

**MINUTES COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
NOVEMBER 21, 2016**

Mayor Infeld called the regular meeting to order at 7:04p.m.

Roll Call:

Present: Mrs. Susan Pardee
Mrs. Pamela Cameron
Mr. John Rach
Mr. Phillip Ertel

Absent: Mr. Steven Sims
Mr. Mark Wiseman

Also Present: Law Director Luke McConville
Finance Director Larry Heiser
Clerk of Council Kelly M. Thomas
Fire Chief Douglas Zook
Service Superintendent Jeffrey Pokorny
Community Economic Development Patrick Grogan

MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON to excuse the absence of Mr. Sims and Mr. Wiseman. On Roll Call, all voted “aye.”

Approval of Minutes from Regular Meeting November 7, 2016

Corrections to the November 7, 2016 minutes were provided by Mrs. Pardee, Mr. Rach and Mayor Infeld.

MOTION BY MRS. WEISS, SECONDED BY MR. RACH to approve the Council minutes from November 7, 2016 as corrected and presented. On roll call, all voted “aye.”

Comments from Audience

There were no audience comments.

Mayor’s Report to Community

Mayor Infeld also reported that:

- Congratulated John Carroll University’s Football team on making it to the second round of playoffs.
- The Newsletter is out to community and on the City’s website.
- Reusable fabric shopping bags are being distributed to household in University Heights. Each bag contains: a directory listing the businesses in University Heights, notepad, ink pen, bumper sticker, Service Dept. booklet listing the offered various services, coupons from area business, etc.
- NOPEC abruptly ended their 9-year contract for electricity with First Energy, but University Heights residents and other NOPEC members will continue to receive their electricity from First Energy until December 31, 2016. NOPEC has contracted with Next Era Energy Solutions of Ohio, which happens to be the same company is the Gas supplier for NOPEC. Electric service from Next Era Energy Solutions of Ohio will begin automatically in January for NOPEC electric customers, unless they opt out. If person are interested in opting out Mayor Infeld recommends that they refer to the “Apples and Apples” website (www.energychoiceohio.gov) to look at the contract terms and prices because Next Era will be matching the price that First Energy had negotiated with NOPEC in 2010 for the first 8 months of 2017, after that the rates will change and become variable.
- The University Heights Symphonic Band will have a concert with musical entertainment that’s is appropriate for the winter holidays. The concert will take place at 7pm on December 1 at John Carroll University in the Dolan Science Center Atrium.

Mayor Infeld noted that Vice Mayor Pardee informed her that Council would like to discuss the Cedar/Taylor area of the City and that in speaking with the Law Director about this, her suggestion would be to have the discussion in an open meeting. This would give people who are interested in the topic the opportunity to know about the discussion. The topic can be on either the December 5 or December 19 Council Agenda. Mayor Infeld also offered that the discussion could begin at this meeting and then continue at a later meeting as an agenda item. Mayor Infeld added that in that discussion she could talk to the community about what the City is doing at Cedar/Taylor. There are some environmental issues there and the City has hired an attorney to help it navigate those issues. In the past, the City has unsuccessfully applied for grant funding, but, is trying again in hopes of receiving funding for some streetscape improvements.

MOTION BY MRS. WEISS, SECONDED BY MRS. CAMERON to add to the agenda a discussion regarding Cedar/Taylor. On roll call, all voted "aye."

Mayor Infeld asked for a motion to add the approval of the invoice for the carpeting of the Fire Department which was beyond her spending authority. Mayor stated that the carpet had already been installed and that there was a mishap in communication as it was thought that the installation would have been done in separate waves but somehow it was done differently. Mayor Infeld noted that a payment had previously been made for the first wave of work but that the final invoice was beyond her spending authority. Mayor Infeld commented that the fire house has been painted, there are new mattresses, the Chief office is in the process of being painted and fixed up and recommended that everyone goes over to see the renovations and new carpet prior to voting on the approval of the payment.

MOTION BY MRS. CAMERON, SECONDED BY MR. ERTEL to add a motion to add authorization to pay an invoice from Marshall Carpet One for the installation of carpet in the Fire House in an amount of \$5,824.40 to the agenda. On roll call, all voted "aye."

MOTION BY MR. ERTEL, SECONDED BY MRS. CAMERON to pause the meeting to allow everyone to see the renovations in the Fire Department. On roll call, all voted "aye."

MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON to resume the regular City Council meeting. On roll call, all voted "aye."

Mayor Infeld stated that when the carpet was order it was believed that there would be two (2) separate phases and it came together more seamlessly than the two phases and that is why the total invoice was over her spending authority. But since the carpet has been installed she was requesting that Council ratifies the expense of the carpet.

Mrs. Weiss noted the carpet looks wonderful, the department needed it and that Council would never say no to that. But, in the future if there is going to be a project that might be over \$5,000 Mrs. Weiss didn't think it should be split up into piece mill/phases because it would still be the whole project. Mrs. Weiss asked that both Mayor Infeld and Mr. Heiser be cognitive of that in the future.

Mayor Infeld thanked Mrs. Weiss for her comments and noted that it would be nice if Council would increase her spending authority a little bit for situations such as this.

Mrs. Cameron replied she didn't see why Council couldn't reconsider that proposal.

Mayor Infeld said she could introduce legislation for that and see where it goes.

Agenda Item:

- A. Ordinance 2016-42 Authorizing the Transfer of Funds from the General Fund \$286,729.24 to the Street Fund (201) and Capital Projects (401) (on first reading)**

Mr. Heiser stated that this would be the last transfer of the year.

Ordinance 2016-42 was placed on first reading.

B. Discussion regarding Cedar/Taylor Area

Mayor Infeld stated she would like to explain further about the efforts towards Cedar/Taylor and the plan moving forward, such as it is in a meeting where people could get proper notification. But Cedar/Taylor is in an area of the city where some of it is doing fine in terms of the shopping area being full and having an owner who is maintaining it and making sure the stores are populated. Mayor Infeld noted that the other side of the street is more troubled. There is an empty building that Council declared a nuisance; but, when the Administration asked Council for permission to tear it down the request was denied. This maybe something that can be reconsidered. There are also EPA issues on that same property that are long standing. Next door to that property is an auto repair facility which if it were to ever change from that use would also probably be something that the EPA would be looking at. Next door to that is a very lovely building that Mayor Infeld and Mr. Grogan has been trying to help sell. Photos of the Cedar/Taylor garage on posted on the City's website, the owners got out of the business because they wanted to retire. Mayor Infeld also noted that there are several buildings on the north side of Cedar Road which have EPA issues. The city hired an attorney who specializes in environmental law and is working with Mr. McConville.

Mr. McConville added that the Environmental Law Attorney has written a required statutory letter to Exxon, because Exxon is a party that formerly owned the property in that proximity and is believed to be responsible. The attorney has written a 150-day letter to Exxon which has been sent and received. The 150 day expiration later allows the City to sue them in Federal Court if it is ever decided to go that route. Mr. McConville said he didn't think it was timely in making that decision; the City is in negotiations with them and they have admitted that there is some responsibility, this is a good sign. But, beyond that Mr. McConville didn't think it was appropriate to say anything beyond that, unless Council goes into executive session to discuss some of the details. The process is ongoing and the City has been pleased with the effort of the environmental attorney in terms of the dialog he's created with Exxon and BUSTER (state environmental regulating body). Progress has been made.

Mayor Infeld added that was half of what the City is dealing with, when the thinking about Cedar/Taylor the thoughts are about the north side of the street because of the known EPA issues that are trying to be sorted out, a building that has been recommended for demolition (this may be brought back to City Council for consideration). The other issue is what is to be believed to be too wide of an intersection. Previously Council had been approached for the approval to submit a grant request to the County for funding to bring the sidewalk area out closer into the intersection to make it safer for pedestrians. At that time the funding was not granted for projects such as that, but maybe in the future and at that time the City will ask Council again for authorization to seek funding. There are physical and environmental issues that are being dealt with.

Mayor Infeld added that she has met many times with the Cedar/Taylor Merchants group, noting that there has been a lot of misunderstanding on their part. Mayor Infeld said she had conducted a lot of research and much of the misunderstanding has to do with how the City of Cleveland Heights operates regarding streetscape improvements and approval boards and processes. Cleveland Heights way is very different than the way University Heights operates. Mayor Infeld added that she has tried to explain to the merchants many, many times but they are used to dealing with Cleveland Heights and don't understand that University Heights has a different process. And, for all those reasons this topic will be placed on the agenda for December 5th.

Mrs. Pardee commented that at the Joint Finance Committee meeting this topic came up in regards to the work Mr. Rach's Civic Information Committee in combination with Mrs. Weiss' Governmental Affairs Committee had done working with Cedar/Taylor regarding beautifying that area. Along with Cedar/Taylor having a plan for very specific and concrete items as well the two committees interest in bringing that to the other side of the street so that Cleveland Heights and University Heights would have a welcoming corner area that looked consistent. At the Joint Finance Committee meeting, there was a discussion about setting aside funds for that and in the course of that the Mayor stated there was more to this than the committees knew and suggested that it be discussed in an Executive Session.

Mr. Rach stated that he and Mrs. Weiss worked hard throughout the year to meet with the merchants group and heard from them what they were looking to do to beautify the corner. There are plans and drawings, if you go to the Cedar/Taylor corner and look on the Cleveland Heights side you will see how a lot of the ideas have been implemented on the Cleveland Heights side. There are street benches, waste receptacles, planters, banners to liven the area up a little bit. Mr. Rach stated the two committees want to help them through the process in reaching their goal to mimic the look of the Cleveland Heights side on the University Heights side so that it is in unison and is a cohesive shopping district.

Mrs. Pardee asked Mayor Infeld about her statement that when she thinks about Cedar/Taylor she about the north side of the street, is that because of the attention she (Mayor Infeld) is devoting to that side of the street? Noting the Council has heard that the shopping center on the south side of the street is full and things (businesses) are moving in, Mrs. Pardee asked Mayor Infeld if stating that section is in good solid shape, things are working well and coming along was an accurate statement and that side wasn't a concern to her like the north side was?

Mayor Infeld replied Mrs. Pardee's statements were correct. The south side has an owner who is maintaining his property and is populating his stores with tenants, that is different than what the city is dealing with on the north side of the street. Mayor Infeld added she didn't know if the plans for Cedar/Taylor changed but the plans that she saw 4 years ago, and again 2 years ago in her estimation was very different for the University Heights side than the interventions that were planned for the Cleveland Heights side, noting some thought needs to be given to that. The University Heights side issues are much bigger than banners and benches. What came up in the Joint Finance meeting was that Council desired to have a special fund established by Council. Mr. Heiser suggested that it go into Council fund activity as a Council fund. Mayor Infeld stated that as everybody knows Council cannot effectuate anything other than approving because the Mayor is the only body that can sign contract to actually do the work. The bottom line is until the University Heights' ordinances change the process, the process is still the process. That is why it may be helpful to place this on the next Council meeting agenda, so that some of the people who have openly expressed concern that she is hearing what they are saying, she does understand but that she has to operate by the ordinances.

Mr. Rach stated that at the time in which he tried to inform the Merchants Association of the process in University Heights, University Heights didn't have a Building Commissioner so he told them to pause until a Building Commissioner was appointed and then the talks could resume. Luckily, there is a plan in place so they can meet as soon as possible to explain what the project really is and where the various amenities are proposed and proceed from there.

Mayor Infeld remarked that she saw the plans and the plans really opens the viewpoint from a traveler from the east to the Cleveland Heights shops and on the University Heights side there is really nothing other than the suggested overflow of parking. And, as the Mayor, she said "wow this is quite a consideration for the City of University Heights. To take a prime corner and not try to fully utilize it and turn it over to parking and overflow from the activities across the street." Mayor Infeld commented that when she had said more significant thought needs to go into that plan, she meant it; adding that she thought that in University Heights the plan needs to be looked at from the lens of someone in University Heights to see if that is the right plan for that prime corner in University Heights. Mayor Infeld wants to make sure the plan has been looked at to say here's University Heights, here's Cleveland Heights and how are the plans different. Mayor Infeld stated she didn't think the fund was necessary because it is capital project money, it can just come out of the capital project fund. But, if it makes Council happy to know that they established a fund, and put it under the Council – but again per the Charter she (Mayor) is the only person who can actually act on what is happening over at Cedar/Taylor.

Mrs. Pardee asked Mayor Infeld if she could provide Council with the plans for Cedar/Taylor.

Mayor Infeld replied that Council should have copies and that they may be more updated.

Mr. Rach said he would contact the Merchant's Association for the plans for the upcoming discussion.

Mayor Infeld asked Mr. Rach to provide those to the Clerk to distribute to Council prior to the meeting and noted that she would be in touch with people in Cleveland Heights.

C. Motion to ratify the cost of the installation of carpet in the Fire House and approving the payment to Marshall Carpet One in an amount of \$5,824.40

There was no additional discussion regarding this item.

MOTION BY MR. ERTEL, SECONDED BY MRS. CAMERON to ratify the cost of the installation of carpet in the Fire House and approving the payment to Marshall Carpet One in an amount of \$5,824.40. On Roll Call, all voted "aye."

D. 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 had no report.

Mrs. Weiss asked Mr. Heiser how the on-line credit card program had been implemented and if so how was it going.

Mr. Heiser replied that it is currently in the testing phase. It may be up and running by the next Council meeting.

Fire Chief ~ Douglas Zook reported that the ladder truck will be going out for repair the following week and that mutual aid has been advised of that.

Building Department ~ Mayor Infeld reported that the new Building Commissioner Mr. Lawrence Brown will begin working on December 1.

Community Development ~ Patrick Grogan commented that he goes out in the community daily to meet with business owners and in asking what they needed from the city they stated they could use a little more marketing help. That is where the idea of having a business directory come from along with the fabric tote shopping bag with coupons, note pad, pen, bumper sticker, etc. Although there was a business directory years ago, it hadn't been updated. The directory is also on the City's website and will be updated accordingly. The shopping bag are being delivery to every house in University Heights by various city hall staff persons.

Mrs. Pardee asked if the on-line directory would be searchable, i.e. where you would type in art supplies those companies would pop up.

Mr. Grogan replied yes, there will also be categories with a drop-down box.

Mayor Infeld added that Mr. Grogan has also been writing articles that highlight the business and has published them to the City's website as well as in the Heights Observer. The businesses have been thrilled with the efforts.

Engineer ~ Mayor Infeld reported that the street patching work is almost complete and the waterline work has been completed.

Mrs. Cameron asked if the tree planting program started.

Mayor Infeld replied yes and that it is about halfway completed.

There were no other Director reports.

Standing Committee Reports:

Finance Committee: Mrs. Pardee stated that the Joint Finance/Advisory Committee met on November 14. Mrs. Pardee noted that the committee invited the Police and Fire Chiefs and were disappointed as neither Chief was present. Councilpersons wanted to talk to the Chiefs concerning the budget and their departments. Also, based on the work of the Governmental Affairs and Civic Information Council Committees a request was made that funds be set aside for a Gateway and Neighborhood Fund. The idea is to initially start with the Cedar/Taylor Development. Being mindful of the impact gateways to the cities can have and with the Chairs of the Governmental Affairs and Civic Information Committees, as well as other members of City Council wanting to focus on that, the idea was to set aside \$25,000 a year to be used for the gateway locations. For items ranging from banners, planters, bike racks, benches to other things as needed. The idea is to revitalize those areas and to make them shine, so that when people come into University Heights, they know they are in University Heights. Beyond that the \$25,000 could be used for the various neighborhoods, which is something else that Council has identified as something they are greatly interested in; such as the Raymond/Farland neighborhood has been talked about at great lengths in terms of wanting to re-vitalize it. Mrs. Pardee reported that Mayor Infeld and Finance Director Mr. Heiser both agreed that \$25,000 could be set aside and earmarked in the Capital Projects Budget, in addition Council wanted to follow-up on the recommendation from the Technology Advisory Commission to outfit Council Chambers with something so that there are screens, projector and wireless opportunities for laptop to project various maps, blueprints and items that are presented to Planning Commission, Board of Zoning, City Council and other Boards. Mayor Infeld and Mr. Heiser agreed that \$10,000 could be a line item in Council Budget under miscellaneous. Therefore, the Technology Committee needs to identify exactly what is needed to upgrade Council Chambers electronically so that a recommendation can be made. The next Joint Finance/Finance Advisory Meeting will be on Monday, November 28 at 7pm to further review the budget.

Mrs. Cameron asked Technology Committee place on their next agenda the consideration of a citizen's suggestion to have wi-fi available at the new community park area as well as the swimming pool.

Discussion was held in regards to the importance of Council meeting directly with the City Department Heads to review their departmental budgets and ongoing items.

Mrs. Pardee suggested that the Clerk poll the Council members for their availability to meet at 6pm before either the Council meeting on December 5 or December 19 for a discussion with the City Department Heads.

Mayor Infeld said she would work with the Clerk to get it scheduled.

Governmental Affairs ~ Michele Weiss stated that the committee met on November 17 and the Law Director is researching a few more issues for the Ordinance regarding the language for bid documents for women and minority bidding.

Mayor Infeld reported that the City has entered into an agreement with Chagrin Valley Dispatch to provide consultative services for the dispatch center that will be located in the MetroHealth call facility at Severance Circle in Cleveland Heights. This will help with the build-out, some of the policies and hiring's. This will be long-term for 5 years. The City of University Heights will be covered; Chagrin Valley will be the City's backup and the City will be their backup.

There were no other committee reports.

There being no further business, the meeting was adjourned.

MOTION BY MR. ERTEL, SECONDED BY MR. RACH to adjourn the meeting. On roll call, all voted "aye."

Susan K. Infeld, Mayor

Kelly M. Thomas, Clerk of Council