

**MINUTES COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
NOVEMBER 6, 2017**

Mayor Infeld called the regular meeting to order at 7:00p.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 McConville
Finance Director William N. Sheehan III
Clerk of Council Kelly M. Thomas
Police Chief Steven Hammett
Service Superintendent Jeffrey Pokorny
Community Development Patrick Grogan-Myers

Approval of Minutes from Meeting June 19, 2017

Due to the length of the meeting the minutes from June 19, 2017 were transcribe by a Court Reporter.

Mr. Wiseman asked what determines what goes to a Court Reporter and when could Council again expect for minutes to be outsourced for transcription instead of the Council Clerk.

Mayor Infeld replied that the minutes always go to the Council Clerk. But in this case the meeting was 5.5 hours and when meeting go that long it is expecting a lot for the Council Clerk to produce summary minutes. The internal policy is when the meetings exceeds 2.5 hours the Council Clerk has the option of sending the minutes out for the transcription. Mayor Infeld noted that the Council Clerk doesn't often take advantage of this option unless the meeting runs 4.5 to 5 hours.

MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON to approve the Council minutes from June 19, 2017 as presented by the Court Reporter. On roll call, all voted "aye," except Mr. Sims, who "passed," and Mr. Wiseman who voted "nay."

Approval of Minutes from Meeting October 2, 2017

There were no corrections or additions to the October 2, 2017 Council minutes.

MOTION BY MRS. WEISS, SECONDED BY MRS. CAMERON to approve the Council minutes from October 2, 2017 as presented. On roll call, all voted "aye," except Mrs. Pardee and Mr. Sims who "passed."

Approval of Minutes from Meeting October 16, 2017

Mrs. Pardee noted two corrections: 1) delete sentence under Mayor's Comments on page 1, second bullet that says Chief Hammett stated. 2) on page 6, first paragraph should read "... they will be arraigned by video...."

MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to approve the Council minutes from October 16, 2017 as presented and corrected. On roll call, all voted "aye," except Mr. Rach who "passed."

Comments from Audience

There were no audience comments.

Mayor's Report to Community

Reminded everyone that tomorrow (Tues., Nov. 7) is election day involving several municipal offices in the City.

Verbal Statement from Mayor Infeld:

I was also the subject of an ugly piece of literature that was distributed City-wide over the weekend.

This past weekend I was the subject of smear campaign by Local 860. The Service Workers Union Local 860 mailed a piece of literature to every home in University Heights. It asked if kids are safe in University Heights. It states that I knowingly placed families in University Heights at risk. It declares that the temporary workers used by the City during fall leaf pickup are unsafe. It says that I must be stopped before it is too late. These same issues were raised by Local 860 in negotiations and the Union is attempting to have the City bargain publically, which it cannot do. In my 20 years of public service in University Heights this represents an unprecedented level of reprehensible behavior. This ugly attack not only sullies my name and office; but that of my family. My family and I have worked hard to contribute to the betterment of University Heights and the communities of Northeast Ohio. I've given 23 years of my life in service to the City of University Heights beginning with the design and construction of the Purvis Park Pool and Playground; serving on City Council for 12 years and serving as Mayor for 8 years. While I may have disagreements with the City Council I would never stoop to attempting to destroy their reputations or drag their family name through the mud. It is their prerogative to support which ever candidate they choose in the Mayoral election. However, it is a telling reflection of their level of disrespect for this office that when they had the opportunity to select my opponent for an opening on the City Council in 2016 they did not deem him worthy. They now feel he is the best leader for the City Administration.

Mr. Wiseman – I'm sorry Mayor but this sounds like a stump speech to me.

The timing of the inflammatory mailing is clearly intended to influence the outcome of the Mayoral election. No doubt the Service Workers Union would like the same deal promised by my opponent to the fire union when he publically stated that the list of demands from the fire union will be his to do list in 2018. This candidate endorsed by the majority of this Council in pandering to these employee unions for selfish political game wants to hand the unions a blank check that University Heights tax payers will have to cover. These unions cannot help but be emboldened by the constant second guessing and attempts at micromanaging of the City Administration by many members of this legislative body. So even if the Council did not overtly direct this smear campaign, I hold them at least partly responsible.

Mr. Wiseman – This is so inappropriate.

Mr. Rach – This is extremely inappropriate.

I would like to single out Councilman Phil Ertel at this time to say that I am certain that he had nothing to do with these tactics.

Mr. Rach – How do you know that?

And that his friendship and loyalty have been a great consolation in this dark hour. I can only hope that the voters of University Heights will look at these dirty tricks tactics and see them for what they are – a transparent and desperate attempt by politicians and employee union representatives to place petty political maneuvering and greed above fair play and the best interest of the citizens of University Heights. The City is currently looking into what legal remedies are available to bring the responsible parties to justice. Given possible legal action this matter will not be discussed further at this time.

Mr. Rach – This is an extreme gross abuse of your power Mayor.

So we can move on with the agenda items.

Mr. Wiseman stated he wanted to add an item to the agenda.

Mayor Infeld asked Mr. Wiseman if he was making a motion to add an item to the agenda.

Mr. Wiseman replied yes; I move to add an agenda to discuss the allegations raised in the piece because it contains several pieces of information such as the contract we voted on in 2014 and the background checks we discussed in 2014. So I would like to discuss that as a part of our agenda today. That's my motion.

Mayor Infeld asked if there was a second.

Mrs. Cameron seconded.

MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON to add the discussion regarding the allegations raised in the piece because it contains several pieces of information such as the contract Council voted on in 2014 and the background checks that were discussed in 2014. On roll call, all voted “aye.”

Mayor Infeld stated to the audience that she believes that they would need to go immediately into executive session because Council wanted to talk about the negotiations and the Administration cannot talk about those negotiations publically.

Mr. Wiseman commented to the Mayor that she misunderstood his motion. Mr. Wiseman said he didn't have questions about the negotiations, he had questions about the temporary contract, background checks that are or aren't been done and if Council has voted on the contract in the last three years.

Mayor Infeld replied that those were all items that were brought up in negotiations so they can't be talked about publically.

Mr. McConville advised that they enter into executive session to get advice from the City Labor Counsel as to what and what cannot be discussed publically.

Mr. Wiseman asked what if Council didn't heed that advice.

Mr. McConville replied that if Council didn't heed his advice that they were risking that they participated in unfair labor practice. Mr. McConville deferred to the City's Labor Counsel, Mr. Budzik on matters regarding labor laws.

Mr. Wiseman stated – just so I can understand the rules, the Mayor can attack us all (Council) with an open microphone (without it being in executive session) and then declare the subject matter has to be discussed in executive session.

Mr. McConville replied that that was not what he said and restated that Council should go into executive session to seek advice as to determine what can and cannot be discussed publically because he didn't believe it was clear to members of Council.

Mr. Wiseman added that he would like to seek legal advice as to whether it was proper to make a political speech at the Council meeting in public and use that for political gain.

Mayor Infeld pointed out the she was the victim of a smear campaign piece that was mailed to every household in the City and it involved Local 860. Mayor Infeld added that the City's labor consul was present at this meeting, Council had added an item to the agenda and the Law Director had advised Council that the meeting needs to move into executive session based.

MOTION BY MR. SIMS, SECONDED BY MR. ERTEL to immediately go into executive session to discuss labor law matters. On roll call, all voted “aye,” except Mr. Wiseman and Mrs. Cameron, who voted “nay.”

MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN to exit Executive Session and resume the Regular Council Session. On roll call, all voted “aye.”

Agenda Items:

- A. Motion to Approve entering into Contract with the City of Solon, Ohio for prisoner housing services**

Mayor Infeld stated this item was tabled at the last Council meeting and that Police Chief Hammett provided Council members a packet of information regarding prisoner housing and this agenda item.

Chief Hammett reviewed and summarized the packets he provided Council for the regulations pertaining to 12-day jail facilities and housing regulations. Chief Hammett said based on the actual size of the City's jail the City doesn't meet the adequate housing requirements; under Federal Law the City must provide medical care

for any prisoner. Chief Hammett stated that by law if University Heights has someone in a jail cell, that person has to be monitored by sight and sound. Currently that is handled by the dispatchers, but after November 15, 2017 all dispatching will be moved out of the City to the Dispatching Center in Cleveland Heights. So, if the City has any prisoners after November 15, 2017 they will have to be monitored by a police officer creating the need for over-time.

The City's Engineer Joe Ciuni did an assessment of the jail cells and stated that the dividing cell walls are comprised of steel so they would not be able to modified to create a larger space.

Mr. Wiseman noted and asked for an explanation about the section of the report dated March 2016 and titled 12-day inspection standards where the report asked if there have been any variances to the standards for Ohio that have been granted by the Bureau of Adult Detention and the answer was yes – jail administration is working on current modified dormitory projects.

Chief Hammett said that project has been in the stages on being worked on for as long as he could remember adding he didn't think it would be something that would materialize, examples would be providing natural light, sizes of the cells, etc.

Mr. Wiseman asked about the cost analysis of sending prisoners back and forth to Solon's facility.

Chief Hammett said he would not be able to provide real numbers (cost) for in the future because it would be based on old figures. It would have to be averaged out over a 5-year period and that still would give Mr. Wiseman the information he wants.

Mr. Wiseman commented that he was still had questions about the prevailing law and prisoners medical care because no information has been provided explaining when prisoners are taken to hospital for medical care. Mr. Wiseman gave the example of police departments that took prisoners to the hospital, release them – let them get their medical care and then take them back into custody so that the department wouldn't have to pay for the medical bill.

Chief Hammett said that University Heights was one of the first departments to do that, but there are limits to that. Chief Hammett explained that the City has a physician on call who determines when and if a prisoner needs to go to the hospital, unless it is an emergency. We have furloughed prisoners to the hospital if they committed a non-violent crime.

MOTION BY MRS. WEISS, SECONDED BY MRS. CAMERON to approval entering into Contract with the City of Solon, Ohio for prisoner housing services in an amount of \$81,600. On roll call, all voted "aye," except Mr. Wiseman who voted "nay."

Mr. Wiseman stated that he appreciated all the information that Chief Hammett provided but he still was having a hard time approving a \$80,000 contract with another City where some many questions are still unanswered; what will the protocol be, how things will be handled and what the actual cost will be. Mr. Wiseman added that although the City has been researching this for a long-time, Council was only informed just prior to the previous Council meeting and he was surprised that information was provided sooner so that it could go to committee for discussion.

Mayor Infeld replied that per Ordinance Council decides what they discuss at their committee meetings and pointed out that the Regional Dispatch Center has been discussed for the past seven years. The only other option at this point would be to use officers on over-time because the dispatchers will be moved to the dispatch center next week.

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

Mayor Infeld stated that this Resolution was on emergency because of timing. Although there will be a second reading at the next Council meeting the grant application is due before the regular 30-day effective date would occur. The emergency clause allows for the Resolution to take effect immediately after passage.

Mr. Grogan-Myers explained that this is a County grant that is approved by the County Council for the years of 2017/2018. The grant is \$1mil from the casino fund and awards twenty \$50,000 project grants that are focused on community development and the improvement of quality life. The second of two public hearing was held here just prior to this Council meeting. The application deadline is November 31, 2017. Ideas for

this project from the two public hearings are posted to the City's website, as well as an on-line form that can be completed.

Resolution 2017-40 was placed on first reading.

C. Resolution 2017-41 Authorizing Application and Support for a Bureau of Workers Compensation for a Safety Intervention Grant to Purchase Protective Clothing to be used by the Fire Department

Fire Chief Zook explained that the grant is for \$15,000 with the City having a 20% match requirement and can only be used for certain purchases. Out of the list we would like to purchase 50 firefighter hoods and 50 gloves fit the needs of the Department with a total cost of \$7800 and the grant would cover \$6500. The grant is an ongoing grant with no deadline.

Mrs. Weiss asked if there were other items that the Department could also apply for because she would like to see the entire \$15,000 used.

Chief Zook said they would look into it.

Resolution 2017-41 was placed on first reading.

D. Resolution 2017-42 Authorizing the Mayor to enter into a Contract with Burgess Ambulance Sales to Purchase a Ford E450/Road Rescue Ultramedic Ambulance

Mayor Infeld said that Chief Zook has provided updates over the past year about the Fire Department Ambulance Committee researching companies and various models of ambulances for purchase.

Chief Zook explained that this ambulance would serve as a replacement for the current 2006 ambulance which has 73,000 miles. The current ambulance is beginning to show wear and tear and is currently being use as the secondary ambulance. The proposed ambulance has features that fit University Heights, such as having a sliding side door rather than the swing door – this is a great safety feature. Chief Zook noted that this ambulance will not be fitted with the automatic cot loading system at the time of delivery. A few years ago in 2014 the City was awarded a grant for the purchase of 2 motorized cots and 1 loading service systems for the ambulance so that the firefighters/paramedics would not have to manually load the cots with the patients into the ambulance. The load system was not included in the proposed ambulance because of the high cost of about \$20,000 and in speaking with the State Bureau of Compensation the City will be eligible to apply for another automatic cot load system grant in 2018. And, since if authorized to purchase this ambulance will not be ready for delivery until 2018 and then at that time we hope that we will receive another cot loading system and then have it installed. If the grant is not awarded to the city; then at that time another request would be given to Council for the purchase of that same cot load system.

Mr. Rach asked why didn't the purchase of the ambulance go to Committee so that Councilmembers could be a part of the review of different types ambulances. Having the ability to discuss purchases such as this is beneficial in helping him make a decision.

Mayor Infeld said that Council passed an Ordinance that stated that Council refers items to its own committees and that the Administration no longer has that ability. So tonight Council can either authorize the purchase or refer it to committee. Mayor Infeld pointed out that Chief Zook had a committee of firefighters working on this project and that the Administration finds it appropriate for the professionals that will be using the equipment to have the determination of the equipment and the options for that equipment. Discussion about the purchase of this ambulance has been occurring since the purchase of the other ambulance. Mayor Infeld noted that there is also a time schedule for the future purchase of a new ladder truck in 2019.

Chief Zook explained that there was a committee comprised of three firefighters who spent almost one-year researching, speaking to vendors, looking at ambulances and possible features. The purchase of a new ambulance was included in the 2017 capital improvement budget.

Mr. Wiseman asked Chief Zook if this went out for bid.

Chief Zook replied no, it's under State term contract via State bid which is the avenue the City has used for several years. The State bid allows vendors to essentially make bids ahead of time to the State of Ohio. Then the State accepts those bids and allows local municipalities to make purchases off that listing.

Mr. Wiseman asked if the City were to seek bids could the price be cheaper.

Chief Zook stated that that was a possibility.

Mr. Wiseman motioned to table Resolution 2017-42 Authorizing the Mayor to enter into a Contract with Burgess Ambulance Sales to Purchase a Ford E450/Road Rescue Ultramedic Ambulance and send discussion to Safety Committee to gather additional information regarding the purchase from the Fire Department Committee.

Mrs. Pardee noted that she felt comfortable with the recommendation and would be happy to vote on this item at the current meeting.

Chief Zook added that the ambulance currently serves as the backup ambulance.

MOTION BY MR. WISEMAN, SECONDED BY MR. RACH to table Resolution 2017-42 Authorizing the Mayor to enter into a Contract with Burgess Ambulance Sales to Purchase a Ford E450/Road Rescue Ultramedic Ambulance and send discussion to Safety Committee. On roll call, Mr. Rach, Mr. Wiseman and Mrs. Cameron voted "aye," Mr. Ertel, Mrs. Pardee and Mrs. Weiss voted "nay," and Mr. Sims "passed."

Motion failed.

MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to approve Resolution 2017-42 Authorizing the Mayor to enter into a Contract with Burgess Ambulance Sales to Purchase a Ford E450/Road Rescue Ultramedic Ambulance and send discussion to committee. On roll call, all voted "aye," except Mr. Wiseman who voted "nay."

Mr. Rach asked for the assurance that since the cot loading system not being included in the ambulance that the cot loading system will be purchased by the City if the grant application is not successful.

Chief Zook replied that that is his recommendation to Council and that the purchase of the cot loading system will be in the 2018 capital budget for purchase in the event that the City isn't awarded the grant.

Mayor Infeld stated the next item on the agenda is the item that Council added.

E. Motion for the discussion regarding the temporary contracts Council voted on in 2014 and the background checks that were discussed in 2014

Mr. Wiseman stated that Council was informed in Executive Session that there are certain third rail issues associated with the issues that have been raised and that Council is not to speak to any items that may be the subject of negotiations or grievances.

Noting that the City entered into a contract in 2014 and hired temporary workers in 2015 Mr. Wiseman asked Finance Director, Mr. Sheehan what the cost of the 2015 contract.

Mr. Sheehan replied the City spent \$17,834 on the temporary workers.

Mr. Wiseman asked if that contract was approved by Council and how much was the contract to hire temporary employees in 2015 was for.

Mr. Sheehan replied that there isn't a contract that the City enters into; the temporary employees are solicited them as an operating expense.

Mr. Wiseman added that he would guess that there was some sort of memorialized written agreement between the City and Temp agency that says workers will be sent at a certain cost and those workers will be paid a certain amount.

Mrs. Pardee noted that the minutes suggested that a contract was entered into in 2014.

Mr. Wiseman asked how much money was paid out in 2016 and if Minute Man was used in 2016.

Mr. Sheehan responded that he believed it was Minute Man was used in 2016 with a total expenditure of \$10,517.

Mr. Wiseman asked if a contract was entered into for 2016 with Minute Man for that or any amount of money; and, that for 2017 \$32,000 was budgeted and that no contract has been presented.

Mr. Pokorny, Service Director explained that the City has used Minute Man for temporary employees for many years as a practice and that he did not believe there was a signed contract with a dollar amount.

F. 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:

Law Department: Mr. McConville had no report.

Mrs. Pardee noted an earlier comment that was made suggesting that Council passed legislation so that the Mayor would not be referring to committees and asked Mr. McConville to comment. Because what Council did do and what may have been the reference of was when quite some time ago was the Administrative Code where the Charter states that Council may organized itself; legislation was passed such that Council identifies committee and names its members to committees. Mrs. Pardee said she didn't believe that it referred to any ability the Mayor had to refer subjects or legislation to Council Committees.

Mr. McConville replied he would look into that matter.

Mrs. Pardee added that there was nothing in the legislation that states that.

Mr. McConville replied that if there isn't an affirmative Ordinance on the books that precludes the Mayor from doing so then she has the full ability to refer something to committee for consideration. But as to whether or not that type of Ordinance exist he would have to check.

Mrs. Pardee noted she just wanted that clarified because there has been a long history of the Mayor referring items to Council Committees for consideration. As well as Council finds items they want to take on in committee.

Mayor Infeld added that she had made suggestions that Council considers items in committee; such as vicious dogs, police/fire dispatch, etc. But her point was that the Administration brings things to Council for their consideration and they have various options.

Mr. McConville added that the City is one of 32 participants in the small cell tower litigation with respect to State legislation that was passed for telecommunication companies to locate their small cell equipment and technology anywhere in the right of way without the necessarily seeking municipal approval. That type of litigation is currently proceeding in three different state courts. In the City's case at the trial court level the Judge decided in favor of the State of Ohio and the telecommunication companies essentially ruled that the State Legislation did not violate the single subject rule even though it considers a whole host of topics most of which are related to animals and animal welfare.

Mrs. Cameron asked for an update on the KFC property.

Mr. McConville replied that he was not aware of any updates, but that the owner was not going to be able to seek approvals from the City without taking affirmative steps towards the environmental issues. It is up to the owner to pursue Exon. In speaking with Exon representatives Mr. McConville stated that Exon is willing to work with the land owner. Mr. McConville added that he met face to face with the land owner and informed him that he had various options. The property will not be allowed for development unless the City knows that the environmental issues will be taken care of.

Mr. McConville also said the land owner informed him that he had acquired the land without obtaining a Phase 1 environmental study done. If that had been done, it would have indicated that there was a problem and that a Phase 2 study needed to be done.

Mrs. Cameron asked about the County and Brownfield monies.

Mr. Sims noted his concern that the land owner will not be able to secure funds for the environmental issues. Mr. Sims added that he was hoping that somewhere in the City Government that there is a recognition that a party like the one who owns this parcel will need significant financial help and governmental muscle. It is in

the benefit of University Heights to find out what is going on with that property so that it can know what the options and possibilities are. Because currently it looks like if Exxon doesn't do anything the property will stay this way for ever.

Fire Department: Chief Zook announced that the Joint Dispatch Center opened up without any problems.

Mr. Rach again asked Chief Zook how many hours of training are required to be certified to install child car safety seats and also hours per year are necessary for the renewal of such certification.

Chief Zook said he provided that information to Mayor Infeld.

Service Department: Mr. Pokorny reported that curbside leaf pickup has started. But it takes about 32 hours for the initial training and about three hours for a two or three-year re-certification along with supervised chair seat installation.

Community Development: Mr. Grogan-Myers reported that the City was awarded a \$105,000 grant from the Ohio Department of Natural Resources for the development of a pocket gateway park located at 3578 Silsby Road. The development process will include community input.

City Engineer: Mr. Ciuni was not present but Mayor Infeld reported that he is working with the Road Improvement contractor and the punch list of items that still need to be done to complete the contract. Noting there is still one outstanding project with that contract, that being the improvements at Cedar/Taylor. Either work will happen very quickly or there may be non-conformance on that component of the project.

There were no other Director reports.

Building Committee: Mr. Wiseman there is a meeting on Monday, November 13, 2017 at 7pm.

Finance Committee: Mrs. Pardee said budget process is a little late this year but she hopes to start meetings in the next couple of weeks. The process is to typically convene the Council Finance Committee along with the resident volunteer Financial Advisory Committee to begin to go through the budget. The hope is for the budget to be approved by the end of the calendar year if possible.

Governmental Affairs Committee: Mrs. Weiss stated a meeting is scheduled for the end of November.

There were no other committee reports.

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