

**MINUTES COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS, OHIO  
JUNE 5, 2017**

Vice-Mayor Pardee called the regular meeting to order at 7:05p.m.

Roll Call:

Present: Mrs. Susan Pardee  
Mr. Phillip Ertel  
Mr. John Rach  
Mrs. Michele Weiss  
Mr. Mark Wiseman

Absent: Mrs. Pamela Cameron (7:21pm)  
Mr. Steven Sims

Also Present: Law Director Luke McConville  
Finance Director William N. Sheehan III  
Clerk of Council Kelly M. Thomas  
Police Chief Steven Hammett  
City Engineer Joseph Ciuni  
Service Director Jeffrey Pokorny

**MOTION BY MR. WISEMAN, SECONDED BY MR. RACH to excuse the absence of Mrs. Cameron and Mr. Sims. On roll call, all voted "aye."**

**Approval of Minutes from Regular Meeting May 15, 2017**

Mrs. Pardee noted that Mr. Ertel name was omitted from the roll call and he was present at the meeting.

**MOTION BY MRS. WEISS, SECONDED BY MR. WISEMAN to approve the minutes from May 15, 2017 as amended. On roll call, all voted "aye."**

**Comments from Audience**

Mr. Keith Kanner, President of University Heights Fire Fighters Local Union 974 was present to inform City Council of a Union's over-whelming vote of "no confidence" in Fire Chief Douglas Zook ability to lead the Department, tend to the safety/well-being of the City's citizens or the fire fighters that he is expected to lead. Mr. Kanner stated that in interest of attempting to work with Chief Zook to promote public safety, service delivery to the citizens and other important matters the union delayed this unprecedented action for quite some time but have been left with no other choice but voting no confidence in the Chief's commitment to the University Heights Fire Department or the citizens that the Fire Department employees are sworn to protect. Mr. Kanner provided examples of several circumstances for this vote; refusal to send ladder truck to vehicular accidents, the elimination of dedicate fire prevention position and public education class, elimination of fire extinguisher program and CPR classes and the elimination of the child safety seat installation program, the department is faced with the smallest staff in history while contending for the highest need for service by call volume – an increasing EMS runs are to East Cleveland. Mr. Kanner stated that attempts to address those issues with the Chief Zook the Chief have been dismissive.

Mrs. Pardee commented that she had hoped that Fire Chief Zook would be present in the Mayor's absence to answer questions.

Mrs. Weiss asked if there had been any meetings with Chief Zook and the Safety Director (Mayor Infeld) to help mediate or resolve the issues.

Mr. Kanner replied there a few meetings but sometimes the Safety Director wasn't available so it would defeat the purpose of meeting. Other times it was like a rubber stamp.

Mr. Wiseman asked how often are there EMS runs to East Cleveland.

Mr. Kanner answered he didn't have the statistics, but that he has been in the Department for 30 years and in the last 3 years the Department has responded to East Cleveland more times than in his career.

Mr. Wiseman commented that he remembered having discussions a year ago about EMS runs to East Cleveland and Chief Zook informed Council that the Department was no longer going on EMS runs to East Cleveland.

Mr. Kanner responded that the Department was still going on EMS runs to East Cleveland and that East Cleveland was one of our mutual service communities. Mr. Kanner added that Cleveland Heights will not go on EMS runs to East Cleveland so those calls come to University Heights.

Mr. Wiseman asked if there were written records of EMS runs to East Cleveland.

Mr. Kanner replied yes.

Mr. Wiseman asked about the ladder truck going to motor vehicle accidents.

Mr. Kanner stated that would be for when the ambulance is called out to the accident. In the past the ladder truck was present to protect the accident site to allow aid to be provided to the accident victims. This practice was stopped approximately 8 months ago. Mr. Kanner added that the Executive Board is willing to meet with members of Council to provide information and answer any questions. Their concern is for the safety of the University Heights residents.

Mr. Wiseman replied that he wasn't comfortable with meeting separately with anybody and that he was glad that the Fire Union brought their concerns to Council at the meeting. Mr. Wiseman asked Mr. McConville if there was any legal distinction in Ohio for a Union no confidence vote.

Mr. McConville replied he would have to defer to the City's labor attorney Mr. Budzik.

Ms. Dina Goulder, Claridge Oval stated that about 2 or 3 years ago she was at a Council meeting and asked Mayor Infeld and the Fire Chief about department staffing for EMS runs and neither of them answered the question. Ms. Goulder noted her understanding was that departments responded to calls from continuous cities; East Cleveland is not continuous to University Heights. Ms. Goulder added that she is very dependent on a good Fire Department and asked what is going on with the Fire Department.

There were no other audience comments.

### **Mayor's Report to Community**

Mrs. Pardee had no reports to provide from Mayor Infeld.

### **Agenda Items:**

#### **A. Ordinance 2017-18 Authorizing the Mayor to Submit a Grant Request to NOACA for funding to replace traffic signals on Cedar and Warrensville Center Roads**

Mr. Wiseman commented that there was no information provided for grant request so he was uncomfortable in authorizing it without any background information.

Mr. Ciuni stated that NOACA informed him that the application for the CMAQ - Congestion, Mitigation and Air Quality Grant Funds from the Federal Government were due before July 14, 2017. The grant can be used to replace traffic signals. Prior to this NOACA conducted a study on Cedar Road from I-271 all the way down to Fenwick Road and a number of deficiencies showed up in the University Heights signals. The signals are owned by University Heights and have to be maintained by University Heights. The funding from this grant is 80% but requires the Council to authorize the Mayor make application. There are no guarantees that the City will receive funding as it is a Statewide competition.

Chief Hammett added that the City's current controllers are so antiquated that parts are no longer available. The newer traffic controllers use underground camera loop detections which is more efficient and last longer.

Mr. Rach asked if South Euclid was going through the same process since it shares the same traffic signals with University Heights on Cedar Road.

Chief Hammett replied that University Heights owns and maintains all the control signals along Cedar Road, even though they shared the border with South Euclid. The only exception is the traffic signal at Cedar and South Taylor which is owned and controlled by Cleveland Heights.

Mr. Ciuni commented that the cost should be shared with South Euclid.

Mr. Rach also asked if the signaling and the timing of the crosswalks would be looked at since there have been complaints about them.

Chief Hammett replied yes, but added that the crossing signals only gives pedestrians 50sec. to cross the street and the confusion for the pedestrian occurs when the crossing signal changes from walk to don't walk (this occurs sooner than when the actual light changes). The other crossing issues occurs because when motorist are allowed to make right hand turns on the red light. Once all the signal fixtures and timings are corrected other safety improvements can be looked at if still necessary. Chief Hammett also noted that crosswalks can't be placed at every corner because it would cause more of a safety hazard and that the purpose of the traffic signals is to control the flow of vehicle traffic and not necessarily pedestrian crossing.

Mrs. Weiss noted that the master traffic controller is located at Cedar and Warrensville and asked if it had to be in close proximity to the traffic lights or could it be moved so that it's not prone to getting hit by a vehicle again.

Chief Hammett replied that based on his knowledge it could be moved, but the intersections and sidewalks are very tight and narrow in University Heights.

Mr. Ciuni answered the master controller has to be in the public right-of-way. But if we are able to relocate it we will.

Mrs. Weiss commented that the grant would be \$3mil and if the City is awarded the funding it would be responsible 20% for asked how long will it take to get the funding because discussions regarding the budget would be soon.

Mr. Ciuni stated that it would be for next year and completed in stages with the first stage being the design stage. The entire project could take 2 years.

Mrs. Weiss commented that it could then be encumbered in 2 years.

Mr. Wiseman commented that the grant isn't clear as it states in one section that the City agrees to pay 20% of the cost and then in another section it says the City agrees to pay 27% of the cost. Mr. Wiseman added that there was no study, drawings, pictures or plans attached to the proposed legislation authorizing the Mayor to apply for the grant so he was not comfortable in approving applying for a grant that he wasn't sure what the grant was for.

Mr. Ciuni replied he would supply Council with additional information.

Mr. Wiseman added that in terms of the walk lights he felt that a better job needs to be done in warning the car drivers that the pedestrian has 50 seconds to cross the street. Unless something like that is a part of the grant his vote would be no, because he didn't see anything more important than an aging community being able to get across the street.

Mrs. Pardee clarified the discussion to be that the City's traffic control equipment is old and although it not a Federal or State requirement to replace them, they have to be replaced because the City can no longer find parts for them.

Ordinance 2017-18 was placed on first reading.

#### **B. Resolution 2017-19 Declaring 3886 Silsby Road a Public Nuisance**

Mr. McConville stated that the subject property, 3886 Silsby was included in a piece of litigation that was filed approximately 2 weeks ago in which a neighboring property owner has requested that the Court of Common Pleas declare the property a nuisance under a State statute and is requesting various kinds of relief including that either they be allowed to perform repairs or alternatively that the receiver be named. The City along with other taxing authorities and the mortgaging bank named as a party to the litigation since the City may have an interest in the home due to the liens on the property. As part of the complaint that was filed there were pictures attached that showed conditions that are within the home and of a concern. Both the first and second floors have rooms that are mold infested, the bathroom plumbing appears to be inoperable, there's apparent water damage to the property, the copper pipes/wiring been vandalized and removed, egress and regress has occurred via the windows. Mr. McConville added that the acting Building Commissioner felt that the condition of the property was such that there were some apparent health and safety concerns. The other issue is that the City is a defendant in the litigation so Mr. McConville said he had some strategic concerns that he could discuss in executive session.

Mrs. Weiss stated she would like to know more about the issues so would be in agreement to go into executive session but in the meantime Mrs. Weiss asked how did the neighbors know the condition of the inside, noting

the pictures were grainy the outside didn't look any worse off than other properties in the city. Also, what are the City's rules in regards to placing homes with the County Land Bank.

Mr. McConville replied he didn't know how the neighbors knew the condition of the inside, but he was sure that would be explored as part of the investigation. The house is not in mortgage foreclosure nor tax foreclose at this point, although there are some tax liens on the property. The University Heights lien may be for grass cutting.

Mr. Rach agreed that he would like to hear more details in executive session but noted that to him a nuisance is where it's harming the surrounding neighborhood. When you look at the outside, the house is quite charming so Mr. Rach wasn't sure what the house was harming and the problems that Council is hearing about is on the inside of the house.

Mr. McConville commented that part of the problem is that from the photographs someone has been inside the house and removed the copper. The concern is that the house is an abandoned nuisance where people can get in and out of the home.

Mrs. Pardee noted she also was in favor of going into executive session for this item.

Mr. Wiseman commented that he had questions for the Building Department or the Administration. Mr. Wiseman stated he was more than willing to declare the house a nuisance. But other than the mold he wasn't sure what the health and safety issues were except that it's not safe to have a house next door where people who don't own the house or the houses on either side come go in and out of the house regularly is problematic. Mr. Wiseman added that the house was in foreclosure and a judgement was granted in June 2011 but the lender never asked for a sheriff's sale. Mr. Wiseman said that he noticed that on March 21 by a property management company with a phone number and questioned whether or not the Building Commissioner or Building Department had been in touch with that management company and also if the City was inside the house to take pictures why wasn't an inspection performed? Mr. Wiseman added that no one from the Administration nor the Building Department was present at this meeting to answer questions about this agenda item so he was willing to table this item until the next Council meeting.

**MOTION BY MR. WISEMAN, SECONDED BY MR. RACH to table Resolution 2017-19 Declaring 3886 Silsby Road a Public Nuisance until the next City Council meeting. On roll call, all voted "aye," except Mrs. Cameron who "passed."**

**C. Motion to approve the lowest and best bidder for the Silsby Road resurfacing project from Taylor Road to Edgerton Road**

Mr. Ciuni informed everyone that bids were opened on June 1, 2017 and 5 bids were received. Mr. Ciuni said the estimated cost was \$420,000 and the lowest bid was \$389,054.50 from TC Contractors Inc. Mr. Ciuni noted that this project will be reimbursed by Cuyahoga County Engineer in the amount of \$210,000 and Cleveland Heights will reimburse University Height their 25% portion. Mr. Ciuni recommended accepting the bid from TC Contractors Inc. as the lowest and best bid and entering into contract with the same.

Mrs. Pardee asked if the new forms regarding minority and female business were filled out and returned with the bids.

Mr. Ciuni replied that those forms are required once the project is awarded, but the forms are provided within the bid packet and will be collected at the pre-construction meeting.

**MOTION BY MRS. WEISS, SECONDED BY MR. ERTEL to approve TC Contractors Inc. as the lowest and best bidder for the Silsby Road resurfacing project from Taylor Road to Edgerton Road. On roll call, all voted "aye."**

**D. Motion to hold an executive session immediately following this regular meeting for the purpose of discussing possible litigation regarding 3886 Silsby Road**

**MOTION BY MR. ERTEL, SECONDED BY MR. RACH. On roll call, all voted "aye."**

A request was made that an additional motion be added to enter into executive session for the purposes of personnel issues.

**MOTION BY MR. WISEMAN, SECONDED BY MRS. WEISS to add the discussion of personnel issues. On roll call, all voted "aye."**

**Directors' Reports:**

There were no Director reports.

**Standing Committee Reports:**

**Finance Committee:** Mrs. Pardee reported that the Joint Finance Committee and Finance Advisory Committee met on May 24 where the new Finance Director, Mr. Sheehan was introduced to the committee. The committee also discussed the recent City audit and the continuation of the discussion for a .25% tax credit increase, although this discussion was tabled by Council in order for Council to review the budget more carefully as a group with the Finance Advisory Committee.

**Governmental Affairs Committee:** Mrs. Weiss reported that the Committee will be meeting on June 21 at 7pm.

**Recreation Committee:** Mrs. Cameron reported that the voices for fellow Council members was heard and the Community "All Geared Up" Bike event will be held again this year, but on Sunday, October 1 to allow residents the ability to attend.

**Service and Utilities Committee:** Mr. Sims reported that the committee is meeting on June 8 at 7pm.


There were no other committee reports.

**MOTION BY MRS. CAMERON, SECONDED BY MR. WISEMAN to exit executive session and resume the regular session. On roll call, all voted "aye."**

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

There being no further business, the meeting was adjourned.

  
Susan D. Pardee, Vice-Mayor

  
Kelly M. Thomas, Clerk of Council

