

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

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

Roll Call:

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

Also Present: Acting Law Director Amy Hamilton
Finance Director William N. Sheehan III
Clerk of Council Kelly M. Thomas
Police Chief Steven Hammett
Building Commissioner James McReynolds
Fire Chief Douglas Zook
Service Superintendent Jeffrey Pokorny

Approval of Minutes from Meeting June 5, 2017

There were no corrections to the Council minutes from June 5, 2017.

MOTION BY MR. ERTEL, SECONDED BY MRS. WEISS to approve the June 5, 2017 Council minutes as presented. On roll call, all voted "aye."

Approval of Minutes from Special Meeting July 19, 2017

Mr. Rach had one correction on page 3, paragraph 6: insert the word "not" in front of time stamped,

There were no other corrections made to the Special Council Meeting minutes from July 19, 2017.

MOTION BY MRS. WEISS, SECONDED BY MR. SIMS to approve the July 19, 2017 Special Council Meeting minutes as presented and corrected. On roll call, all voted "aye," except Mr. Wiseman who "passed."

Comments from Audience

Ms. Julieanna Sadock-Savino, 2436 Warrensville Center Road ~ was present to voice her concerns regarding the noise and awful behavior that is created not only by the John Carroll students who rent houses in the community but the students who are also walking in the community. Ms. Julieanna stated that she calls the police weekly about this issues and they do respond, but also that she should have to call on a consistent basis. Ms. Julieanna added that she has been in communication with both University Heights Police Department as well as Mrs. Kate Malone at John Carroll University.

Mayor Infeld replied that the city does have ordinances that were passed by City Council that relate to rental properties, so of them are building ordinances and some are police ordinances. Mayor Infeld suggested calling the Police Department anytime there is a disturbance because if the Police issue more than 3 citations within a year that homeowner can lose their rental permit.

Mrs. Michele Kaminsky, owner of Mika'S Wigs, 2199 So. Green Rd. - Mrs. Kaminsky said she would not have opened Mika's if she knew Council would have allowed her to operate a home retail business she would have use one of the homes they own in University Heights. And added that by approving such an in home business the city has placed Mika's at risk for business.

Mr. Keith Kanner, UH Local Fire Union 974 - spoke again in reference to the Fire Union's vote of no confidence of Chief Zook, the Union's letter which listed the members concerns and the lack of response from Councilman Phillip Ertel, Chair of the Safety Committee nor from Mayor Infeld, Safety Director. The only action taken thus far was a Safety Meeting the Mayor held but the Fire Department was not represented at that meeting. Mr. Kanner concluded by stating he hoped that Council would stick to their guns in requesting answers to their questions in this matter.

Mr. Ertel informed Mr. Kanner that Council received direction from the Law Director directions that they should not address/communicate with the Fire Department Personnel during contract negotiations.

Mr. Kanner noted his appreciation for Mr. Ertel comment and added that their intentions had nothing to do with their negotiations; they are about the services provided to the community.

Mayor Infeld stated she also can't speak much about any of the questions because the Administration is in contact negotiations. Mayor Infeld added that both the Police and Fire Department contracts and annual reports are on the City's website for public viewing.

Mr. Rach noted that he had previously received emails from 3 residents asking specific questions for the Fire Chief; these questions were not regarding personnel but how can we bring back services of baby car seats checks, CPR classes and providing smoke detectors to residents.

Mayor Infeld replied that she had explained those questions in a letter to the community. But, CPR classes haven't been offered in over 20 years (not the entire time she was on Council nor the time in which she has been Mayor); the new car baby seat safety checks are covered by well-baby programs offered by local hospitals. Mayor Infeld said that very few residents utilized the program; however, the City did send firefighters on overtime to get trained in fire safety and car seat installation. Firefighters were also sent annually to the auto show for training in the same. In comparing the overtime figures with the number residents using the car seat check program the training didn't make sense. In order to manage a City's budget (you) really need to look at what are the worth wild, cost effective programs to offer. In the case of car seat checks there are 2 nearby hospitals as well as when the babies leave the hospital with their parents.

Mayor Infeld stated that she couldn't address how the previous Mayor Rothschild chose to manage the budget regarding buying smoke detectors. But the City was awarded a multi-year grant to purchase smoke detectors that the firemen would install for residents. Currently the City still purchases smoke detector batteries for the firefighters to install in resident's homes by request. Mayor Infeld added that the City Administration has not "stripped" any safety programs that were available to residents, what has been mentioned are programs that weren't offered during the time in which Mayor Infeld was a Councilwoman nor as a Mayor.

Mr. Rach requested that the Mayor provide data of firefighter overtime hours that were logged for car seat training and the current number of training hours the firefighters get per year at the next Council meeting.

Mayor's Report to Community

- Noted in regards to concerns that the residents are safe and that the City has an active Police and Fire force with adequate equipment and training.
- Cleveland Heights High School will be holding its Open House on Sunday, September 10 from 1pm to 4pm
- Cleveland Heights will be managing the offering of swimming sessions at the high school for University Heights residents.
- The City is still looking for school crossing guards. Refer to the City's website or Contact the Police Department for more information.
- Cedar Taylor corridor will soon have new curbs.

Agenda Items:**A. Motion to Approve the Application of Michael M. Murphy for the Demolition of the house located at 4174 Hadleigh Road (parcel #721-12-031)**

Mr. Murphy stated he resides in the house next door and that he wanted to demolish the house to create more green space for his family to enjoy. Mr. Murphy provided possible ideas as to how to use the proposed vacant space; garden area, outdoor living area, etc. The final appearance will have continuous yard space.

Mr. Rach question if Mr. Murphy had appeared before the Planning Commission, because he was under the impression that demolitions were reviewed by Planning Commission first. And, if this hasn't been before the Planning Commission he recommended that that occur and then come back before Council. Mr. Rach added that his reasoning was due to Planning Commission being a panel of experts that deal with demolitions daily in their professions and see these cases in University Heights throughout the year. Mr. Rach stated that personally he felt that was the right course of action to take before coming to Council for approval.

Mayor Infeld stated that the Planning Commission is comprised of: Mr. Edward Reichek, Attorney; Mr. Paul Siemborski, Architect; Mr. Mark Wiseman, Councilman and Mr. Michael Fine, Attorney. The City Ordinance which was established by Council that specifically addresses the removal of houses states that in order for someone to remove a house they have to come before the City Council.

Mrs. Pardee report that she went to look at the house and was expecting to see a decrepted house and was amazed to see someone living there and to find that it was a beautiful house. Mrs. Pardee asked about the interior condition.

Mr. Murphy described the interior as having 4 bedrooms. Structurally the house is fine, some rooms are better than others and need to be updated.

Mrs. Pardee said she appreciated Mr. Murphy wanting to invest and that the project ideas are very exciting. But, she also has a hard time tearing down what looks like a glorious house.

Mr. Murphy said that the property would be glorious after the removal of the house also and that nobody would be that upset about the removal of the house. Mr. Murphy stated that he has lived in University Heights over 20 years and it is up in the air whether they say. Mr. Murphy understood that the City would lose some real estate tax dollars, but you could lose a resident who is on the upper level of R.I.T.A. taxes. "It is a balancing act."

Mrs. Cameron asked Mr. Murphy if he had spoken to the neighbors who abut the property on the rear side and if he was just wanting to increase his outdoor living area.

Mr. Murphy replied that had spoken to them and that they were in agreement and stated just be neighborly in everything. Mr. Murphy stated yes, the idea is to increase the outdoor living area.

Mrs. Weiss applauding Mr. Murphy for wanting to invest in the City. Noting that her rear neighbor also demolished the neighboring house to create additional yard space. Mrs. Weiss asked Mayor Infeld how many homes in the City had been approved for demolition for the purpose of additional outdoor space.

Mayor Infeld responded that the only time that has happened since she has been Mayor was when a house on Jackson was demolished and the neighbors on each side expanded their yards by purchasing half of the lot. The Administration has received notice of other residents' interest in extending their yards with the lot on Tullamore, but the City doesn't own that lot yet. So it has not been a whole lot but there have been households that have done this.

Mrs. Weiss asked Mayor Infeld what her feel was as to regards to Mr. Murphy's request.

Mayor Infeld replied that Mr. Murphy was asking for Council's approval and that it was Council's decision. The Administration has talked to Mr. Murphy and helped him administratively as to what needs to happen to in order to accomplish what he wants and that there is precedence for it. Mr. Murphy's plan is a significant investment dollar wise to add to the property.

Mr. Sims asked what where the emails/conversations that occurred between the City Administration and Mr. Murphy?

Mr. Murphy stated that this is also an opened case in the Shaker Heights Municipal Court because when he purchased the house at 4174 Hadleigh he assumed the violation. Mr. Murphy explained that what brought him

to the process of requesting permission to demolish the house started with the summons he received from Shaker Heights Municipal Court for violations on the house. Although homeowners receive up to 4 notifications of violations from the before the City issues a court summons, he was living in Los Angeles at the time and upon return to the area Mr. Murphy informed the Building Department that he had intended on demolishing the house at which time he was told he needed approval. Mr. Murphy stated he has appeared before the Shaker Municipal Court each time and commented that if he didn't think it would be fair that he should corrected all the violation (the safety ones have been corrected) in the event he receives permission to demo the house.

Mr. Sims asked Mr. Murphy if there was anything during communications in regards to the City's position on demolishing the property (4174 Hadleigh).

Mr. Murphy replied not yet. The last email was he asking what the next steps would be, Building Commission or City Council.

Mr. Sims asked if all Mr. Murphy's communication had been with Mr. McReynolds?

Mr. Murphy replied yes, in addition to Building Inspector. Mr. Preston.

Mr. Sims commented that he was supportive of anybody who wants to invest in their property. But, in the case of the demolition of property and the reason he felt it was on the books of City Council as an Ordinance that Council should be considering is because in a City that has its income based property and the values of properties – it is a lot to expect to demolish a home; especially when the home is in perfect condition. As far as the interest of the City, Mr. Sims stated he didn't see it or as far as the neighborhood in the terms of a benefit to anyone as to what Mr. Murphy was proposing. Even with the lavish and impressive potential redevelopment none are concrete, none are being presented as absolute. Mr. Sims stated that he doesn't want to lose anyone as a resident but he also didn't want to set precedent that would work in the disinterest of the City. And, that this is an area of University Heights where there are the fewest, of what might be considered the larger homes in the community with 4/5 large bedrooms and upwards to 2,000 plus square feet of living space not including the basement. Therefore, Mr. Sims said this was a big decision and if there are a panel of experts that can way into this. Mr. Sims said that might sway him a little bit but quite honestly at the current time Mr. Sims said he knew exactly what his position would be because the part of the neighborhood Mr. Murphy lives in the City has also had so many discussions with John Carroll University and their interest in acquiring properties, demolishing those properties and the precedent that would set. Mr. Sims applauded Mr. Murphy for wanting to take an action that would hopefully ensure in some way that he would be a University Heights resident for a longer period of time. Mr. Sims added that hopefully Mr. Murphy would get value in both of his properties to the extent that someone else would be interested in them and that Mr. Murphy would gain from that value, even if he weren't a resident of the community Mr. Sims would consider that a win-win situation; where Mr. Murphy would walk away with the value of his property and some other resident who appreciates the way the property is situated would come in. Mr. Sims added that he thought this proposal was asking a lot in a neighborhood that was already a neighborhood of controversy. Mr. Sims again said he didn't want to lose residents but at the same time didn't want to set a precedence of demolishing homes to create green space noting it would be good to have Mr. Murphy's plan be vetted by another avenue. Sims noted to Mr. Murphy that if approved and if he ever decided to sell the property he may not get the full potential value that he paid for it.

Mr. Murphy replied that he was well aware of the John Carroll town issues. Mr. Murphy added that his proposal is different from John Carroll because maybe John Carroll wants to acquire property to rent out to faculty/students and to become bigger. Mr. Murphy added that this is a residential plan to ensure that the area remains a beautiful residential area for the future, Mr. Murphy stated he has no plans to nor wants to sell to John Carroll University. Lastly Mr. Murphy stated that he knew he would never be made whole financially if he decided to sell, it a decision they've made because a home, you can think of it as an investment but it will be theirs forever. Mr. Murphy added that he has no plans on building an outdoor swimming pool.

Mr. Sims added that in regards to the house on Jackson the City owned the property and that house was demolished because of its physical condition. The adjacent neighbors each acquired half the lot. So this is a different situation than what's being considered now.

Mr. Ertel agreed with Mr. Sims that it would be good to hear from another source that has experience in this sort of request. Perhaps the City of Beachwood could offer some thoughts if it done in their community all the time and not at the detriment of the neighborhood or residents.

Mayor Infeld noted for example that years ago Mr. Morry Weiss purchased two homes and received permission from the City to demolish one of them to expand his yard. Mayor stated that she was hearing Council wanting more concrete plans and that this go before the Planning Commission. The concept and demolition could be

approved by Council. And, Council could also refer this to the Planning Commission for further consideration and then back to Council for approval.

Mr. Wiseman stated that code 1242.14 is clear in that this should be before the Planning Commission based on 4 requirements: A property owner proposing to demolish all or a portion of a building or structure shall complete a demolition permit application, available from the Building Commissioner. No demolition permit shall be issued unless one or more of the following requirements are met: (1) The structure or building to be demolished is accessory to a permitted principal use; Mr. Wiseman stated he didn't think this was the case in this application, (2) A building permit has been issued for a replacement building on the same parcel. (3) A development plan has been approved by Planning Commission and City Council for a replacement building on the same parcel. (4) The City Council determines that the structure or building is a safety hazard or public nuisance, this is not the case with this application either.

Mr. Wiseman added that it seemed to him that the proper position is that the City should be referring Mr. Murphy to the Planning Commission and that the charter states clear ridged rules that this is a Planning first decision.

Mr. Murphy stated that he was not prepared to invest further in plans.

Mrs. Pardee commented that she struggled with the idea of demolishing a great house but understood that it was Mr. Murphy's property.

MOTION BY MRS. PARDEE, SECONDED BY MR. RACH to refer Mr. Murphy's application to demolish the house at 4174 Hadleigh to the Planning Commission for consideration.

Mrs. Cameron asked if there was any distain from Shaker Heights or if they had been contacted about this request.

Mr. Murphy answered no and that he has not involved Shaker Heights because it is a University Heights property. He had just spoken one neighbor who lives in Shaker Heights to see if he wanted to attend the meeting but the neighbor said he had no need to attend the meeting.

Mrs. Pardee asked if this were to go before the Planning Commission would the neighbors in Shaker Heights be notified.

Mayor Infeld said no.

Mr. Sims asked if it were appropriate to refer this to Planning at this time without plans of what will follow. Currently the only thing that has been supplied is the possible request to demolish a building, but there are no plans as to what would follow the demolition of the building; which the Planning Commission would absolutely want to know, what is being proposed is it a garden, pool, etc. Mr. Sims said he also visited both properties, noting that it was important to know if the lots would be combined.

Mayor Infeld said that if the properties were to be combined together the plans would have to go to Planning Commission for approval.

Mr. Murphy again noted he wanted to be out of Shaker Heights Housing Court and wants the house to be demolished. Mr. Murphy asked who determines it the house can be demolished.

Acting Law Director Amy Hamilton stated that she was a little familiar with this case from speaking with Law Director Mr. McConville early in the day. And noting that she was acting on the behalf of Mr. McConville, Mrs. Hamilton stated that she believed that based on her conversation with Mr. McConville there was a question in her mind because in her mind she thought Council could vote on this issue and that it was strictly a matter of approving it. Now that Mr. Wiseman presented an Ordinance that might be read differently she wasn't sure about sending it to the Planning Commission and was wondering given the legalities Mrs. Hamilton if this item should be tabled to give the Legal Department a chance to review the legalities before it is voted on by Council or sent to the Planning Commission for consideration.

MRS. PARDEE MOTIONED to remove her previous motion.

Mr. Rach asked if there were any plan to consolidating the lots.

Mr. Murphy replied more than likely because some of the projects he would like to do would require the consolidation of the two lots.

Mr. Rach stated that then based on 1220.07 which states that (b) (1) “Whenever any person and/or entity desires a resubdivision or a consolidation of any property in the City, or desires to request a change in the setback line or other change in the Zoning Map of the City, or requests consideration by the Planning Commission”. Mr. Rach added that Planning Commission is the panel of experts and that he felt bad that the City wasted his time because they didn’t prepare him to come to this body (Council) with the drawings or provided him with the correct guidance to go to Planning Commission because that is where Mr. Rach felt this request should have been heard to make a recommendation for Council to hear. Mr. Rach continued to say that he felt that no one on the Council panel has that education to make that decision that Planning Commission has been trained to make.

Mayor Infeld reminded everyone this was a concept that Mr. Murphy wanted to propose to the City Council before moving forward. That is way this is an idea and not as well defined as something that would go before the Planning Commission. Mayor Infeld noted that there was a motion on the floor by Mrs. Pardee to remove her original motion.

Mrs. Pardee withdrew her motion and Mr. Rach withdrew his second.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to table Mr. Murphy’s application to demolish the house at 4174 Hadleigh. On roll call, all voted “aye.”

Mr. Murphy again asked what will happen with the court case while he’s waiting for a ruling on whether he can demolish the house.

Mr. McReynolds stated that the court action will be on hold.

B. 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 first reading

Ordinance 2017-23 was placed on first reading.

C. Ordinance 2017-24 Authorizing the Transfer of Funds from the Capital Improvement Fund (401) to the General Fund (101) on emergency

Mayor Infeld stated that this Ordinance is on emergency because the renovations that were made to the fire house kitchen area exceeded the estimated cost. Originally only the floor was to be replaced but they discovered asbestos which started a chain reaction of repairs.

Mrs. Weiss noted she had no problems in approving this or in the repairs but noted that this was a project that she assumed was over the Mayor’s \$5,000 spending authority which has happened before.

Mayor Infeld replied that it was a project where the sum total of the cost was more than \$5,000, but no one piece exceeded \$5,000. Mayor Infeld noted that she had the approval of the Law Director.

Mr. Wiseman asked what the cost of the initial project was.

Mayor Infeld stated that the flooring cost \$3,500.

Mr. Rach asked if the project went out for bids because it was also above the \$15,000 threshold and Council worked very hard to put together minority business legislation so that those companies would have the opportunity to bid on projects like this.

Mayor Infeld replied that the project was done in pieces; the floor from one company, the refrigerators from another, etc. The project was not managed by a general contractor.

Mr. Wiseman commented that there was no information included with the requested transfer Ordinance regarding the cost of the project. And, although the initial project cost was \$3,500 but when the first \$5,001 was going to be spent it should have come back to Council even if an emergency meeting was necessary. This project clearly exceeds the Mayor’s spending authority and those issues Mr. Wiseman wanted to delve into further.

MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON to table Ordinance 2017-24 Authorizing the Transfer of Funds from the Capital Improvement Fund (401) to the General Fund (101). On roll call, all voted "aye."

D. 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 first reading)

Mrs. Pardee stated that Ordinance 2017-25 was discussed at the last Governmental Affairs Committee. Even though Council can motion for items to be added to the agenda during the meeting, Council wants to ensure they have the ability to add items to the agenda in advance of the meeting for added transparency.

Mr. Rach added that this will also expedite the process.

Ordinance 2017-25 was placed on first reading.

E. Ordinance 2017-26 Amending Codified Ordinance Section 206.01 Entitled "Definitions" For the Purpose of Amending the Definition of the Term "Post." (on first reading)

Mrs. Pardee stated that the Governmental Affairs Committee wanted to ensure the definition of "posting" included on-line postings.

Ordinance 2017-26 was placed on first reading.

F. 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 first reading)

Mrs. Pardee stated that currently the Planning Commission meets on an on-call bases. Ordinance 2017-27 will inline the Planning Commission with the City's other various Board and Commissions (Board of Zoning and Architectural Review Commission) who have regularly scheduled meetings. Mrs. Pardee added that the current process is a hindrance and that by having a regularly scheduled monthly Planning meeting date will make it easier for both businesses and residents.

Ordinance 2017-27 was placed on first reading.

G. Ordinance No. 2017-28 Authorizing the Collection of the Special Assessments for the year 2017 on a Certain Parcel within the City and authorizing and directing the Director of Finance to file the report on the abatement of Special Assessments, with the Cuyahoga County Fiscal Officer on or before September 11, 2017 (on emergency)

Mayor Infeld stated that the next six Ordinances relate to property assessments which required are required by the County Auditor. Each of these Ordinances have to be annually approved and passed by City Council in order for the County Auditor to collect them on the property taxes the following tax year. The tax rates and amounts are the same as in the pass. Each of these Ordinances are on emergency because of the filing deadline.

MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON for the suspension of the rules for the passage of Ordinance 2017-28 Authorizing the Collection of the Special Assessments for the year 2017 on a Certain Parcel within the City and authorizing and directing the Director of Finance to file the report on the abatement of Special Assessments, with the Cuyahoga County Fiscal Officer on or before September 11, 2017. On Roll call of suspension of the rules, all voted "aye."

MOTION BY MRS. WEISS, SECONDED BY MR. WISEMAN to approve Ordinance 2017-28 Authorizing the Collection of the Special Assessments for the year 2017 on a Certain Parcel within the City and authorizing and directing the Director of Finance to file the report on the abatement of Special Assessments, with the Cuyahoga County Fiscal Officer on or before September 11, 2017. Roll call on suspension of the rules, all voted "aye."

- H. **Ordinance No. 2017-29 Levying a Special Assessment on all designated properties served by Street Lights at the rate of seventy cents per front foot for the Tax Year 2017 (on emergency)**

MOTION BY MR. WISEMAN, SECONDED BY MRS. WEISS for the suspension of the rules for the passage of Ordinance 2017-29 Levying a Special Assessment on all designated properties served by Street Lights at the rate of seventy cents per front foot for the Tax Year 2017. On Roll call of suspension of the rules, all voted "aye."

MOTION BY MRS. WEISS, SECONDED BY MR. WISEMAN for the approval of Ordinance 2017-29 Levying a Special Assessment on all designated properties served by Street Lights at the rate of seventy cents per front foot for the Tax Year 2017. On Roll call on passage, all voted "aye."

- I. **Ordinance No. 2017-30 Levying a Special Assessment against property within the City for the Purpose of Establishing a Sewer Fund to Maintain, Repair and Reconstruct the Sewerage System and Waterlines within the City for Tax Year 2017 (on emergency)**

MOTION BY MR. WISEMAN, SECONDED BY MR. RACH for the suspension of the rules for the passage of Ordinance 2017-30 Levying a Special Assessment against property within the City for the Purpose of Establishing a Sewer Fund to Maintain, Repair and Reconstruct the Sewerage System and Waterlines within the City for Tax Year 2017. On Roll call of suspension of the rules, all voted "aye."

MOTION BY MRS. WEISS, SECONDED BY MRS. CAMERON for the approval of Ordinance 2017-30 Levying a Special Assessment against property within the City for the Purpose of Establishing a Sewer Fund to Maintain, Repair and Reconstruct the Sewerage System and Waterlines within the City for Tax Year 2017. On Roll call on passage, all voted "aye."

- J. **Ordinance No. 2017-31 Levying a Special Assessment for Improving the Streets of the City of University Heights, Ohio by the Spraying, Planting, Maintaining, and Removal of Shade Trees thereon at Eighty Cents (\$.80) per Front Foot for the Tax Year 2017 (on emergency)**

MOTION BY MR. WISEMAN, SECONDED BY MR. SIMS for the suspension of the rules for the passage of Ordinance 2017-31 for Improving the Streets of the City of University Heights, Ohio by the Spraying, Planting, Maintaining, and Removal of Shade Trees thereon at Eighty Cents (\$.80) per Front Foot for the Tax Year 2017. On Roll call of suspension of the rules, all voted "aye."

MOTION BY MRS. WISEMAN, SECONDED BY MRS. WEISS for the approval of Ordinance 2017-30 Levying a Special Assessment for Improving the Streets of the City of University Heights, Ohio by the Spraying, Planting, Maintaining, and Removal of Shade Trees thereon at Eighty Cents (\$.80) per Front Foot for the Tax Year 2017. On Roll call on passage, all voted "aye."

- K. **Ordinance No. 2017-32 Levying Special Assessments for providing City Services in the Removal of Nuisance Conditions (Lawn Care) at Various Locations throughout the City of University Heights (on emergency)**

Mrs. Pardee asked if it was fair to assume that LLC's are owned by the landlord and not some other third party.

Mayor Infeld replied sometimes it is the landlord and sometimes it is a third party.

Building Commissioner Mr. McReynolds stated that the Ordinance deals with properties where the grass needs to have immediate cutting. Cited residents or property owners are given a 2-day notice to correct the violation. Upon the inspectors follow-up check if the violation has not been corrected an additional 2-day notice is given. If the violation is not taken care of in the weeks' time, then the City cuts the grass or complete the cited yard work.

Mr. Wiseman asked if the homeowner is given the opportunity to pay the invoice before it goes on their property tax lien.

Mr. Sheehan replied that once the City is invoiced for the work the homeowner is mailed a copy of the invoice to give them the opportunity to reimburse the City before it goes on the property tax bill.

Mr. Sims commented that this maintains the standards for the neighborhoods and makes sure the lawns are cut to the City's standards.

MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN for the suspension of the rules for the passage of Ordinance 2017-32 for Levying Special Assessments for providing City Services in the Removal of Nuisance Conditions (Lawn Care) at Various Locations throughout the City of University Heights. On Roll call of suspension of the rules, all voted "aye."

MOTION BY MR. SIMS, SECONDED BY MRS. WEISS for the approval of Ordinance 2017-32 for Levying Special Assessments for providing City Services in the Removal of Nuisance Conditions (Lawn Care) at Various Locations throughout the City of University Heights. On Roll call on passage, all voted "aye."

- L. Ordinance No. 2017-33 Levying Special Assessments for Providing City Services in the Removal of Nuisance Conditions at Various Locations throughout the City of University Heights (on emergency)**

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS for the suspension of the rules for the passage of 2017-33 Levying Special Assessments for Providing City Services in the Removal of Nuisance Conditions at Various Locations throughout the City of University Heights. On Roll call of suspension of the rules, all voted "aye."

MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON for the approval of 2017-33 Levying Special Assessments for Providing City Services in the Removal of Nuisance Conditions at Various Locations throughout the City of University Heights 2017-33 Levying Special Assessments for Providing City Services in the Removal of Nuisance Conditions at Various Locations throughout the City of University Heights. On Roll call on passage, all voted "aye."

- M. 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 first reading)**

Mr. Sheehan stated that the tax levies amounts are the same as they currently are.

Resolution 2017-34 was placed on first reading.

- N. Motion Accepting The Greenleaf Group of Valley City, Ohio as the lowest and best bidder for the 2017-2 Fall Tree Planting Project in the amount not to exceed \$73,884.00 and entering into contract with the same.**

Mr. Sims noted that he wants to make sure that the City is spending money to put in trees that will make an impact to the community.

Mrs. Pardee asked if any trees would be planted in the new center island on Warrensville Center Road near Fairmount Blvd.

Mr. Pokorny replied yes, but the area has to be ready with soil first.

Mr. Wiseman asked if homeowners are educated regarding the care of the new trees and how to use the gator bags when trees are planted on their treelawns?

Mr. Pokorny answered that the contractor hands out literature to each home that receives a new tree.

MOTION BY MR. WISEMAN, SECONDED BY MR. RACH to accept The Greenleaf Group of Valley City, Ohio as the lowest and best bidder for the 2017-2 Fall Tree Planting Project in the amount not to exceed \$73,884.00 and entering into contract with the same. On roll call, all voted "aye."

O. Motion to Accept the lowest and best bidder for the Authorizing the 2017 Purvis Park Bathhouse Painting Project and entering into contract with the same.

Mr. Ciuni stated that bids were opened on August 31, 2017 and only one bid was received from Frank Novak and Sons Inc. in the amount of \$32,900. Mr. Ciuni recommended accepting Frank Novak and Sons Inc. as the lowest and best bid. Mr. Ciuni noted that three companies attended the pre-bid meeting.

Mr. Wiseman asked if it should be re-bid.

Mr. Pokorny replied no and noted that the \$32,900 was lower than what Mr. Ciuni estimated the cost to be. Frank Novak has been used by the city several times with no problems.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to accept the bid from Frank Novak and Sons Inc. as the lowest and best bid in the amount of \$32,900 for the 2017 Purvis Park Bathhouse Painting Project and authorize entering into contract with the same. On roll call, all voted "aye."

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

There was no need for an executive session.

Directors' Reports:

Police Department: Chief Hammett provided Council with an update to their questions from previous June Council meeting.

- Claver traffic study (installed a traffic counter near the intersection, assigned officers to the area, received information from the Cleve. Hts./Univ. Hts. School Board Transportation Dept.). The traffic counter revealed that approx. 3200 cars pass through the intersection daily. The School Board Transportation Dept. assured the Chief that children are dropped off on the side of the street in which their house is. Also the purpose of traffic control devices is to promote the safe and efficient travel on the roads and highways; however, in huge excess they tend to lose their effectiveness and increase hazards. Therefore, based on the traffic study the City has determined that a stop sign is not warranted in that area.
- The only reports that are shown on the police blotter are actual police reports.

Mr. Wiseman spoke to the issue problems with the John Carroll students, noting that it should not be the resident's responsibility to call in to the Police Department every time there is a disturbance. And he hopes that the police will try patrol those areas during those times of disturbances. Mr. Wiseman added that he hoped that the Administration would reconsider placing the stop signs at the corner of Claver and E. Carroll.

Chief Hammett informed everyone when the police legally can and legally can't charge persons for disturbances. Regarding the stop sign, the department will continue to monitor the traffic.

Fire Department: Chief Zook reported 1.) ambulance committee will continue its work in obtaining information for ambulance specifications to present to the Mayor so that it can be presented to Council sometime this Autumn season, 2.) bi-weekly meetings have been occurring with the new manager for the joint dispatch center and things are moving along. Although the City's current mobile programming units that are in the vehicle cabs will have to be changed. Chief Zook recommended that Council look over the Fire Department's annual report as it contains information about the departments for the last 3 years.

Mrs. Weiss asked about the cost of the ambulance runs that were made to East Cleveland.

Chief Zook responded that there was no additional cost to the City for those ambulance runs because they were handled with on-duty personnel. It cost no more for an ambulance run to East Cleveland than it does to Cleveland Heights, Shaker Heights or University Heights.

Mrs. Weiss noted that Mayor Infeld informed Council back in July that the University Heights ambulance was no longer going on runs to East Cleveland.

Mayor stated that University Heights is no longer going on ambulance runs to East Cleveland.

Chief Zook commented that none of the area suburban communities on the eastside is able to meet their full workload without calling on another agency for assistance. All of the local fire departments have been involved in certain cooperative agreements for decades. Chief Zook explained the box alarm system that all cities are a part of; this includes East Cleveland for fire alarms only.

Mrs. Weiss asked Chief Zook why the Department has been denied the purchase of a paper shredder.

Chief Zook replied that a shredder is not needed in the fire house. The only papers that the departments have that requires shredding are patient care reports. Those reports are kept for 7 years and at the appropriate time to records are taken to the City's yearly bi-annual main shredding program for destruction.

Mr. Wiseman stated that Council is still waiting for the answer to Mrs. Weiss's email question of how many times and how much it cost for the ambulance runs to East Cleveland

Mayor Infeld stated that the Administration is trying to find ways to address some of the concerns of the Fire Department personnel concerns. Some of the concerns are due to different choices of management styles and others can't be changed without making University Heights unsafe.

Mr. Rach asked how many hours of training did it take for car seat inspection renewal certification and other certifications.

Chief Zook replied a couple of hours for the car seat and a series of training over the course of three years for other certifications. These certifications are randomly audited by the State.

Building Commissioner: Mr. McReynolds reported that the library will probably be ready to re-open October 1, 2017. Swenson's will probably break ground next week.

Mr. Sims commented that he was seeing more and more signs on utility poles regarding the selling/buying of homes and asked what department was responsible for that.

Both the Police and Building department removes those signs as they see them and contact the person listed on the sign.

There were no other Director reports.

Building Committee: Mr. Wiseman reported he will see about having a meeting before the next Council meeting.


Finance Committee: Mrs. Pardee reported that the Finance Committee will meet sometime in October.


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. 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

