

**MINUTES COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
NOVEMBER 20, 2017**

Mayor Infeld called the regular meeting to order at 7:08p.m.

Roll Call:

Present: Mrs. Susan Pardee
Mrs. Pamela Cameron (7:10)
Mr. Phillip Ertel
Mr. John Rach
Mrs. Michele Weiss
Mr. Mark Wiseman

Absent: 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
Fire Chief Douglas Zook
Service Superintendent Jeffrey Pokorny
Community Development Patrick Grogan-Myers
Engineer Joseph Ciuni
Labor Attorney James Budzik

MOTION BY MRS. PARDEE, SECONDED BY MR. RACH to excuse the absence of Councilwoman Cameron and Councilman Sims. On roll call, all voted “aye.”

Approval of Minutes from November 6, 2017

Mr. Rach noted that under the approval of the minutes from October 16, 2017 he “passed”.

MOTION BY MRS. WEISS, SECONDED BY MR. WISEMAN to approve the Council minutes from November 6, 2017 as presented and corrected. On roll call, all voted “aye.”

Comments from Audience

There were no audience comments.

Mayor’s Report to Community

- ❖ Congratulated the Councilmembers on their re-election and Mayor-Elect Michael Brennen.
- ❖ Wished everyone all the best and the best to the City moving forward
- ❖ University Heights Symphonic Band is holding a holiday concert on Thursday, November 30 at 7pm in the Dolan Science Center at John Carroll University
- ❖ Gearity School is looking volunteers to help with after school tutoring
- ❖ Speaker Series sponsored by the CH/UH PTA Council on November 27 from 7pm – 8pm in the high school small auditorium. The topic is equity issues and the speaker is Dr. Sandy Womack
- ❖ Remember to shop at the small shops on November 25

Agenda Items:

A. Approval of Planning Commission Recommendations regarding University Square:

- (1) **Option 1 and Option 2 for parcel 721-01-147 separating the Key Bank building from the four-plex building where Verizon Wireless is located to its own parcel) as presented. Subject to Board of Zoning Appeal approval for any needed variances and the existence of cross easements to allow egress and regress to both properties.**
- (2) **The property lot line adjustment on the north side of the property for parcel 721-01-001 and 721-01-003 as presented by the applicant.**

Mr. Joe Landen, Lapis Advisors was present too make a presentation and answer questions.

Law Director Luke McConville explained that the Planning Commission is recommending that Council approves both option 1 and option 2. Either option the parking and acreage will require that Variances be granted by the Board of Zoning Commission prior to the issuance of any permits; at that time the City will be informed of which option is chosen. But, at this point having the two options available the University Square owners to have flexibility to solicit/market the site. Mr. McConville stressed that at some point either the bond holders or developer would have to come before the City for approval before going further with any sort of plan.

Mr. Rach asked how the two options worked and if any paperwork needed to be filed with the County.

Mr. McConville explained that Council would essentially approving an either or scenario, but regardless of which option is chosen nothing can be done without the developer seeking variances from the City and no filings with the County are necessary at this point.

Mr. Landen commented that the University Square Bondholders want to work with the City in making the retail center much better. In shopping center is very dark on the north; so the hope is to create more lot depth to allow more natural light.

Mr. McConville added that the movement of the lot line is on the interior of the garage so that a portion of the existing garage would be removed/demolished.

Mr. Landen noted that would also have to come before the City of approval before anything could be done to the garage.

Mr. Wiseman commented that thus far the City has forgiven taxes (small amount), started foreclosure in order to remove the previous land owner and now the current owners are requesting to move the lot line. Mr. Wiseman expressed to Mr. Landen, bond holders and owner his opinion as a Council member that he wanted the site to have development that will make money for the City. Mr. Wiseman's desire is to have development with some retail space. Adding he was not of the opinion that there is too much retail and all the City needs is residential space. Mr. Wiseman continued to say that at some point the developers with sit down with City Council to get a feel of what Council is looking for as opposed to all residential going up.

Mr. Landen replied that they were agnostic, want to be aligned with the City in creating a large tax base and are opened to all ideas. The current plan is to merely bring down some of the hurdles of attracting potential developers. This will be a process and may require many more request from the City.

MOTION BY MRS. WEISS, SECONDED BY MR. ERTEL to approve the Planning Commission's October 24, 2017 recommendation for the approval of the application and plans as presented by UMB Bank, N.A. and University Square Real Estate Holdings, LLC to approve option 1 and option 2 as presented; subject to the Board of Zoning Appeals approval of any needed variances and the existence of cross easements to allow egress and regress to both properties. On roll call, all voted "aye."

MOTION BY MR. RACH, SECONDED BY MR. ERTEL to approve the Planning Commission's October 24, 2017 recommendation for the approval of the property lot line adjustment on the North side of the property as presented. On roll call, all voted "aye."

B. Ordinance 2017-43 Authorizing a Contract Between the City of University Heights and the Ohio Patrolmen's Benevolent Association (Patrol Officers), Setting Forth the Rate of Compensation and Benefits and Conditions of Employment for Members of the Bargaining Unit and Declaring An Emergency (on first reading)

Labor Law Counsel, James Budzik explained that the labor negotiations revolved around economic issues such as wages, health care and hours of work.

Mr. Budzik provided the key contract factors:

- explained that the patrol units will be switching to 12-hour shifts similar to what other communities have, unlike the current 8-hours shifts. By having the 12-hour work shifts the patrol officers will be able to provide the City with more coverage and save some of the overtime cost. The 12-hour shift will be effective beginning January 1, 2018. Mr. Budzik noted that the contract has a clause where

the Police Chief can revert back to the 8-hour shifts without bargaining if he desires provided he gives a sixty (60) day advanced notice to the OPBA.

- Sergeants will also be going to the 12-hour shifts.
- Employees will be working 80-hours in a two week pay period or 4/10 instead of the current 5/8.
- Wages will increase 2.5% across the board for each year of the contract, July 1 to June 30 of each year.
- Volunteer Specialty Teams stipends will be \$500 and only one (1) stipend payment will be provided no matter how many specialty teams an employee belongs to.
- Health Insurance will have offer 3 basic plans (Metro, Metro 500 and HHA). These plan options have to stay in place for the term of the contract. The employee will responsible for paying 11% of the insurance cost for 2018; 12% for 2019 and 13% for 2020.
- Dispatchers who are not transferring over to the Dispatch Call Center will received a severance packet

Mrs. Weiss if the officers would receive overtime when they are on their 12-hour work shift.

Mr. Budzik explained officers would only receive overtime if they working over their 12-hour shift.

Mr. Budzik added that in regards to personal sick days the Union wanted additional holiday time or compulsory time if it creates over-time equaling up to 1.5 bases.

Mrs. Weiss asked if the City funded the entire cost of the HHA.

Mrs. Cameron asked Chief Hammett to explain the 12-hour work day.

Chief Hammett explained that the benefit of switching to a 12-hour work day it that instead of 3 shifts there will be 4 platoons reducing the amount of overtime.

Mr. Wiseman asked when negotiations ended.

Mr. Budzik replied that negotiations ended about 1 to 1.5 week ago. The Union communicated via email that they were taking it to the union members for a vote.

Mr. Wiseman state that he understood that after 30 days it becomes valid or a binding contract as an operation of law and asked when does that 30-day end. Also, if the Contract is not accepted by Council within that 30-days it would become binding thereafter.

Mr. Budzik stated that the 30 days is currently in effect. The time started approx. one week ago when the City receiving the letter of tentative agreement from the Union. A tentative agreement if not acted upon becomes contract by object of the law.

Mr. Wiseman commented that this was the first time this tentative contract was brought before Council in any respect about these negotiations.

Mr. Budzik replied that he believed that this was brought up during an executive session about one week ago.

Mr. Wiseman replied that no particulars of the contract were identified.

Mr. Budzik stated Mr. Wiseman was correct. Under ORC 4117-10 the law is rather clear, in that the Mayor as Chief Executive Officer is charged with negotiating contracts for the City. At the point when a fully negotiated contract is negotiated and reached then the tentative contract is brought back to the City Council. If no tentative agreement is reached between the Mayor (City) and Union, then it would go to fact finding.

Mr. Wiseman said his point was that Mr. Budzik never addressed Council about the particulars of this contract at all until this meeting.

Mr. Budzik agreed with Mr. Wiseman's comment that this is the first time the particulars of the Police Department contracts were presented to Council.

Mayor Infeld stated that the City was 17 days away from the tentative agreements becoming law if no decision is made. The rates that were offered to the employees in the Police Department are actually the going rates countywide and the proposed contracts and negotiations were pretty straight forward from the City standpoint.

Ordinance 2017-43 was placed on first reading.

C. Ordinance 2017-44 Authorizing a Contract Between the City of University Heights and the Ohio Patrolmen's Benevolent Association (Sergeants/Lieutenants), Setting Forth the Rate of Compensation and Benefits and Conditions of Employment for Members of the Bargaining Unit and Declaring An Emergency (on first reading)

Ordinance 2017-44 was placed on first reading.

D. Ordinance 2017-45 a Memorandum of Understanding Between the City of University Heights and the Ohio Patrolmen's Benevolent Association (Dispatchers), Setting Forth the Rate of Compensation and Benefits and Conditions of Employment for Members of the Bargaining Unit

Ordinance 2017-45 was placed on first reading.

E. Resolution 2017-40 in Support of an Application for a Grant from the 2018 Cuyahoga County Community Development Supplemental Grant Program (on second reading and on Emergency)

Mr. Grogan-Myers informed Council that the grant award is a maximum \$50,000 and has to be submitted by November 30, 2017. Mr. Grogan-Myers noted that the monies for the grant came from the casino revenue fund. Being presented to Council is the proposal gateway enhancement for the Cedar & Warrensville corridor. The proposal includes: bus shelters, trash receptacles, recycling receptacles and planters.

Mrs. Weiss commented that it was great that the City was receiving the grant and asked if the City would have to use the vendors and designs presented on the presented in the application or can they be changed?

Mr. Grogan-Myers replied that the Committee likes to see what would be pretty close to what will be used, subject to if a manufacturer were to stop production of a specific item.

Mrs. Weiss continued to say that although she never wants to turn-down a grant but was nervous and wanted to make sure that in going forward, especially since there is already monies encumbered for a different gateway that it will be the same branding and design going through each gateway.

Mr. Ertel agree with Mrs. Weiss.

Mr. Grogan-Myers stated he believed that all the improvements were neutral enough to blend in with the other gateways.

Mrs. Weiss gave the example of the bus shelter and trash receptacles.

Mr. Grogan-Myers added that the color of the bus shelters haven't been chosen yet.

Mr. Rach asked how did the proposed project come about.

Mr. Grogan-Myers replied that projects such as this have been historically proposed via public feedback.

Mr. Rach noted in reading the comments/feedbacks from the public hearings and the over whelming support was for developing the Cedar/Taylor area with only 2 comments for the Warrensville/Cedar corridor. Mr. Rach asked since the specs for the Cedar/Taylor gateway has already been looked at why didn't the City submit that gateway for the grant so that it could be paid for.

Mr. Grogan-Myers responded that part of the grant application requires the City to justify/demonstrate the need why we are applying for the grant and because Council allotted funding for the Cedar/Taylor corridor it doesn't demonstrate the need and actually counts against the grant application.

Mr. Rach although Council allocated the funds they haven't been spent and it has been a year and nothing been done yet so that shows there is a need for the funding.

Mr. Rach added there maybe there is something in the application but he wasn't provided a copy of the applicant and in any event Cedar/Taylor should be taken into consideration also.

Mayor Infeld stated that that wasn't how that grant works and it does matter that monies have been allocated.

Mr. Rach asked – yes or no, does the application stated “is there funding already allocated for the project”?

Mr. Grogan-Myers replied that successful grant applications ask the applicant to demonstrate why the funding is needed, why it hasn't been funded and what the impact will be.

Mrs. Cameron asked what were the other qualifications for requesting funding and if Council could receive a copy of the application.

Mr. Grogan-Myers replied project impact on an area, project description, etc. and added he would provide Council with a copy of the submitted grant application.

Mr. Ertel asked how were the designs for the bus shelters and planters decided.

Mr. Grogan-Myers answered that part of the decision was budgetary and not a dramatic change but upgrades for the shelters. Also the designs are neutral to allow for additional marketing campaigns.

Mr. Ertel said the problem with that is that if that same look is being continued to blend in we end up with stages all over the City. Mr. Ertel said that he would have liked to have had some input in the design look.

Mayor Infeld stated that it's not too late and that Council could schedule a special meeting.

Mr. Wiseman suggested that the Administration engaged Council a little earlier and noted that this was not the first time Council wasn't included in the planning process.

Mrs. Pardee asked if this was an annual grant offering and if it could be expected that there be another round of grant possibilities from the Ohio Department of Natural Resources? Mrs. Pardee added that her desire is to look holistically in order to gather more input as opposed to merely chasing money.

Mr. Rach asked if there were any rules that states the elements/items had to stay where they are pictured in that application?

Mr. Wiseman asked if the City could apply and then not accept the grant funding, if awarded.

Mayor Infeld replied the City can always turn back grant funds, we don't have to accept it.

Mrs. Pardee remarked that when writing/applying for grants you should be forthright and honest in your application by putting forth the best project with the full intention of carryout that project. Once awarded the grant comes back to you like a contract. An entity may be able to make provisions and modification but the application should be completed ethically with the intentions of fulfillment and implementation.

Mr. Rach commented that with grants, it not always “your” turn; allowing you time to further your scheme and plans.

Mrs. Cameron noted Mr. Grogan-Myers comment that there are no guarantees that there will be other programs like this with funding.

Mrs. Pardee said that there are other grant opportunities that may come up and that there may be a way to fund this by the City. It is a great idea to do the actual planning with a comprehensive design and plan that is consistent. Council has talked about branding and coming up with a plan for quite some time now, that way when applying for grants the City is also showing they are implementing something that is comprehensive and part of the City's strategic idea in terms of marketing and planning to move forward on the branding.

MOTION BY MR. ERTEL to table Resolution 2017-40 in Support of an Application for a Grant from the 2018 Cuyahoga County Community Development Supplemental Grant Program until Council has more time to create a holistic approach for the City's gateways.

Mrs. Pardee noted that the application deadline is in a couple of weeks.

Motion died for the lack of a second.

Mr. McConville stated the Resolution is on second reading so action needs to be taken one way or another.

MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to pass Resolution 2017-40 in Support of an Application for a Grant from the 2018 Cuyahoga County Community Development Supplemental Grant Program. On roll call, all voted "nay," except Mrs. Cameron who "passed."

Mrs. Cameron asked about the value of the grant.

Mayor Infeld replied \$35,300 and noted that there was no guarantee that the City would receive the grant.

Motion failed.

F. Resolution 2017-41 Authorizing Application and Support for a Bureau of Workers Compensation (BWC) for a Safety Intervention Grant to Purchase Protective Clothing to be used by the Fire Department (on second reading)

Fire Chief Zook explained that this would be an ongoing application from the BWC, where you would be able to use the granted funds throughout the year. The funds can be used to purchase only certain items and based on the approved items the University Heights Fire Department will purchase 50 hoods and 50 gloves. The estimated total cost is about \$7,800 and the City would have to cover a 20% match for about \$1,300.

Mrs. Weiss asked Chief Zook if he could increase the quantities to use the full \$15,000 grant.

Chief Zook said yes and that if approved that would be the amount of Council approval.

Mayor Infeld suggested removing the listed 50 hoods/50 gloves and just state purchase of accepted protective clothing in effort to utilize the entire grant amount with the City's 20% match.

MOTION BY MR. WISEMAN, SECONDED BY MRS. WEISS to approve Resolution 2017-41 as revised with the removal of the stated 50 gloves/50 hoods wording. Authorizing Application and Support for a Bureau of Workers Compensation (BWC) for a Safety Intervention Grant to Purchase Protective Clothing to be used by the Fire Department. On roll call, all voted "aye."

G. Ordinance 2017-45 Appropriating Funds for Current Expenses and Other Expenditures of the City of University Heights, Ohio for the Period Commencing January 1, 2018 and Ending March 31, 2018 and Declaring an Emergency (on first reading)

Mayor Infeld stated that this is a temporary budget so that the City can function at the beginning of the 2018.

Ordinance 2017-45 was placed on first reading.

H. Resolution 2017-46 Authorizing the Mayor to Enter into a Service Agreement with Online Solutions LLC (“Citizen Serve”) for Software Service and Support for a New Building Department Code Enforcement Software System in Conjunction with the First Suburbs Consortium of Northeast Ohio Development Council and Cuyahoga County (on emergency and first reading)

Mr. Grogan-Myers stated that the current software system in the Building Department has not been updated and this system will allow the inspectors to use tablets out in the field, have immediate access to department information. The software will also allow for on-line payment of fees. In speaking with the County, the system is working for them. The following communities have the program in place; Shaker Heights, Parma, Cleveland Heights, Independence and Lakewood.

Mayor Infeld said that this would be a pilot program.

Mrs. Pardee asked if the City was currently in a pilot program for this software and what would be the potential cost.

Mr. Grogan-Myers replied \$10,500.

Mrs. Weiss noted that the annual cost was listed as \$10,000 and asked what time frame was the City looking at for this to be implemented.

Mr. Grogan-Myers answered if it was ordered on January 1 then it would take approx. 3 to 6 weeks for startup.

Mr. Ertel asked if Shaker Heights Municipal Court had been contacted since by City code the building department violations go them if not taken care of.

Mr. Wiseman commented that the service agreement states that either party may terminate the agreement with or without cause if the terminating party gives the other party sixty (60) day’s written notice prior to termination.

Mr. McConville stated that was correct.

Mr. Wiseman made note that the Building Commissioner wasn’t present to answer any questions that Council may have.

Mayor Infeld stated that Mr. McConville reviewed the contract language.

Resolution 2017-46 was placed on first reading.

I. Transition Report

Mr. Wiseman asked for an update from the Administration as to the steps that have and are being taken to make ready for Mayor-Elect and new Administration.

Mayor Infeld reported that she has been in communication with Mayor-Elect Brennan regarding contract negotiations, Budget for 2018, etc. Mayor Infeld added that she suggested that for the union contracts that haven’t been

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

There was no need for an executive session.

Directors’ Reports:

Service Department: Mr. Pokorny reported that curbside leaf pickup is in its second week.

City Engineer: Mr. Ciuni reported that the road program is completed as well as the painting of the swimming pool pavilion.

Safety Director: Mayor Infeld reported that the burned out lights in the University Square garage are due to an issue with a shortage in the electrical panel but that it is being corrected.

There were no other Director reports.

Building Committee: Mr. Wiseman reported that the committee met and discussed:

- Bushnell Road – street parking and the rental properties with college students, times for parking on the street.
- The loop hole in the City code where residents can bypass BZA and the Planning Commission in demolishing their homes. The Law Director is working on legislation for this.
- Vacant Housing – looking at modeling South Euclid where the bank is asked to maintain the house within compliance of the City Codes.
- Payment of taxes.
- Allowing Chickens on a temporary basis.

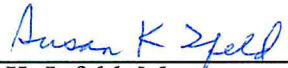
Finance Committee: Mrs. Pardee said the Finance Committee will hold three (3) meetings; November 28 at 7pm, December 4 at 6pm and December 18 at 6pm.

Governmental Affairs Committee: Mrs. Weiss reported that the committee will be meeting next week.


There were no other committee reports.

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 K. Infeld, Mayor



Kelly M. Thomas, Clerk of Council