

MINUTES OF COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS  
MARCH 16, 2009

Mayor Rothschild called the meeting to order at 7:34 p.m.

Roll Call: Present: Mrs. Adele H. Zucker  
Ms. Frankie B. Goldberg (not at roll call)  
Mr. Steven D. Bullock  
Mr. Peter R. Bernardo  
Mr. Kevin Patrick Murphy  
Mr. Frank Consolo  
Mr. Steven Sims (not at roll call)

Also Present: Clerk of Council Nancy E. English  
Acting Law Director Dennis Nevar  
Finance Director Arman R. Ochoa  
Chief of Police Gary Stehlik  
Fire Chief John Pitchler  
Community Coordinator Walter Stinson  
Building Commissioner David Menn  
Service Foreman John Pucella  
City Engineer Joseph R. Ciuni

Mr. Sims entered the meeting at 7:35 p.m.

**MOTION BY MR. BULLOCK, SECONDED BY MR. CONSOLO to excuse the absence of Ms. Goldberg. On roll call, all voted “aye.”**

Pledge of Allegiance

Minutes of the regular meeting held on March 2, 2009

There were no corrections or additions to the minutes of March 2, 2009.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. MURPHY to approve the meeting minutes of the March 2, 2009 as presented. On roll call, all voted “aye.”**

Comments from the Audience

There were several people in the audience from Ashurst Road (between Bradford Road and Fairmount Boulevard). Mayor Rothschild announced that the City received the petition from the Ashurst Road neighborhood regarding concern about the property located at 2608 Ashurst Road (PPN 722-26-028), owned by Catherine Harbourt. The petition, which is made a part of this permanent record, supported the City in accepting the deed to the property in question and demolishing the structure.

Acting Law Director Dennis Nevar reported that the City did a title search on the Harbourt property, and it was determined that there is a substantial judgement lien on the property. He noted that the City is not comfortable in accepting a Quit-Claim deed from Ms. Harbourt at this time. The Law Department is in the process of investigating the matter further.

Kate Uhlir, 2448 Fenwick Rd., a 46-year resident, and co-convener of the Concerned Citizens for University Heights, addressed several items on behalf of Dr. Sarah Wilder, co-convener of the Concerned Citizens for University Heights, who was not at the meeting. She stated that there has not been a response to the request for the Mayor and Council to hold a “Open Forum” (town hall meeting) to get input from resident on the proposed changes to the City Charter. She suggested that the meeting be held on Tuesday, March 24, 2009 at 7:00 p.m. She also requested that the residents be notified of the meeting by first-class mail.

Ms. Uhlir also noted that some members of the Charter Review Commission (CRC) made inappropriate negative comments about City department heads and the Mayor at their meeting on March 10, 2009. She requested an apology from those who made the negative remarks.

Ms. Goldberg entered the meeting at 7:40 p.m.

Mayor Rothschild stated that the date of March 24, 2009 is the date of a regular Charter Review Commission meeting. Ms. Uhlir stated that they selected that date because the CRC members are volunteers and that there should be opportunity for the Mayor, Council members and CRC members to respond to residents inquiries. Mr. Bernardo noted that the CRC discussed holding a town hall meeting, but they were concerned that they are already two meetings behind even with the 60 day extension.

Mark Johnson, who lives across the street from the Harbourt property, indicated that the neighbors came to this meeting in order to make sure Council was aware of their concerns and that they appreciate how the City has shown concern in maintaining the property.

Tony Augustino, a landlord/owner of four properties in University Heights, came before Council to speak on behalf of landlords and express their concern regarding the increase in the rental permit fees to take effect this year. He suggested that Council consider charging more to landlords who have had two or more violations.

Mayor Rothschild informed the public that Council took action at its last meeting to repeal the ordinance authorizing the increase in rental permit fee.

Agenda Items:

**A. Ordinance No. 2009-10 Repealing Section 1250.02(d)(4) of the Codified Ordinances relative to "For Rent" and "Vacancy" signs (2<sup>nd</sup> Reading)**

Ordinance No. 2009-10, which was placed on first reading on March 2, 2009, repeals Section 1250.02(d)(4) of the Codified Ordinances as regulations relative to "for rent" and "vacancy" signs are properly contained in Chapter 1270 of the Codified Ordinances. The ordinance removes "for rent" and "vacancy" signs from windows.

**MOTION BY MR. BERNARDO, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2009-10. On roll call, on passage, all voted "aye."**

**B. Ordinance No. 2009-11 Establishing Section 1270.11(a)(5) of the Codified Ordinances relative to "For Rent" and "Vacancy" signs (2<sup>nd</sup> Reading)**

Ordinance No. 2009-11, which was placed on first reading on March 2, 2009, establishes Section 1270.11(a)(5) of the Codified Ordinances providing regulations for "for rent" and "vacancy" signs to be placed on the lawn.

**MOTION BY MR. BERNARDO, SECONDED BY MS. GOLDBERG to approve the passage of Ordinance No. 2009-11. On roll call, on passage, all voted "aye," except Mr. Sims, who "passed." On repoll, Mr. Sims "passed."**

**C. Ordinance No. 2009-15 Making permanent appropriations for the current expenses and other expenditures of the City for the period of January 1, 2009 through December 31, 2009**

Ordinance No. 2009-15 makes the permanent appropriations for current expenses and other expenditures of the City of University Heights, Ohio, for the period January 1, 2009 through December 31, 2009.

**MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2009-15 as an emergency measure. On roll call, on suspension of rules, all voted "aye," except Mr. Consolo, who voted "nay." On roll call, on passage, all voted "aye," except Mr. Consolo, who voted "nay."**

**D. Ordinance No. 2009-16 establishing rates of compensation and other conditions of employment for appointed officials**

Ordinance No. 2009-16 establishes rates of compensation, fringe benefits, and certain conditions of employment for appointed officials of the City.

**MOTION BY MR. SIMS, SECONDED BY MR. MURPHY to approve the passage of Ordinance No. 2009-16 as an emergency measure. On roll call, on suspension of rules, all voted "aye," except Mr. Consolo, who voted "nay." On roll call, on passage, all voted "aye," except Mr. Bernardo and Mr. Consolo, who voted "nay."**

**E. Ordinance No. 2009-17 Awarding the 2009 Road Improvement Program**

Ordinance No. 2009-17 awards the 2009 Road Improvements to the lowest and/or best bidder, Delta Asphalt Company, in an amount not to exceed \$118,512.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to approve the passage of Ordinance No. 2009-17 as an emergency measure. On roll call, on suspension of rules, all voted "aye," except Mr. Consolo, who voted "nay." On roll call, on passage, all voted "aye," except Mr. Consolo, who voted "nay."**

**F. Ordinance No. 2009-18 Awarding the 2009 Emergency Sewer Repairs (re-bid)**

Ordinance No. 2009-18 awards the 2009 Emergency Sewer Repairs (re-bid) to the lowest and/or best bidder, Thomas A. Hall Excavating and Contracting, Inc., in an amount not to exceed \$74,850.

**MOTION BY MRS. ZUCKER , SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2009-18 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."**

**G. Ordinance No. 2009-19 Awarding the 2009 Tree Planting**

Ordinance No. 2009-19 authorizes the Mayor to enter into an agreement with Creekside Landscaping, the lowest and best bidder, for the purchase and installation of 134 trees at various locations in the city in an amount not to exceed \$23,170.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. BERNARDO to approve the passage of Ordinance No. 2009-19 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."**

**H. Motion to accept bid for 2009 Purvis Park Concession Operation**

Bids were opened on March 12, 2009 for the Purvis Park Concession Operation. One bid was received from Snacks and Stuff, Inc. in the amount of 12% of gross sales.

**MOTION BY MS. GOLDBERG, SECONDED BY MRS. ZUCKER to table consideration of the 2009 Purvis Park Concession Operation. On roll call, all voted "aye."**

**I. Motion to extend the reporting period of the Charter Review Commission by sixty (60) days**

At its regular meeting on March 10, 2009, the Charter Review Commission passed a motion to extend the reporting period by sixty (60) days pursuant to Section 6 of Ordinance No. 2008-45.

Mr. Consolo stated that the way Ordinance No. 2008-45 was written Council approval was not required to extend the reporting period. However, he added that a motion could be passed as a show of support.

**MOTION BY MR. MURPHY, SECONDED BY MR. GOLDBERG to extend the reporting period of the Charter Review Commission by sixty (60) days. On roll call, all voted "aye."**

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

An executive session was not required.

Directors' Reports:

**Community Coordinator Walter Stinson** reported that the Harvest for Hunger Campaign will continue through the end of March. Donation containers have been placed at the entrances of City Hall.

Mr. Stinson also reported that he is currently completing the publication for the Summer Recreation Programs.

Committee Reports:

**Building Committee** Chairman Peter R. Bernardo will attempt to schedule a meeting within the next three weeks to discuss re-inspection fees.

**Recreation Committee** Chairman Frankie Goldberg received an email request from Diane Cory at John Carroll University for the university to use the Purvis Park tennis courts prior to the summer season.

**MOTION BY MS. GOLDBERG, SECONDED BY MR. BULLOCK to approve John Carroll University using the City's tennis courts at Purvis Park as long as their dates are not in conflict with Wiley Middle School's schedule. On roll call, all voted "aye," except Mr. Bernardo, who "passed."**

There being no further business to discuss, the meeting was adjourned.

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Mayor Beryl E. Rothschild

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Nancy E. English, Clerk of Council