

**MINUTES COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS, OHIO  
DECEMBER 19, 2016**

Mayor Infeld called the regular meeting to order at 7:09p.m.

Roll Call:

Present: Mrs. Susan Pardee  
Mrs. Pamela Cameron  
Mr. John Rach  
Mr. Phillip Ertel  
Mr. Steven Sims  
Mrs. Michele Weiss  
Mr. Mark Wiseman

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

**Approval of Minutes from Regular Meeting December 5, 2016**

**MOTION BY MRS. PARDEE, SECONDED BY MR. WISEMAN to table the Council minutes from December 5, 2016. On roll call, all voted “aye.”**

**Comments from Audience**

Mr. Jim Rohal, retired University Heights Deputy Police Chief extended congratulations to Jerry Jacobson for being named the 2016 University Heights Citizen of the Year. Mr. Rohal also commented on the passing away of Mayor Rothschild and the impact she had on employees, the community and everyone she had contact with during her 30 plus years of public service as first a Councilwoman and then as Mayor.

Mr. Mike Brennan, 3814 Washington addressed two issues of concern to him (1) the Cedar/Taylor Merchants Association attended the previous Council meeting to request permission to place planter, benches, bike racks and banners on the University Heights with a low cost. Mr. Brennan stated those features would be welcoming to University Heights and aren't things that should have to be waited for. Mr. Brennan noted that the Cedar/Taylor Commercial District is the front door to the community and that it when crossing over into University Heights it should look like you have come home.

**Mayor's Report to Community**

Mayor Infeld wished everyone a nice holiday season.

**Agenda Items:**

**A. Citizen of the Year Presentation ~ Mr. Jerry Jacobson**

Mayor Infeld read and presented a Resolution to Jerry Jacobson on the honor of him being named Citizen of the Year for 2016.

**B. Planning Commission Recommendation Shirlee Moss ~ 2496 Traymore (ppl #722-18-067), application for lot split and consolidation. Permanent Parcel Number 722-18-067 will be purchasing a 3-foot-wide by 67-foot-long strip of land from 722-18-031. The property will be split from 722-18-031 and consolidated**

Mr. McConville stated that both parties have signed the plat and that a legal description will be filed and the deed issued.

**MOTION BY MR. ERTEL, SECONDED BY MR. RACH to approve the Planning Commission's recommendation to approve of the application from the Shirlee Moss 2496 Traymore (PPI #722-18-067), application for lot split and consolidation. Permanent Parcel Number 722-18-067 will be purchasing a 3-foot-wide by 67-footlong strip of land from 722-18-031. The property will be split from 722-18-031 and consolidated into the 72218-067 parcel. Subject to applicant adhering to procedural issues and obtaining the appropriate deed. On roll call, all voted "aye."**

- C. Amended Ordinance 2016-43 Amending Ordinance 2015-48 for Current Expenses and Other Expenditures of the City of University Heights, Ohio, for the Period Commencing January 1, 2016 and Ending December 31, 2016 (on second reading)**

Mr. Heiser explained the amended amounts.

There was no additional discussion regarding this item.

**MOTION BY MRS. WEISS, SECONDED BY MR. SIMS approving Amended Ordinance 2016-43 Amending Ordinance 2015-48 for Current Expenses and Other Expenditures of the City of University Heights, Ohio, for the Period Commencing January 1, 2016 and Ending December 31, 2016. On Roll Call, all voted "aye."**

- D. Ordinance 2016-44 City Budget for 2017 (on second reading)**

There was no further discussion regarding this item.

**MOTION BY MRS. PARDEE, SECONDED BY MRS. WEISS to approve Ordinance 2016-44 City Budget for 2017. On roll call, all voted "aye."**

- E. Resolution 2016-46 Resolution in Support of an Application for a Grant from the Cuyahoga County Community Development Block Grant 2017 Muni Grant Program in Support of Streetscape Improvements at Cedar and Taylor Roads (on emergency)**

Mr. Grogan provided an overview about the grant.

Mr. Rach asked if the proposed project would match the Cleveland Heights side with a tighter round curb?

Mrs. Pardee asked if this would be a capital infrastructure renovation that would be complimentary to the discussions that were held with Cedar/Taylor Merchants Association that included bike racks, banners and items such as that.

Mr. Grogan replied that it would be a capital improvements and includes functionality and stated that it's absolutely a streetscape improvement

Mrs. Pardee then added, Cedar/Taylor would still be complementing what this is all about. Therefore, the City would still be able to go forward with the Cedar/Taylor discussion that has been had and this would not negate that?

Mr. Grogan replied that would be up to the Council.

Mayor Infeld added that the project straightens out the sidewalks so that people crossing Cedar from North to South and vice versa and people crossing Taylor from East to West and vice versa will not have to run to do it. Right now, the angle of the sidewalk at the intersection itself is pretty wide so the purpose is to allow people to travel across the street more safely. Additionally, the sidewalks on the University Heights' side of Taylor are flat at one point and then steeply drop and that is not safe for people who have ADA needs, a wheelchair or a walker; it's just not safe and the desire is to level the sidewalk so that it is safe for pedestrians. So, this is really a pedestrian improvement and safety project. It does not preclude any kind of development there; the thought is that it will be an enhancement because it will be a pedestrian improvement project.

Mrs. Pardee asked what the timeline would be as far as knowing when the grant would be awarded.

Mr. Grogan replied notification should be received sometime next year, 2017.

Mayor Infeld added that the award process is a legislative action from the government so it depends on the establishment of the Federal Budget and when Congress makes the appropriation to the County so that the County can award the grants.

Mr. Wiseman asked for clarification, stating that the current CDBG Grant application is just to add more concrete to the corners to make them more square on the north and southeast corner of Taylor Road.

Mr. Grogan replied correct, with the addition of streetscape elements like park benches and trash receptacles.

Mayor Infeld added that the project isn't just the corners and that it would extend North and on the East side of Taylor where the sidewalk has an extreme drop.

Mr. Wiseman asked if there were any pictures, information or cost for the benches and if the County required drawings and the like?

Mr. Grogan explained that part of what is happening is the assembling of the grant.

Mayor Infeld stated that the County required drawings from the City Engineer and that the Administration is currently going through the steps that the County requires in order for the grant to get reviewed as a sufficient application. Part of being a sufficient application is legislation action from the City Council showing that they are aware that the Administration is applying for the grant; and that is what Resolution 2016-46 does. Separately Mr. Grogan is working with the City Engineer so that the engineer drawings and cost for some of the elements can be included in the application.

Mr. Wiseman noted that even though it's not known exactly what the \$150,000 for the sidewalks is comprised of; Mr. Wiseman asked that the Administration sends Council a copy of the grant application when it gets submitted so that Council has a copy of everything that being submitted to the County.

Mayor Infeld replied yes, noting she didn't know how many benches and planters but the City Engineer is getting the cost of everything.

Mr. Rach commented that he appreciated that the city is considering park benches and planters because that was part of the discussions regarding the look and feel of Cedar/Taylor District that had been held for over a year. Mr. Rach asked if this had to go before the Planning Commission, because that was the struggle with the Cedar/Taylor Merchants. There were so many steps put in place and the Cedar/Taylor Merchants are trying to get through those steps in the proper order; but will this (grant project) follow a similar pattern as the Cedar/Taylor Merchants project.

Mayor Infeld replied that the grant project speaks to sidewalk improvements and that would not go to the Planning Commission. And, any kind of benches would go on City property and would not require Planning Commission approval.

Mr. Rach added "so what we are saying is that any of the Cedar/Taylor District improvements that were previously proposed a year ago, could in essence go through the same process that the City is going through today."

Mayor Infeld replied that nothing from the Cedar/Taylor District has ever been proposed to the City. Mayor Infeld added that she thought Mr. Rach was referring to the guidance that the previous Building Commissioner gave to Mrs. Weiss about the process that Council has to go through, so we're kind of talking about two different things; Administration is talking about leveling out the sidewalks and putting some benches and planters in the City owned area. Mayor Infeld added she believed Mr. Rach was talking about something different that's not within the City property.

Mr. Rach stated that what he was recommending was that the project is looked at comprehensively. When Council put a \$25,000 fund in the budget for streetscape improvements, Council was specifically targeting Cedar/Taylor, as it has for the last year so that it would match the look and the feel that the merchants have been requesting and have fallen into a lot of red tape. Mr. Rach said he was questioning that this particular project be followed with the same level of scrutiny as the Cedar Taylor Merchants because it is in essence it is the same project. They both proposed park benches, trash receptacles and planters; the only thing Mr. Rach said he didn't hear mentioned was the banners.

Mayor Infeld replied that the Administration didn't believe this was the same project because it is a pedestrian improvement to the walkway. There will be few planters, a few benches that would be (to use Mrs. Pardee's words) likely to be complementary to what is on the other side of the street. But the principle function of this grant and the principle request to the County is for dollars to improve the sidewalks, to make the sidewalks ADA compliant and more inviting to pedestrians.

Mrs. Weiss expounded on Mr. Rach's comments and clarified that the Mayor was saying that barring the sidewalks (we aren't talking about the sidewalks) that any planter and benches that will be included in this grant, since it is on public property does not go through the Building Commissioner, Planning Commission, etc., and that she (the Mayor) can authorize it directly.

Mayor Infeld replied yes.

Mrs. Weiss went one step further noting that the proposed \$25,000 that was proposed for the streetscape improvements a few weeks ago was voted on and should also go by that same process; where it doesn't have to go through the Building Commissioner because it is the exact same thing.

Mayor Infeld replied it wasn't the same thing.

Mrs. Weiss replied that if the Mayor was saying that benches and planters don't have to go to the Building Commissioner, the Cedar/Taylor project is saying benches and planters so why does Council have to go to the Building Commissioner for those.

Mayor Infeld stated that they were talking about two different things; this is something that is going to go on City owned property, what Council is talking about is going in the public right of way. Mayor Infeld stated that is how they are different; City property is different from the public right of way. Mayor Infeld added that it is projects that introduce elements of the public right of way that by City Charter are required to go to the City Planning Commission. And, unless she (Mayor) misunderstood what she heard at the last Council meeting is different than this. But, to the point made by Mr. Rach and Mrs. Pardee, is this complementary to what it is happening across the street? Absolutely, this is streetscape improvements and that is the exact same thing they are talking about there. What the Cedar/Taylor Merchants Association talked about at the previous Council meeting was introducing elements to the public right of way and that is a project that is different than the grant project, because the grant project is not introducing elements to the public right of way. Mayor Infeld referred to the Law Director to explain.

Mr. McConville stated there is a difference in City owner property and the public right of way.

Mrs. Cameron asked Mayor Infeld that to the effect of the public right of way verses City owned property. And, continued to say if she heard the Mayor and Mr. Grogan correctly, the area is to the north of site of Cedar and Taylor. Mrs. Cameron said the only City owner property that she was aware of was where the small vacant grass field next to Taylor school was and asked if this was the space where they proposed to use the block grant monies; from the corner for the sidewalk improvements and up towards the grass area.

Mayor Infeld replied no; the City owns the entire grass area and most of the parking lot at the KFC site. Mayor Infeld added that at the previous Council meeting she reported that the City was making an application to the County for pedestrian improvements on the east side of Taylor that would be complementary to what the Cedar/Taylor Merchants Association presented and that the City was looking at establishing a public square and that entire area is City owned property.

Mrs. Cameron replied that wasn't the focus of the Merchants Association presentation, which included the northeast side as well as the southeast side. Mrs. Cameron asked if what the Mayor was saying was that because the merchants process also included the southeast side that somehow it wasn't comparable to what the Mayor was currently doing. When in fact, it is essentially the same thing.

Mayor Infeld replied she sees it as pretty complementary and that she didn't see what the issue was.

Mrs. Cameron stated that the Mayor defied Council and the residents it represents in terms of making improvements on the southeast side and that she was using her position as Mayor to say she was supplanting what Council had asked for with something different.

Mayor Infeld replied that she took great exception to what Mrs. Cameron stated. This is a project for the pedestrian improvements and is complementary to the study that was undertaken by NOACA for pedestrian and bicycle safety improvements along Warrensville and Cedar.

Mr. McConville read into the record article 7, section 2 of the City Charter which states “ The City Planning Commission shall have such powers as may be conferred on it by ordinance of the Council concerning the plan, design, location, removal, relocation and alteration of any public buildings or structures or those located on public streets or property; the location, relocation, widening, extension and vacation of streets, parkways, playgrounds and other public places, the approval of plats for the subdivision of land; the zoning and rezoning of the City. . .” Mr. McConville stated that he did believe that the Planning Commission did have approval power over streetscape projects and added that this did not preclude passage of this ordinance which allows the submission of the grant. The procedural resolution would be to pass the ordinance so that the grant can be submitted. Without the ordinance, the grant cannot be submitted, and; then if the grant is awarded and a plan is developed then that plan would be presented to the Planning Commission for approval.

Mr. Rach noted the Mayor’s comment about the City owned property on the corner of Cedar/Taylor which is on the northeast corner near the former KFC where there is a strip of land and part of the parking lot. According to Cuyahoga County GIS mapping, there is no parcel number for that section and in fact it indicates it is the right of way. So, Mr. Rach said he couldn’t understand how that is considered City property and not right of way. Mr. Rach added that he would like to see the area to be used for something that was specifically recommended by the NOACA report in terms of bike and pedestrian lanes and traffic calming strategies.

Mayor Infeld stated she understood but found it curious because they were talking about the exact same corner and making improvements that would make this pedestrian area safer for pedestrians and anyone on a bicycle.

Mr. Sims questioned if it was possible to design this in such a way that the streetscapes elements match, not be complementary, what has been proposed for that area.

Mayor Infeld stated she believed this was an exact match because part of the presentation to the County for funding is the idea of creating a public square at that corner and that public square is in the architects rendering for the Cedar/Taylor Merchants. Mayor Infeld also stated that the City of Cleveland Heights paid for a study of that corner and used their own grant funds to pay an architect to develop a plan for that corner. The plan talks about a public square in University Heights and that is what the Administration plans to do. In order to move towards that public square, we believe that the sidewalks have to be straightened out. Mayor noted they are not applying for funding for the public square; they are mentioning in the grant that that is the plan and that that is an element that’s been presented by the merchants group. Lastly, the Administration is trying to get grant dollars to pay for this not resident tax dollars.

Mrs. Pardee stated that she thought this is a wonderful project and that she hopes the Mayor is successful with it. Mrs. Pardee commented that what she was hearing her colleagues say was that they were trying to ascertain the process. Stating that the Cedar/Taylor has been in front of the City off and on for a year; their committees have worked on it, they have tried to move forward on those street improvements and the process is unclear; Mrs. Pardee asked Mayor Infeld if it was an accurate statement in asking how this project moves forward so simply and the Cedar/Taylor Merchants project has been so stalled.

Mayor Infeld stated that the problem is that the process has been explained to the merchant group innumerable times. In 2015 a letter was written to every business in that area explaining the process, multiple private meetings were held with the merchants group; she also worked with the group to help them form a 501(c)(3). This is a project to try to straighten out the sidewalks so that the City can begin to make improvements to that corner, and make that area very nice. It is complementary to the merchant’s improvements on the other side of the street. But it is exactly what is in the merchant’s plan for the neighborhood.

Mr. Wiseman noted that he was voting in favor of this Ordinance because anytime money can be brought from outside the city into the city. But as a Councilman, Mr. Wiseman wanted to know the global perspective on this project. Even though the Mayor has been working on this for years, Council is being asked to approve something that don’t see exactly what it is. There is a picture of an intersection but there are no pictures or mention of benches in information provided. Council has been talking about benches and planters for the past year and Council still doesn’t know what the plan is so Council doesn’t know if it matches and that is why Mr. Wiseman wants to see the grant. The process should be where Council see what the grant is and what it asks for so as decision makers, Council would know what is going on. Secondly, the decision about process, Mr. Wiseman thought that the merchants felt as though the Administration could be a tad bit more accommodating in helping them improve the area. Mr. Wiseman gave the example when John Carroll reduced the size of South Belvoir by one lane between Washington and Fairmount citing he didn’t think it went before the Planning Commission and it also was a public road right of way. Mr. Wiseman stated that it seemed to him if there are merchants who want this and Council is looking forward to it, there may be a way to make it easier for it to happen. Mr. Wiseman said his main concern was that Council was being asked to approve a grant that they have, in his mind, zero information; it’s a curb, it’s a streetscape, what is it we aren’t really sure.

Mayor Infeld stated this is mainly sidewalk improvements; in addition to the sidewalk improvements are a few streetscape elements because the cement that the City needs to make the sidewalk improvements is expensive. The maximum dollar amount that the grant will yield is not a lot. So most of it is the necessary infrastructure that is needed to begin to make improvement on the east side of the street/area.

Mrs. Weiss made two points; hopefully the Cedar/Taylor group can get the process going and everything can be installed since the grant will take a long time before it is granted. That way the streetscape items can be matched to what the Council foresees putting down; Secondly, Mrs. Weiss asked Mr. Grogan when did he receive acknowledgement that the grant was available. It seems like there are a lot of grants coming before Council for approve on an emergency basis and Council doesn't receive the proper paperwork and details. If grants could go through first and second readings it would be helpful to Council.

Mayor Infeld replied that this legislation was not on an emergency basis, it is a Resolution so it doesn't require a first and second reading.

Mr. McConville stated that in his mind there is no legal difference between a Resolution and an Ordinance. They both have the effect of being law.

Mr. Grogan explained that this grant application was the same as the one applied for years back that the Cedar/Taylor Merchants had drawn up for capital improvements, but it wasn't granted because the County was looking for more fundamental changes to a business district. When you are looking to attract businesses you start with the basics and go from there, so with the grant application we are starting with pedestrian safety.

Mr. Rach asked if this get approved could there be a condition where any project would have to appear before the Planning Commission and ARB just like any other project.

Mayor Infeld stated that her reading of the Charter and the duties of the Planning Commission since this project would involve the widen of the sidewalks in the public right of way has to go before the Planning Commission. Therefore, there is no need to require something that will already have to happen.

Mr. McConville stated his interpretation was that the project that will be developed if the grant funding is received will have to receive Planning Commission recommendation under article 7, section 2 of the City Charter. Council could add something to that, but the purpose of the Ordinance is to provide evidence of approval of the Mayor's authority to submit the application, the County is requiring the Ordinance.

Mayor Infeld commented that the Planning Commission does not have to approve the submission of a grant request to the County and that is what is in front of Council for approval. This is a way to improve that intersection and move towards the plan in the Cleveland Heights plan for a public gathering space on the University Heights side of the street with grant money. This is a way to move towards one of the biggest design elements in that plan and it has to by City Charter be approved by the Planning Commission; in the same way, the banners the merchants want will have to go before the Planning Commission. These are not the same projects; this is an infrastructure improvement to the sidewalks and to the right of way. The banners and benches the Merchants presented at the previous Council meeting is not the same project.

Mrs. Cameron called the question.

**MOTION BY MR. SIMS, SECONDED BY MR. ERTEL to approve Resolution 2016-46 in Support of an Application for a Grant from the Cuyahoga County Community Development Block Grant 2017 Muni Grant Program in Support of Streetscape Improvements at Cedar and Taylor Roads. On roll call, all voted "aye," except Mr. Rach who voted "nay."**

**F. Ordinance F. Motion to accept bid for two (2) Four Wheel Utility Refuse Collection Vehicles**

Mr. Pokorny explained that two bids were received and opened on Friday, December 16. The two bids were from Middlefield Farm and Garden (\$30,100) and from ABC Equipment and Rental Sales (\$30,699). Mr. Pokorny recommended the purchase from the lowest and best bidder Middlefield Farm and Garden for \$30,100.

**MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON to accept the bid and purchase two (2) Four Wheel Utility Refuse Collection Vehicles from Middlefield Farm and Garden as the lowest and best bid in the amount of \$30,100. On roll call, all voted "aye."**

### **G. Discussion of demolition funding for 3505 Tullamore Road and other properties declared to be public nuisances**

Mayor Infeld provided Council information and background details regarding the contract the City entered into with the Cuyahoga Landbank for the grant funds that the City was awarded by Cuyahoga County for properties that the City submitted for demolition grant funding. Mayor Infeld reported the following properties were submitted to the County: 2602 Edgerton, 3505 Tullamore, 3509 Raymont, 3580 Raymont, 3478 Raymont and 2115 South Taylor; however, Council removed that property (2115 South Taylor) from the list. The County approved demolition funding for 2602 Edgerton, 3505 Tullamore, 3509 Raymont, 3580 Raymont and 3478 Raymont. On January 8, the City received an award letter. At the time when the City made application it was made aware that the funding window/time period in which the demolitions could occur was 18 months. So, since the City was applying in December 2015, funding was received but the window would be opened until roughly June 2017 so the City is still within the demolition window for the grant funding. Since application the City has had some changes, one property was left off, 3901 Silsby. All together the City has submitted a list of six (6) residential properties to the County for demolition funding. The County removed 3901 Silsby from the list. It no longer has a home on it; the bank that owned the property had the house demolished. Mayor added that the demolition of that house had nothing to do with the City and nothing to do with the County funding. The property at 2602 Edgerton was submitted to the County and was granted the funding to be demolished. But that property has been sold to a private owner and that owner has placed \$80,000 in escrow so the City is confident that the house will be rehabilitated. 3580 Raymont which was also on the list and approved for funding has been purchased by Fannie Mae; as part of the County landbank requirement the City has notified Fannie Mae of its intention to demolish the property. 3478 Raymont was another property that was approved for demolition funding by the County Department of Development and the County landbank now has title to that property and intends to renovate the property so it has been removed from the demolition list. Both 3509 Raymont and 3505 Tullamore have moved forward with the Cuyahoga landbank to be demolished and the City has passed all approvals with the County for the funding. Furthermore, the City has been in contact with the County landbank and the County Department of Development asking when the demolition will happen because the City is within the 18-month time period and the neighbors of 3505 Tullamore are very frustrated with the condition of the property and want the property removed. Both the landbank and City have notified all property owners of record. Mayor Infeld added that since the previous Council meeting the County landbank should have the title free and clear to make the determination as to whether or not 3505 Tullamore should be demolished, the determination should be made within the 30 days but it could be as long as 60 days. Mayor Infeld noted that that is customary procedure for the landbank once they are in receipt of property title; the landbank makes an evaluation to either demolish or renovate the property and more often than not in University Heights they tend to renovate the property. In the past, the County landbank has been sued for demolishing homes and taking title; so, in an abundance of caution have re-notified all parties about 3509 Raymont and 3505 Tullamore and has also asked the City to be certain that if any additional lien holders are found that the City notifies each of them as well. This will protect the City as well as the County landbank from being sued. Also, the landbank has informed the Mayor that they should be able to have title to 3505 Tullamore in about 30 days or by the end of January. It is at that time the landbank will make the determination for demolition or for rehabilitation. If the decision is for demolition, the landbank will have a bidding process; if the decision is for rehabilitation then the process is to rehabilitate it, market the property and get a family to move in.

Mrs. Weiss made reference to the previous Council meeting where Mayor Infeld stated she would present to Council the results for the request for quotes for companies for demolishing the Tullamore property at that point in the meeting Council said fine. Mrs. Weiss noted that the Mayor had said that after Councilwoman Pardee wanted to make a motion regarding that, but Council decided not to proceed with the motion because they knew Council would be receiving the quotes for the demolition of that property.

Mayor Infeld replied that the new Building Commissioner, Mr. Larry Brown had only been with the City for 2½ weeks and has talked to the City Engineer about the specs needed for quotes on demolition. Mayor Infeld stated that Mr. Brown had a couple of quotes from a couple of years ago, for other properties but wasn't sure if they were still valid because of the time. Mayor Infeld said that she said she would come back with quotes for this meeting but she had over stated because Mr. Brown is still in the process of soliciting additional quotes.

Mr. Brown stated that demolishing homes isn't as easy as tearing the house down and hauling away the debris. Mr. Brown continued to explain some of the aspects that would go into price quotes for home demolition.

Mr. Wiseman stated that in June 2015 the neighbor of 3505 Tullamore came to a Council meeting and expressed in passionate details the circumstances her family were dealing with because of leaving next door to that house. Council declared 3505 Tullamore a nuisance property on June 1, 2015 giving the Mayor permission to seek funding from the landbank in June 2015. Mr. Wiseman stated that Council failed that neighbor because after June 1, 2015 their case and that house fell down the black hole of government inefficiency. Mr. Wiseman added that he now finds it hard to believe that the City is now saying how hard it is to knock down a house. There are companies who have been knocking down houses in this County for a decade; they have bid packages and if paid enough it can be done within a week. It's not that they don't know how to knock down a house, it's that the City didn't do what it was supposed to do. Council can only make the house a nuisance and give the

Administration permission to get the funding to fix the problem. Mr. Wiseman referred to the contract between the City and the County landbank and noted that in numerous places the contract made reference to the City doing the work and receiving money back from the landbank. By the time the house was ruled a nuisance and gave the Administration permission to get funding everything was done, the City knew who the parties to the property were.

Mr. Sims commented that agreed with his colleague that there should have been some resolution of this matter by now and not since the time when Council declared it a nuisance but when the property became vacant. Mr. Sims voiced his opinion that a nuisance abatement programs shouldn't be quick to the demolition of a house and that improving our community shouldn't be tied to tearing down the community. Mr. Sims added that he believed that landbank also tries to preserve the house if it can and that he didn't believe in pocket parks because they put the responsibility on the City to maintain the property, creating a bunch of infield spaces in the city that could be as much of a nuisance as the house is a catch 22. Every opportunity the City has to bring a community house back up to standard should be pursued with every effort and aggressively. Lastly, Mr. Sims urged the City to use whatever influence it has to move the process along more quickly.

Mr. McConville stated that the idea behind the agreement between the landbank and the City is that the landbank would serve as the City's agent and in that sense the landbank ensures all of the City's rights and powers. So, that once the City declares a property a public nuisance and application for funding has been received and approved by the County the City in essences hand to property over to the landbank to handle all legal requirements for notice, etc.

**MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON to add a motion to the agenda. On roll call, all voted "aye."**

**MOTION BY MRS. PARDEE, SECONDED BY MR. WISEMAN to authorize the Administration to demolish the home at 3505 Tullamore, not to exceed \$12,000.**

Mrs. Pardee withdrew her Motion.

**MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to authorize the Administration to demolish the home at 3505 Tullamore, in an amount not to exceed \$14,990 within sixty (60) days.**

Mr. Brown informed everyone that the Administration recently received notification from the landbank that Capital One has a lien on 3505 Tullamore and that the City has notified them and that they have a 45 to 60-day time period in which to respond back to the City.

Mr. Wiseman asked when did the notification go out to Capital One.

Mr. Brown replied today.

Mr. McConville commented that the City is not looking at the notification issue when the issue is turned over to the landbank because the landbank legal office will handle the notification. Mr. McConville stated his point that the City will have to order a lien search and judicial title report from a title company that states who owns the property, who has liens on the property and who has any interest in the property so that the City can begin the notice process.

Mayor Infeld added she did not think the expectation that the City could complete the process faster than the landbank wasn't practical because this is the landbank's business and not the City's. The City dutifully followed the whole entire court process on this property, which the City was required to do and then turned it over to the landbank with funding from the County and it still isn't finished.

Mr. McConville said he didn't know where the landbank was in their legal process. To the extent that the landbank has not perfected any legal notice, that has now fallen to Mr. McConville to complete in order to place the City in a position to have a contractor demolish the property. Noting that he didn't know who the owners are, what governmental agencies have tax liens, if any; whether there is a mortgagee, multiple banks or other parties holding interest in the property and that has to be determine from the legal aspect.

Mr. Wiseman stated called for the vote on the stated motion with the 60 days and added that if the landbank comes before Council the first meeting in January and convinces them otherwise the motion could be pulled back.

Mr. McConville stated this is all a matter of being time consuming.

Mr. Wiseman remarked that this foreclosure case died on July 8, 2013, so in 2015 when it was made a nuisance and said it was ok to get demolition funding, there was no procedure to be done after that – only noticing and doing what the landbank had to do. All Council is saying is let's just move forward with this case so that something can be done. What is the problem Council votes on the 60-day motion and the County landbank comes to talk to Council the first week in January?

Mayor Infeld replied the problem is that the City can't control the timeframe noting she believes that landbank is further along in the process. The City is not an expert in demolishing homes, the landbank is. Mayor Infeld added she had no explanation to the landbank's time frame other than they had 18 months of time to work with and we are currently only in month 12 or 13. Mayor Infeld also added she didn't know what would happen if Council passes a motion saying something has to happen in 60 days because she didn't know if the City could do that.

Mr. McConville said that is a tight timeframe. The City can make every diligent effort to do so, but he didn't know. The notices will go out, that all we can predict.

Mr. Wiseman commented that notices have gone out; new notices wouldn't have to be sent out.

Mayor Infeld said she thought that new notices would have to be sent out. The first notices were sent out by the landbank, not the City of University Heights.

Mr. Wiseman referred to the contract the landbank has with the City.

Mr. McConville gave his thought that from a notice standpoint; if the landbank has notified the owners and if it's that case that the City will be reimbursed for what it does, that maybe sufficient, although Mr. McConville said he didn't know the answer to that question. Mr. McConville said he didn't know if the landbank has notified anyone.

Mayor Infeld said it was her understanding in talking to the landbank, that they have notified the owner of records, lien holders.

Mr. McConville said that may be sufficient but he wants to have a conversation with the landbank. The City maybe in a position to go ahead and demolish the house if quotes are received. Mr. McConville stated he had not had any conversation with the landbank as far as where they are in the legal process.

Mayor Infeld cautioned Council that she didn't know if it would be possible to do this in 60 days; to duplicate everything that the landbank has done, again they have a level of expertise that the City doesn't have.

**MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to authorize the Administration to demolish the home at 3505 Tullamore, in an amount not to exceed \$14,990 within sixty (60) days. On roll call, all voted "aye."**

Mayor Infeld stated the need to add the approval of payment for Fire Truck to the agenda as the repair exceeded her spending authority.

**MOTION BY MR. WISEMAN, SECONDED BY MRS. WEISS to add the payment for the Fire Ladder Truck repair to the agenda. On roll call, all voted "aye."**

Chief Zook stated that the ladder truck was out for repairs and the repair quote was over the Mayor's spending authority with the amount of \$5,122.00 to Finley Fire.

**MOTION BY MR. RACH, SECONDED BY MRS. WEISS to approve the payment to Finley Fire in an amount not to exceed \$5,122.00. On roll call, all voted "aye."**

**H. 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 to hold an executive session.

**Directors' Reports**

**Finance Director ~ Larry Heiser** had no report.

Mayor Infeld announced that Mr. Heiser has accepted a position with another municipality and that she enjoyed working with him. The City is accepting resumes.

There were no other Director reports.

**Standing Committee Reports:**

**Building Committee:** Mr. Wiseman stated there will be a Building Committee meeting some time in January 2017.

**Finance Committee:** Mrs. Pardee thanked everyone for all the work on the 2017 Budget and getting it passed. Mrs. Pardee commented that she enjoyed working with Mr. Heiser and that he will be missed.

**Governmental Affairs Committee:** Mrs. Weiss reported that there will be a committee meeting January 4, 2017 at 7pm. There will also be a Joint Governmental Affairs/Civic Information and Finance Committee on January 23, 2017 at 7pm.

**Safety Committee:** Mr. Ertel stated the Safety Committee met just prior to the Council meeting and that additional meetings will be schedule for 2017.

There were no other committee reports.

**MOTION BY MR. ERTEL, SECONDED BY MRS. WEISS to exit out of executive session and adjourn the meeting. On roll call, all voted "aye."**

There being no further business, the meeting was adjourned.

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Susan K. Infeld, Mayor

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Kelly M. Thomas, Clerk of Council