MINUTES COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
SEPTEMBER 18, 2017

Mayor Infeld called the regular meeting to order at 7:00p.m.

Roll Call:

Present: Mrs. Susan Pardee
Mrs. Pamela Cameron (7:09pm)
Mr. John Rach
Mr. Steven Sims
Mrs. Michele Weiss
Mr. Mark Wiseman

Absent: Mr. Phillip Ertel

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

MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN to excuse the absence of Mr. Ertel and Mrs. Cameron. On roll call, all voted “aye.”

Approval of Minutes from Meeting September 5, 2017

Mrs. Pardee stated that she didn’t receive the minutes in time enough for her to review and suggested that they be tabled until the next week for approval.

Mr. Sims asked that verbiage that was made regarding possible disposition, engaging the advice of legal counsel, etc. be added to the discussion pertaining to agenda item A – demolition of 4144 Hadleigh Road.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to table the approval of the September 5, 2017 Council minutes until the next meeting. On roll call, all voted “aye.”

Comments from Audience

Ms. Leslie Kushner, 23016 Cedar Road, Beachwood stated that she appalled by the way the University Heights Council had treated the residents of Beachwood who live near the future Swenson’s at Cedar and Fenway. The Beachwood residents were not invited to attend or to be a part of the discussion at the meetings. Ms. Kushner added that a restaurant has been snuck in that will have closing times of 1:30am and if you (people) were to walk thru the entire rest of that development area there is nothing opened passed 10:30pm and those businesses don’t abut the residential area. Ms. Kushner added that she and several other neighbors are terrified, accidents occur constantly in that area and that she couldn’t believe that Council is encouraging development that area at the risk of more accidents. There is an exit towards Green Road that could be used alternatively, that way the traffic would flow back to the business district with a traffic light and avoid the residential area.

Mr. Sims addressed Ms. Kushner’s statement that she was appalled at what the Council has done by stating that he wanted her to know that every consideration was given in every conversation to the concerns that the neighboring Beachwood residents might have, Mr. Sims said that he personally asked a number of questions with respect to ensuring the peace and quiet of the adjacent Beachwood residents and probably more so than similar bodies would have given.

Ms. Kushner invite Mr. Sims to her home and stated that they have already been disrupted at 7am by the construction workers, the noise Ordinance states work can’t begin until 8am.

Mrs. Shelia Hubman, Eaton Road suggested to the public that if they hear or are aware of someone breaking the law to call the Police Department and they will out immediately.

Mr. Michael Dylan Brennan, 3814 Washington Blvd. was present as a concerned resident regarding the Fire Department and the Fire Union’s letter dated June 2, 2017 which informed the city government that the Union
Membership had overwhelming enter a vote of no confidence in the Fire Chief Douglas Zook. The letter cited a number of safety concerns and was presented at a City Council meeting along with a three-page list of concerns. Although some items are of more concern than others, but there are some safety concerns, staffing, readiness, discontinued training and programs as well as equipment problems. Mr. Brennan stated that these things cannot help, but, impinge on safety. Since that time at every given regular Council meeting the Local Fire Union President has addressed the City to no seeming avail. A letter was sent out and placed on the City’s website regarding this on July 17, 2017 dismissing or minimizing the various concerns. Mr. Brennan remarked that the letter in regards to the vote of no confidence stated that the official position of the Administration was “this is a matter that I (Mayor Infeld) am taking very seriously and am investigating. Mr. Brennan added that 2 months later he was sure that many concerned residents would like an update on that investigation and hopefully one will be forthcoming. Last month there was a safety meeting which apparently these meetings cover crime issues and the City choose to stick with tradition and cover crime instead of also addressing the fire safety issues that so many residents are concerned about. Chief Zook spoke in regards to the letter from the Fire Union at the end of the Council meeting on September 5, 2017. Mr. Brennan said he wished Chief Zook was as direct in answering Council’s questions as they were in asking them. Lastly, Mr. Brennan said respectfully it was time for the City to get back to work on the concerns raised by the Fire Union, nothing less than the safety of the University Heights residents and the safety of the first responders is at stake.

Mayor’s Report to Community

- City newsletter is available.
- Cleveland Heights High School swimming pool is available to residents until their swim team starts their season. Adults can lap swim in the early mornings, children swimming programs and adults exercise in the evenings. Passes can be purchased at the Cleveland Heights Community Center.
- Cleveland Heights Community Center has recreational facilities and any resident within the school district is able to purchase passes.
- Senior University Heights residents are able to participate in the Cleveland Heights Senior Center at an annual $10 fee. The fee can be pay with Patrick Grogan in the University Heights Community Development Office.

Agenda Items:

A. Ordinance 2017-23 Authorizing the Transfer of Funds from the General Fund (101) to the Street Fund (201), Street Lighting (204), Capital Projects (401), Police Pension (601), and Fire Pension (602) (on second reading)

Mr. Sheehan informed everyone that this Ordinance will bring each of the accounts to a positive amount and to carry them in a positive dollar amount through the remainder of 2017. The transfer amounts from the General Fund are: $500,00 to the Street Fund (201); $20,000 to the Street Lighting Fund (204); $500,00 to the Capital Project Fund (401); $200,000 to the Police Pension Fund (601) and $200,000 to the Fire Pension Fund for a total transfer amount of $1,420,000. Mr. Sheehan recommended the passage of this Ordinance.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to Ordinance 2017-23 Authorizing the Transfer of Funds from the General Fund (101) to the Street Fund (201), Street Lighting (204), Capital Projects (401), Police Pension (601), and Fire Pension (602). On roll call, all voted “aye.”

B. Ordinance 2017-24 Authorizing the Transfer of Funds from the Capital Improvement Fund (401) to the General Fund (101) (on emergency) TABLED Sept. 5, 2017

Mr. Sheehan reported that the cost for the renovation of the Fire Department kitchen area ended up to be $14,900 and noted that the transfer amount should actually be $15,000 and not the listed $22,000.

Mrs. Weiss stated again for the record that she (speaking on behalf of the entire Council) did not believe that they would ever deny upgrades to the fire station. But anything (project) over $5,000; and it doesn’t matter if there are separate invoices lower than $5,000 should be presented together so Council can approve it.

Mrs. Cameron asked if any part of the project was bid out.
Mayor Infeld replied that this started as a response to a complaint from the Fire Union that they had concerns because there was a hole in the linoleum in the fire kitchen. And, because of the age of the building they were concerned that there could be asbestos leaching through. So the Administration decided to replace the flooring but in order to do that the flooring had to be tested (this was not known at the beginning) and in fact the testing company found asbestos. In the removal of the tiling, by a different company, some of the cabinets (original to the fire house) were damaged so at that point the cabinets were replaced. Mayor Infeld added that Fire Chief Zook observed the removal/replacement of the cabinets in high hopes that the countertops and sinks could be saved, but they too received damage and needed to be replaced. The two refrigerators had been purchased months prior to all of this taking place, but Mayor Infeld thought that Mr. Sheehan bundled a lot of Fire Department expenses over a period of time and presented those figures in this transfer, but he can explain it further if need be.

Mr. Rach noted his major concern wasn’t so much the Mayor’s spending authority because it has been discussed a lot at the previous Council meeting as well as this meeting. Mr. Rach stated that one of his concerns was that more was spent out than what is allowed before going out for bids. That ceiling amount is $15,000 and the total expended was $22,000. Noting his profession as an architect, Mr. Rach said that when projects go out for bids the project cost come in very favorably because of the competitive bidding and favorable numbers. When projects don’t go out for bids, Mr. Rach said he fears that they didn’t get more bang for their buck. Mr. Rach added that he felt that the fire house would get a great renovation in the end, but they deserve more and may have gotten more with the $22,000 but that will never be known because it didn’t go out for bids. Council doesn’t even know if the final cost was in line to what should have been charged. To the Mayor’s comment about the Fire Union’s concern about the flooring; Mr. Rach said in all due respect, the Union provided a three-page listing of deficiencies amongst the department of which none have been addressed. And, nowhere in those three pages did it say they needed flooring, refrigerators and a new kitchen. Those funds could have been spent for training and the overtime pay to go towards the programs that have been cut. Mr. Rach said in good conscience he couldn’t put his name on this project without having it go out for bid.

Mayor Infeld replied that Mr. Rach was misinformed and asked the Finance Director, Mr. Sheehan to re-explain the requested transfer amount.

Mr. Sheehan stated that the renovation cost was just under $15,000.

Mr. Rach said the $15,000 didn’t include the cost of the carpet of $10,000 that Council had previously approved weeks prior to this meeting and that is the same project.

Mayor Infeld said that the carpet was done in a previous year.

Chief Zook stated that the report he provided Council listing various cost starting with refrigerators and ending with Wyatt were cost from the 2017 Fire Department Kitchen Remodeling. Chief Zook thought that the carpet was replace last year as part of the project when carpeting was replaced in other parts of City Hall.

Mayor Infeld again explained that this started out as a floor replacement project, there was no plan to do a project. Over the last three years the fire house has been in the process of renovation, noting that every City building except the Police Department has been almost completely renovated.

Mr. Rach reiterated that there is great efficiency when projects are done as a whole together with a general contractor. The City paid retail cost for each of the items. When things are piece milled you are paying “add on” pricing, when competitively bidding contractors will find a way to trim the fat and provide competitive pricing. If this project had had three price numbers to compare it could have been done for less money or for the $22,000 more items could have been purchased for the fire house.

Chief Zook replied that the correct amount spent on the project was $14,899.73 and the receipts are attached to the invoice. The listed already budgeted amount of $6,945.00 would have to be answered by the Finance Director. Chief Zook continued to explain item by item the cost and noted that the Fire personnel provided the labor for laying the flooring.

Mr. McConville stated that there was simply no material guidance; neither in case law, statutory law or in regulation that clarifies where there may be a bright line between a series of expenditures that fall within spending authority versus a project. There is no way to evaluate from a standpoint of an existing test if or when that occurs. Mr. McConville also said that there was no requirement and what is happening in this Ordinance is that there is a proposal to move funds from the City’s Capital Fund to a line item in the General Fund that is reserved for capital expenditures. Mr. McConville said he was not aware of, and not for the lack of looking, of any requirement to move those funds from the Capital Fund to the General Fund line item and so in his view this is an Ordinance proposing to move those funds that is essentially bringing to light what the funds were spend on and it is being presented by the Administration.
Mr. Sims noted that there was a large expenditure for $1,400, almost $1,500 listed for Robert Vanguten and although it was within the Mayor spending authority Mr. Sims asked what that expenditure was for.

Mayor Infeld replied it may have been for painting the doorways of the Police Department and the lobby area, but that would be a question for Mr. Sheehan.

Mr. Sheehan stated he didn’t know, but would look into it and report that information back to Mr. Sims.

Mr. Wiseman asked Chief Zook to explain what the kitchen remodeling project of 2017 consisted of.

Chief Zook replied the removal of asbestos flooring material, re-flooring of the kitchen and dining table area, new kitchen cabinetry, new kitchen countertops, a new kitchen sink and associated plumbing and the cleaning up of old plumbing underneath the kitchen sink.

Mr. Wiseman asked Chief Zook when did he determine that needed to be done.

Chief Zook explained that they started with the removal of the asbestos in the preparation of the flooring, the fire fighters had been complaining about the refrigerators that were approx. 20 years old needing replacing and in conference with Mayor Infeld and what the Administration had been doing over the last three years to upgrade the City Hall campus; i.e. City Hall, Service Department, preparing a house on Saybrook Road to house the Detective Bureau and the work that had previously been done for flooring and painting in the fire house that we would continue on with this project and do a better job with the kitchen this time around instead of just doing the flooring.

Mr. Wiseman asked if there was anything else wrong with the kitchen other than the flooring that needed to be done.

Chief Zook replied that there were problems with the plumbing underneath the sink. There was some leakage going under the floor and that is what lead to the floor and decaying under-flooring problem.

Mr. Wiseman asked if that disturbed the cabinets as well.

Chief Zook answered that it disturbed the cabinet that contained the sink. The hope was to salvage the countertops, but they were glued/screwed on the old cabinets and couldn’t be salvage in large enough pieces to reuse.

Mr. Wiseman asked when did they determine that countertops were glued on.

Chief Zook replied when the fire fighters removed the cabinery (to keep cost down) it was discovered.

Mr. Wiseman questioned that the fire fighters conducted construction work.

Chief Zook said the firefighters (who had experience) did the underlayment for the flooring.

Mr. Wiseman commented that the Chief had the firefighters who are paid to be firefighters, do construction work in the firehouse.

Chief Zook said this was something the firefighters wanted to do to help move the project along and to keep down the cost.

Mr. Wiseman asked if anyone knew if the City’s Workers Compensation policy covers firemen who are doing work on cabinetry? Mr. Wiseman said he would assume the answer to that question would be no.

Chief Zook replied that he has been in fire service for over 35 years and the fire service with firefighters has always been a flexible area as to what firefighters do in regards to the area of their own workspace. For example, Chief Zook said he had never worked for or known a police department where the police officers are required to do custodial work, daily custodial work and seasonal custodial work such as window washing. Chief Zook said every fire department that he has been a part of that type of work was done by the firefighters. Chief Zook added that he didn’t know of a fire department where firefighters had the skills to do this type of work not do it, firehouses that have lawns are care for by the firefighter, etc.

Mr. Wiseman noted that he was shocked that the fire service workers were enlisted to do construction work and while the discussion is how much it cost to do all these things and don’t worry its less than $5,000.
Mayor Infeld asked Chief Zook to explain some of the projects done in previous years that the firefighters have been involved in and how it is unique to the fire service for example they built the locker cabinets.

Chief Zook said that was before his time here but that there are pictures showing laying block and bricks for the section of the building where the fire offices are. It is common practice across fire departments in United States Fire Service and does not interfere in their ability to respond to emergency calls.

Mayor Infeld added that the firemen live in the firehouse that is why it is their house. And, unlike renovations that the City has undertaken in other buildings in recent years the fireman has always been actively involved in any changes to the firehouse; picking out paint colors, mattresses, flooring, cabinets. It is their house so they will always have direct input and that doesn’t happen the other city departments.

Mr. Wiseman reviewed the provided receipts, noting that most were from the period of July 11, 12, 13 and 15. Mr. Wiseman said he guessed that the receipt from July 12 in the amount of $2,800 was the cost to remediate the asbestos in the kitchen floor, on July 11 from Marshall Carpet $3,199 was for the replacement of the flooring. So by July 12 where there had been spent almost $6,000 in just flooring it was known at that moment that the project was more $5,000 in cost. Then $1,100 was paid to Cherokee Construction Services (cabinet installation) and $2,797.50 to Choice Cabinet. Those four items (cabinets, carpet and installation) was about $8,497 then once you added the countertops the cost reached $9,877. To Mr. Wiseman that was the crust of the project and he was having trouble understanding how it wasn’t known while the cost was $3,000 on July 11 for flooring and $2,800 for the asbestos removal; not including the cost of the cabinets and countertops how it wasn’t thought of as one project.

Mayor Infeld replied that no one was saying it wasn’t one project. What is being said it that it started with the floor having asbestos and it was thought that would be the end of it. But, there were a few other things that happened along the way. No one is denying to cost when you add them all up.

Mrs. Cameron asked Chief Zook what was the fireman’s expertise in knowing there was asbestos under the flooring.

Chief Zook answered that some of the flooring was coming up because of the water leak and you could see at least two layers of linoleum tiling and based on his unofficial experience about the age of tile and when asbestos stopped being used in tile, the age of the firehouse (1941) and in speaking with firefighters who have been around for a long time when was the last time flooring had been put down. There was the very strong suspicion that if it wasn’t the top layer of tile, that the second layer of tile contained asbestos. At which time a sample was given to the City Engineer, Mr. Ciumi, who gave it to a lab his company uses to conduct an analysis on the tile. That sample came back positive for asbestos and exceeded the asbestos levels per square footage. There was discussion about leaving the tile in place and tiling over it (this is allowed by EPA standards) but the decision was made to remove the tile and asbestos all together with the service of an asbestos removal firm.

Mrs. Cameron stated she was still puzzled as to why at that point it wasn’t considered a major project – why wasn’t Council informed and included at that time. Mrs. Cameron thought it was foreseeable that the project would include the remaining aspects of the job.

Mayor Infeld again stated that it was just thought to be a floor replacement and never anticipated the replacement of cabinets. If it had been it would have been budgeted last year as a capital project.

Mrs. Pardee commented that there are two issues: 1. the law of the $15,000 bid limit and 2. the Mayor’s $5,000 spending limit. Mrs. Pardee said she knew that although there was a lot of discussion about how things developed, it does appear that it was a project. Mrs. Pardee said she agreed that all but 2 receipts run from July 11 to July 31 which exceeds the $5,000 spending limit. What Mrs. Pardee found so disappointing was the skirting of the intention of the law and the fact that there is a spending limit, even if it meets the letter of the law. Noting that the Administration has been so good about bringing small amounts to Council in saying this doesn’t even come to the spending limit but want to share it with Council. Mrs. Pardee added here is this whole project done over the summer that wasn’t shared and that is the concern.

Mayor Infeld acknowledged what Mrs. Pardee was saying and replied that the Administration has been trying to share the information with Council for the last few weeks. This really started as a floor replacement and the fact that in-hind sight it should have been looked at differently but really didn’t think that all of that would have to be replaced. Renovations to the firehouse have been slow and deliberate because they are living there. There was never the intention to have their stove sitting out in the open hallway leading to Council Chambers for almost a month. The Administration has learned that dealing with 80-year-old buildings and moving things around in those buildings the things adjacent to them are fragile as well and may become damaged. It was not the intention to redo the entire kitchen, it was only to replace the flooring.
Mrs. Pardee added that Council supports the Fire Department - would have never said no and was happy the project was done. Mrs. Pardee last comment to Mayor Infeld was that there was a Special Council meeting on July 19 and by that time the Administration had probably already spent over the $5,000 so Council could have passed something at that point.

Mayor Infeld pointed out that she believed that every purchase that was made was legally authorized within her spending limit.

**MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON to take Ordinance 2017-24 off the table and place back on the floor. On roll call, all voted “aye,” except Mr. Wiseman, who voted “nay.”**

**MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON to amend Ordinance 2017-24 to specify the transfer from the Capital Improvement Fund to the General Fund in the amount of $15,000. On roll call, all voted “nay,” except Mr. Sims, who voted “aye.” (motion failed)**

Mr. McConville noted that the original Ordinance is still on the table.

Mr. Sims commented that it was his understanding that the funds need to be moved to the General Fund in order to pay the bills.

Mr. McConville stated that he was not aware of any requirement to move funds and thought that they (funds) could be characterized as being General Fund contacting expenditures. Mr. McConville said, again, he wasn’t aware of anything in law that states monies have to be moved out of the Capital Fund to a line item Capital Expenditure Fund in the General Fund. The point is whether that is the case or not but that the Administration was bringing a series of transactions to Council attention by virtue of doing that.

Mr. Wiseman noted that in looking at the receipts, they have all been paid.

Mr. Sheehan replied that yes, they have all been paid, but that there is a negative balance on the account until the monies are moved over.

Mayor Infeld added that this was an accounting mechanism used by the Finance Director to move the money to the General Fund. It is a way of managing the financial books and showing where the expenses came from.

Mrs. Weiss reiterated Council’s desire for transparency and clarification. Mrs. Weiss said she understood that it would be better to move the monies over to the General Fund even though the bills have already been paid because it doesn’t look good to have a negative account balance.

**MOTION BY MRS. WEISS to approve Ordinance 2017-24 Authorizing the transfer of funds from the Capital Improvement Fund (401) to the General Fund (101) in the amount of $22,000.**

Motion failed due to the lack of a second.

Mrs. Cameron asked Mr. Sheehan what account did he pay the bills from.

Mr. Sheehan replied the Maintenance Repair account in the Fire Department’s General Fund.

Mayor Infeld remarked that the City has the money and that monies may just have to be moved from different funds. The City will not end the year with negative fund balances.

C. **Ordinance 2017-25 Amending Codified Ordinance Sections 220.01 Entitled “Regular Meetings,” 220.07 Entitled “Presiding Officer,” and 220.11 Entitled “Order of Business,” For the Purpose of Permitting any Council Member to Add Agenda Items to the Council Meeting Agenda (on second reading)**

Mayor Infeld added that Council has always had that ability. If the City doesn’t have anything defined by Ordinance having to do with how the meetings operate, we refer to Roberts Rule and this is now a Roberts Rule that will be codified.

Mrs. Pardee stated that this work was done in the Governmental Affairs Committee and after Council had made a request of the Mayor to add items to the Council agenda. Those items did not make it on the agenda, Council did subsequently add items to the agenda on the night of the Council meeting per Roberts Rule of Order. But, in the interest of being transparent to the public Council wanted to add items to the agenda prior
to the Council meeting because notice goes out to the public of agenda items prior to the meeting and wanted to be sure that the public was aware.

Mr. Wiseman expressed his confusion because Council has asked several times over the last year to have items added to the agenda only to be met with either the Administration just not responding or responding that Council didn’t have the right to add something to the agenda. That is why this issue was taken up in Governmental Affairs. Mr. Wiseman said he too felt the it was superfluous and that Council has every right to add items to the agenda. But, for the Mayor to sit here and say to the audience that Council has always had this right, Mr. Wiseman said he didn’t think that was an accurate depiction of how the parties have unfolded. Noting that he was going to vote in favor of the Ordinance Mr. Wiseman commented that Council has not always had that right because they have asked and been rebuffed several times by the Administration to add items to the agenda.

MOTION TO MRS. PARDEE, SECONDED BY MRS. WEISS to approve Ordinance 2017-25 Amending Codified Ordinance Sections 220.01 Entitled “Regular Meetings,” 220.07 Entitled “Presiding Officer,” and 220.11 Entitled “Order of Business,” For the Purpose of Permitting any Council Member to Add Agenda Items to the Council Meeting Agenda. On roll call, all voted “aye.”

D. Ordinance 2017-26 Amending Codified Ordinance Section 206.01 Entitled “Definitions” For the Purpose of Amending the Definition of the Term “Post.” (on second reading)

Mrs. Pardee stated this Ordinance will bring the City into the 21 century because the current Ordinance states meeting notices are posted on paper in certain areas of the community and outside on the door of City Hall. This adds the fact that postings are also required on the City’s website and via emails so that there is an internet bases for postings.

Mr. Rach echoed Mrs. Pardee’s comments.

MOTION BY MRS. CAMERON, SECONDED BY MRS. WEISS approving Ordinance 2017-26 Amending Codified Ordinance Section 206.01 Entitled “Definitions” For the Purpose of Amending the Definition of the Term “Post.” On roll call, all voted “aye.”

E. Ordinance 2017-27 Amending Codified Ordinance Section 1220.09 Entitled “Public Meeting and Notice” For the Purpose of Establishing a Regularly Scheduled Monthly Planning Commission Meeting (on second reading)

Mrs. Pardee stated this also came out of Mrs. Weiss’ Governmental Affairs Committee. This Ordinance codifies a specific time for Planning Commission meetings. This has occurred because as people came to Council to appeal Planning Commission decision or reported situations to Council. Council found out that because of the way that the Planning Commission meetings have been held, which is when there are enough items for an agenda, the Administration tries to put together a meeting by putting together a variety of schedules of different people. Some residents were inconvenienced because the timeline went out so far for them that their projects were threatened. This Ordinance will ensure that there is a regular meeting time for the Planning Commission as there for the ARB and BZA. Recognizing that there may not be enough business to hold a meeting the Mayor has the right to cancel any meeting so not to inconvenience the Planning Commission members but to allow everyone the Planning Commission members, residents, business owners, anyone who might business with the City the right to know that there are regularly set Planning Commission meetings every month.

Mayor Infeld added that materials have to be submitted to the City far in advance, usually 1 month in advance to allow for necessary administrative reviews. So there is no guarantee which Planning meeting items will occur at but it will be within the required 45-day review period.

MOTION BY MRS. PARDEE, SECONDED BY MRS. WEISS Approving Ordinance 2017-27 Amending Codified Ordinance Section 1220.09 Entitled “Public Meeting and Notice” For the Purpose of Establishing a Regularly Scheduled Monthly Planning Commission Meeting. On roll call, all voted “aye.”
F. Resolution 2017-34 Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Fiscal Officer (on second reading)

Mayor Infeld noted that Council approves this yearly.

MOTION BY MR. WISEMAN, SECONDED BY MR RACH Approving Resolution 2017-34 Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Fiscal Officer. On roll call, all voted “aye.”

G. Resolution 2017-35 In Support of an Application to the Transportation for Livable Communities Grant Program for Pedestrian Safety and Roadway Improvements on Warrensville Center Road (on emergency)

Mayor Infeld stated that a grant was written several years ago to NOACA produced a technical assistance award and NOACA transportation planners and traffic engineers gave University Heights a list of project ideas to improve Warrensville and Cedar Roads for pedestrian and bike improvements. Warrensville will have two interventions with bike lanes, multiple mid-block crossing opportunities, a median island between Fairmount Circle and Meadowbrook and three bump-outs on each side of the streets between Meadowbrook and Hillbrook.

Mr. Grogan reported that the City was awarded a grant from Transportation for Livable Communities Initiative (TLCI) in the amount of $100,000 for the mid-block cross walks and based on NOACA recommendations that the City continue the bump-outs down Warrensville to keep making improvements for bike cyclist and pedestrian safety. Bump-outs decreases the amount of time pedestrians and cyclists are in an intersection and unprotected by a curb and tree lawn. The bump-outs will be on Warrensville at Meadowbrook/Milford; Warrensville and Traymore; Warrensville at Silsby/Washington.

Mayor Infeld added that the bump-outs will not only add greenspace to those areas but also provide traffic calming measures and interventions.

Mrs. Pardee asked if Warrensville would still have two traffic lanes and also a bike lane; will there still be a parking lane?

Mayor Infeld replied that in looking at the blocks between Fairmount Circle and Meadowbrook there will still be a parking lane as well as the bike lane and median island. The project was reviewed and recommended by NOACA and their traffic engineers and planners.

Mr. Grogan added that the traffic study looked at the number of parked vehicles on each block during the morning, afternoon and evening hours.

Mrs. Pardee asked if the crosswalk areas would have any defined markings with the use of different materials like brick/slightly raised bricks or will they have the typical stripping.

Mayor Infeld replied no, because Warrensville is a state road requiring ODOT approval and pedestrian tables are not allowed.

Mrs. Pardee asked about the crosswalks that go across the side streets.

Mayor Infeld stated that the study was reviewed for one year and that the Administration is presenting is what NOACA’s expert recommendation was. Although sometimes an overlays can be placed on the streets; this was suggested for the Cedar Taylor area, but ODOT would not approve overlays for Warrensville because of the traffic levels.

Mrs. Pardee asked if this was an application to fulfill the award that the City has already received.

Mayor Infeld replied no; this was an application for new funding. There will be two different projects with different funding. This is an application for two different projects that the City is seeking funding from NOACA.

Mr. Sims commented that he values the support that the City has received from NOACA. Noting that the project will beautify the neighborhood and that he was 100% supportive of that. Mr. Sims added that from the beginning he has had a concern about the bump-outs. Especially the one close to Hillbrook because that intersection is very difficult when turning off Hillbrook onto Warrensville due to visibility issues.
Mr. Grogan replied that the bump-outs will help because it will extend the curb out the equivalent width of the parking lane allowing drivers to have better visibility of bikers, pedestrians and other vehicles using the roadway.

Mr. Sims added that he supports the project but noted he had reservations and concerns about it and how it will be implemented.

Mrs. Cameron asked if anything such as this could be done in the Cedar Taylor area.

Mayor Infeld said that the grant she wrote to NOACA to do a pedestrian bicycle improvement study on Warrentsville and Cedar Roads. The last planned project for the 2017 Road Program is the tightening up of the intersection of Cedar and Taylor on the eastside so that it will match the intersection on the Westside (Cleveland Heights side where Melt is located). The curb will be brought out further so that people will have less distance to cross (north/south and east/west) making crossing safer, it will also ducktail with the Cleveland Heights plan which encourages that the eastside mirror more closely the Westside. The sidewalks along the intersection will also be replaced. The project will begin soon in hopes that it will be completed before winter. The plan also suggested plantings. Next Monday, September 25th there will be the 4th meeting regarding the Cedar/Taylor intersection improvement project at 6:30pm in Council Chambers.

MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON approving Resolution 2017-35 In Support of an Application to the Transportation for Livable Communities Grant Program for Pedestrian Safety and Roadway Improvements on Warrensville Center Road. Roll call on suspension of the rules, all voted “aye,” and roll call on passage, all voted “aye.”

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

Mr. McConville stated the need to enter executive session for discussion related to City employees and pending litigation.

MOTION BY MRS. CAMERON, SECONDED BY MRS. WEISS to hold an executive session for the purpose of discussing personnel, legal and real estate matters immediately following this regular meeting. On roll call, all voted “aye.”

Directors’ Reports:

Finance Department: Mr. Sheehan stated that Council had asked him to report on the FEMA grant for the fire station. The original amount of the grant was $206,008 and currently there is $3,432.58 remaining on the grant for use. The grant can be used for a variety of purposes such as equipment and safety.

Mayor Infeld added that Council had some concerns about the grant and compliance.

Fire Chief Zook stated that the grant application was submitted prior to his service with University Heights. Upon Chief Zook becoming Chief they received word that the City was awarded the grant. The department was able to get very favorable pricing on the items the grant included which allowed for additional purchases that weren’t on the list but were approved for purchase with the grant monies by FEMA. The department also received additional reimbursement for certain training and personnel cost which again weren’t part of the original but FEMA approved it and there is still just shy of $3500 left over.

Chief Zook added that he has been in contact with the FEMA representative who has asked the City to go back and check for any other purchases that the Fire Department made during the period of the grant that weren’t a part of the original grant that could possibly be applied retroactively to the grant. Chief Zook said the department is currently reviewing old receipts. All grant requirements have all been met.

Mrs. Pardee asked if there was a deadline for the use of funds.

Chief Zook replied no; but that he would like to finish the grant funds this year.

Law Department: Mr. McConville reported out about the Epic Lifestyle –vs- Laura Jeffrey et al case. This was a lawsuit that was filed in which the City was named as an interested party as it relates to a home on Silsby Road that was in bad shape and declared a nuisance by Council earlier this year. A hearing regarding this case was heard in which the plaintiff asked the court to appoint it the receiver to be able to go in to repair the property. On behalf of the City, Mr. McConville asked the court to: (1) provide the City with some assurances that it wouldn’t be dealing with a project that was only partially completed and (2) that a time period be placed
in which the nuisance would be eliminated and the property repaired. The Court will issue an order subject to
a little bit of negotiation that will occur. In summation the plaintiff is being named the receiver to repair the
property at its cost, the receiver is being placed under court order to complete the project in full according to
the City’s code. The property must be fully repaired and the nuisance eliminated within 6 months. There will
be status conferences every 30 days to discuss the progress on the project.

Mrs. Cameron asked if the listed plaintiff the owner of the property yet or is it contingent on all repairs being
made.

Mr. McConville explained the process. The plaintiff in the lawsuit is a LLC / Epic Style LLC. Epic Style LLC
owns the house next door and they have been named as the receiver. Which means they will put their money
up front to make the repairs. At the end of the process they will be able to petition the court for a receivership
lien on the property. The homeowner will then be facing a foreclosure lawsuit in which they will either have
to satisfy the loan or the property will be transferred to the LLC.

Fire Department: Chief Zook had no report.

Mr. Rach noted that at the last meeting Council requested figures for the number of hours required for child
safety seat installation per year and asked if those figures were available yet.

Chief Zook replied he didn’t have those yet.

Mr. Rach clarified the request. 1) the number of continuing educations hours per year for the installation of
child safety seats. 2) how much in overtime pay did the city spend on training of other continuing education
credits outside of the car seats

Mayor Infeld restated Mr. Rach’s question to be how many hours are required for a paramedic/firefighter to
become certified in car seat installation.

Mr. Rach restated his second question as: how many hours per year in terms of overtime pay does the city pay
the firefighters for training outside of that for other continuing education. The reason for this question is
because when the child safety seat installation was discussed the response Mr. Rach got back was that it
(training) was too costly in terms of overtime pay to send a firefighter for training. So if it is too costly Mr.
Rach said he wanted to see. What he was trying to find out is how much is the city spending in overtime in
other continuing education. Once you have the feedback of how many hours the child safety seats installation
really is then Council will know what to consider for next year’ budget.

Chief Zook said he would get the figures. Although the training for installing child car seat cost overtime,
Chief Zook added that even though there is overtime cost his reasoning for discontinuing the service in his
mind was that it wasn’t heavily used by residents, there would be better service from Ahuja Hospital and the
children would be safer in seats that were installed by people who install them on a more regular bases than
we would.

Mayor Infeld repeated Mr. Rach request as: wanting to know the number of hours it takes for someone to be
certified as car seat installer and separately how much money the City spends in overtime for firefighter
training of any aspect of training, Mayor Infeld said those figures (overtime) are listed in the budget., but she
would provide that page of the budget again.

There were no other Director reports.

Finance Committee: Mrs. Pardee said the Finance Committee will meet sometime in October. Mrs. Pardee
provided everyone with literature on the Refugee Services Collaborative. Which is a collaborative of area
local refugee services, they have done an analysis of what the refugees bring to the County and what they have
found is that refugee household spending and refugee businesses have had quite a positive impact of the
County’s economics. For example, the total economic impact jumped from $46mil in 2012 to $88.2mil in
2016 and the total job support jumped from 650 in 2012 to 1,220 in 2016. Generated State and Local tax
revenue jumped from $2.7mil in 2012 to $4.5mil in 2016,

Recreation Committee: Mrs. Cameron reported that the semi- annual "all geared up" bike-a-thon will have
a fall event on Sunday, October 1 from 1pm to 4pm and would like to include biking to the new community
park on Fenwick in the route.

There were no other committee reports.
MOTION BY MR. WISEMAN, SECONDED BY MRS. MR. RACH to resume the regular session the meeting. On roll call, all voted "aye."

MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON 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