile radius limit.

Mrs. Pardee asked what has been done to promote this service.

Mayor Infeld replied that the Senior Services Manager, Mr. Walter Stinson regularly meets with the Senior Citizens from University Heights and provides them with information about this service. Information is also given out to the hospitals, social workers at various agencies; University Heights is also a part of the Cuyahoga County Senior Network on Aging – a consortium of senior agencies that share information. Information about the service is also posted on the City’s website, the application and information is included in new homeowner packets and follow-up phone calls are made to new homeowners that are interested in the service. Mayor Infeld stated that the City does not have high usage of the service by residents and that there is a set monthly dollar figure of $1,680 for eighty (80) one-way rides or forty (40) round trips of which are not all used.

Mrs. Pardee commented that there appears to be some sort of disconnect; in that anecdotally seniors are calling out for transportation but the rides are going unused. Mrs. Pardee noted that she wished Council had a better sense as to why.

Mayor Infeld added that she checks in periodically with the Senior Transportation Connection to get a sense as to how things can be improved. Mayor Infeld referred to the report that was provided by Jennifer Waxman. The report showed other transportation options such as the RTA paratransit service, provided data on what the residents used the rides for, the number requested rides and the number of no shows and cancellations.

Mayor Infeld stated that the new contract proposes a choice of two (2) payments options; 1. Have a set cost of $25 per trip and the rider would be responsible for paying a fare of $3 for each ride, 2. Have a set cost of $24 per trip and the rider would be responsible for paying a fare of $4 for each ride. Mayor Infeld added that she provided Councilwoman Nancy English, Chair of the Civic Information Committee with the information if that Committee wanted to review the service.

Ms. English stated she was waiting for a copy of the contract before setting up a Civic Information Committee meeting for the committee to review senior transportation. Ms. English noted that the proposed new contract reduces the number of rides down from 80 rides to 60 rides and of the 60 rides there are 50 individual and 10 grouped rides. Ms. English remarked that she would like for the Civic Information Committee to review this service.

Mayor Infeld remarked that she wished there was an easy answer and a way to get people to utilize this service. Even though it is costly, the people who use the service for medical needs or who may be handicapped or have a disability benefit from the door to door transfer service. This service is different from a basic cab service.

Mrs. Zucker asked if rental properties get homeowner packets and noted that additional publicity is needed because nothing been done for a few years.
Mayor Infeld commented that the Administration is finding that many times people use this service as a last resort because they like to maintain their independence.

Mr. Sims added that he fully supports the concept of trying to provide some assistance to the aging adults in University Heights although this service is quite expensive. Mr. Sims supports trying to see what can be done to better inform the residents about this service to increase the level of participation even if it takes a special effort with a flyer that is dedicated only about the senior transportation service. Mr. Sims also requested that the Civic Information Committee looks at how Council might service this group using an alternative method because the group consists of only 14 people.

Mayor Infeld commended that several years ago the service changed, at one point the City offered unlimited rides to residents and there were situations where some individual residents used about 80 rides themselves a month causing the cost to be prohibitively expensive for the City to continue that level of service.

Mrs. Cameron inquired what the hours of operation were.

Mayor Infeld responded that the hours are pretty flexible as they try to work with the needs of residents. Rides tend to be provided until the end of the work day @6:00pm or so, but in the summer evening rides are provided and for special events, etc.

Mr. Ertel suggested providing information to the area churches and synagogues.

Mayor Infeld cautioned Council on how this service is marketed so not to end up back in the same situation as three years ago. The number of register riders is still in the range of 200 people and as ridership increases the cost increases along with that. There would be a need for guidelines if the restriction of rides is lifted based on marketing.

Mrs. Cameron commented that there is competition because now many people receive rides to doctor appointments through their insurance.

Mayor Infeld added that hospitals and medical facilities offer free van service to its patients.

Mr. Wiseman asked for clarification as to the hours of operation because according to exhibit C the hours of operation are Monday – Friday 8:00am to 4:30pm. Mr. Wiseman noted that it may be good to have Mr. Stinson appear before the Civic Information Committee to provide his insight and asked if there another service like this in the County that the City could piggyback on to maximize the service.

Mayor Infeld replied that the schedule and drivers are set based upon demand.

Ms. English noted that this service is also for the disabled and suggested that focus could be given to the senior apartment building that has disable residents as well.

MOTION BY MS. ENGLISH, SECONDED BY MR. SIMS to table the approval of the contract with the Senior Transportation Connection to a later date. On roll call, all voted “aye.”

C. 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 of Medical Director of the city jail

Police Chief Hammett stated that the services provided by Dr. Feltoon are critical in assisting the Police Department control the medical cost associated with the jail. By Federal law the Police Department has to provide health care to any detainee. Chief Hammett added if it were not for Dr. Feltoon services every compliant received by the detainees (which is @ 80% of the people processed) would have to be taken to the emergency room at the cost of the City. Chief Hammett explained that Dr. Feltoon operates as the City’s triage for detainees in deciding who may need hospital care and his services are invaluable.

Mrs. Zucker asked on the average approximately how many prisoners are using/needling this service.

Chief Hammett replied that the department processes anywhere from 250 to 350 prisoners per year.
Mayor Infeld noted that Dr. Feltoon has been providing this service to the City for many years and is available to the Police Department with any call at anytime no matter day or night.

Mr. Wiseman asked Chief Hammett if there was a breakdown as to how many prisoners request a visit by the doctor, what he sees them for, does the doctor make diagnoses, does the City pay for his malpractice insurance, etc.

Chief Hammett responded, no it is not tracked in that fashion.

Mayor Infeld answered that the City doesn’t pay the doctor’s malpractice insurance. Dr. Feltoon contracts with the city for a flat rate. Dr. Feltoon provides his own insurance; the City is in no way his employer/insurer.

Chief Hammett added that there is no other cost associated with his services other than the flat rate per month.

Mr. Wiseman asked if there was a formal contract.

Mayor Infeld said the City will have Dr. Feltoon sign the standard contract that the Law Department generated; nothing will be built into the contract other than the services that he already provides at the per month charge noted. Mayor Infeld added that Dr. Feltoon is a licensed physician, with his own private practice.

Mr. Wiseman questioned the liability of malpractice.

Law Director, Anthony Coyne remarked that Dr. Feltoon would be subject to malpractice if he misdiagnosed someone in custody. The City will always be responsible for those in custody; there would be a risk that the City could be liable for something but not for the malpractice of the doctor. That would be the doctor’s primary responsibility.

Mr. Wiseman noted that would be the kind of things he’d expect to see in a contract for a physician services.

Mayor Infeld responded that Council can table this item and Dr. Feltoon can provide the City his certificate of insurance coverage. Mayor Infeld continued to say that the City is the guardian of the people in jail and anything that happens to them is the City’s responsibility.

Chief Hammett clarified the process of working with Dr. Feltoon. When a prisoner states they are sick or need medical attention Dr. Feltoon will have the paramedics from the Fire Department come over to the Police Department, examine the prisoner’s vitals and if consistent with some type of cardiac distress the transport to the hospital is ordered. If it is something less serious Dr. Feltoon will inform the City what to do over the phone.

Mr. Wiseman stated he would like to see that the City is taking more steps to minimize the City’s risk, rather than just to say this is how it is done.

Mrs. Cameron asked what the reporting requirements are for when Dr. Feltoon services a client/prisoner. Does the information go to the State, does it stay in house/health department.

Chief Hammett answered both. Anytime any level of health care is provided to a detainee it is logged. Once a year the Bureau of Adult Detention comes to inspect those records.

Mr. Sims asked how this compares with other cities.

Chief Hammett stated that Shaker Heights has their own full time Health Department with a physician and a few nurses. But their process is the same as ours, where the physician is called and he makes a diagnosis over the phone to either handle in house or they are transported to hospital.

Mrs. Pardee noted that she has seen with some contracts a requirement that if for example, there is another part of the Ordinance that requires that the City has copy of his insurance on file or that the City is named on his insurance. Mrs. Pardee asked Mr. Wiseman if having something at City Hall on file pertaining to the doctor’s insurance in order to protect the City would satisfy what he was suggesting.

Mr. Wiseman replied, possibility.
Mr. Coyne asked if Council wants a copy of the Certificate of Insurance and stated that he has not be asked to obtain a copy of the doctor’s insurance until now but will try to get the Certificate of Insurance. But at the end of the day the Doctor has the responsibility to provide prudent care and the Police Chief has the responsibility to make sure those who are incarcerated are in a safe environment.

Mayor Infeld again noted the City’s statutory requirements regarding providing medical issues. The Fire Department acts in lieu of a nursing staff and is able to provide the doctor with the appropriate information upon request so that the doctor can then make a decision as to how the patient will be treated.

Mrs. Pardee questioned why this would be tabled; noting that this agenda item is on first reading. Mrs. Pardee asked Mayor Infeld if Council could receive some of the items (copy of the agreement and clarity around insurance) within the next two weeks for the next Council meeting to possibly resolve this matter.

Mayor Infeld replied that the Administration will try to obtain the requested items. Mayor Infeld wondered if it should still be tabled because it may be tabled at the next Council meeting for Council’s review. Council might as well be tabled now so the Administration can get the requested information and then when Council feels they have had adequate review it could be placed back on the agenda.

MOTION BY MRS. ZUCKER, SECONDED BY MR. WISEMAN to table authorizing the Mayor to enter into an agreement with Dr. Arnold Feltoon at the rate of $500 per month for the position of Medical Director of the city jail. On roll call, all voted “aye.”

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

Mr. Wiseman read the amended committee goal section 2 as follows “the Special Community Engagement Committee shall promote dialogue and participation between residents and city officials in order to further communications among all facets of the community including matters concerning the city, its officials, residents, schools, institutions, organizations, and business establishments and to engage the experience and knowledge of the community regarding issues and concerns that may arise.

MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON for the passage of Resolution 2014-53 Establishing a One Year Special Council Committee for the Purposes of Community Engagement. On roll call, all voted “aye.”

E. Motion to Approve requested Demolition Permit by Mr. Larry Weiser for the following properties located at 14506, 14510, 14514 and 14518 Cedar Road with the prospective parcel numbers 721-18-006, 721-18-007, 721-18-008 and 721-18-009 2014-51

Mr. Kenneth Fisher, Attorney for M. Weiser stated that he was present on the behalf of Cedar Green Associates in regards to their request to raze the four (4) residential structures on Cedar Road immediately east of Green Road. Mr. Fisher stated that the request was pursuant to the city’s code section 1242.14(b)(4) which reads; the City Council makes the determination that the structure(s) are safety hazards or public nuisances. Mr. Fisher summarized that around November 17, 2014 the permitted zoning request for the properties in question was changed from the U-2 (two family) to U-7 (commercial use). On December 5, 2014 Mr. Fisher on the behalf of Cedar Green Associates made request pursuant to 1242.14 for Council to make a determination that the vacant structures be allowed to be razed and prepared for redevelopment consistent with the U-7 use classification. On January 5, 2015 Mr. Fisher stated he appeared before Council and at that point there was discussion and photographs of the property were submitted.

Building Commissioner, Eric Tuck-Macalla reported that he inspected both the outside and interior of each of the houses on Friday, January 16, 2015. All electrical power and heat have been disconnected from the houses, most of the walls are intact, debris is all over the interior of the houses, some of the house don’t have a furnace and most copper have been removed from the houses, therefore the house are not habitable with their current state. Mr. Tuck-Macalla noted that the buildings are currently secure and that his department along with the Police Department monitors the properties. If there is an issue with anything the property manager is contacted.
Mr. Wiseman asked Mr. Tuck-Macalla if he had a written report and/or pictures of the condition of each of the properties. And, if there wasn’t a written report of the inspections could one be done.

Mr. Tuck-Macalla responded that he did not have a written report but did have pictures of the properties exteriors and some photos of the interior of the homes.

Mr. Wiseman stated that the code specifies that Council determines that the structure or building is a “safety hazard or public nuisance”. Mr. Wiseman stated he was looking for some sort of official determination that the houses are one or other of those issues.

Mr. Tuck-Macalla stated that the houses could be a safety hazard should someone enter any of the houses.

Mayor Infeld commented that Council received a letter, dated December 10, 2014 from Mr. Macalla where he stated the vacant properties were characterized as being uninhabitable in their current conditions. Mayor Infeld asked Chief Hammett to provide his thoughts on unsecured vacant homes as a matter of public safety.

Chief Hammett stated that any vacant, unsecured home imposes an inherent safety risk to the community.

Mr. Wiseman stated he agreed that vacant houses are an inherent safety risk to the community. But, according to the code the buildings can be demolished if Council determines the houses are a “safety hazard or public nuisance”. Mr. Wiseman noted that he didn’t feel conformable making the determination with the evidence that is currently in front of Council.

Mayor Infeld asked Mr. Coyne as Law Director if based on the wording of that ordinance, from the description heard from Mr. Tuck-Macalla about the condition of the homes, after which and putting a lot of money into a home to bring it back into a habitual condition at what point would it be no longer be feasible, according to the way the ordinance is written for demolition.

Mr. Coyne stated that the way the ordinance is written, Council not the Building Commissioner makes a determination about the structure building being a safety hazard or public nuisance. Mr. Coyne noted that Mr. Tuck-Macalla described the homes as being in very poor condition and the Police Chief has described the homes as being a potential safety hazard. Realistically the applicant falls in a in between zone. As the houses are clearly in poor condition, but Council has rezoned the property so technically the houses are not suitable for residential structure going forward. This application is pursuant to section “d” and then it is up to the Council to make the determination.

Mrs. Cameron commented that she thought that the purpose of having a report from Mr. Tuck-Macalla would be to establish a professional record that the properties have fallen into disrepair and/or creating a safety concern. If the Council is going to recommend demolition they need something in writing that says from a professional of the findings from inspections.

Mr. Coyne read the letter that was previous referenced by Mayor Infeld from Mr. Tuck-Macalla upon his inspection into the record “the above referenced properties are vacant and uninhabitable in their current condition. The Building Department considers vacant properties to be a liability to the city at large that require continuous monitoring for maintenance and unlawful occupancy. I would consider these properties to be unsafe and should be demolished - Eric Tuck-Macalla.” Mr. Coyne stated an additional report could be done; but Mr. Tuck-Macalla provided his opinion on December 10, 2015.

Mrs. Pardee stated that she was comfortable with what Mr. Tuck-Macalla wrote on December 10, 2015, the report could get more specific but the three (3) properties have been vacant for over one year. The properties are not in good shape and the property owner wants to develop the area. There is supporting documentation, even though it is not a lot.

Mr. Sims commented that he was comfortable as well. But, the only reason he is comfortable is because Council changed the zoning on the parcel, Mr. Sims added that the retention and rehabilitation of residential property should be a priority.

MOTION BY MRS. PARDEE, SECONDED BY MRS. ZUCKER to approve the requested Demolition Permit by Mr. Larry Weiser for the following properties located at 14506, 14510, 14514 and 14518 Cedar Road with the prospective parcel numbers 721-18-006, 721-18-007, 721-18-008 and 721-18-009 2014-51. On roll call, all voted “aye,” except Mr. Wiseman who voted “nay.”
Mr. Ertel asked Mr. Fisher to relay a message from him to Mr. Weiser that when speaking before Council when the car wash was part of Mr. Weiser's proposal he mentioned that he had several other retailers interested. Mr. Ertel noted his preference would be to have something along the lines or a restaurant as opposed to a drive-thru type of eatery. That would enhance the community better and be better for everyone involved.

F. Motion Authorizing the City to receive Bids for Street Striping with City of Shaker Heights

City Engineer Joseph Ciumi reported that three years ago the City decided to go out of house for the street striping and to join with Shaker Heights for the street striping program. The contract was for a three year period ending 2014. This year bids will again be for the three years 2015, 2016 and 2017. Mr. Ciumi noted that funds have already been budgeted for this project.

Mr. Wiseman asked if there had been any problems working with Shaker Heights?

Mr. Ciumi replied that there had been no problems or issues working the Shaker Heights. Police Chief Hammett agreed with Mr. Ciumi.

Mayor Infeld added that the bidding will be managed by the City of Shaker Heights and listed under their name “City of Shaker Heights.”

MOTION BY MR. ERTEL, SECONDED BY MRS. CAMERON authorizing the City to receive bids for Street Striping with the City of Shaker Heights. On roll call, all voted “aye.”

G. Motion to Approve the sale of a Crane Carrier Rubbish Packer Truck – 1986 drive train on a 1996 frame with a 25 yard packer body for scrap value

Mr. Pokorney reported that the bids received on Gov.deals.com did not receive what the Administration considered to be an adequate bid because it never met the scrap value of the vehicle; a quote of $3,200 was received on gov.deals. Previously the city received a trade-in value of $4,000 and a scrap value of $4,650. Mr. Pokorney stated that Administration will obtain scrap value quotes again, but expect it to be in $4,500 range.

MOTION BY MR. WISEMAN, SECONDED BY MS. ENGLISH approving the sale of a Crane Carrier Rubbish Packer Truck – 1986 drive train on a 1996 frame with a 25 yard packer body for scrap value. On roll call, all voted “aye.”

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

Mayor Infeld remarked that there was a need to discuss potential litigation in executive session with no additional agenda items being generated.

MOTION BY MR. ERTEL, SECONDED BY MS. ENGLISH to hold an executive session for the purpose of discussing potential litigation matters. On roll call, all voted “aye.”

Directors' Reports

Service Department: Service Director Jeffrey Pokorney provided an update about tree pruning and removal 2014-2 program. The tree pruning and removal is just about 30% complete.

Mr. Sims asked Mr. Pokorney if the City was still collecting Christmas Trees. Mr. Pokorney replied that the service crews are picking up Christmas Trees on the resident's regular rubbish day as well as kraft bags filled with yard waste.

There were no other director reports.

Standing Committee Reports:

Civic Information Committee: Chairwoman Nancy English stated that the Law Department presented Council with a review of the proposed legislation for the use of iPads. Ms. English stated she will schedule a Civic Information Committee meeting to review the policy and consider potential changes. The Technology Advisory Committee has a meeting scheduled for Thursday, February 5 at 7:00pm in Council Chambers.
Finance Committee: Chairwoman Susan Pardee reported that a Finance Committee meeting will be scheduled for February 2015. There will be a Council Committee of the Whole meeting on Thursday, January 22 at 7:00pm in the Council Chambers to review the Law Director applications. The first Community Engagement Committee meeting will be at a later time.

Mrs. Pardee also reported on the following Cleveland Heights/University Heights school events:

- Reaching Musical Heights composed of the Cleveland Heights/University Heights Instrumental Community will perform at Severance Hall on February 24, 2015.

- Group of teachers and community members will meet to discuss the “Myth of Failing Teachers and High Stakes Testing” on January 28 from 7pm – 9pm in the Heights High School Social Room. This is sponsored by the Heights Coalition for Public Education and cosponsored by Heights Reaching, Future Heights, PTA Council and the Heights Teachers Union.

Recreation Committee: Chairwoman Pam Cameron reported that Recreation Committee will meet in the next two weeks regarding an exciting family activity project with the support of Cleveland Heights, Cleveland Heights/University Heights Schools and the biking community.

There were no other standing committee reports.

Council entered executive session at 9:07pm

MOTION BY MRS. ZUCKER, SECONDED BY MRS. CAMERON to exit from Executive Session. On roll call, all voted “aye.”

MOTION BY MRS. ENGLISH, SECONDED BY MRS. PARDEE to return to regular Council Session. On roll call, all voted “aye.”

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

MOTION BY MS. ENGLISH, SECONDED BY MRS. PARDEE to adjourn the meeting. On roll call, all voted “aye.”

Susan K. Infeld, Mayor

Kelly M. Thomas, Clerk of Council