

**MINUTES COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
APRIL 3, 2017**

Mayor Infeld called the regular meeting to order at 7:02p.m.

Roll Call:

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

Also Present: Law Director Luke McConvile
 Clerk of Council Kelly M. Thomas
 Police Chief Steven Hammett
 Service Superintendent Jeffrey Pokorny
 City Engineer Joseph Ciuni
 Building Commissioner Larry Brown

Approval of Minutes from Regular Meeting March 20, 2017

Minutes were not ready for approval.

Comments from Audience

See attached transcript, which will be made a permanent part of these minutes.

Mayor's Report to Community

See attached transcript, which will be made a permanent part of these minutes.

Agenda Items:

- A. **Motion to add to the agenda the Approval of the Streetscape Project for Cedar/Taylor Commercial District that Councilman Rach and Councilwoman Weiss presented to the Administration along with the application for the Planning Commission.**

See attached transcript for discussion of this item; which will be made a permanent part of these minutes.

MOTION BY MR. WISEMAN, SECONDED BY MRS. WEISS to add the Approval of the Streetscape Project for Cedar/Taylor Commercial District that Councilman Rach and Councilwoman Weiss presented to the Administration along with the application for the Planning Commission. On roll call, all voted "aye." Roll call on passage, all voted "aye."

- B. **Ordinance 2017-08 Authorizing the Transfer of Funds from the General Fund (101) to Street Fund (201), Street Lighting (204), Capital Projects (401), Police Pension (601), and Fire Pension (602). And Transfer from the Off-Street Parking Fund (203) to the General Fund (on second reading)**

Mr. Rach noted Mrs. Weiss' comment regarding moving funds from the General Fund to the Miscellaneous Contract Fund and asked if that were to be added to this agenda item would this item then be on first reading?

Mayor Infeld replied that a motion was made and voted on regarding the movement of funds from the General Fund to a new category Miscellaneous Contract Fund and that she would speak with the Finance Director about it because that is something different.

There was no other discussion.

MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN to approve Ordinance 2017-08 Authorizing the Transfer of Funds from the General Fund (101) to Street Fund (201), Street Lighting (204), Capital Projects (401), Police Pension (601), and Fire Pension (602). And Transfer from the Off-Street Parking Fund (203) to the General Fund. On roll call, all voted "aye."

C. Motion to accept the bid from Ronyak Paving, Inc as the lowest and best bid for the City's 2017 Road Improvement Program and to enter into contract with the same

Mr. Ciuni reported that bids were accepted and opened on March 24, 2017, six bids were received. The project budget was \$1.2mil, four of the bids came in under the \$1.2mil and two were over that figure. Mr. Ciuni stated that Ronyak Paving successfully completed the City's 2016 Road Improvement Project and recommended that Ronyak Paving be awarded the 2017 Road Improvement Program as the lowest and best bid in the amount \$1,067,806.40 of which \$80,000 will be subcontracted to a certified DBE contractor, the information about the subcontractor will be provided at the end of the job.

Mrs. Pardee noted that Mr. Ciuni's bid tabulation stated it was revised and asked what was the difference between the original bid tab and the revised bid tab.

Mr. Ciuni replied errors in the computations, but the numbers and totals are correct.

Mrs. Weiss asked Mr. Ciuni where Barrington Road falls on the schedule of street resurfacing projects.

Mr. Ciuni replied that Barrington is near the top third of the list. But also, noted that the entire area was part of the Cleveland Heights water system. Those waterlines will have to be replaced because of the transfer of water system from Cleveland Heights to the City of Cleveland and the City anticipates conducting water projects in that area; so, have avoided doing street resurfacing in that area because of near future water line work where the streets will be dug up. Mr. Ciuni added that the streets on the 2017 road improvement program are much worse than Barrington Road.

Mrs. Cameron asked what the possibility was in "hop skipping" some of the streets on the 2017 and doing Barrington this year. Noting Barrington is a very small street and that Cranston Road was done in 2016.

Mr. Ciuni replied, that again in his option the streets listed on the 2017 road improvement program need to be done and that he does set the street budget. But if Council wanted to add to the budget, he would have to talk with the contractor to see if they would keep their unit prices the same because he (Mr. Ciuni) would not want to re-bid the project.

Mayor Infeld pointed out that the Northwest corner of University Heights at the conclusion of this year's planned paving program there are very few streets that will not have been paved. One of those not repaved streets would be Farland, Tullamore (been submitted to Cleveland Water for waterline repair work), Washington (from Cedar north – talking to Cleveland Hts. for possible joint project for resurfacing in 2018) and Barrington which is one of the last remaining streets. The Mayor noted that although she wasn't the Engineer, Barrington in comparison to Ashurst, Ashurst is in very poor shape. The Engineer has made the determination based on his expertise what streets what streets need repaving.

Mr. Ciuni added, again he wouldn't recommend hop skipping over the listed streets for the 2017 Road Improvement Program because in his opinion they need to be done first.

Mrs. Cameron replied she wasn't suggest hop skipping over those streets. But, because was saying that consideration should be noted for the Barrington Road resident who came to this Council meeting to express her frustration with the City's process that the next round of people (streets) be adjusted to allow Barrington to be repaired, which has been done in the past.

Mayor Infeld replied has not done that in the past and that by changing the street program based on the feedback of a resident who comes into city hall would set a bad precedence. Noting that she appreciated that Mrs. Hood was frustrated that her street isn't in mint condition, but it is in good condition. Mayor Infeld added that there were streets on the 2017 list that were paved earlier in time than Barrington was but had their waterlines replace prior to 2012. The City has an agreement with the Cleveland Water Dept. that it would follow up on streets with streets that have had their waterlines replaced with new paving. And that is what the City is trying to do so that it stays in good stead with the Cleveland Water Department to continue replacement of the water lines.

Mrs. Hood stated she was not happy with the Mayor's decision.

Mr. Rach commented that it was his understanding that Barrington had its waterline replaced, so in essence if the street were to be replaced this year or next year no future waterline work would prohibit it.

Mayor Infeld replied that it was likely that Barrington could be towards the top of the list because the City is trying to remain in the good graces of the Cleveland Water Department and the City's agreement with them to replace waterlines requires that the City will repave the streets.

Mr. Rach commented that he was under the impression that the City had a \$1.2mil Capital Campaign for this

road project and the bids came in at a little over \$1mil so there is \$200,000 left over and asked what would cost to resurface a street like Barrington.

Mr. Ciuni replied \$80,000 to \$90,000.

Mayor Infeld said would not leave the City with very little money in the event of emergency road repairs.

Mr. Rach commented that when the City went out to bid for the 2017 Road Improvement project, it fully expected to spend \$1.2mil and if the lowest bid was \$1.2mil that would have been accepted. So, to say the City wouldn't have enough money left for repairs isn't exactly accurate because Council was under the impression that the streets alone for this project campaign would be \$1.2mil so there is enough money left to resurface one more street.

Mayor Infeld stated she appreciated what Mr. Rach was saying. But, the way the City manages the road program is to pave streets and generally hope that the bids amounts will be less than the Administration thought it would be to allow for large street repairs. If Council begins to adjust all road programs based on someone coming with a fervent plea that soon there will be people coming from every street asking for their particular street. There is a scientific method in place based on the expertise of the City Engineer.

Mr. Rach noted that he had every intention of informing Council that they should look at Jackson, Farland and Barrington as street that should be added to the project. But in hearing that the City can probably only afford to add one additional street, that street should be Barrington.

Mr. Wiseman asked for the listing of street ratings and asked if it included recent waterline replacements.

Mr. Ciuni replied yes and that he would email the report.

Mr. McConville noted that if a street is added to the current 2017 project, the project would have to be re-bid.

Mayor Infeld questioned, if Council votes to expand the 2017 road program and additional funds to be added, where the current bids be null and void. Noting her worries that there could be a cry against the City for unfairness.

Mr. McConville replied they would be two separated issues. The agenda items should be approved and then the City would seek bids for the additional streets. This bid would only be null and void if Council didn't vote in favor of it.

Mr. Rach noted that \$1.2mil was budgeted for this project and the project is already under budget so if the City were to go out to bid for those three streets and if everyone could see what the bids came in at per line item/street by street then even if only one street could be done to stay under budget then Council has done its due diligence to the City.

Mr. Sims asked the Mayor if the ability to conduct large patch work to the streets is contingent on resources the City has available because road improvement bids came in lower than the budgeted amount.

Mayor Infeld replied Mr. Sims was correct.

Mr. Sims added that the City has a process and part of the responsibility of reviewing the streets comes through the Services and Utilities Committee and proposed. Although he (Mr. Sims) was sensitive to having a resident come to the Council meeting to talk about their concerns. Mr. Sims suggested that no streets be proposed for additional work at this time, and indicated he would be happy to take this issue back to the Services and Utilities committee to review. Mr. Sims also noted it would not be a good precedence to add streets to the current project list without additional review.

Mr. Ciuni added that the City has been doing large area street patching for the last 3 or 4 years and the money for that comes what was budgeted and what the bids come in at. Last year a significant patch job was done on Jackson curb to curb for about 500ft. and that was based on complaints received from neighbors. Patch work is done all around the city, when there aren't enough funds to do the whole street.

Mayor Infeld added that that also gives the Administration the flexibility for outside projects like the gas line replacement on Green Road. The City would like to use large patch repairs to fit the street once the project is completed. To ignore it and leave it isn't a good idea because it will degrade the street.

Mr. Wiseman asked if the gas company was responsible to restore the street once they are finished.

Mayor Infeld replied that they pave over the trench, which doesn't always meet the City's standards.

Mr. Sims asked if the streets are inspected annually and by whom.

Mr. Ciuni replied that he and the Service Director inspected the City streets yearly.

Mr. Sims requested that Jackson, Farland and Barrington be inspected again to see if the original grades they received are still correct.

Mayor Infeld again pointed out the City's policy regarding the paving of streets and replacing curbs. That policy is to completely pave and put curbs on heavily travelled streets, so that when people enter and leave the City that they get a good impression. Currently the City is paving side streets and replacing curbs that are missing. Tremendously good progress is being made in paving the heavily travelled streets, so there will be a point in time in which full curb replacement can be done on the side streets.

MOTION BY MR. WISEMAN, SECONDED BY MR. SIMS accept the bid from Ronyak Paving, Inc as the lowest and best bid for the City's 2017 Road Improvement Program and to enter into contract with the same accept the bid from Ronyak Paving, Inc as the lowest and best bid for the City's 2017 Road Improvement Program in an amount not to exceed \$1,067,806.40 and to enter into contract with the same. On roll call, all voted "aye."

D. Motion to approve the 2017 Senior Transportation Contract with the Senior Transportation Connection (STC) agency

Mr. Rach informed everyone that the Civic Information Committee met and made the recommendation to City Council that the contract with STC be renewed for one more year and to advertise the great service for the seniors of University Heights. Mr. Rach suggested that this service be advertise on the City's website.

Mrs. Pardee asked what the monthly charge to the City would be.

Mayor Infeld replied that there was no change in the monthly cost and that it varies based on usage.

Mr. Wiseman added that there is a 90-day cancellation option, so if the cost is too excessive the City can cancel the contract within 3 months. Mr. Wiseman noted that Council had suggested adding the incentive for seniors who use this service to shop at University Heights businesses.

Mayor Infeld replied that is included. Rides are provided for a radius of 10 miles, but the priority is given to medical first, then to senior centers, and lastly grocery stores and other shopping.

Mr. Wiseman clarified he meant an incentive such as the resident only having to pay for part of the fee if going to a University Heights business.

Mayor Infeld replied that was a good idea and that maybe it could be added to the contract for 2018.

Mr. Sims stated he had some ~~his~~ hesitancy because he didn't know the amount of the contract and there was not a stipulation of an "up to" amount or indication of what was spent last year. Mr. Sims added that he knew this service was very worthy for the residents, but it is very expensive.

Mr. Rach commented that the committee did discuss that fact. Noting that the cost had not change, it did look like the fuel escalation when down. Mr. Rach stated that the committee was provided with invoices from 2016 but that he hadn't received any invoices for 2017 yet.

Mayor Infeld stated that the City used to pay a little less than \$22,000 per year once the contract was re-written. Prior to her being Mayor the City paid about over \$60,000 per year. Adding she spoke with Mrs. Eagle, Executive Director of STC about group trips as a way to save some cost, especially since the University Heights Seniors can use the Cleveland Heights Senior Center. Currently the City is operating under the old contract and the cost has not changed.

MOTION BY MR. SIMS, SECONDED BY MR. ERTEL to approve the 2017 Senior Transportation Contract with the Senior Transportation Connection (STC) agency for one year. On roll call, all voted "aye."

E. Motion to authorize the Mayor to advertise for bids for the painting of the pool buildings

Mr. Ciuni stated that Mr. Pokorny informed him that the structural steel beams have never been repainted and need to be painted. Mr. Ciuni noted that it is too late to get everything painted for this year's summer pool season and that September/October is better weather in which to paint.

MOTION BY MR. WISEMAN, SECONDED BY MR. SIMS to authorize the Mayor to advertise for bids for the painting of the pool buildings. On roll call, all voted "aye."

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

MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to enter executive session for the purpose of discussing legal and real estate matters. On roll call, all voted "aye."

Directors' Reports

Finance: Mayor Infeld reported that she hired a new Finance Director, Mr. William Sheehan who will start in two weeks.

Law Director Luke McConville had no report.

Mr. Sims asked Mr. McConville to provide Council with a memo regarding how they can add items to the Council Agenda.

Mr. McConville replied he would research that and provide Council with a written answer. There were no other Director reports.

Standing Committee Reports:

Finance Committee: Mrs. Pardee stated the committee along with the Finance Advisory Committee will meet once the new Finance Director is settled in.

Governmental Affairs: Mrs. Weiss reported that the committee met the previous week to discuss the tax credit and will be an agenda item for discussion at the next Council meeting.

Mayor Infeld pointed out that agenda item mentioned by Mrs. Weiss and the agenda question made by Mr. Sims is that she believes that the way the Charter is written, and the reason why the Mayor sets the agenda is so that the Administration is prepared to discuss items. When items are added to the agenda the Administration is not always prepared to discuss that item.

Service and Utilities Committee: Mr. Sims stated based on the discussion held at this Council meeting; the Service and Utilities Committee will meet probably in May.

There were no other committee reports.

Mrs. Cameron was not present for the Executive Session.

MOTION BY MR. ERTEL, SECONDED BY MR. SIMS to exit Executive Session and re-enter Regular Session. On roll call, all voted "aye."

Mrs. Glasson, Trustee with U and B Bank regarding University Square bonds stated that they were looking for a motion authorizing the Mayor to take necessary action to either de-certify or otherwise eliminate the current Special Assessment needs on the University parcel 001.

MOTION BY MRS. PARDEE, SECONDED BY MR. WISEMAN to add a motion to modify the cooperative agreement to only certify Special Assessments at the direction of the bond trustees going forward to the agenda. On roll call, all voted "aye."

MOTION BY MRS. PARDEE, SECONDED BY MR. WISEMAN to approve the motion modifying the cooperative agreement to only certify Special Assessments at the direction of the bond trustees going forward. On roll call, all voted "aye."

MOTION BY MR. WISEMAN, SECONDED BY MRS. WEISS to add a motion to permit the usage of amounts owed to the City in the approximate amount of \$112,000; which comprises makeup pass due taxes (including interest and penalty). The use of those monies by the Trustees for health and safety items related to the University Square project to the agenda. On roll call, all voted “aye.”

MOTION BY MR. WISEMAN, SECONDED BY MR. ERTEL to approve the motion to permit the usage of amounts owed to the City in the approximate amount of \$112,000; which comprises makeup pass due taxes; interest and penalties. The use of those monies by the Trustees for health and safety items related to the University Square project.

Mr. Wiseman noted for the record that the \$112,000 represent the amount that was accrued over a period of 5 years and is unpaid taxes; interest and penalties that the City has not and will not be collecting.

Mr. Sims added that the justification for this action is the large amount of money the bond holders have already and will be expended to keep the property in safe condition. He further noted the City will receive information of that will document those cost.

On roll call, all voted “aye.”

MOTION BY MRS. PARDEE, SECONDED BY MR. WISEMAN to add a motion to authorize the Mayor to enter into a modification of the cooperative agreement to only certify special assessments at the direction of the Bond Trustee going forward to the agenda. On roll call, all voted “aye.”

MOTION BY MRS. PARDEE, SECONDED BY MR. WISEMAN to authorize the Mayor to enter into a modification of the cooperative agreement to only certify special assessments at the direction of the Bond Trustee going forward. On roll call, all voted “aye.”

Mr. Ertel asked about verbiage regarding the Mayor having the final say.

Mr. Wiseman mentioned the discussion regarding the Law Director having the final approval of the language in the cooperative agreement.

Mayor Infeld replied that the Law Director already has the final approval of the language in the cooperative agreement.

Mr. Wiseman asked for clarification that Council is authorizing the Mayor to modify the cooperative agreement in this way; but, if there is other language Council would have to see the cooperative agreement before it would be passed.

Mayor Infeld added that the only thing Council was currently changing was to modify the cooperative agreement regarding the collection of the special assessments.

Mr. Wiseman asked, once the agreement is adopted Council will see the agreement again.

Mayor Infeld replied yes.

Mr. Sims clarified that the assessments accrued the sale to benefit the bond holders and that it was originally done for their benefit and it is the bond holders that are requesting this amendment to the agreement.

Both Mr. McConville and Mrs. Glasson replied that Mr. Sims was correct in his comment.

On roll call, all voted “aye.”

Mrs. Glasson asked as far as protocol; the bond holders presented a conceptual TIF going forward and asked if Council was comfortable in approving the conceptual (there is nothing of substance) the agreement would just say we (Council) are in general agreement that if this get done in this way. There are a lot of details to follow.

Mr. McConville replied that there really was a need to make a motion for that. If anyone on Council has some known objection at this time to that structure they should voice that to make it known.

Mr. Wiseman said Council received several different scenarios for a possible TIF, none of which they were able to keep. So, at that time Mr. Wiseman was not comfortable with stating at the current time any blanket non-objection to that – Mr. Wiseman stated he reserved the right at some point. There is too little information at the current time to make that determination, it is too early in the game.

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

There being no further business, the meeting was adjourned.

Susan K. Infeld, Mayor

Kelly M. Thomas, Clerk of Council