Mayor Infeld called the regular meeting to order at 8:40 p.m.

Roll Call:

Present: Mrs. Susan Pardee
Mrs. Pamela Cameron
Mr. Phillip Ertel
Mr. John Rach
Mr. Steven Sims
Mrs. Michele Weiss
Mr. Mark Wiseman

Also Present: Law Director Luke F. McConville
Finance Director Larry Heiser
Clerk of Council Kelly M. Thomas
Police Chief Steven Hammett
City Engineer Joseph Ciuni
Fire Chief Douglas Zook
Building Commissioner Eric Tuck-Maculla
Community Development Patrick Grogan

Approval of Minutes from 7:30 PM Public Hearing April 18, 2016

MOTION BY MR. WISEMAN, SECONDED BY MR. RACH to approve the Minutes from the Public Hearing that was held at 7:30 PM on April 18, 2016 with the noted typographic corrections. On roll call, all voted “aye.”

Approval of Minutes from 7:30 PM Public Hearing May 2, 2016

There were no corrections or additions to the May 2, 2016 Public Hearing minutes.

MOTION BY MRS. PARDEE, SECONDED BY MR. WISEMAN to approve the Minutes from the Public Hearing that was held at 7:30 PM on May 2, 2016 as presented. On roll call, all voted “aye.”

Approval of Minutes from Regular Meeting May 2, 2016

There were no corrections or additions to the May 2, 2016 Council minutes.

MOTION BY MR. ERTEL, SECONDED BY MRS. WEISS to approve the Council Meeting Minutes from May 2, 2016 as presented. On roll call, all voted “aye.”

Comments from Audience

Phillip Luschek, 3697 Washington Boulevard noted his appreciation of Mayor Infeld concern for the 800 residents who are victims of the Cleveland Heights Water Department asked if she negotiated the transition cost by herself without any input from any Council person. Mr. Luschek added that what the Mayor proposed fell far short from relieving the effected residents of what they will be paying. Councilman Sims’ proposals for extending the period of the transition cost should be considered and with the City finances he didn’t see why the City couldn’t cover the entire transition cost.

Mayor Infeld replied yes, noting that it is her job to conduct the negotiations and then to bring it back to Council for consideration. Mayor Infeld thanked Mr. Luschek for his comments.

Mayor’s Report to Community

- John Carroll’s summer newsletter is out and there are many free events and activities for the community. Information can also be found on their website –www.jcu.edu
• City of Cleveland is sponsoring a Senior Citizen Day Event at the Cleveland Public Hall on Friday, May 27 from 10am until 2pm.

• The city’s 50th Memorial Day Parade will be on Monday, May 30 beginning at 11am

• The City’s newsletter is available in the lobby

Agenda Item:

A. John Carroll University – Providing Update on Campus Activities

Kate Malone - Manager of Government and Community Relations, Dora Pruce - Director of Government and Community Relations and Carol Dietz - Associate Vice President for Facilities were present and provided the University’s Spring 2016 Campus update. Highlighted was the University’s Economic Impact on the area, Enrollment numbers, Rankings and Recognitions with other schools, Community Service Programs, Campus Improvement Projects and University Goals. John Carroll is also helping and providing housing for the National Republican Convention.

B. Resolution 2016-17 Authorizing Mayor Infeld to Enter into a Stormwater Management Program Service Agreement with the Northeast Ohio Regional Sewer District (NORSD) for the Purpose of Implementing the Regional Stormwater Management Program with Member Communities

Mr. Pokorny stated that by being part of the Northeastern Ohio Regional Sewer District drainage area the city has responsibilities for both the sanitary sewage as well as stormwater drainage. This agreement allows the Regional Sewage District the right to look at the city’s stormwater drainage system. Mr. Pokorny noted that this agreement is similar to the sanitary sewer agreement.

Mr. McConville added that 25% of the stormwater fee that is paid by the residents are reserved in a separate fund that is then made available to the city to apply for stormwater management projects.

MOTION BY MRS. CAMERON, SECONDED BY MR. RACH approving Resolution 2016-17 Authorizing Mayor Infeld to Enter into a Stormwater Management Program Service Agreement with the Northeast Ohio Regional Sewer District (NORSD) for the Purpose of Implementing the Regional Stormwater Management Program with Member Communities. On roll call, all voted “aye.”

C. Ordinance 2016-19 Authorizing and Directing the Mayor to Expend $319,699 from Fund 208 (Sewer Fund) to Underwrite by 30% the Overall Transition Costs for University Heights Residents who are Customers of the Cleveland Heights Water Department as they transition to the City of Cleveland Water System.

Mrs. Pardee noted that since Fund 208 is the Sewer Fund that is made of assessments that are assessed throughout the city and asked if those funds could legally be turned around and be used to payout water bills.

Mr. Heiser replied yes Fund 208 is the Sewer Fund and it can be used for both sewer and water.

Mrs. Weiss noted her major concerns regarding this issue; (1) she had a general problem knowing that $300,000 was encumbered in the budget and that the Council or particularly the Finance Committee had no idea that there was an excess in that account; (2) essentially the City wants to take 17% of the population where there will be certain tax payers paying other tax payer water bill.

Mrs. Weiss stated she felt very, very uncomfortable with this; it sets a bad precedent for future issues. This is not grant money it is using actual tax payer dollars used to subsidize another tax payer. Mrs. Weiss commented that the affected 800 residents will immediately see a reduction in their water bill once they are switched from Cleveland Heights water to Cleveland water because of the various billing programs that will be available to them that they weren’t able to take advantage of with the City of Cleveland Heights as well as a lesser cost per mcf. Mrs. Weiss continued to say that since there is the $300,000 and she felt that it was important that the 800 residents did receive something because there are issues with that section of the city, for whatever reason it isn’t kept up like other areas of the city and suggested that those funds should be utilized the funds to get a
citizen’s committee together that also involves the police, council, administration to revitalize that neighborhood. This would help the entire city and make University Heights as a whole better.

Mr. Wiseman echoed Mrs. Weiss’ opinion and noted that there were two things; (1) what type of deal is being offered for just the general cost for the changes that are being made. (2) whether the city should undertake to subsidize those cost for a portion of the residents. The residents that will be switching to Cleveland water will automatically have reduced bills because of the difference in charges from Cleveland Heights to City of Cleveland. Mr. Wiseman added that University Heights is divided into three different water bill rates from Cleveland Water depending on where their house is. So it is very relevant to want to know where the different water vaults are, how many and what is the percentage cost of the vaults that the 800 University Heights residents will be paying for. Mr. Wiseman stated he wanted to see more information about that and also the percentage of estimated bills, how many people will qualify for the subsidy programs, etc. Mr. Wiseman continued to say that he would be in favor using money such as this to make overall improvements to the neighborhood, where the city could say we aren’t going to reduce your water bill but there is a certain amount of money that could improve the neighborhood.

Mrs. Pardee noted that in general it would worth wild to pursue Mr. Sims thoughts regarding the length of the term to pay back the cost of the transition. What would the cost be, understanding that there is a time value to money and that it may be more expensive in the long term but to ease things for residents to look at 10,15 years out. Lastly Mrs. Pardee said she agreed strongly that if Council knows there is money available that she would be interested in knowing what residents think of having a citizen committee look at what could be done to beautify and build up that neighborhood to improve property values, safety, attractiveness, livability of the neighborhood using those funds.

Mr. Rach noted that this is a difficult situation and that the cost of $24mil for Cleveland Heights and $1.06mil for University Heights is outrageous, Cleveland Heights should be paying for that. The City of Cleveland Heights is the choosing to transfer all their water accounts to the City of Cleveland and that is not fair to the University Heights residents. Mr. Rach noted that he would support some type of match to the transition cost and was in agreement with Mr. Sims suggestion of extending the payment for the transition cost beyond the Administrations recommendation of five years.

Mr. Ertel asked what was the sewer funds balance.

Mr. Heiser replied that the balance at year’s end, even with the expenditure of the proposed funds for the water transfer cost the balance would be $556,000.

Mayor Infeld voiced her concern about extending the payment period because in the long run it will cost the resident more money to extend the period of time. Mayor Infeld also strongly advocated that the sewer funds be taken and used to lower the water transition cost, the amount is just a fraction of the fund balance. Mayor Infeld also noted that the sewer fund is dedicated to water and sewer improvements and can’t be applied to other uses.

Mr. Sims clarified that this (transfer cost) doesn’t affect a specific person but is affixed to a specific address. So the payment and benefits is aligned to whoever is the current home owner.

Mrs. Weiss commented on Council’s desire to have that neighborhood of University Heights to be beautified and noted that she believed that money will be found in the budget in the future and that everyone will work collectively towards that. Mrs. Weiss said she would personally make sure funds are set aside for the beautification of that neighborhood.

Mr. Wiseman noted he would like to see the breakdown on the $1mil cost in terms of equipment and administrative fees.

Mr. Sims asked Cleveland Water Commissioner, Mr. Margevicius if he thought there would be a fundamental objection to the idea of recovering the cost over a longer period of time.

Mr. Margevicius replied that Mayor Infeld was provided a schedule that varied from a period of 1 to 10 years in the calculations. Any time period more than that would have a go to the City’s administration as a higher level of approval.

Mr. Sims commented that he realized that by extending the payment time the total cost would more but he felt that it would be easier on a resident to be able finance the cost over a longer period of time.
MOTION BY MR. ERTEL, SECONDED BY MR. SIMS for the passage of Ordinance 2016-19 Authorizing and Directing the Mayor to Expund $319,699 from Fund 208 (Sewer Fund) to Underwrite by 30% the Overall Transition Costs for University Heights Residents who are Customers of the Cleveland Heights Water Department as they transition to the City of Cleveland Water System on a ten (10) year bases.

Mr. McConville stated that the Ordinance would have to be amended to reflect the change from 5 to 10 years. And recommended that Council votes on the amendment, then vote to suspend the rules and then vote on passage.

MOTION BY MR. ERTEL, SECONDED BY MR. SIMS to amend section 1 and section 2 of Ordinance 2016-19 Authorizing and Directing the Mayor to Expund $319,699 from Fund 208 (Sewer Fund) to Underwrite by 30% the Overall Transition Costs for University Heights Residents who are Customers of the Cleveland Heights Water Department as they transition to the City of Cleveland Water System by changing the length of the time period for payment from five (5) years to ten (10) year bases. On roll call, all voted “aye.”

Mr. McConville noted that $319,000 is a lot of money and that this is a big step. If the city is going to make a big investment of $320,000 in the infrastructure of this neighborhood then there are bedrock questions that need to be answered; how many current residents are receiving subsidies, how many are on estimated reads, will those estimated reads be zeroed out, what exactly the $1.06mil for and for those reasons Mr. Wiseman stated he would be voting no.

MOTION BY MR. ERTEL, SECONDED BY MR. RACH for the adoption of amended Ordinance 2016-19 Authorizing and Directing the Mayor to Expund $319,699 from Fund 208 (Sewer Fund) to Underwrite by 30% the Overall Transition Costs for University Heights Residents who are Customers of the Cleveland Heights Water Department as they transition to the City of Cleveland Water System with the time period for payment being ten (10) years. On roll call on suspension of the rules, all voted “aye, except Mr. Wiseman, Mrs. Cameron and Mrs. Weiss who voted “nay.”

Mr. McConville stated that Amended Ordinance 2016-19 moves to second reading.

Amended Ordinance 2016-19 was placed on seconded reading.

Mayor Infeld stated Council will be polled for a Special Council meeting on Monday, May 23, 2016 regarding Ordinance 2016-19.

D.  Ordinance 2016-20 Authorizing Mayor Infeld to enter into Franchise Agreement with Ohio Exchange Facilities Networks, LLC., Granting Ohio Exchange Facilities Networks, LLC the Non-Exclusive Right and Franchise to Construct, Use, Operate, Own, Modify, Manage and Maintain a Data and Telecommunications Network in the Public Right-of-Way of the City of University Heights

Mr. McConville provided a review of the franchise agreement.

Mr. Wiseman asked about case law that states and charge in excess of $5,000 is per say unreasonable.

Mr. McConville replied the city is keeping the amount charge at a level that will not be subject to dispute and specifically Shaker Heights is charging the same amount.

MOTION BY MR. WISEMAN, SECONDED BY MR. ERTEL for the passage of Ordinance 2016-20 Authorizing Mayor Infeld to enter into Franchise Agreement with Ohio Exchange Facilities Networks, LLC., Granting Ohio Exchange Facilities Networks, LLC the Non-Exclusive Right and Franchise to Construct, Use, Operate, Own, Modify, Manage and Maintain a Data and Telecommunications Network in the Public Right-of-Way of the City of University Heights. On roll call, all voted “aye.”
Mr. McConville stated that based on his legal analysis regarding Codified Ordinance Sections 1484.01 daycare / day camps essentially while the Ohio Revised Code does provide different licensing provisions for both daycare centers and day camps, those are separate defined terms. The Ohio Building Code, which is promulgated by the Ohio Board of Building Standards and it constitutes/administers regulations doesn’t draw that distinction so that the provisions that are in the Ohio Building Code, even though they refer to daycare apply to a traditional day care but also to day camps operations.

Mr. McConville stated his conclusion is that the Ohio Building Code is essentially an overlay of the zoning regulations – meaning that any building that these types of activities are conducted in are subject to that code. Therefore, there isn’t any practical difference that would result from amending the University Heights ordinance to carve out day camps from section 1484. In any event someone who was operating a day camp would be obligated to seek a permit from the Building Department. Therefore, currently there is no Ordinance to be presented.

Mr. McConville added that in discussing his finding with Mr. Wiseman, Mr. Wiseman asked this issue stay in committee.

There was no other discussion regarding this item.

**MOTION BY MR. SIMS, SECONDED BY MRS. WEISS to remove agenda item “c” Ordinance 2016-21 Day Camp Regulations, Amending Codified Ordinance Sections 1484.01 and 1484.02 from the agenda. On roll call, all voted “aye.”**

F. Motion Approving the cost and repair of the Fire Department Ladder Truck by W.W. Williams with an estimated cost of $20,362.50

Fire Chief Zook explained that the necessary repairs for the ladder truck could not be in house and that the city mechanics recommend sending the ladder truck out for the needed repairs.

**MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON approving the cost and repair of the Fire Department Ladder Truck by W.W. Williams with an estimated cost of $20,362.50. On roll call, all voted “aye.”**

Mayor Infeld asked Council to consider adding Resolution 2016-22; a Resolution to submit a grant application to the Ohio Department of Natural Resources (ODNR) for funding of the 3578 Silsby Road Neighborhood Park Project to the agenda.

Mayor Infeld explained that is the first property in the City on Silsby Road on the south side of the street as you enter the city from the west. This space would then serve as a small landscape park for the community, there will not be swings and items of that sort. Mayor Infeld noted that this Resolution is on emergency because of the deadline to submit the application.

Ms. Weiss asked if the grant could ever be used for a community garden.

Mayor Infeld replied yes.

**MOTION BY MRS. PARDEE, SECONDED BY MR. RACH to add Resolution 2016-22; a Resolution to submit a grant application to the Ohio Department of Natural Resources (ODNR) for funding of the 3578 Silsby Road Neighborhood Park Project to the agenda. On roll call, all voted “aye.”**

**MOTION BY MRS. PARDEE, SECONDED BY MR. RACH for the passage of Resolution 2016-22; a Resolution to submit a grant application to the Ohio Department of Natural Resources (ODNR) for funding of the 3578 Silsby Road Neighborhood Park Project on emergency. Roll call on suspension of the rules, all voted “aye,” Roll call on passage, all voted “aye.”**
G. **Motion to hold an executive session immediately following this regular meeting for the purpose of discussing legal, personnel and real estate matters**

There was no need for an Executive Session.

**Directors’ Reports**

**Finance Director Larry Heiser** reported that the exit audit interview with the auditors is tentative set for Thursday morning May 19th.

**Police Chief Hammett** informed everyone that the traffic signal on South Green Road has been installed and is currently on flash and will serve as a four-way stop until it is fully programmed.

**Community Development Coordinator Patrick Grogan** updated everyone on the feature business article and asked that everyone continues to share the information on their social media pages.

There were no other Director reports.

**Standing Committee Reports:**

**Civic Information Committee:** Mr. Rach reported that the committee met and discussed citizen advisory commissions, beautification, 2015 initiatives – communications, publications, senior services. Mr. Rach again requested information data for the Senior Transportation contract renewal.

**Finance Committee:** Mrs. Pardee reported that there will be a Joint Finance and Finance Advisory Committee meeting on May 19th at 7:00pm in Council Chambers.

**Governmental Affairs Committee:** Mrs. Weiss stated that the committee is continuing to work on the forms for bid requirements.

**Recreation Committee:** Mrs. Cameron reported that the Second Annual “All Geared Up” bike-a-thon was held on well attended despite the rain and snow. Mrs. Cameron thanked the Police Chief Hammett for providing the Auxiliary Police for all their assistance with the event. Of the donated bikes, 19 were sold for $10, $15 each, the event raised @$385. This was a joint effort with the cities of University Heights and Cleveland Heights, the Cleveland Heights/University Heights School System.

There being no further business, the meeting was adjourned at 10:41pm.

**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