Mayor Infeld called the regular meeting to order at 7:48 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  
Building Commissioner Eric Tuck-Maculla

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

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

Approval of Minutes from Regular Meeting April 18, 2016

There were no corrections and additions to the April 18, 2016 Council minutes.

MOTION BY MRS. PARDEE, SECONDED BY MRS. WEISS to approve the Council Meeting Minutes from April 18, 2016 as presented. On roll call, all voted “aye.”

Comments from Audience

There were no audience comments.

Mayor’s Report to Community

- The Heights Library system and the Coventry Branch in Cleveland Heights is celebrating 100 years
- Cedar Center South (the University Heights side) is holding a ribbon cutting ceremony to celebrate the re-facing of a large portion of the shopping center on May 11 at 11:30AM
- The Fire Department is in its second week of hydrant testing/flushing and signs are posted. When testing is in a resident’s area they should run the cold water until the water is clear.
- Annual reports from various agencies are available for the public in the City Hall lobby area.

Agenda Item:  

A. Ordinance 2016-14 Authorizing the Mayor to enter into a Regional Council of Governments agreement with the cities of Cleveland Heights, South Euclid and Shaker Heights for the Purpose of forming and operating a Joint Dispatch Center for Police and Fire Response (second reading and on emergency)

Mayor Infeld informed the public that Ordinance 2016-14 is being presented on emergency even though there have been three hearings. The emergency clause allows the Ordinance if passed, to go into effect immediately and not have the 30-day wait period because the County deadline is quickly approaching.
Mr. Wiseman noted he was still struggling with knowing how much the city would be saving by becoming one of the COG cities and joining the Joint Dispatch Center. Mr. Wiseman added that he wanted to know how much University Heights would save as a city based on Mr. Heiser opinion.

Mr. Heiser explained how the various formulas computed the cost savings and stated that if Council were to use the first $80,000 saving dollars he provided it would be the closes figure to the actual possible savings. Mr. Heiser added that he believed that the city would save money, but where that range of savings would fall between $38,000 to $124,000 won’t be known until the dispatch center is operating.

Mayor Infeld explained further about what leads into the cost of running the joint dispatch center; adding that the city is expecting a saving but the primary reason is for better safety.

Mr. Wiseman questioned what would happen if the million-dollar grant isn’t received and that he understood that the city would back out and not go forward with it.

Mayor Infeld replied that this is a four-city partnership and all four cities have to pass the agreement and if all four don’t pass the agreement it won’t happen. The city has been told it has the million-dollar grant, but the County will not release the funds until they see a signed agreement showing good faith and forward movement.

Mr. Wiseman asked Mr. McConville if in the legislation a stipulation could be included to read—that the joining of University Heights is conditioned on receiving the grant from the County. Because if the grant is not received from the County then the City is in an agreement where the city is potentially on the hook for potentially $250,000.

Mayor Infeld responded that University Heights applied as a partnership of four cities for $1 million to establish a regional dispatch center. The County has said informed the city that it will receive the $1 million to establish a four city regional dispatch center. If the City of University Heights decides not to participate in the four city regional dispatch center Mayor Infeld stated that she did not believe the four city regional dispatch center will be a reality. In answer to Mr. Wiseman question the Mayor said the cities have been told by the County that they are going to get the funding and this will be the fifth and last dispatch center that the County will grant funds to.

To protect the city Mr. Sims asked Mr. McConville if in the legislation a stipulation could be included to read—that the joining of University Heights is conditioned on receiving the grant from the County. Because if the grant is not received from the County then the City is in an agreement where the city is potentially on the hook for the $250,000 on top of the $90,000 state grant. Mr. Sims added that he felt pretty comfortable that the County grant will materialize. But on the chance that it doesn’t what would the City facing.

Mr. McConville stated that he didn’t think that Council could condition their vote on the Ordinance, in other terms make a yes vote conditional on the receipt of grant funds. In response to the question what would happen; Mr. McConville said he didn’t think it was certain as to what would happen if the grant wasn’t received but among the options are the 180-day termination which could be exercised but it would have to be an evaluation whether that made sense economically and that would be an administration determination.

Mr. Sims asked if the way that the agreement is written, does the agreement itself stipulate that it is build around the receiving the $1 million grant funding.

Mr. McConville replied no, the sentiment was that the funding would be there, otherwise the parties wouldn’t be able to have and develop the joint dispatch center.

Mr. Sims noted that personally he wouldn’t be comfortable with $250,000 if this wasn’t funded through some mechanism other than the City’s budget. Based on what the Mayor has recorded, and that is all Mr. Sims said he could go by he didn’t believe that there was a possibility of the County not granting the $1 million so based on that he would be willing to move forward. But would also have a serious concern about how to move forward if the grant didn’t come through.

Mr. McConville added that the grant wouldn’t come through until the parties have entered into the COG.

Mr. McConville also stated that from a legal standpoint the terms of termination are governed by the agreement and the city can’t alter those terms. All four municipalities are considering an agreement, the form of which have been negotiated and agreed upon amongst the lawyers and the working groups, etc. and once the city has entered into the agreement, it is subject to the 180 days to terminate.

Mrs. Pardee stated that discussions had been held at great length and that she had no doubt that the County will award the funds. This will stand to be beneficial for the community.
Motion was made by Mrs. Pardee and Seconded by Mrs. Cameron.

Mr. Wiseman stated he also was pleased with the discourse, noting that this is good for the city. But still had misgivings after having several hearings, several public hearings and pointed that it is the questions are necessary and that Council is obligated to ask. Mr. Wiseman added that he still didn’t know how much this could cost the city and that should not be the case. Mr. Wiseman remarked that he would be voting yes; but that he was not happy in anyway with the information or how it was discriminated to Council. After all of the hearings, no one should have had a doubt about the cost.

Mrs. Cameron also shared in Mr. Wiseman’s concerns in getting answers to their questions and added that she did not hear any member of Council object anyway to forming a partnership of joint dispatch.

Mr. Sims stated that he too would be voting to support the COG but noted that he felt the exact same way as his colleagues who spoke. Mr. Sims thanked Mr. Heiser for his effort to provide the information in a more acceptable format. But that he felt the initially the problem was that Council was provided information without explanation.

Mr. Sims summarized the financial budgeted amounts for 2016 as being $407,132 for dispatch cost; based on University Heights share of the joint dispatch center - $283,083. The net savings is $124,000, so the savings will be either $80,000 or $124,000. But in summation the city expects a net savings by entering into the joint dispatch center. The only that would affect this is the possibility that the $400,000 State Grant isn’t received, which means that the City would be responsible for approx. additional $90,000. (Net savings $124,000, contingent cost $90,000; possible most conservative expected savings in the first year $34,000). Therefore, Mr. Sims said he is looking at this as a savings of $34,000 or nothing and if the savings is nothing then this is primarily being done based on what Mayor Infeld said where there are real safety and operational concerns that also have to be focused on. One other item is one-time transitional cost related to the union contracts.

Mr. Rach asked what would happen once the COG is developed and another city wants to join; will that additional city have to pay some of what was the initial startup cost that the original COG cities shared in.

Mr. McConville stated that would be subject to negotiation under the agreement. That is a business decision that the COG will have to make going forward as to handling new additional municipalities.

MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON to approve Ordinance 2016-14 Authorizing the Mayor to enter into a Regional Council of Governments agreement with the cities of Cleveland Heights, South Euclid and Shaker Heights for the Purpose of Implementing the Regional Stormwater Management Program with Member Communities

Mr. McConville explained that the agreement is between the City and the Northeast Ohio Regional Sewer District. It allows the Sewer District to utilized the various rights of way, such as the sidewalks to perform stormwater services that are consistent with their program and University Heights’ masterplan for stormwater management. The agreement has a feature that calls for the Sewer District to reserve 25% of the stormwater fees that are paid for specific projects within the city, then the city would have a 5-year period to perform stormwater services or projects.

Mrs. Pardee asked for an explanation regarding some of cost from the City aspect and any responsibility that the City would incur beyond what it already does.

Mr. Ciuni stated that the city has reporting responsibilities for the sewer district permit and that the city will receive assistance in compiling those reports by participating in this project. The project will also help with the yearly public outreach that the city has to report to the Ohio EPA. Mr. Ciuni added that city would not be responsible for any services that it doesn’t already provide.

Mr. McConville referred to article four of the agreement which details the obligation of the city.

Mrs. Pardee noting the city’s ability to apply for up to 25% of the set aside money, but what happens if the city doesn’t use those funds within the require five years, do those funds revert back to the city?
Mr. Ciuni replied no, if the city doesn’t use the funds within the five years they revert back to the sewer district.

Mrs. Weiss asked if the Administration determined a five-year strategic plan yet.

Mr. Ciuni replied no; but once this is in place determining projects can happen timely.

Mr. Rach commented that he hoped the city would publicize and use the project as an educational tool for the young citizens to understand the impact.

Resolution 2016-17 was placed on first reading.

C. Ordinance 2016-18 Amending Codified Ordinance Section 212.01 Advertising Requirements Bids

Mr. McConville explained that Ordinance 2016-18 incorporates new requirements for any contractors that are bidding on city projects with a value of $25,000 or greater that they will be required to include information in their bid that indicates what efforts they made to reach out and attempt to open their bidding or their contract process up to minority, women, small, disadvantaged owned business enterprises.

Mr. Wiseman commented that where the current statutory legislation only indicates that women and minority enterprises are encouraged to apply this Ordinance go a little further and gives Council the opportunity to look at the bids to see what concrete actions are taken by the bidders and then it solicits the bidder after the contract is completed to inform Council of what they actually did. This gives the city a lot more notice and understanding about the inclusionary tactics that are being carried out by contractors in the city. Mr. Wiseman added that even though the existing language speaks of contracts over $15,000, the committee felt that amount should be raised to $25,000. The language also includes a good faith clause.

Mayor Infeld spoke and voiced her concerns about the proposed legislation. A few of the questions include: what the city does with large procurement projects done jointly with other cities and questioned how would this legislation be handled, will Council have a form for the bidders to complete, will the bidder have to appear before Council.

Mr. Sims asked if the Administration could look at the legislation and offer it’s input, but the developing forms would not be a hard task. Those forms would be part of the implementation and not necessarily the Ordinance itself. Mr. Sims acknowledge that fact that the city conducts business with other cities that have rules and policies that are different from University Heights and those have been overcome, the same can be done with this. Mr. Sims added that more importantly, this is an opportunity for University Heights to lead and perhaps other communities will see that it is possible to have a policy that is very clear on encouraging participation of women and minority owned businesses without imposing requirements.

Mr. McConville suggested that a set of forms be developed and include them as an exhibit to the Ordinance not as a part to be codified.

Mr. Ciuni added that he would need to know what Council would accept as proof of good faith effort. As far as reporting after, usually with every submitted invoice the contract states how much they paid to minority contractors or suppliers.

MOTION BY MRS. WEISS, SECONDED BY MR. SIMS to table Ordinance 2016-18 Amending Codified Ordinance Section 212.01 Advertising Requirements Bids. On roll call, all voted “aye.”

D. 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.

Mayor Infeld stated that at the next City Council meeting there will be a Public Hearing at 7pm regarding this Ordinance. Cleveland Water Commissioner, Alex Margevicius will be present to explain the transition process for the University Heights residents from the City of Cleveland Heights Water System to the City of Cleveland Water System.
Mayor Infeld explained that there will be cost that have to be paid by all of the customers of the Cleveland Heights Water Department in order to effectuate the transfer of service over to Cleveland Water. Those cost involve the changing of the 800 meters, the switching the underground values to the City of Cleveland lines, billing, etc.

Mr. Ciuni added that the transition cost will be divided by five years for each of those 800 University Heights residents.

Mayor Infeld noted that the City of Cleveland Water cost per mcf unit of $56 is less expensive than the $88 per mcf that Cleveland Heights Water cost. Therefore, the 800 University Heights residents will see an immediate reduction in their bill.

Mayor Infeld also stated that the 2016 sewer fund was budgeted for the possible contribution of city funds to Cleveland Water to lower the transition cost that will have to be paid by the 800 University Heights residents. Mayor Infeld continued to say her reason was that that section of University Heights, through no fault of their own are currently paying higher water rates than the other western sections of University Heights. This is the morally responsible thing to do and is what good government does.

Ordinance 2016-19 was placed on first reading.

E. 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 stated that Article 8 of the City Charter states that Franchises can only be granted by Ordinance after two readings. The franchise agreement is granting a telecommunications franchise pursuant to the items in the agreement; payment of franchise fees, subject to University Heights Ordinances that stipulate they must use existing poles and if they aren’t using the existing poles they have to go before the Board of Zoning Appeals for approval to erect new poles, go through the permitting process to obtain permits, post $25,000 bond that the City has the right to access in the event of any damage or failure on their part to repair any portion of the right of way, city has the right to revoke the agreement after 90 days if they don’t respond to any breech related to construction or repairs.

Mr. Wiseman asked if the only fee the city would receive is the $5,000 plus whatever permit fees they would be required to pay to erect new poles and if Council were to agree with this franchise agreement would Council have to accept the next proposed franchise agreement if it is the same or similar.

Mr. McConville replied that you cannot present unreasonable barriers to entry with respect to the granting of franchises.

Mayor Infeld replied that since the PUCO has already approved that this entity is able to operate in the State of Ohio she didn’t believe the City could go against the PUCO.

Mr. Ertel asked if the $5,000 fee charged for the franchise was a competitive amount.

Mr. McConville replied that was the fee Shaker Heights charged and noted that it is no longer permissible for municipalities to the granting franchises as a way to generate revenue. Municipalities can use franchises as a way to recoup administrative cost.

Ordinance 2016-20 was placed on first reading.
F. Motion Authorizing the Administration to Seek Bids for the Watermain Replacement Project on Churchill and Loyola Roads

There was no discussion regarding this item.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS authorizing the Administration to Seek Bids for the Watermain Replacement Project on Churchill and Loyola Roads. On roll call, 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

City Engineer Joseph Ciuni reported that the road resurfacing project has started and that Roynac Paving is the contractor.

There were no other Director reports.

Standing Committee Reports:

Civic Information Committee: Mr. Rach reported that the next Memorial Day Parade Committee will be May 10th at 5pm and that the Civic Information Committee will also meet on May 10th at 7pm. Mr. Rach also 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 was rescheduled for May 19th at 7:00pm in Council Chambers.

Governmental Affairs Committee: A committee meeting will be scheduled for the upcoming week to discuss Ordinance 2016-18 Amending Codified Ordinance Section 212.01 Advertising Requirements Bids.

Recreation Committee: Mrs. Cameron reminded everyone that the Second Annual “All Geared Up” bike-athon is on May 14th between 9am and 12noon at Canterbury Elementary School.

There being no further business, the meeting was adjourned at 10:34pm.

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

Susan K. Infeld, Mayor

Kelly M. Thomas, Clerk of Council