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. Steven Sims  
Mrs. Michele Weiss  
Mr. Mark Wiseman

Absent:  Mr. Phillip Ertel

Also Present:  Law Director Luke McConville  
Finance Director Larry Heiser  
Clerk of Council Kelly M. Thomas  
Police Chief Steven Hammett  
Fire Chief Douglas Zook  
Service Superintendent Jeffrey Pokorny

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to excuse the absence of Mr. Ertel. On Roll Call, all voted “aye.”

Approval of Minutes from Regular Meeting October 19, 2016

Mrs. Pardee made the following corrections:

- pg. 4 corrected HIPA to “HIPAA”
- pg. 5, paragraph 12 - sentence should read “Chief Hammett replied . . . minimal maintenance...”

Mr. Rach made the following correction:

- pg. 3, item A, paragraph 3 should read “Mr. Rach commented if the body camera video is subject to public records request after the case is closed and anybody request to see the video if the officer was inside a house could they capture people in the background such as children or person that weren’t involved in the case, could that be blurred out? What would happen if a person is charged; could they have access to the video as part of their defense.

Mayor Infeld made the following corrections:

- pg. 2 should read “City Hall is accepting nominations for Beautifully Decorated Homes – this is a seasonal designation
- pg. 5, item C, paragraph 7 – insert “not” between would and want

MOTION BY MR. WISEM AN, SECONDED BY MRS. WEISS to approve the Council minutes from October 19, 2016 as corrected and presented. On roll call, all voted “aye.”

Comments from Audience

Mr. Meir Kamchaaji, 2172 Vernon was present to voice his concerns about the new business at Cedar Center “ribsticks” and if there was adequate parking, serving of alcohol, smoking station in the rear, the hours of operation, the ventilation of the cooking equipment, being a possible fire-trap with the doors opening inward and the it appears to be more of a sportsbar than restaurant.

Mayor Infeld thanked Mr. Kamchaaji for his comments and replied that the owner is a graduate of the Culinary Institute of America. Ribsticks is a restaurant with a bar area and passed all of the required inspections. Mayor Infeld noted that the city does not issue the liquor license and that it was not required to go before the Board of Zoning Appeals because it was built according to the city ordinances; the occupancy is appropriate; the means of egress/regress are appropriate. Mayor Infeld stated she would look into Mr. Kamchaaji concerns.

Mr. McConville stated that the liquor license is issued by the Department of Liquor Control, the City has no say in whether the liquor license is granted or transferred. Usually if it is a new license there would be a hearing.

Mr. Sims commented that other cities have some ability to weigh in on liquor licenses and asked Mayor Infeld if the signage for “ribsticks” had been review by the City and if there was a smoking station in the rear area.
Mr. McConville stated that he was not an expert on liquor license law; but to his understanding is that when a new liquor license is issued there are hearings that held and the municipality would be a party to the hearings to see if there are any objections to the issuance of the license. In the instance where the license is being transferred from one party to another within a geographic area which it has already been approved that hearing process doesn’t exist, as there is an open market for liquor licenses.

Mr. Sims asked about the signage and the smoking station that Mr. Meir spoke about.

Mr. Meir said he would like for the hours of operation be limited to 9pm closing time.

Mayor Infeld stated that the sign is within City code, but she will check to make sure the owner is not in violation of any approvals from the City.

Mr. Wiseman questioned if the space was previously used as retail space and asked if Council had to approve a space being changed from retail space to restaurant space.

Mr. McConville replied if that particular space was zoned for the use it would not have to be approved by Council. They would apply for an occupancy permit and the building department would determine if that occupancy permit could be issued.

Mr. Wiseman referred to and quoted City Code 1254.02; permitted uses. Mr. Wiseman said it seemed to him that if it went from a regular store to a restaurant selling alcohol looks like 1280.09(b) gives Council the right to look at it before they sell alcohol.

Mayor Infeld stated she wasn’t sure if Mr. Wiseman was looking at the correct code but would look into Mr. Meir concerns and would be in contact with him later with her findings.

Mayor’s Report to Community

Mayor Infeld also reported that:

- Leaf collection has started
- Due to the University Heights Library Branch being closed for renovations, the Board of Elections moved the voting location to the High School on Miramar Blvd. Signs have been posted to redirect voters.
- There are volunteer opportunities at Gearity Elementary School for people to serve as tutors for grades K-3; Mondays-Thursdays from 3:15 – 4:30. The flyer with all the information will be in the City Hall lobby.
- Traffic studies are being done on Cedar Road from Fenwick to 271. Temporary traffic cameras have been put in place by Signal Traffic in the Cedar/Warrensville area to look at traffic turning and movement. This is a “NOACA” (signal optimization) project that is occurring on Cleveland’s eastside.
- NOPEC is looking for a new electric supplier, but First Energy will be the supplier until the end of the 2016.

Agenda Item:

A. Presentation from Cuyahoga County Board of Health – Mr. Terry Allan

Mr. Terry Allan, Board of Health Commissioner was present along with the Environmental Health Director Rick Novickis and Field Representatives for University Heights Lavone Lee and Scott Zele. Mr. Allan stated that County Board of Health represents all the cities in Cuyahoga County except Shaker Heights and Cleveland who operate their own health departments. The Board of Health charges $3.92 per capita, currently the cost is $4.12 per capita or $55,755.00. Cuyahoga County Board of Health rates are the lowest in the state because of grants and other sources. There are approximately 44 programs, some of which are income related. Mr. Allan stated that the Board of Health coordinated a County-wide task force around addressing the alarming arise of the misuse of opioid prescription drugs and the also rise and challenges with heroin and fentanyl and carfentanyl. Carfentanyl is used for animal care (elephants) and is an incredibly powerful opioid. The Board of Health is working very hard with the Medical Examiner’s office as well as communities to work on education with the use of videos, opioid taskforce website, treatment options, etc. The Board of Health also works on public health issues; school age vaccinations and boosters, flu vaccinations, public health emergencies, residential nuisance complaints, prevention programs, family planning, diabetes, asthma, cancer prevention,
food inspections, smoke free law enforcement, travel vaccination, etc. Mr. Allan encourages people to visit the County Board of Health’s website to see all the services that the Board of Health offers.

Mr. Sims asked if University Heights were to have a community forum regarding the misuse of opioids, etc. would that be something Board of Health could participate in.

Mr. Allan replied yes and that they could also bring a panel of people to speak.

Mrs. Cameron asked what type of service are predominate in University Heights.

Mr. Allan replied nuisance complaints/concerns

Ms. Lee informed Council that she is responsible for any food inspections, pop up inspections, food trucks, temporary licenses and any type of complaints. Ms. Lee commented that University Heights is pretty quiet. The people and restaurants know what is expected.

Mr. Zele stated that he inspects any swimming pools, schools, any local complaints, i.e. rodents, lead paint, etc.

Mr. Wiseman asked if the Board of Health did any direct service or was it all education and prevention.

Mr. Allan replied depends, there is a vaccination center at South Pointe Hospital, there is also a travel clinic with responsible charge for travel vaccinations. Mr. Allan recommended that people contact the Board of Health via their website for details regarding the services they offer.

**B. Motion Authorizing the Mayor to enter into Contract with Cuyahoga County Board of Health for Health Services in an amount not to exceed $55,781.00**

There was no discussion for this item.

**MOTION BY MRS. PARDEE, SECONDED BY MRS. WEISS Authorizing the Mayor to enter into Contract with Cuyahoga County Board of Health for Health Services in an amount not to exceed $55,781.00. On Roll Call, all voted “aye.”**

**C. Motion Authorizing the Purchase of One 5-Ton Dump Truck Cab and Chassis through the ODOT Cooperative Purchase Program from Cleveland Freightliner Inc. of Parma, Ohio and Concord Road Equipment Mfg., Inc. of Painesville, Ohio in the amounts of $85,218 and $66,500 for a total dollar amount not to exceed $151,718**

Mr. Pokorny reported that there are two parts to the purchase of the plow dump truck; the cab and chassis as well as the dump body that holds the salting equipment. It takes about 6 months from the beginning of the order to when the actual salt truck is completely built.

Mr. Rach asked if the truck would be purchased this year or next year.

Mr. Pokorny replied that the actual truck would be purchased this year and the chassis next year.

Mr. Wiseman asked if the plow fleet consisted of 5 trucks for plowing and salting; how many have been purchased new and how many have been purchased used. Also, how long will the last used one last?

Mr. Pokorny stated that 3 of the 5 trucks are used and 2 were purchased new. The last used truck should last between 1 to 2 years.

**MOTION BY MR. WISEMAN, SECONDED BY MRS. WEISS Authorizing the Purchase of one 5-Ton Dump Truck Cabs and Chassis through the ODOT Cooperative Purchase Program from Cleveland Freightliner Inc. of Parma, Ohio and salting equipment from Concord Road Equipment Mfg., Inc. of Painesville, Ohio in the amounts of $85,218 and $66,500 for a total dollar amount not to exceed $151,718. On Roll Call, all voted “aye.”**

**D. Motion to Seek Bids for the Purchase of two 2016 Kubota Rubbish Scooters**

Mr. Pokorny reported the need to purchase a replacement for one of the older rubbish scooters as well as purchase a new scooter to be used for the new community park. The scooter for the park will be equipped with
a dump body so that it can be used for land and garden maintenance.

Mrs. Cameron asked what would be approximated cost be.

Mr. Pokorny replied about $15,000 each.

Mr. Wiseman questioned why the park needed its own Kubota Scooter.

Mr. Pokorny explained that the regular Kubota would not serve the needs of a park because of the way it is made with the hopper.

Mrs. Weiss asked what is used at Purvis Park and asked if they couldn’t be used for the community park.

Mr. Pokorny answered the dump trucks are used at Purvis Park but because of the layout of the community park a dump truck would fit.

**MOTION BY MRS. WEISS, SECONDED BY MRS. CAMERON to Seek Bids for the Purchase of two 2016 Kubota Rubbish Scooters. On Roll Call, all voted “aye.”**

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

Mayor Infeld stated that Vice Mayor Pardee informed her of the need to hold executive session for the discussion of personnel matters.

**MOTION BY MRS. PARDEE, SECONDED BY MR. RACH to hold an executive session immediately following this regular meeting for the purpose of discussing personnel matters. On Roll Call, all voted “aye.”**

**Directors’ Reports**

Finance Director ~ Larry Heiser reported that R.I.T.A. (Regional Income Tax Association) sent out 3800 subpoenas to persons regarding the local income tax filings. Mr. Heiser instructed Council should anyone contact them about receiving a subpoena to tell them not to ignore it but to contact either himself (Mr. Heiser) or R.I.T.A. directly. Mr. Heiser also informed everyone that during the first week of January R.I.T.A. will be holding their subpoena program here at City Hall.

Mr. Wiseman asked what triggers R.I.T.A. to send out subpoenas to the public.

Mr. Heiser replied that it is usually when a person’s Federal Tax Return data listing a University Heights address doesn’t match any R.I.T.A. filings. The subpoenas that were sent out would be regarding filings from 2015.

Service Director ~ Jeffrey Pokorny reported that the water at the community park will be shut-off and the bathrooms will be locked for the season on November 15 this is necessary because unlike the swimming pool the community park bathrooms aren’t heated. The tree planting program will begin this week and the homes which will be receiving trees have been notified and the areas marked with an orange flag, but are generally in the northwest area of the city. Curbside leaf collection has started and will continue until early December; so far 4 passes have been completed and typically a total of 6 to 7 passes are completed for the season. The road resurfacing program is wrapping up.

Mrs. Pardee stated that she has been approached by residents asking why a schedule for leaf pickup can’t be posted to help resident schedule when they should rake their leaves.

Mr. Pokorny replied because it would be too difficult to pin point a certain day or time period. There are many variables when it comes to leaf pickup; i.e., staffing, equipment, weather, amount of leaves that are out to be pickup, etc.

Mayor Infeld noted and explained that Cleveland Heights is able to put out a schedule because they only pickup leaves twice a season, so University Heights offers better service. University Heights has 3 trucks out in the east, west and north section of the city. Residents are encouraged to bag their leaves if they want them picked up weekly.

Mrs. Weiss asked about the divots on Green Road that Mr. Wiseman spoke about at the previous Council meeting that were supposed to be paved over soon and currently there isn’t even a plate over them.

Mr. Pokorny stated that according to the City Engineer that they are on the schedule to get filled in with asphalt
this week.

Mr. Wiseman commented that he had some thoughts about the water replacement project on Churchill and the divots. When the paving from Allison Road was moved a couple years ago, the Law Director at that time (not Mr. McConvilie) talked to Council about if the City knew that there was a pothole and it wasn’t fixed the City could be liable - although this pothole on Green Road still doesn’t have a plate on it. Mr. Wiseman said in his view it is dangerous because if you are going the speed of Green Road your car bounces up and down and you could really hurt yourself or your car. Mr. Wiseman continued to say he didn’t know why the city hasn’t been on the contractor to at least put a steel plate there and that at the last meeting Council discussed that there weren’t steel plates placed on the driveways when they put the giant 3ft. divot between the driveway and where they were paving. The next day Councilwoman Weiss got a call from somebody who was stranded at their house because the contractor dug the rest of the street and didn’t put a steel plate at their driveway. So, she called Mr. Ciuni and the contractor got her out. As it happened, two nights later there was a fire at one of the houses and the firemen would not have been able to get to the house had the steel plate not been there. So, Mr. Wiseman said he was still trying to understand why somebody didn’t call the contractor and read them the riot act about putting a 3ft. divot between the driveway and not putting a steel plate. Mr. Wiseman said when he talks to the residents on the street they say that now when they complain to the contractor the contractor says don’t worry you are getting Churchill repaved next year, so it going to be fine. Mr. Wiseman said that was kind of bizarre to him because Council hasn’t looked a contract for next year and no one has brought up Churchill. Mr. Wiseman added that he couldn’t imagine the City making Churchill residents have two summers in a row with their street torn up. So there is still this (even though they are gone now) giant disconnect between the contractor and the city administration that doesn’t need to take place. Mr. Wiseman said that he hoped that in future paving contracts that somebody is paying attention to the residents who are there and have to live with it and makes some calls to the contractor and say “you are supposed to put a steel plate here – the contract says they are supposed to do things in a workman like manner, it doesn’t mention steel plates but Mr. Wiseman noted that he couldn’t imagine what would have happened if -od forbid if somebody was hurt in that fire and the firemen didn’t have a clear path to the house. As it was, they didn’t make it up the street for a number of minutes because there was so much equipment in the street that the fire equipment couldn’t make it up the street. This, Mr. Wiseman also viewed as another giant problem; thank -od nobody was hurt, but if somebody was hurt and if that 5minute delay that the fire truck couldn’t get up was because of some piece of equipment it would have been a different conversation that is happening. So, again this contract is done, but Mr. Wiseman thought that after the last meeting that the City’s Engineer would have called the contractor the next day to make sure that they remedied certain things; but, that didn’t happen so he was trying to put it together in his mind (Mr. Wiseman) mind what went wrong and what could possibly be fixed going forward. Mr. Wiseman said that was his biggest concern.

Mayor Infeld said thank you and asked if there were any more questions.

There were no other Director reports.

Standing Committee Reports:

Civic Information: Mr. Rach reported that the committee met on October 20th to discuss senior transportation contract and that the committee was in agreement to continue the service but want to publicize the program more because the ridership was low. Mr. Rach told Mayor Infeld he would be in contact with her regarding the getting the word out to the community.

Finance Committee: Mrs. Pardee stated that the Joint Finance/Advisory Committee met on October 27 for the first of the budget meetings, as well as other agenda items. The following were reviewed: audit management letter and verbal comments, investment reports, discussed the tax credit possibility and looked at the 2017 budget, especially the capital budget. There are 2 meetings planned; Monday, November 14 and Monday, November 28. The Public Safety Directors (Police and Fire) will be invited to attend the meeting on Nov. 14 to talk about their budgets and capital needs. The Community Development, Service and Finance Departments will be invited to attend the November 28 meeting. The hope is to be able to dig into the budget, be very clear about the budget and then be able to recommend it was passage on two readings in December so the budget will be passed before the end of the calendar year. On a side note Mrs. Pardee distributed to Council the Cleveland Heights/University Heights City School District Quality Profile for 2016-2017 booklet the extra copies can be left at City Hall for the public.

Governmental Affairs: Mrs. Weiss reported that a committee meeting will meet next week to finalize the ordinance on women and minority bidding.

There were no other committee reports.

MOTION BY MR. WISEMAN, SECONDED BY RACH, to move into Executive Session to discuss personnel matters. On Roll Call, all voted “aye.”
Council entered Executive Session at 8:41pm.

**MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN** to adjourn Executive Session. On Roll Call, all voted “aye.”

**MOTION BY MR. RACH, SECONDED BY MRS. WEISS** to return back to Regular Session. On Roll Call, all voted “aye.”

There being no further business, the meeting was adjourned.

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

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Susan K. Infeld, Mayor

Kelly M. Thomas, Clerk of Council