Mayor Infeld called the regular meeting to order at 7:34 p.m.

Roll Call:

Present: Mrs. Susan Pardee  
Mr. Mark Wiseman  
Mrs. Adele Zucker  
Mr. Steven Sims  
Ms. Nancy E. English  
Mrs. Pamela Cameron

Absent: Mr. Phillip Ertel

Also Present: Law Director Luke McConville  
Finance Director Larry Heiser  
Police Chief Steve Hammett  
Service Director Jeffrey Pokorny  
Clerk of Council Kelly M. Thomas

MOTION BY MS. ENGLISH, SECONDED BY MR. SIMS to excuse the absence of Mr. Ertel. On roll call, all voted “aye.”

Pledge of Allegiance

MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE to table the approval of the Council minutes of August 17, and September 8, 2015 until the next meeting. On Roll call all voted “aye.”

Comments from Audience

Mr. Thomas Bugg, 3601 Cedarbrook, was present to inform and update City Council and the Administration of the bothersome behavior at 3605 Cedarbrook. Mr. Bugg noted that it is overwhelming and a shame that peace and quiet can’t be obtained.

Mayor Infeld thanked Mr. Bugg for coming and noted that she believed that the Police Department had been responsive when Mr. Bugg has called them. Mayor Infeld also informed Mr. Bugg that he is doing the right thing by working with the Building Commissioner on housing issues and the Police Department with noise and mischief issues.

Mayor’s Report to Community

- Construction has begun on the new Community Park with fencing going up around the perimeter of the site. The gates that adjoin backyards will be secured to prevent people from being hurt by wandering onto the construction site.
- City Website has been newly designed and updated.

Agenda Items:

A. Resolution No. 2015-34 Approving the Appointment of University Heights Resident Michael Bohan and Finance Director Larry Heiser to the Cuyahoga County Tax Incentive Review Board Representing the City of University Heights (on passage)

Mayor Infeld stated that passage of this Resolution is a requirement for the TIFF property (University Square) that a resident be appointed to the group that annually meets with the County regarding the TIFF property.

Mr. Heiser stated that Mr. Bohan also serves on the Finance Advisory Command and has gone three of the last four meetings. Mr. Heiser noted that the School District also has representation on the Board.
Mayor Infeld added that Mr. Bohan has served in this capacity with the previous Finance Director, Ms. Esarey.

Mr. Sims questioned if the appointments are for a specific period of time.

Mr. Heiser answered until someone is appointed.

Mr. Sims asked who left from the Board representing the City.

Mr. Heiser responded no one and that at the previous Board meeting he was asked if he had been appointed. Mr. Heiser added that he had not been able to find any paperwork officially listing Mr. Bohan as a City representative. But the County has been allowing both he and Mr. Bohan to vote.

Mayor Infeld noted that Mr. Heiser had also invited members of Council to attend the TIFF Board meeting.

**MOTION BY MRS. PARDEE, SECONDED BY MS. ENGLISH** approving Resolution No. 2015-34 Appointing University Heights Resident Michael Bohan and Finance Director Larry Heiser to the Cuyahoga County Tax Incentive Review Board Representing the City of University Heights. On roll call, all voted “aye.”

**B. Ordinance No. 2015-36 Authorizing the Transfer of Funds from the General Fund $1,468,000 to Street Fund (201), Street Lighting (204), Capital Projects (401), Police Pension (601), and Fire Pension (602) (on passage).**

Mr. Sims asked if the Police and Fire Pension Fund transfers were annual or other period of time.

Mr. Heiser replied that it is for approximately 7 months a previous transfer was earlier in the year for the Police and Fire Pension Fund, this represents the balance to carry out to the end of the year.

**MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON** for the approval of Ordinance No. 2015-36 Authorizing the Transfer of Funds from the General Fund $1,468,000 to Street Fund (201), Street Lighting (204), Capital Projects (401), Police Pension (601), and Fire Pension (602). On roll call, all voted “aye.”

**C. Resolution No. 2015-39 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 passage).**

Mr. Heiser noted that this is an annual part of the budgetary process when the tax budget is passed. It is sent to the Budget Commission with the City’s estimated balances and the property taxes that need to be collected. Those are then verified and returned to the City for approval and collection in 2016.

**MOTION BY MS. ENGLISH, SECONDED BY MR. SIMS** for the approval of Resolution No. 2015-39 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 roll call, all voted “aye.”

**D. Motion to advertise for bids for the Painting of Purvis Pool.**

Mayor Infeld noted that the paint is worn in many places and the concrete is starting to show.

Mr. Sims asked if there is a specialized painting that is required or is it just a basic painting that could be done by any contractor painter.

Mr. Pokorny replied that he was not sure; a spec for the work would have to be created. Mr. Pokorny voiced his belief that they would have to have some experience in painting pools because the pool will have a acid etched bath, then that has to be neutralized, seal the cracks, etc.
so it is somewhat specialized. In the past there have been generally two companies conducting this work; Novak and Sons as well as Whitmore Pools. Whitmore Pools is no longer in business. Mr. Pokorny noted that he would try to get bids from other companies as well.

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS approving Motion Approving to advertise for bids for the Painting of Purvis Pool. On roll call, all voted “aye.”

E. Resolution No. 2015-40 Authorizing the Mayor to Accept from The Federal Emergency Management Agency (FEMA) An Assistance to Firefighters Grant in the amount of $79,810.00 for the purchase of Personal Protective Equipment and Self-Contained Breathing Apparatus.

Fire Chief Zook stated that this grant is for the replacement of the “turn out” gear for the firefighters which includes; helmets, coats, boots, gloves, etc. Chief Zook added that this is timely because upon the annual inspections for the current gear it is time for some items to be replaced. The other part of the grant is for the self contained breathing apparatus (air pacs) which have a certain life expectancy; these also go through an annual testing inspection. The City’s share of the cost is just below $4,000. That amount is available and has been budgeted for 2015.

MOTION BY MR. SIMS, SECONDED BY MS. ENGLISH approving Resolution No. 2015-40 Authorizing the Mayor to Accept from The Federal Emergency Management Agency (FEMA) An Assistance to Firefighters Grant in the amount of $79,810.00 for the purchase of Personal Protective Equipment and Self-Contained Breathing Apparatus. On roll call, all voted “aye.”

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

There was no need for an executive session.

Directors’ Reports

Finance Director Larry Heiser reported that he will be presenting the Tax Ordinance per House Bill 5 at the next Council meeting. Mr. Heiser noted that the Finance Advisory Committee did meet to discuss taxing persons under the age of 18 and at the next Finance Advisory Committee meeting they will probably need to pick the two names for the Tax Review Board.

Mr. Wiseman asked about the legislator having RITA in their sight and asked if this was the same legislation that was passed or is this a tamer version. Mr. Wiseman also asked about the taxing of persons under 18.

Mr. Heiser replied that this is a little better version. An example would be a lawn care company that may or may not leave in a specific community it will change from the current practice where if that small business conducts business in say 10 different communities they have to file in each of those communities. Now that business will no longer have to file in each of the communities, only where the home base is. Mr. Heiser noted that this should not have any effect on University Heights. Regarding taxing persons under 18, the Finance Advisory Committee discussed this and decided not to tax those under the age 18. The taxation of persons under the age of 18 is an elective option and the city decided to continue not to tax those under the age of 18.

Mr. Sims asked Police Chief Hammett about Mr. Bugg and the problems related to 3605 Cedarbrook if the Police Department has increased their visibility or what can be done to be more responsive.

Chief Hammett replied that nuisance, abatement and criminal nuisance letters have been served. The criminal nuisance letters were issued from the Police Department. The nuisance and abatement letters would have been issued by the Building Department. Chief Hammett stated that the Police Department will continue responding to any issues and citing when appropriate.

Mrs. Cameron asked if any information has been forwarded to the City Prosecutor in terms of the level or number of complaints that have been received about the nuisance calls.
Chief Hammett replied yes, the City Prosecutor has been informed of the issues.

Mr. Wiseman asked Chief Hammett at what point is it documented that the Police are going to a residence; is it at the point where the call is made and the Police Department goes, at what point is a report made.

Chief Hammett answered there are two way; either it comes in through the emergency dispatch or via self-initiated field activity. Self-initiated field activity would occur when an officer on patrol stops and gets out of their car to speak with anyone; this will generate a call.

Mr. Wiseman continued saying if an officer, once stepping out of their car to investigate something then do they have to complete paperwork to substantiate or document what happened.

Chief Hammett explained that it is entered into the computer as a “cad” call, a computer aided dispatch call for service.

Mrs. Pardee stated that she truly felt for Mr. Bugg and the neighbors because when she started on Council in 2010 he was calling about that house. Mrs. Pardee noted that she understood that there have been complaints and that they have been sent to the Prosecutor.

Chief Hammett replied no, Mrs. Cameron had asked if he had discussed anything with the Prosecutor. Chief Hammett stated he responded to Mrs. Cameron that the Prosecutor was well aware and that anything that involves criminal charges is reviewed by the Prosecutor. But that he has had discussions with the Prosecutor about this particular house so the Prosecutor is aware of the challenges with this address.

Mrs. Pardee noted that Council knows under the City Charter that the Prosecutor is in the Department of Law and asked Law Director Luke McConville if he could check with the Prosecutor to see if there any possibility of doing something legally because there is a nuisance ordinance, he must have been hit with that, with escalating cost. There must be some way to do something to start relieving this neighborhood. Mrs. Pardee added that she knew the Police Department is trying and patrols. Mrs. Pardee commented that she would think that lots of cars going down that street at different times helps and asked Mr. McConville if he could check to see if there would be anything possible.

Mr. McConville replied that he’d be happy to have a conversation with the Prosecutor. Mr. McConville added not to put words into the Prosecutor’s mouth, but he would guess that the Prosecutor is following an analysis of whether there is enough evidence to convict someone. The Prosecutor wouldn’t want to waste the courts time bringing a charge that can’t be proven. Mr. McConville stated he would be happy to speak to the Prosecutor to find what his impressions are and see what he thinks and then report back to Council.

Chief Hammett added that there are a certain set of ordinances where every ordinances is not contained. There are challenges to the nuisance abatement ordinances, if you go to ordinance “a” because of this complaint and it not part of the nuisance abatement program it doesn’t fit. It is also a timed system also; it has to be within a certain timeframe. The third challenge is that there also has to be a citation issued or an arrest has to be made. The challenge is that the ordinances are narrow.

Mayor Infeld cautioned Council in their analysis in the review of this type of situation, the Police and Building Departments are doing their jobs; however, these people live in this house and have a right to live and have peace in their own property in the same way that the neighbor’s do. When there a “rub” and when the police or building departments are involved the city is there to address it. But again, all these people have a right to live in the City and the Mayor wouldn’t want this particular person or family to feel singled out or targeted in anyway.

**Standing Committee Reports:**

**Building Committee:** Mr. Sims reported that a meeting has been set up to follow-up on the Mayor’s questions and concerns regarding backyard/day camps on October 25 at 7pm. Mr. Sims noted that research will be needed that he hopes both the Clerk of Council and Law Director will have the opportunity to support so that there can be meaningful discussion based on information related to other ordinances and legislation that may vary on how Council views the current legislation.
Civic Information: Ms. English reported that she will be scheduling a Civic Information Committee meeting within the next few weeks.

Finance Committee: Mrs. Pardee reported that there will be a Joint Finance Committee/Finance Advisory Committee will have its first meeting of this cycle on Thursday, October 15 at 7pm. There will be a number of items on the agenda from the last meeting. Budget hearing may begin in November if the Finance Director has the Budget ready.

Mrs. Pardee also mentioned that as everyone knows there are three (3) opened for Council and a fourth person did not apply so there are four (4) seats opened with three (3) people on the slate leaving one (1) seat open. In November after the election is over Council will start the process towards appointing someone in January to the seventh seat. Mrs. Pardee stated she wanted everyone to be aware that there will start and that she would get the timeline out. The Clerk has already provided her with the advertisings, locations, and the information that was put out the last time Council had to make an appointment. So again that process will be started.

Mrs. Pardee also reported that several Council members have been monitoring the move of the high school over to Wiley; especially because of emails, calls and various information from people over on Bushnell, etc. So, Council has been driving the streets and talking with people. Mrs. Pardee stated she wanted to report what she saw today, noting she isn’t out there all the time and doesn’t see everything. But at 3:05pm she left the Board of Education and witnessed all the kids, and there are a lot of kids. Primarily they were on the sidewalks from her observation going down Cedar except for a couple of kids in the street and the one kid who cut diagonally across traffic, who would have been cited, she believed for jay walking if he had been seen. But everybody else was pretty much on the sidewalks or very close by, a couple of kids were close by. About 10% of the kids walk on the South Euclid side of Cedar; at least today 80 or 90% were on the University Heights side and by 3:16/3:18pm it was pretty much cleared out so this all took about 10 or 15 minutes. Mrs. Pardee stated the reason she brought this up was that she realized she had been driving Bushnell and this was the first time she drove Cedar and that she drove it as the kids were exiting. We (the city) will have big, big trouble in the winter if University Square does not keep those sidewalks clear because there are too many kids in big groups walking. Mrs. Pardee noted she saw them on the sidewalks but they will not be able to be on the sidewalks if those sidewalks aren’t cleared. Mrs. Pardee stated she hoped the City is prepared immediately if University Square doesn’t clear it; to get out there, abate that nuisance and charge in this case the receivership of University Square. Mrs. Pardee noted that this was just a suggestion based on what she saw today. This is a great concern thinking ahead.

There were no other standing committee reports.

There being no further business to discuss, the meeting was adjourned at 8:17pm.

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