Mayor Infeld called the regular meeting to order at 8:02 p.m.

Roll Call:

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

Also Present: Law Director Luke F. McConville  
Finance Director Larry Heiser  
Clerk of Council Kelly M. Thomas  
Police Chief Steven Hammett

Pledge of Allegiance

Agenda Item:

A. 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. (Ten Year Transition Fee)

Cleveland Water Commissioner Mr. Margevicius reviewed the report he provided that spoke to previous questions from Mr. Wiseman.

- of the 800 University Heights homes there are approx. 750 accounts
- 38 signed up for the Homestead Act from Cleveland Heights will be Grandfather into Cleveland Water Homestead Act but will have to reapply in February 2018
- Cleveland has affordability income based program that Cleveland Heights didn’t have
- Cleveland Water will reach out to the new 800 residents to inform them of available programs
- There are 30 master readers in Cleveland Heights with 70 loops of which 5 are in University Heights

Mrs. Pardee asked why if the transition fees are fix aren’t they divided equally amongst everyone.

Mr. Margevicius replied that is because it is residential verse commercial where the water usage varies between the two.

Mrs. Pardee noted that this has been a difficult decision for Council but now that it has been explained and presented as a public works project it is more palatable. With the modifying of the vaults for $338,000 is a public works project and is 5% of the total has been identified as the University Heights share. Using the funds to support that project is absolutely appropriate.

Mayor Infeld opened the floor to the audience.

Mr. Phillip Luesch, 3697 Washington noted that the Mayor’s gesture is nice but wondered why the 800 homes have to take the burden, especially when most of the 800 residents have either low or fixed income. Mr. Luesch stated he didn’t think it was proper to bail out Cleveland Heights. How is it possible that the residents have to pay the transition fee – Cleveland should pay it. This is a money grab and unfair.

Mr. Justin Gould, spoke about what other communities (East Cleveland and Cleveland Heights) did when they switched over to the City of Cleveland Water and also spoke about the different levels of cost being paid by the residents. This is not talking about the consumption of water but the transition cost. Mr. Gould concluded with stating he hoped Council would see that this is a public works situation and not an individual consumption situation.
MOTION BY MR. RACH, SECONDED BY MR. SIMS approving 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 with a Ten Year Transition Fee. On roll call, all voted “aye,” except Mr. Wiseman and Mrs. Weiss who voted “nay,” and Mrs. Cameron stated on the advice of counsel she recused herself as being a conflict of interest.

Mr. McConville stated there are clearly capital cost associated with the project. There is case law that indicates when there is capital improvement being made on public property those cost are public in nature and can be paid out of public funds; irrespectively of whether they ultimately benefit an individual party. In addition, the courts have stated that water projects and projects that relate to the provision of water services to individual are innately public and appropriate for public expenditure.

Mr. McConville verified with the city’s Codified Ordinances which stated that emergency Ordinance have to be approved by two-thirds, all other Ordinance and Resolutions shall be read on two (2) separate days before they can be approved by the Council. This Ordinance is not on emergency. Mr. McConville stated that Ordinance 2016-19 passed with a vote of four (4) ayes, two (2) nays and one (1) abstention.

Mayor Infeld asked if there was a motion to remove agenda item “b” from the agenda

MOTION BY MR. SIMS, SECONDED BY MRS. WEISS to remove item “b” Ordinance 2016-25 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. (Five Year Transition Fee) from the agenda. On roll call, all voted “aye,” except Mrs. Cameron who passed.

There being no further business, the meeting was adjourned at 12:20pm.

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

Susan K. Infeld, Mayor

Kelly M. Thomas, Clerk of Council