Mayor Infeld called the regular meeting to order at 7:03 p.m.

Roll Call:

Present: Mrs. Susan Pardee
Mrs. Pamela Cameron
Mr. Phillip Ertel (7:08)
Mr. John Rach
Mr. Steven Sims
Mr. Mark Wiseman

Absent: Mrs. Michelle Weiss

Also Present: Acting Law Director Walter Haverfield
Finance Director Larry Heiser
Clerk of Council Kelly M. Thomas
Police Chief Steven Hammett
Service Superintendent Jeffrey Pokorny

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to excuse the absence of Mrs. Weiss. On roll call, all voted “aye.”

Approval of Minutes from Regular Meeting June 20, 2016

There were no corrections to the June 20, 2016 Council minutes.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to approve the Council Meeting Minutes from June 20, 2016 as presented. On roll call, all voted “aye.”

Approval of Minutes from Special Meeting July 18, 2016

Mrs. Pardee suggested the following correction to paragraph 8 on page two – “Mrs. Pardee repeated Mr. Wiseman’s point – why the rush?”

MOTION BY MRS. CAMERON, SECONDED BY MR. RACH to approve the Special Council Meeting Minutes from July 18, 2016 as corrected. On roll call, all voted “aye,” except Mr. Ertel and Mr. Sims, who “passed.”

Comments from Audience

Mr. Goldstein, 3386 South Belvoir was present on behalf of his wife Dr. Beverly Goldstein who will be on the November ballot for Congressional District 11. Mr. Goldstein informed all about Dr. Goldstein’s passion for running.

Mayor’s Report to Community

- Annual Reports from various agencies are available in the lobby of City Hall.
- The University Heights Branch Library held its ground breaking.
- There will be a storm water free credit workshop on September 17 (9am – 4pm) and September 22 (5:30 – 7:30pm) in Mayfield Village.
- The Community Park on Fenwick is open.
- The Purvis Park swimming pool is close but the park is still open and the parking lot will be paved within the next 10 days to 2 weeks.
Agenda Item:

A. Ordinance 2016-26 Adopting and Implementing the Procedures under Chapter 5722 of the Ohio Revised Code to Facilitate Reutilization of Nonproductive Land Situated in the City of University Heights (on first reading)

Mayor Infeld stated that this Ordinance 2016-26 was talked about at the August Special Council meeting but was not added to that agenda.

Mr. Wiseman noted that the City adopted the Land Bank’s enabling Ordinance so that University Heights could work with them and asked if this would then allow the City to have its own land bank. Mr. Wiseman asked what the parameters for the program; such as, when would houses be eligible/not eligible, what are the procedures, how will the City determine which houses to demolish, etc. Mr. Wiseman added he would like someone present at this or the next Council meeting to explain what are the nuts and bolts of this legislation?

Mayor Infeld replied that the City’s Law Director was attending the Council meeting for the other City he represents, but the program would be handled in the same way as it is currently being handled. Currently the City works with the landowners and home owners to keep their property in good working order. Noting there are many mechanisms in place, when those mechanisms begin to fail people are taken to court for remediation to uphold the community standards which are established by ordinance. Mayor Infeld added that this would give the City the opportunity to make sure that houses are being maintained.

Mr. Sims requested that Council be provided with a copy of ORC 5722 and asked how this program would be different for the current Land Bank program the City uses.

Mayor Infeld replied that the City would continue to work with the County Land Bank, this legislation will give the City the opportunity to do more than it can do with the County Land Bank. The County Land Bank program doesn’t provide any mechanism for the City to re-coup any monies it has invested in a property. Currently whatever a property falls in disrepair the City Ordinances come into play regarding the upkeep of the property. If the City has to take care of the property, the amount the City invest in maintaining these homes is usually loss. This Ordinance and program would allow the City to recoup the funds invested.

Mr. Sims asked about the various nuisance assessments and the tax duplicates.

Mr. Heiser stated that when certain entities purchase homes the way the tax bill is treated wipe outs the assessments with a three-year reprieve.

Mr. Haverfield explained the financial aspect of the foreclosure process and how the priority order of how the funds are appropriated.

Mr. Sims asked Mr. Haverfield what authority would this program give the City in terms raising higher in the pecking order to recoup funds that were invested in the property.

Mrs. Pardee added that she thought that the main reason for joining with Land Bank was to push properties into foreclosure faster instead of them just hanging out in existence.

Mrs. Cameron asked what other communities have this type of Ordinance.

Mayor Infeld replied South Euclid and Shaker Heights, adding that it was also suggested by the County to protect the City’s and taxpayer’s revenue.

Ordinance 2016-26 was placed on first reading.

B. Ordinance No. 2016-27 Authorizing the Collection of the Special Assessments for the year 2016 on a Certain Parcel within the City and authorizing and directing the Director of Finance to file the report on the abatement of Special Assessments, with the Cuyahoga County Fiscal Officer on or before September 12, 2016 (on emergency)

Mr. Heiser noted that this Ordinance is regarding the TIFF property at University Square and that the max assessment amount is being charged and noted that the City is not responsible for any payment that is not received.

MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE approving Ordinance No. 2016-27 Authorizing the Collection of the Special Assessments for the year 2016 on a Certain Parcel within the City and authorizing and directing the Director of Finance to file the report on the abatement of Special Assessments.
Assessments, with the Cuyahoga County Fiscal Officer on or before September 12, 2016. On Roll Call on Suspension of the Rules, all voted “aye.” Roll Call on Passage, all voted “aye.”

C. Ordinance No. 2016-28 Levying a Special Assessment on all designated properties served by Street Lights at the rate of seventy cents per front foot for the Tax Year 2016 (on emergency)

Mr. Sims questioned Mr. Heiser as to why once Special Assessments have been established why do they have to be passed annually.

Mr. Heiser replied that the original Special Assessments were set-up as a 1-year assessment and in order to change that it would have to go back before the voters for approval.

Mr. Wiseman asked if the fee amount had been changed.

Mr. Heiser stated not the fee amounts have not changed for the last twelve years.

Mr. Wiseman commented that the funds fell short and asked if a new assessment amount should be looked at.

Mr. Heiser replied that the short fall wasn’t big enough.

Mayor Infeld added that the original ordinance was established in the 1930’s and that the amount assessed changes as necessary.

MOTION BY MR. WISEMAN, SECONDED BY MR. SIMS for the passage of Ordinance No. 2016-28 Levying a Special Assessment on all designated properties served by Street Lights at the rate of seventy cents per front foot for the Tax Year 2016. Roll Call on Suspension of the Rules, all voted “aye,” and Roll Call on Passage, all voted “aye.”

D. Ordinance No. 2016-29 Levying a Special Assessment against property within the City for the Purpose of Establishing a Sewer Fund to Maintain, Repair and Reconstruct the Sewerage System and Waterlines within the City for Tax Year 2016 (on emergency)

There was no discussion for this item.

MOTION BY MR. RACH, SECONDED BY MRS. CAMERON for the passage of Ordinance No. 2016-29 Levying a Special Assessment against property within the City for the Purpose of Establishing a Sewer Fund to Maintain, Repair and Reconstruct the Sewerage System and Waterlines within the City for Tax Year 2016. Roll Call on Suspension of the Rules, all voted “aye,” and Roll Call on Passage, all voted “aye.”

E. Ordinance No. 2016-30 Levying a Special Assessment for Improving the Streets of the City of University Heights, Ohio by the Spraying, Planting, Maintaining, and Removal of Shade Trees thereon at Eighty Cents ($.80) per Front Foot for the Tax Year 2016 (on emergency)

Mr. Rach commented that it is great to have trees on the tree lawns and hoped that the City would continue to place trees where there aren’t any sense residents are paying to have trees on their tree lawn.

MOTION BY MR. WISEMAN, SECONDED BY MR. RACH for the passage of Ordinance No. 2016-30 Levying a Special Assessment for Improving the Streets of the City of University Heights, Ohio by the Spraying, Planting, Maintaining, and Removal of Shade Trees thereon at Eighty Cents ($.80) per Front Foot for the Tax Year 2016. Roll Call on Suspension of the Rules, all voted “aye,” and Roll Call on Passage, all voted “aye.”

F. Ordinance No. 2016-31 Levying a Special Assessment against Property within the City for the Purpose of Establishing a Sewer Fund to Maintain, Repair and Reconstruct the Sewerage System and Waterlines within the City for Tax Year 2016 and Declaring (on emergency)

Item F. Ordinance No. 2016-31 was removed from agenda because it was a duplicate item/same as item “D” Ordinance 2016-29.
G. Ordinance No. 2016-32 Levying Special Assessments for providing City Services in the Removal of Nuisance Conditions (Lawn Care) at Various Locations throughout the City of University Heights (on emergency)

Mr. Heiser reminded Council that the Ordinance was in reference to the grass abatements that are taken care of by a third party and not city staff.

Mrs. Pardee asked if repeat offenders are charged an extra fee and if not could something be legislated.

Mr. Heiser answered yes; that there is a fee that is charged of the first time and another fee that is charge for repeat occurrences.

Mayor Infeld added that the Building Committee can review the Ordinance if they would like to amend the fees.

Mr. Wiseman noted that it would help to know which homes are vacant.

Mrs. Pardee asked if the City had a sense of who may be elderly.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS for the passage of Ordinance No. 2016-32 Levying Special Assessments for providing City Services in the Removal of Nuisance Conditions (Lawn Care) at Various Locations throughout the City of University Heights. Roll Call on Suspension of the Rules, all voted “aye,” and Roll Call on Passage, all voted “aye.”

H. Ordinance No. 2016-33 Levying Special Assessments for Providing City Services in the Removal of Nuisance Conditions at Various Locations throughout the City of University Heights (on emergency)

Mr. Wiseman asked how many rental properties are included in the listing.

Mr. Heiser replied that the list isn’t generated to show which properties are rentals.

MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON for the passage of Ordinance No. 2016-33 Levying Special Assessments for Providing City Services in the Removal of Nuisance Conditions at Various Locations throughout the City of University Heights. Roll Call on Suspension of the Rules, all voted “aye,” and Roll Call on Passage, all voted “aye.”

I. Resolution 2016-34 Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Fiscal Officer (on first reading)

Resolution 2016-34 was placed on first reading.

J. Ordinance No. 2016-35 Authorizing the Transfer of Funds from the General Fund $350,000 to Street Fund (201), Street Lighting (204), Capital Projects (401), Police Pension (601), and Fire Pension (602) (on first reading)

Mrs. Pardee asked why these funds don’t have larger budgets to begin or why the transfers are in larger amounts.

Mr. Heiser answered mostly from a cash flow standpoint; so that there is a steady general fund balance and the transferring the monies out to the other funds otherwise the general fund would not be as healthy. So it’s better to conduct transfers 2 to 3 times within the calendar year.

Ordinance No. 2016-35 was placed on first reading.

K. Motion for Authorization to request bids for the 2016-1 Pruning and Removal of City Trees

Mr. Pokorny explained this is part of the City’s annual tree maintenance program where the entire city is targeted within a 4year time period. This year the target area is zone 2 and approximately 500 trees will be treated by either pruning or removal if necessary with a cost of about $75,000.

Mr. Wiseman asked when would the pruning take place and if the City Arborist could hold an outreach workshop to educate the residents on tree maintenance and the City’s tree program. Mr. Wiseman added that it may also be helpful for the residents if the tree workers could wear something so that they look like municipal staff. Mr. Wiseman asked if there were any County grants or reduction from the Sewer District since the city has so many trees and suggested the Administration might want to see if there is any funding or incentive that could be granted to the city.
Mr. Pokorny also explained the different codes that are used to classify the condition of the trees.

Mr. Ertel remarked that the City’s tree program is great and it is what makes University Heights special.

**MOTION BY MR. WISEMAN, SECONDED BY MR. RACH authorizing the City to request bids for the 2016-1 Pruning and Removal of City Trees. On Roll Call, all voted “aye.”**

### L. Motion for Authorization to request bids for the 2016-2 City Wide Tree Planting

Mr. Pokorny stated that a tree will be planted where ever there isn’t a tree and that a letter is given to the homeowner to inform them that a tree will be planted and how to take care of it.

Mr. Sims commented that he didn’t feel that the type of trees that are being planted are maturing like the previous trees and that he wasn’t comfortable with the image he sees regarding trees for University Heights.

Mr. Sims raised a concern he has expressed over the years concerning the city's tree planting program. Mr. Sims noted the large annual financial commitment makes to planting trees, and highlighted his concern by indicating a tree is not a tree. He noted some trees are small and unimpressive while other are large and attractive. Mr. Sims wondered whether the tree planting program is planned to perpetuate and accentuate the beauty of the treelined streets that now exist within the city, and he sought assurance the program gives attention to planting the kind trees that grow large and majestic, and help set apart and make the city an attractive and special place to live.

Mr. Pokorny replied that a lot of effort goes into the tree program and that in previous years’ trees that should have been removed weren’t so it will take 20 to 30 years for the trees that are being planted now to give that same look.

Mr. Rach added that property values are held high when there are tree lawn trees and encouraged his colleagues to vote in favor of this agenda item.

**MOTION BY MR. WISEMAN, SECONDED BY MR. RACH authorizing the City to request bids for the 2016-2 City Wide Tree Planting. On Roll Call, all voted “aye.”**

### M. Resolution 2016-36 Authorizing for the Mayor to enter an agreement with Morton Salt Inc. for the purchase of the 2016-2017 Winter Season Road Salt (on emergency)

Mr. Pokorny explained that this salt will be for use out of the City’s salt dome and that there is a little over tons in the Cleveland Heights salt dome.

Mr. Sims noted that a few years back there was a big issue with the ability to get salt from the salt mines and that was when the City established it’s sensible salting program and began to join consortiums in order to obtain salt. Mr. Sims continued and asked why the City is purchasing this on their own.

Mr. Pokorny replied that there are still consortiums, but they have to be at the end of the contracts for University Heights to be able to join.

Mr. Sims questioned if bidding through a consortium would give a better price.

Mr. Pokorny remarked that going through a consortium could provide a small of saving.

Mr. Heiser added that in bidding with the State the amount of salt you have to guarantee is 90% - 110%.

Mr. Ertel commented that with the State you are guaranteed a supply of salt.

**MOTION BY MRS. CAMERON, SECONDED BY MR. RACH for the passage of Resolution No. 2016-36 Authorizing for the Mayor to enter an agreement with Morton Salt Inc. for the purchase of the 2016-2017 Winter Season Road Salt. Roll Call on Suspension of the Rules, all voted “aye,” and Roll Call on Passage, all voted “aye.”**
N. Resolution 2016-37 In Support of the LGBTQ Community (on emergency)

Mrs. Pardee thanked Mr. Wiseman for drafting Resolution 2016-37 and referred back to the weekend of June 12th and the shooting at the Pulse nightclub in Orlando, Florida where 49 people were killed. That was the deadliest mass shooting to date in the United States – a combination of terrorism and hate crime, as “Pulse was a well-known gay nightclub.

Mrs. Pardee continue to state noting in a June 16 New York Times article, HAEYOUN PARK and IARYNA MYKHYALYSHYN reported that “L.G.B.T. people are twice as likely to be targeted as African-Americans, and the rate of hate crimes against them has surpassed that of crimes against Jews.” University Heights consider it selves a friendly city with, as the Mayor often reports, a small-town feel. But there can still be discrimination and people who hate. Because words have power, we want to use words of respect and acceptance for all the residents in our community. So in light of what occurred in Orlando and in light of a larger understanding of the lack of protection members of the LGBTQ community can face every day, this resolution makes a statement that allows the community to know where the city leaders stand.

MOTION BY MRS. PARDEE, SECONDED BY MR. RACH for the passage of Resolution No. 2016-37 In Support of the LGBTQ Community. Roll Call on Suspension of the Rules, all voted “aye,” and Roll Call on Passage, all voted “aye.”

O. Motion to hold an executive session immediately following this regular meeting for the purpose of discussing legal, personnel and real estate matters

Mayor Infeld stated that there was a need to enter into Executive Session for the reason of two different real estate matters.

MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON to enter into Executive Session for the discussion of two different real estate matters. On Roll Call, all voted “aye.”

Directors’ Reports

Police Chief ~ Steven Hammett reported on recent incidents in the city; hazing incident at John Carroll University with a Lake Catholic High School football team camp (both set of victims’ parents decided not to prosecute), sexual assault incident (perpetrator was arrested and is in the Juvenile Detention Center) and the call from the security guards at Heights High School regarding a student having a possible weapon, the school went into lock down mode, the school was searched and no weapons were found.

Chief Hammett acknowledge the concerns that were expressed about the information that was release, adding that certain information is not released because the Department is prohibited by Ohio Sunshine Laws.

Mr. Wiseman asked if Lake Catholic would be coming back to John Carroll next summer for camp. Noting he would like the City to do something to make that particular high school feel a little bit of discomfort if they come back next year.

Chief Hammett replied that he believed that John Carroll’s Police Chief is working with John Carroll’s Law Director and added that John Carroll University is a private entity and can enter any contract they want.

Mr. Wiseman questioned what information is Council allow to know when incidents, such as assaults occurs in the city.

Chief Hammett replied that the department takes two reports; one is a public record and one is the investigation supplement. The public record version is release within 24 hours and posted online once all necessary staff members as well as himself (Chief Hammett). On the city’s website it would be under police/incident reports.

Mayor Infeld reported that she is in the process of interviewing for a new Building Commissioner to replace Mr. Tuck-Macalla, who accepted a position in another city.

There were no other Director reports.
Standing Committee Reports:

Civic Information: Mr. Rach stated he was in the process of scheduling a meeting for the end of September.

Finance Committee: Mrs. Pardee noted that will be a budget meeting sometime in October.

Governmental Affairs: Mrs. Cameron spoke on behalf of Mrs. Weiss regarding the incidents that occurred in the City and stated that Mrs. Weiss was concerned that Council wasn’t receiving information. Furthermore, Mrs. Weiss was surprised that there was no comment made by either the Mayor nor the Chief Hamnett.

Mayor Infeld suggested Council speak with Mr. McConville for the guidelines for releasing information. Mayor Infeld noted that when there is a threat to public health and safety she notifies the public and that practice is not out of protocol but more of an obligation. The City’s legal obligation to the public is different than the School District.

Mr. Ertel commented that as community leaders any tidbit of information Council could receive would help to deter a lot of misinformation and reassure the residents.

Mr. Wiseman asked if Council is viewed as a member of the general public, and if that is the case can information be shared with Council on a confidential case. Noting to him, council members aren’t just general public members, they are people that the Administration can share information with and inform them that it is confidential and respect them to not say anything. Mr. Wiseman asked for clarification as to how Council is viewed.

Mayor Infeld replied that there are times when information cannot be shared at all.

Mr. Haverfield added that if there is a threat to public safety that seems imminent then that takes precedence then at that point there is a legitimate reason to make some disclosure, although it is still limited at that point.

Mrs. Pardee commented she understood that there is a fine line and that the Mayor has to be careful and that is part of the job as Mayor. But Council members are leaders in the community and people go to them and ask all sorts of questions. Mrs. Pardee added that Council could be useful in calming people, because that is part of Council’s job as an elected official.

MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON to enter Executive Session for the discussion of Real Estate matters at 9:34pm. On roll call, all voted “aye.”

MOTION BY MR. ERTEL, SECONDED BY MRS. CAMERON to exit Executive Session and to enter back into Regular Session at 10:08pm. On roll call, all voted “aye.”

MOTION BY MR. RACH, SECONDED BY MRS. CAMERON to add Authorization the Mayor to hire McMahon DeGulis Law Firm to assist the City in environmental legal matters in an amount not to exceed $20,000 to the Council agenda. On roll call, all voted “aye.”

MOTION BY MRS. CAMERON, SECONDED BY MR. ERTEL authorizing the Mayor to enter into agreement with McMahon DeGulis Law Firm to assist the City in environmental legal matters in an amount not to exceed $20,000. On Roll Call, all vote “aye.”

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

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

Susan K. Infeld, Mayor

Kelly M. Thomas, Clerk of Council