Mayor Infeld called the regular meeting to order at 7:36 p.m.

Roll Call:

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

Also Present: Law Director Luke McConville
Finance Director Larry Heiser
Police Chief Steve Hammett
Service Director Jeffrey Pokorny
Clerk of Council Kelly M. Thomas
Building Commissioner Eric Tuck-Macalla
Community Development Coordinator Patrick Grogan

MOTION BY MRS. ZUCKER, SECONDED BY MRS. PARDEE to excuse the absence of Mr. Ertel and Mrs. Cameron. On roll call, all voted “aye.”

Pledge of Allegiance

Approval of Minutes from Council Meeting June 1, 2015

On page 1 in the approval of the minutes in the motion correct the date to May 18. There were no other additional corrections or amendments to the June 1, 2015 minutes.

MOTION BY MS. ENGLISH, SECONDED BY MR. ERTEL to approve the minutes of June 1, 2015 as corrected. On Roll call all voted “aye.”

Approval of Minutes from Council Meeting June 15, 2015

On page 1 in the approval of the minutes in the motion correct the date to June 1. There were no other additional corrections or amendments to the June 15, 2015 minutes.

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to approve the minutes of June 15, 2015 as corrected. On Roll call all voted “aye.”

Approval of Minutes from Council Meeting July 13, 2015

There were no other additional corrections or amendments to the July 13, 2015 minutes.

MOTION BY MR. ERTEL, SECONDED BY MRS. CAMERON to approve the minutes of July 13, 2015 as corrected. On Roll call all voted “aye.”

Comments from Audience

Mr. Jim Posch, 2205 Demington Drive, Cleveland Heights 44106 introduced himself as a candidate for the Cleveland Heights/University Heights School Board. Mr. Posch stated that he worked on the Library Board for the last 7 years where he had a very successful run with shrinking State funds the Board took an institution that many people think that making library stable today isn’t relevant. Mr. Posch noted that he hopes to do a lot of the same things that they did at the Library Board and apply it to the School Board. Mr. Posch ending by saying he thought it was important that the School Board works with University Heights.

Mr. Neil Keller, 4109 Bushnell was present and stated he was aware that Council tabled the proposed parking ban on Bushnell and came to address the increase traffic on Bushnell with the high school student. Mr. Kellner noted that with the number of parked cars it is hard to pull out of the driveway let alone drive down the street because there is now only room for one car to
drive down the street. People are stopping randomly to drop off kids. Mr. Keller asked for better police presence in the mornings because it is not very safe and noted his concern that University Heights doesn’t have enough police in the area of the school to deal with the possibility of problems.

Mayor Infeld noted that the permit parking on Bushnell that was introduced by Police Chief and City Engineer, Council has 120 days within the date in which it was introduced to hold public hearings. Mayor Infeld stated the legislation was introduced by the Police Chief with her support with the same concerns that Mr. Kellner mentioned. Mayor Infeld informed Mr. Kellner that many Councilpersons are driving around the area at different times and making note of the conditions. Mr. Kellner asked Council to reconsider the issue because it became a bigger problem now that school started. Mayor Infeld added the reasoning for introducing it was out of concern about the size of the University Heights police force and the ability to maintain safety in that neighborhood. The School District hired part-time County Sheriff Deputies to be there during drop-off and dismissal times.

Mr. David Farkas, 2511 Rubyvale was present to address agenda item “C” backyard day camps, referred to as day care center. Backyard day camps have been in business probably as long as people have had children and backyards. Backyard day camps are an universal institution, they are common to all cities and countries. Mr. Farkas said within the orthodox Jewish community that he is a part of the backyard are more institutional because of the very large families and kids just want to have fun. The older kids go to larger camps because they need proper facilities and trips, etc. For the little kids, toddlers a backyard day camp for a few hours a day is perfect. The counselors are usually 12, 13 years old and it getting harder and harder for those kids to get jobs to learn personal responsibility and earn pocket money. Being a backyard counselor is a perfect opportunity for them. Like everything else this is a cost-benefit analysis, but the good outweighs the harm. Mr. Farkas noted that he is a lawyer himself and noted that he did look at the ordinance as well as the comparable Ohio Revised Code statutes, which exclusively carves out backyard day camps. Mr. Farkas stated that to him to apply the daycare statues to a backyard day camp is a stretch. Mr. Farkas added that he wouldn’t ask the City to carve out an exception or not to attempt to apply that statute or that ordinance to daycares on a legal bases. Mr. Farkas closed in saying these camps are working all over the country for decades and that he has never once heard of a City official trying to shut them down on the bases of them falling into the description of a day care center, it not a day care center. The neighboring cities have these type of backyard day camps and have had them for many years. For University Heights as a city to apply that ordinance in Mr. Farkas opinion would be the worse form of heavy handed regulatory government, overly bureaucratic and regulatory. That is not University Heights. Mr. Farkas asked the City not to be the parent that is always butting in and who is also worried about what might be instead of what is already the success that it is.

Mrs. Pardee asked Mr. Farkas is he said that there is a section of the Ohio Revised Code that carves out a section for backyard day camps.

Mr. Farkas replied yes; ORC 5104.01(k) is comparable to the local ordinance and explicitly carves out day camps.

Mrs. Amy Palmer, 2596 Edgerton Road was present in regards to agenda item “E” declaring 2602 Edgerton a nuisance and urge Council to consider declaring that property as a nuisance.

**Mayor’s Report to Community**

- Large area repairs of various roadway surfaces are occurring in conclusion of the road paving project.

- Thanked Wendy Duerer from the Heights Observer for provided her with a flyer regarding the Northeast Ohio Public Policy Series for forums on issues for the region. On Wednesday, October 7, 2015 from 7:00pm – 8:30pm at the Siegal Facility in Beachwood, 26500 Shaker Blvd. The topic is “Housing Crisis in Northeast Ohio—Where Are We in 2015”. The Panelists are: James Rokakis, Former Cuyahoga County Treasurer, Cleveland Councilman, Director Thriving Communities Institute and Thomas Bier, Senior Fellow, Maxine Goodman Levin College of Urban Affairs, Cleveland State University. The Moderator is Brent Larkin, The Plain Dealer
Agenda Items:

A. Motion Authorizing the Mayor to sign Charitable Donation Agreement with University Hospital System Inc. for a Lucas 2 Chest Compression Device for the Fire Department

Present at the meeting were University Hospital System Inc. representatives Mr. Dan Allenberger, Mrs. Jurvis and Dr. Jeffrey Lute.

University Hospital Systems has created a campaign title “Build a Life”

The Lucas 2 Chest Compression Device has been on the market for approximately 8 years and Mr. Allenberger informed everyone that 41 out of 100 people who experienced some form of cardiac problems lived and this was impart due to the early action of CPR and the use of the Lucas 2 unit. Patients have a 50% greater success rate.

MOTION BY MR. SIMS, SECONDED BY MRS. ZUCKER authorizing the Mayor to sign Charitable Donation Agreement with University Hospital System Inc. for a Lucas 2 Chest Compression Device for the Fire Department. On roll call, all voted “aye.”

B. Appeal from Dunkin Donuts, 13880 Cedar Road regarding Board of Zoning ruling from the June 10, 2015 meeting which denied the application request of Mr. Dan Beeman, Wagner Electric Sign Company for a Variance to have a Dunkin Donuts illuminated sign based on flashing, moving or intermitted uses as presented.

Mr. McConville administered oaths to all persons testifying to this agenda item.

Present were Mr. & Mrs. Eddy, owners of Dunkin Donuts and Mr. Dan Beeman, Wagner Electric Sign Company.

Mr. Beeman stated that it has been a long process and in their heat to try and complete the project there was some misunderstanding on their end regarding having approval of the current monument sign. The sign was approved without an electronic message center, subsequently as Mr. Eddy uses at his others Dunkin Donuts franchises asked if he could get on for the University Heights location. Mr. Beeman presented the sign with the electronic message center to the Architectural Review Board and it was approved and Mr. Beeman wrongly assumed they had the final approval for the electronic sign not realizing that it needed to go back to the Board of Zoning for approval as well. The program that the electronic sign uses is provided by Corporate Dunkin Donuts and is pre-formatted with pictures and text. Mr. Beeman noted that they are appealing 1270.08 which was passed in 1997 and only allows for text and not hard graphics. Mr. Beeman noted that they made some adjustment to the signage and now the sign is turned off based on the BZA ruling. A lot has changed in the past 5 years in regards to advertising, radio and TV stations which are now fragmented. The ways businesses try to attract business and reach the majority of their customers on a daily basis is via electronic messages this includes cities, schools, etc., everybody is using electronic signage as a means of advertising.

Mr. Beeman commented that 1270.08(c) allows for the conveying of messages only on a content base issue such as coffee .99¢, today’s special, etc. without any type of graphics.

Mr. McConville made note of the following: (1) this is an appeal of use – the applicant has asked to be able to use the sign in a way that is not permitted by the code that issue is considered as unnecessary hardship and the applicant has the burden of proving or demonstrating that in absence of a variance they won’t be able to use the sign in the purpose in which it was intended. (2) constitutional issue – question whether the ordinance itself is constitutional and what they are suggesting is that this regulation and the content is regulation. (3) sign ordinances can be content based or content neutral. Depending on whether they are content based or content neutral has different standards. It is harder to prove that a content base regulation is constitutional; it is easier to show that a content neutral regulation is constitutional. Mr. McConville stated his interruption was the opposite and that this is a content neutral regulation because there isn’t any content that they want to have put up on the sign that they are prohibited from putting up on the sign. If they want to put up on the sign that a cup of coffee is .99¢ they can do that, if they want to put their logo up they can do that, if they want to put 3 donuts for $1.00 they can put that up
on the sign. They just can’t have it flashing. Mr. McConville stated he felt strongly that this is a content neutral regulation and advised Council members and the community to that fact.

Ms. Johnson, Board of Zoning member was present and stated that she had spoke to Council at a previous meeting on this particular issue and one where the Board had requested that the legislation as it currently exist be evaluated for issues just as the Law Director has spoken about and whether or not the City wanted to look at changing its current zoning code with regard to intermitted signage. Other concerns as well is that this is the first case for the City to address this issue and the Board of Zoning did not want to take upon their selves in the Zoning Board was a one off approach to every applicant that comes to University Heights. Because there is a look and feel; there are safety issues with regards to flashing signage and the BZA thought that should be addressed for the overall benefit of the city and that the BZA decision in regards to this applicant not be treated as a one off that if there is a decision on how intermitted signage should be handle that that legislation be board hands so that it can apply it uniformly across the city. Ms. Johnson noted BZA’s other issue of concern was the representation regarding the ARB requirements, at the time that this was before BZA the sign did not; Ms. Johnson noted she did not know if adjustments had been made to the requirements of the ARB’s position when they approved the sign. Mrs. Johnson added she was speaking about the difference between intermitted illuminations or just static, this actually had to do with the structure of the sign.

Mr. Wiseman noted that Dunkin Donuts had been before the BZA numerous times and asked Ms. Johnson if at any time was there discussion about the illumination of the sign.

Ms. Johnson replied no, Dunkin Donuts was before BZA just in regards to the setback and there was no discussion regarding illumination because at that point it was just a static sign.

Mayor Infeld commented that during the presentation to BZA the setback was changed to be incompliance with the city code and the BZA members were under the impression that the sign’s illumination would be like McDonalds. Showing a sign with lighting behind it.

Ms. Johnson noted that the BZA has had movable signs come before them for approval in the past and those variances/special permits were denied as well.

Mayor Infeld asked if the sign has met the ARB standards.

Mr. Tuck-Macalla stated that the structure of the sign will be addressed after this meeting ruling.

Mr. Meir Kamchaji, 2172 Vernon was present and stated that Dunkin Donuts went before the BZA twice and at the second meeting the board denied the request. Mr. Kamchaji stated that he could see the illuminated sign from his backyard and informed the board of the problems he was having with the traffic. In closing Mr. Kamchaji asked if this is what the city wants to see for Cedar-Center; flashing lights and pleaded for the Council to reject the sign because it is very distracting.

Mr. Beeman asked Mr. McConville if the sign were to display coffee $.99 at 10 second intervals, based on neutral content is that allowable.

Mr. McConville replied if it were static, that would not be in agreement with the ordinance but Mr. McConville added that he did not think that makes the ordinance a content based regulation because there not any particular content that is being prevented from being placed on the sign in a static manner. The ordinances states that you can have intervals where you exchange time and temperatures, if it is anything else you cannot. But there isn’t any particular content that you can preclude with putting on the sign.

Mr. Beeman asked if changing intervals were allowed.

Mr. McConville replied for the display of time and temperature, yes.

Mr. Beeman asked if other content were on the sign how long would it have to stay on the display.

Mr. Wiseman suggested that Mr. Beeman and Mr. McConville discuss that later.

Mayor Infeld commented that it would be good for Council to know what their peers denied. Mayor Infeld clarified that Mr. Beeman was asking if the message can change at 10 second
intervals and the Law Director stated it has to be static so it would have to stay there and it couldn’t change.

Mr. Wiseman asked for clarification of what the different boards looked at regarding the monument sign.

Mr. Beeman replied that was probably a drawing from the architect.

Mr. Wiseman stated the point he was trying to bring up was if this monument sign had designated itself as an illuminated sign there would have probably been a deeper discussion at the approval level about what it would look like, what would it say, does it flash, does it not flash. We are in the position now where the sign is up.

Mayor Infeld commented to Mr. Wiseman that the Board of Zoning Appeal minutes that Council received in their packets on page 3 addresses his question. When the project was approved by Board of Zoning Appeals the sign was not anything that had to be approved by that Board. There were initially 5 variances requested and just before the meeting one of the variances was withdrawn so the board was just looking at 4 variances and approved the project based on those 4 variances although the project was presented with information for 5 variances. So since the Board of Zoning approved the project it went forward to the Architectural Review Board.

Mayor Infeld added that that is when there was miscommunication with the sign company and it not understanding that the Architectural Review Board did not approve an illuminated sign, they were just looking at the monument sign. When it came to the City attention that there was illumination and in violation of the ordinance the sign company representative, on behalf of the Dunkin Donuts owner filed an appeal to the Board of Zoning as the sign had already been installed. It was at that time the Board of Zoning considered the illuminated sign which it had never been approved in the first place.

Mr. Sims thanked Mr. Eddy for choosing University Heights for his Dunkin Donuts investment and noted that it was unfortunate that a point has been reach where there is the early disagreement about illuminated signs. Mr. Sims stated that personally he believed that the ordinances are pretty clear about what is and what is not acceptable. Mr. Sims said that he agreed with the Board of Zoning Appeals as far as not dealing with this situation on a one on bases, it has to be something that dealt with more of a City Planner. As chairman of the Building Committee, Mr. Sims stated that the committee has already taken this matter under advisement and will have some preliminary discussions and are seeking further guidance. There will be further consideration of the ordinance as it is written. Council is between a rock and hard place in terms of what they can do. Mr. Sims cited his position is that further consideration is possible on this matter, but as far as what the ordinances provide today it is pretty clear and Mr. Sims added that he hoped that the applicant will have the opportunity to successfully advertise his business within the constraints of the existing city ordinances.

MOTION BY MR. SIMS, SECONDED BY MR. ERTEL to deny the appeal from Dunkin Donuts, 13880 Cedar Road regarding Board of Zoning ruling from the June 10, 2015 meeting which denied the application request of Mr. Dan Beeman, Wagner Electric Sign Company for a Variance to have a Dunkin Donuts illuminated sign based on flashing, moving or intermittently uses as presented. On roll call, all voted “aye,” except Mrs. Zucker who voted “no.”

Mr. McConville informed the applicant that their appeal was denied and per ordinance they can only display the time and the temperature on the monument sign.
C. Appeal from Rochelle Koval, 4404 Churchill Blvd. regarding Board of Zoning ruling from the August 12, 2015 meeting which denied the applicant’s application contesting Codified Ordinance 1484.01 and Ordinance 91-12 which requires childcare facilities in a U-1 district to apply for the required Day Care Permit and to follow all rules for Day Care use.

Mr. McConville administered an oath to Mr. Koval.

Mr. Israel Koval stated that his and his wife appeal is that the current ordinance which prevents back yard day camps should be considered to be overturned, rejected or changed being that they felt that the camp could be something that actually benefit the members of their community. Mr. Koval recognized that the day camps that were targeted the city had received several complaints from some of the neighbors. Mr. Koval commented that their experiences within their block was that they had been conducting the day camp for 5 years without realizing that they were violating the ordinance and that all the neighbors participated by sending their children. Therefore, Mr. Koval stated they found it difficult to understand if one of the neighbors objected this year, but if there was a neighbor who might have objected to the camp there are probably many more neighbors who feel that this is a tremendous benefit to the community. It allows the community to send children in a budget friendly way to a day camp which is under a nurturing environment where all the safety precautions and the best circumstances in a home environment. The camp is probably something which would benefit more citizens and community members than the few that may have taken judgment issue of the points. Mr. Koval also mentioned that they felt that there could possibly be a difference of distinction between the day care facility of all year round and day camp; being this is a three to five week endeavor. There are some similar ordinances which distinguish between those two in other parts of the State and the City and thought that they could possible appeal to have similar differentiation made in University Heights as well.

Mrs. Cameron asked Mr. Koval if he was aware the ordinance of set aside, that Mr. Farka noted earlier in the meeting that he suggested that the ORC craves out a special area of recognition for day camps.

Mr. Koval answered he was unaware, but he thought there was a specific benefit to having them in the home for the neighbors in the block. Mr. Farkas’ suggestion might be good in some parts of the community but for the block members that having it on their block in a home that they trust has its own specific benefits.

Mr. Sims asked Mr. McConville if the legislation ordinance or specific denial designed to address the ordinances of this specific situation. Mr. Sims explained that there is a party here to contest or appeal a decision that was made by the Board of Zoning relative to their particular day camp, so was the denial of this speak to their specific situation or is it design to set a precedent for how we approach this in general.

Mr. McConville replied that it applies to a specific situation and the reality is that the Building Commissioner has issued multiple citations and multiple people to the Board of Zoning Appeals on an issue. The question that has been raised is does the ordinance on the books apply to those particular facts. Mr. McConville stated he was asked that question at the Board of Zoning Appeals and by members of Council and his opinion of that is that the language in the ordinance is not overly broad, it is specific, and it encompasses the activities that the government calls day camps. The language is clear and that is a question for Council.

Mayor Infeld stated that there were several citations issued to many, many day camps or day care centers or day care situations involving children in single family homes this summer. The Board of Zoning Appeals has heard a number of them and will continue to hear the appeals of this violation status as they are made aware by the Building Commissioner. Only this day care facility has come to the City Council to appeal the Board of Zoning Appeals, the others may come forward but there is a period of time after the Board of Zoning decision to apply for an appeal to the Council and for some of them that time has passed.

Mrs. Pardee asked Mr. McConville if Council were to choose to refer this to a committee, can Council in some way table taking action of this appeal or does Council have to take action on this now. For example if Council chooses to explore this further in committee and then come back, would Council be able to do that.

Mr. McConville replied that he didn’t think so; he thought that the Board of Zoning Appeals decision will take effect and the appeal of City Council is not moved it just tabled.
Mr. Sims asked in light of what Mr. McConville stated, if Council does not action then what happens.

Mr. McConville replied that the BZA decision will become final and the applicant will have all the formal rights of appeal.

Mr. Sims clarified that the applicant would have further appeal to a different body and asked what is at issue; is it the number of children that are under the care, what is it?

Mr. McConville replied that there are a variety of issues. First and foremost there is language in the ordinance that says no person or entity shall operate a child daycare home or facility or provide daily or night over care for any non-related children except for what is providing in this chapter. That language is specific and encompasses the activities of a day camp, not distinguishing legislatively in this ordinance between a day camp and a day care and as a result of that all of the related provisions that come after that set both the requirements for these types of operations apply and they are depending on the particular facts and circumstances and the particular outcome.

Mr. Tuck-Macalla stated to Mr. Sims question as far as the building department is concerned the issue is the number of occupants in structure, how many people are in the home. The way that the ordinance is written six occupants fit nicely within the building code in a residential district (U-1), it fit within our ordinance for home occupations. Further in the ordinance it talks about how many children, how far away from congestion (drop off/pickup). Those are some of the issues that the building department had over the summer, there were over eight calls and emails in regards to the day cares. It is about the occupancy, some of the day care centers had up to 20 children and as far as the building code is concerned that falls into a different use group. It would fall into an “E” use group, a home could be modified for a E use group. There would be certain restrictions for a home to be use for a E use group but the building department would have to be involved in that.

Mayor Infeld added that the ordinances have specific requirements when there are children in a home to make sure the children are safe. Overall the City Administration has concerns about the safety of children if there are too many children in a home, if there are not proper exits,

Mr. Tuck-Macalla stated that there are ways to have day camps/back yard day camp and the Building Department is ready to work with residents to do that, but there are restrictions. If the city goes to the point where there are temporary certificate of occupancy for just the summertime with certain restrictions, those could be worked out through the Building Department. Mr. Tuck-Macalla noted that he received 8 complaints; multiple complaints were about 2 day cares that were continuous and that they would block traffic along Milton at 9:30am and 2:30pm with children running around the vehicles and crossing the street to go into the house. There were 20 children in a garage with the door closed. Those are some of the things that would be addressed if the Building Department were to get involved and conduct inspections and provide some guidance.

Mayor Infeld noted that city hall Administration Department also received phone calls and emails from concerned neighbors.

Ms. Johnson, member of the Board of Zoning Appeals stated that by in large the board’s decision was not about discouraging day camps/summer camps in fact the board wanted to provide safe environments for the community’s youngest members. The law is very clear on its face in providing safety measures, it is not saying you cannot a summer camp, or you can’t have child care facilities. What it is providing are laws in which a safe environment can be provided for the children. You can encourage fun and laughter for children in a nurturing environment and don’t have a situation in the community where it brought to the administrations attention out of some tragedy that’s occurred in a garage because the building code wasn’t adhered to with it very clear practical requirements for safety. To the point that was brought out about the crave out, Ms. Johnson stated she was going to leave most of that to the Law Director to respond to but, in looking at Ohio Revised Code in the carve out for camps it is not that camps don’t have regulations and aren’t regulated so again there may be a carve out but they are regulated. So to the Law Director’s point, it is care that if daily or regular care is being provided and if the city’s ordinance is stricter than the state according to Ms. Johnson’s understanding of the Law Director ruling that State law doesn’t preempt it. Actually the city can be stringent within the community, and that is what the community decided in 1991. Discouraging one off for any particular application is a very bad precedent.
Mrs. Pardee stated she understood that safety was paramount and that the camps have been occurring for 30 or 40 years and there haven’t been accidents. We know that doesn’t mean that something couldn’t happen tomorrow but Mrs. Pardee noted she couldn’t speak for the resident on Milton but the people on Churchill have no problem with what has occurred on Churchill. Mrs. Pardee stated that she would like this to be considered in committee; and really discuss it and hatch it out during this school year and be prepared for next summer. Mrs. Pardee’s noted her concern that as a mother she brought her friends kids home to play, maybe the same kids every Friday after school to play. So there were 4 kids along with Mrs. Pardee’s 3 kids so was Mrs. Pardee in a position based on the rules where she was in violation because they were unrelated so Mrs. Pardee noted the need to be very very careful that when people have play dates and kids get together to play regularly for family who watches each other’s kids we aren’t making that something that should be regulated in that way.

Mr. McConville stated that the Administration’s response to this specific compliance about day camps is a particular activity the response and the interpretation of the ordinances is reasonable. Mr. McConville noted he thought that the day camps that are conducted every day and are opened for an extended period of time are able to be regulated under the city’s ordinances and doubted very highly whether the city’s building department citation are what are being described.

Ms. Johnson added that she would like Council to clarify that by the Board of Zoning not putting the ordinance in their motion that specifically under the penalty section that there was never a intention that a penalty be administered from the Board of Zoning Appeals to the applicant because that was listed as one of the citations.

Mr. McConville commented that Ms. Johnson was correct and that the specific citation there was never an issue that the city was imposing a penalty it simply directed homeowner to cease the operation or to obtain a permit.

Mr. Wiseman noted as to the last point it may not have been the Building Departments intention to levy any kind of fine against the day camps. But when you get something in the mail that says you are in violation of this statute and the attached statute says if you violate this you are charged with $250 fine and could receive 30 days in jail you think oh my god I’m going to jail because my daughter is babysitting. It is hard for the city to sum up a statute with a penalty prevision and then say well we really didn’t mean it. It is very seldom for somebody, for a resident who pay taxes it is very sobering to get a statute that says there a penalty. It didn’t say on any of the notices no penalty, no court, etc. One of the single most important things about University Heights is that it is an affordable place to live, the houses don’t cost what Beachwood and some of the other eastern suburbs houses cost, there are a lot of families with a lot of kids. Mr. Wiseman noted he felt bad for the kids but the Orthodox day schools end later in the year and begin earlier in the year creating a 6 or 7 week limbo period where it is too late to get your children into day camp and if you have 7 or 8 children you can’t really afford a formal day camp. So the affordable thing to do is send the children to somebody’s house for babysitting. We have said day care tonight about 30 times, this is babysitting it nothing else. Do we really want to be the city that got in the face of people who have babysitting in the back yards? We can say oh it is safer this way, but the main safety problem that the Building Commissioner talked about, kids running across the street from a van; that is not regulated in the day care section. Mr. Wiseman stated that he thought Mr. Farkas was right when he talked about the being sort of the epitome of heavy handedness and unnecessary government regulation. The statue as it is written today says if you have children that aren’t yours, you are a day care service provider. At another point in the statue saying if any of the children are yours they count for the six children limit that the rest of the statue has, so a family with a lot of children who babysit it makes it impossible. Mr. Wiseman stated that he really thought that yes the city can enforce this statute and call them day care services, but we really don’t have to and that is policy decision that he thought the city should really consider when looking at how almost every orthodox family in the city is affected by this. Mr. Wiseman stated Council should grant the appeal and should take back and look at the statue and carve out day camps. Because once the city starts down the road of regulating day camps then it is does you regulate them enough, who is going to enforce them and how bad is it. Finally Mr. Wiseman stated he has been in the city since 1988 and his wife was in a day camp when she was a kid in the 1970’s and she ran a day camp. Mr. Wiseman said he had never heard of anybody getting hurt at a backyard day camp. The city can say it is a safety issue but that is a subterfuge to reach a policy decision that doesn’t need to be reached.

Mr. Wiseman stated he was more than willing to make a motion that the appeal be granted and deny the BZA decision.
Mayor Infeld stated that this was a safety issue and once it came to the city’s attention that there are people in violation of ordinances, passed by this Council, as this Council owns the decisions of previous Councils until this Council decides to make changes, it is a safety issue. It is in the City’s best interest to make sure that children are in a safe environment at all times and when it is brought to the City’s attention where there is a neighborhood complaint or something that is observed by the Building Inspector of what would be an unsafe conditions for children the city can’t miss those, the most innocent and smallest amongst us, it is the city obligation to make sure they are cared for. The ordinance has requirements about the people providing the care and the ages of the care providers, there has been testimony that the ages of the care providers can be 12 to 13 years old and that is the way they make money so this is a business operation in the city. If the Council agrees to waive the ordinances, Mayor Infeld stated she thought it would be very difficult for the City to require any type formal day care regulation. This doesn’t apply to having a play group over at a house or bring an extra kid or two home from school – it has to do with a business operation, people making money from providing day care for children.

Mr. Tuck-Macalla added that this would put the Building Department and the City in a tight spot because in the building code when the occupancy goes above 6 people in a residential home. It puts the city in a spot where Mr. Tuck-Macalla knows it happening and he knows it is against the building code/state law. It goes beyond what is allowed for zoning. There are ways for the City to not be at risk and to accomplish what it would like to have done and to accomplish the back yard day cares.

Mrs. Cameron commented that she was very disturbed that the city is disturbing a pattern of cultural conduct that allows people to survive. We are taking a professional businesslike approach to custom that has allowed a group of people to survive and to make a consorted effort to care for the children in their community in a way that they are comfortable with. This is a slope that is missing a point. Sure it is economic activity but a business practice for a 13, 14 year old operating a business, Mrs. Cameron said she thought not, and that she was reluctant to take cultural practice and turn it into a business and therefore, justify safety as a reason for the city to intervene. Mrs. Cameron noted that there was no evidence from what she had heard in the 40 years that suggest this is unsafe, could something happen, sure.

Mayor Infeld stated she understood what Mrs. Cameron was saying but, there are other people who live in the neighborhood in single family homes that expect a certain level of activity in the house next door to them and voiced her concern that Council needs to recognize that in order for a community to function well zoning laws have to be obeyed.

Mr. McConville stated that it was reasonable for the Administration to draw a distinction between the kinds of activity that is being described verses the situation that was a complaint. Mr. McConville concern was that the discussion is getting a little removed from the particular fact and circumstances that the BZA was considering. The BZA was being asked to consider a particular conduct that was zoning. Mr. McConville added that he hadn’t heard anyone say anything that challenges the fact that the conduct that was cited is covered by the specific language of the ordinance.

Ms. English stated that she realized that this issue went further than the application before Council at this time but asked Mr. McConville if this was a mute point since the day camp is no longer in operation, as far as this application.

Mr. McConville replied that the administration considered the issue over the summer. The legal issue is that there is no justiciable controversy that the condition would be moved and would be part of a hearing of an appeal.

Ms. English noted that whether they decided to run their day care next year or not she felt that Council should have the opportunity to look at this issue and look at the recommendations that in the Ohio Revised Code for day camp, look at what other cities are doing in regards to this and come up with regulations for next year. Instead of tying Council’s decision into this one item tonight without any kind of review and research on it.

Mr. McConville replied that there was nothing the precluded Council from rendering a decision about whether the conduct that was subject falls under the code tonight and subsequently reviewing something legislatively as Council’s role.

Mrs. Pardee stated that clearly what is being heard is that there is a desire on the part of this Council to not cite this day care and therefore not uphold the BZA. But on the other hand
Council does respect the ordinances. It is also the intention of several Council members to investigate this fully and discuss the ordinance and potential other options spoken to Council. Council is just trying to work their way through how this can be managed.

Mr. Sims stated earlier on in the discussion Councilwoman Pardee suggested that one option might be to table this matter and it was indicated that if that happened then basically the party that is appealing would have the opportunity to appeal to higher sources if they so desire. Mr. Sims added that he thought that the point the Councilwoman English made with respect to where Council now stands with respect to the season for day camps. That there is an absolute opportunity for the Council to step back and review this matter in some detail and be prepared possibility with the same legislation or different legislation next year based on the findings of Council’s efforts. With that being the case Mr. Sims asked Mr. McConville if there is a reason that the Council should feel compelled to not table this matter tonight.

Mr. McConville replied that he made his legal opinion clear, which is that the conduct that was cited is encompassed by the language of the ordinance; that would be the reasoning. The existing regulation governs the conduct that was cited.

Mr. Wiseman stated meaning to say we (council) has no choice but to uphold the...-...-

Mr. McConville stated that Mr. Sims was asking him a question that was quasi legal and quasi political and that he was given a legal answer.

Mr. Sims commented that he was just asking a question and looking for guidance. Mr. Sims stated he didn’t want his question to be characterized in any manner. He was trying to figure out how Council can resolve this where Council can move forward without chaos.

Mayor Infeld again stated her concern that there is an ordinance that is being violated. To make an exception for residents who are not following the ordinance would be conducive to the residents of this community and for what reason. The City is concerned about being able to apply the ordinance equally to everybody. There is no distinction there’s child care happening all over the city, the city views this as child care and there are safety consideration built into the ordinance when talking able giving child care to children. Mayor Infeld said she was concerned how the city would be able to manage home day care without a clear answer from Council.

Mr. McConville pointed out that it would become difficult to enforce the ordinance because of the difficulty in determining where the line is drawn. Based on the interpretation of this conduct it is covered by the language in the ordinance.

Mr. Sims commented that he didn’t believe that anyone on Council would disagree with any of the concerns that have been raised but personally Mr. Sims believed that the ordinances deserve a review and because of where the city is today that Council can afford the opportunity to take and review. Then next season when this particular day camp and other day camps are wondering what ordinances they have to comply with, we can be absolutely sure that an understanding about what that is. It may be revising the ordinances or maybe keeping the ordinances. Council has until the season begins next year to make sure that there are ordinances in place that Council is comfortable with.

MOTION BY MR. WISEMAN, SECONDED BY SIMS to approve the appeal by from Rochelle Koval, 4404 Churchill Blvd. regarding Board of Zoning ruling from the August 12, 2015 meeting which denied the applicant’s application contesting Codified Ordinance 1484.01 and Ordinance 91-12 which requires childcare facilities in a U-1 district to apply for the required Day Care Permit and to follow all rules for Day Care use because it is oblivious that day camps shouldn’t be regulated and to give Council a chance to review the Ordinance in terms of day camps.

Mayor Infeld again voiced her concern that if Council passes this and reverses the Board of Zoning Appeals decision the building department has no authority to regulate home day cares. If the Council wants to consider changing the Ordinance she suggested that Council provides a second motion denying the appeal so that since it will not impact Mr. Koval at all because she is no longer operating the day camp / child care facility in her home anymore. It would then give Council the opportunity to look at the Ordinance and change it if they would like but it will not limit the City’s ability to regulate child day care. Mrs. Pardee made the comment that for instance a person who lives down the street from her, takes in children, regulated and has a permit. Operates a great business from 9am to 6pm five
days a week and asked Mr. McConville if he was saying that the city would not be able to regulate that person any longer.

Mr. McConville stated that the scenario that is problematic is the scenario where a complaint is filed about a day care business, where is the line drawn, what is the activity that’s regulated by the ordinance.

Mr. Wiseman noted that there is a motion and a second on the table.

Mayor Infeld asked Council to consider a second motion denying this again because it will not harm the applicant and will give the city’s administration the tools it needs to keep children safe.

Mr. Wiseman withdrew his motion with the permission of Mr. Sims.

MOTION BY MRS. PARDEE, SECONDED BY SIMS to table the appeal by from Rochelle Koval, 4404 Churchill Blvd. regarding Board of Zoning ruling from the August 12, 2015 meeting which denied the applicant’s application contesting Codified Ordinance 1484.01 and Ordinance 91-12 which requires childcare facilities in a U-1 district to apply for the required Day Care Permit and to follow all rules for Day Care to give Council a chance to review the Ordinance in terms of day camps. On roll call, all voted “aye.”

D. Motion Approving Planning Commission Recommendation and Application from Neff & Associates representing Kollel YCM of University Heights for the Lot Consolidation of Parcel numbers 721-26-011, 721-26-012 and 721-27-001/002 into one (1) Parcel for a total lot size of 0.7328 acres. The parcels are located on South Green Road, corner of East Carroll Boulevard.

Mr. Dan Neff provided a brief refresher overview about the project.

Mayor Infeld reviewed the different boards, i.e. Board of Zoning, Planning Commission, Council and Architectural Review Board that the project went through and received approvals.

MOTION BY MRS. PARDEE, SECONDED BY MS. ENGLISH approving Motion Approving Planning Commission Recommendation and Application from Neff & Associates representing Kollel YCM of University Heights for the Lot Consolidation of Parcel numbers 721-26-011, 721-26-012 and 721-27-001/002 into one (1) Parcel for a total lot size of 0.7328 acres. The parcels are located on South Green Road, corner of East Carroll Boulevard. On roll call, all voted “aye.”

E. Motion to Declare the property located at 2602 Edgerton Road, parcel #722-26-005 a nuisance and Declaring an Emergency.

Mr. Tuck-Macalla reported that this property has been vacant for quite some time. The owner is deceased and the house is in limbo. The house is in rough shape and Mr. Tuck-Macalla stated he receives a lot of calls regarding this house.

Mr. Sims asked in approving that this property be declared a nuisance would it allow for the property to be demolished.

Mr. Tuck-Macalla stated by declaring the property a nuisance he can seek funding from the County to have it demolished. But would have to come back to Council to get approval for the demolition for the property.

Mr. Sims stated his concern is his belief that the City should have a more prominent role in finding ways to save these homes and put new owners in them as opposed to demolishing them.

Mr. Tuck-Macalla stated that anytime there is someone who shows any type of interest or responsibility for a vacant property he would not declare it a nuisance.

Mr. Sims asked if there was a way to institute a way to find buyers.

Mayor Infeld stated that the city cannot sell a house that it doesn’t own. But for a home that is owned by an estate that are ignoring the repairs so the city would like to have a declaration so that we can do one of two things (1) start making repairs or (2) encourage the bank to sell it.
Mr. McConville added that the declaration of nuisance gets the clock running for the City’s options of disposal. Eventually the land bank will come in to review the condition of the house and decide if the structure is salvable.

Mr. Wiseman stated that he would love the City to get more aggressive in terms of the steps it takes while properties are in foreclosure to keep the bank from playing games. The City has a foreclosure registration vacant property ordinance, we could even cite the property and appear on the court foreclosure case to prevent the banks from dismissing and running away rather than waiting 4 to 5 years.

Mayor Infeld encouraged Mr. Wiseman to talk to the Law Director and give him so tips so that he can then provide the Administration with guidance on what can be done.

MOTION BY MRS. PARDEE, SECONDED BY MR. WISEMAN to declaring the property located at 2602 Edgerton Road, parcel #722-26-005 a nuisance on emergency. On roll call, all voted “aye.”

F. Motion to Declare the property located at 3580 Raymont Boulevard, parcel #722-02-046 a nuisance and Declaring an Emergency

Mr. Tuck-Macalla stated that this owner is also deceased. No one is taking care of the property. The roof is leaking and has a tarp on the roof, the basement is opened and it is an eyesore.

MOTION BY MS. ENGLISH, SECONDED BY MR. ERTEL declaring the property located at 3580 Raymont Boulevard, parcel #722-02-046 a nuisance and Declaring an Emergency. On roll call all voted “aye.”

G. Ordinance No. 2015-29 Authorizing the Collection of the Special Assessments for the year 2015 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 14, 2015 (on emergency)

Mr. Wiseman asked if this was the TIFF payment for University Square and allows the City to accept and transfer payment if they were made.

Mr. Heiser answered correct and payments are not being made.

Ms. Sims clarified that the City was not obligated financially in terms of the bonds.

Mr. Heiser replied correct.

Mrs. Cameron asked why this was on emergency.

Mr. Heiser stated it was a timing issue. All the assessments are due by the second week of September so in order to have two readings there would have to be a Special Meeting every August for the first reading on all the assessments.

Mrs. Pardee asked since we know that all the assessment are coming up, is it possible to have them on the agenda as first reading for the last regular Council meeting in June. Can they sit the entire summer and then be approved in September.

Mr. Heiser said that is a possibility.

Mr. Sims asked if there would be an update regarding University Square litigation in Executive Session.

Mayor Infeld replied yes, and that she had asked Mr. Coyne to come to the next Council meeting.
MOTION BY MR. SIMS, SECONDED BY MR. ERTEL. Ordinance No. 2015-29
Authorizing the Collection of the Special Assessments for the year 2015 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 14, 2015. On roll call on suspension of rules, all voted “aye,” roll call on passage, all voted “aye.”

H. Ordinance No. 2015-30 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 2015 (on emergency)

Mrs. Pardee noted that the rates hadn’t changed.

Mr. Heiser replied that the rates hadn’t changed in 40 years.

MOTION BY MRS. PARDEE, SECONDED BY MRS. ZUCKER approving Ordinance No. 2015-30 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 2015. On roll call on suspension of rules, all voted “aye,” roll call on passage, all voted “aye.”

I. Ordinance No. 2015-31 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 2015 (on emergency)

Mr. Sims asked for the wording to be change in next year’s Ordinance so that it would read for the purpose of maintaining, repairing and reconstructing the Sewerage System.

MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON approving Ordinance No. 2015-31 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 2015. On roll call on suspension of rules, all voted “aye.” Roll call on passage, all voted “aye.”

J. Ordinance No. 2015-32 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 the billing was calculated and monies disbursed to the contractor.

Mr. Heiser explained that the billing cost is based on the Ordinance and that the contractor received payment based on his charges and the city retains the $100 fee.

MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON approving Ordinance No. 2015-32 Levying Special Assessments for providing City Services in the Removal of Nuisance Conditions at various locations throughout the City of University Heights. On roll call on suspension of rules, all voted “aye.” Roll call on passage, all voted “aye.”

K. Motion Ordinance No. 2015-33 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 2015 (on emergency)

Mr. Heiser stated there were no changes and that this pertains to the tree fund.

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS approving Ordinance No. 2015-33 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 2015 (on emergency) On roll call on suspension of rules, all voted “aye.” Roll call on passage, all voted “aye.”
L. 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 first reading)

Resolution No. 2015-34 was placed on first reading.

M. Ordinance No. 2015-35 Levying Special Assessments for providing City Services in the Removal of Nuisance Conditions at various locations throughout the City of University Heights (on emergency)

Mrs. Pardee asked which nuisance conditions are these.

Mr. Heiser stated usually for the removal of trash.

Mr. Wiseman asked if warnings are given to the home owners before the assessment is made on the property.

Mr. Heiser replied that usually the first warning is a knock on the door and then the building department issues a 3 day tag. If the trash is still there then the abatement is arranged and the service department takes care of the problem.

Mr. Wiseman asked approximately how many days does the process take.

Mr. Pokorny answered 4 to 5 days.

MOTION BY MR. ERTEL, SECONDED BY MS. ENGLISH approving Ordinance No. 2015-35 Levying Special Assessments for providing City Services in the Removal of Nuisance Conditions at various locations throughout the City of University Heights. On roll call on suspension of rules, all voted “aye.” Roll call on passage, all voted “aye.”

N. 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 first reading)

Mr. Sims noted that Council just passed the Ordinances regarding the levying of assessments and asked if the amounts that are being transferred for the street and street lighting fund represent a short fall and asked if at some point does Council need to consider passing legislation that increases the rate so that the assessments cover the cost of the lighting.

Mr. Heiser stated that the street light fund is the short fall fund and that increases for the last five years to cover that short fall.

Mayor Infeld suggested assigning the review of the rates to the finance committee’s agenda.

Ordinance No. 2015-36 was placed on first reading.

O. 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 first reading)

Resolution No. 2015-39 was placed on first reading.

P. Ordinance No. 2015-37 Authorizing the Mayor to Execute an Agreement for Recycling Processing Services (on emergency)

Mr. Pokorny stated that was in regards to the City’s recycling contract. The contract takes care of glass, steel cans, aluminum cans, mixed paper and all the items that residents place in the blue recycling bags for pickup. The current contract is scheduled to expire at the end of September and Cuyahoga County has offered to provide the city with its recycling services. The city is part
of the east side consortium which includes about 12 cities and this year’s low bidder was Kimble which is the same company the city has been using for the last three years. There is no change in the distance to drive to the station nor in the types of materials that can be dumped; the only change is what Kimble is offering to pay us for our recycling materials. And that price is being dropped to the minimum of .05 cents per ton and if Kimble receives above their operation cost they will share profits up to 50%. The County and the consortium are recommending that the city enters into contract with Kimble for recycling services.

Mr. Wiseman asked what the minimum that the city receives now.

Mr. Pokorny replied the city receives 50% of the value that the recycles are sold for based on the market value. Generally the city takes 240 tons annually and we make about $2,000 a year.

MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL approving No. 2015-37 Authorizing the Mayor to Execute an Agreement for Recycling Processing Services. On roll call on suspension of rules, all voted “aye.” Roll call on passage, all voted “aye.”

Q. Motion to Authorizing the Mayor to enter into Agreement for Recycling Processing Services with Kimble Company, dba Kimble Transfer & Recycling

There was no discussion for this agenda item.

MOTION BY MR. SIMS, SECONDED BY MRS. PARDEE authorizing the Mayor to enter into Agreement for Recycling Processing Services with Kimble Company, dba Kimble Transfer & Recycling. On roll call all voted “aye.”

R. Ordinance No. 2015-38 Authorizing the Mayor to Execute an Agreement for the Transfer and Disposal of Solid Waste Services (on emergency)

Mr. Pokorny explained that this is called a transfer and disposal agreement because the waste is being transferred from the transfer station to the land fill. The city will be delivering the waste in our rubbish trucks from University Heights to the transfer station in Glenwillow.

Mr. Sims asked in the past where did transfer the waste to.

Mr. Pokorny replied the waste was transferred to the Cleveland Heights transfer facility on Mayfield and Superior. University Heights has never had its own transfer station and has always taken the waste to a transfer station or land fill. In recent years the city has used Oakwood transfer station which is run by Waste Management, BFI in Glenwillow, and Kimble in Twinsburg was an option last time but the city look at other options and chose Cleveland Heights. But now Cleveland Heights is looking at their transfer cost. Mr. Pokorny recommended that the city goes with BFI and transfer the waste material to Pettybone in Glenwillow.

Mrs. Pardee asked if the contract was for a period of 3 years and if the administration desired the additional 2 years it would not be necessary to come back to Council so the contract could be 5 years.

Mr. Pokorny replied yes with the option for an additional 2 years for a total of a possible 5 years.

Mr. McConville added that it would be an administrative function to extend the contract for the additional 2 years so it would not have to come back to Council for approval.

Mr. Wiseman asked Mr. Pokorny how much the city would be saving by going to BFI as opposed to Cleveland Heights.

Mr. Pokorny estimated about $50,000.

MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON approving Ordinance No. 2015-38 Authorizing the Mayor to Execute an Agreement for the Transfer and Disposal of Solid Waste Services. On roll call on suspension of rules, all voted “aye.” Roll call on passage, all voted “aye.”
S. Motion Authorizing the Mayor to enter into Agreement for the Transfer and Disposal of Solid Waste to Browning Ferris Industries of Ohio, Inc. (BFI)

There was no discussion for this agenda item.

MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN authorizing the Mayor to enter into Agreement for the Transfer and Disposal of Solid Waste to Browning Ferris Industries of Ohio, Inc. (BFI). On roll call, all voted “aye.”

T. Motion for Authorization to request bids for the Purchase of a Lateral Sewer Camera System.

Mr. Pokorny stated that the City Service Department is responsible for maintaining all the connections from the clean out tee to the street. The City also maintains the main in the street, but in general the work for those mains is contracted out because the mains vary in size and the city doesn’t have the large equipment for the larger mains. The Service Department does try to maintain the laterals from the house clean out tee out into the street. Most of the lines leading from the house are 6” clay pipe but the only equipment the department has for accessing the pipe is a sewer snake. If a resident calls with a blockage or trouble in their line the department is able to find the tee and clean out the line towards the street with a snake. Often times the crew hits objects in the line and can’t tell what it is so the purchase of this item would afford that ability.

Mr. Wiseman asked if this was to receive bids or to purchase this particular one.

Mr. Pokorny replied that he did not pick out a specific make and model yet, but will try to get 3 bids on the one he chooses.

MOTION BY MR. WISEMAN, SECONDED BY MS. ENGLISH authorizing the request to advertise seeking bids for the Purchase of a Lateral Sewer Camera System. On roll call, all voted “aye.”

U. Motion for Authorization to request bids for the Planting of City Trees.

Mr. Pokorny explained that this was the annual tree planting program. This will focus on zone 3: Silsby south and Warrensville west back to the Cleveland Heights border. Mr. Pokorny stated that there are approximately 130 trees to plant with a cost of approximately $28,500.

MOTION BY MR. SIMS, SECONDED BY MRS. ZUCKER authorizing the request to advertise seeking bids for the Planting of City Trees. On roll call, all voted “aye.”

V. Motion for Authorization to request bids for the Pruning of City Trees

Mr. Pokorny stated the pruning area is zone 1; Silsby north towards Cedar and Warrensville west toward South Taylor. That will be the area of concentration, although the project is city-wide. There are approximately 650 trees to be pruned with a cost of approximately $75,000. The pruning will take place during the winter months, from November 2015 until March 2016.

Mr. Wiseman asked if there was any way to work into the bid a public meeting or public notice. This would be different from sending out a letter.

Mr. Pokorny replied that he didn’t think that would be something that could be added to the contract in making the contract attend or do. Mr. Pokorny noted that the City gets the contractor to put out some notices by zones.

Mrs. Pardee shared that First Energy came through the City trimming trees in the back yards for the electric lines and they informed the residents with door hangers and information with phone numbers listed so resident know who to call. Mrs. Pardee provided an example of what First Energy passed out.

Mr. Wiseman gave the example of the signs used for fire hydrant testing where it could say tree trimming next week.
MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON authorizing the request to advertise seeking bids for the Pruning of City Trees. On roll call, all voted “aye.”

W. Motion for Authorization to request bids for rebuilding Purvis Park Tennis Courts

Mr. Pokorny stated that the city would like to reconstruct the four tennis courts at Purvis Park. The engineer estimate is approximately $308,000 for the work of which the City should be receiving approximately $142,000 from the Ohio Department of Natural Resources – Nature Works Grant Program.

Mr. Wiseman asked if some or all of the courts were resurfaced last year.

Mr. Pokorny replied that crack sealing and resurfacing of all of the courts.

Mr. Sims asked how much did the city spend recently to improve the courts and will the work that was previous done be redone based on building of these 4 courts.

Mr. Pokorny stated about $70,000 was spent for the crack sealing and the resurfacing of all of the courts in 2013.

MOTION BY MRS. ZUCKER, SECONDED BY MRS. CAMERON authorizing the request to advertise seeking bids for the rebuilding Purvis Park Tennis Courts. On roll call, all voted “aye.”

X. 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

There were no director reports.

Standing Committee Reports:

Building Committee: Mr. Sims had no report.
Mayor Infeld stated that she was adding the building committee agenda the Ordinance regarding the operation of home child care. Mr. Sims replied that he would work with the Council Clerk to have a meeting scheduled.

Finance Committee: Mrs. Pardee reported that the Finance Committee will have its first meeting for the year at the end of October to review the budget and the street light rates.

There were no other standing committee reports.

There being no further business to discuss, the meeting was adjourned at 10:49pm.

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

Susan K. Infeld, Mayor

Kelly M. Thomas, Clerk of Council