

MINUTES OF COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS
SEPTEMBER 15, 2008

Mayor Rothschild called the meeting to order at 7:30 p.m.

Roll Call: Present: Mrs. Adele H. Zucker
Ms. Frankie B. Goldberg
Mr. Steven D. Bullock
Mr. Kevin Patrick Murphy
Mr. Peter R. Bernardo
Mr. Frank Consolo
Mr. Steven Sims

Also Present: Clerk of Council Nancy E. English
Law Director Kenneth J. Fisher
Finance Director Arman R. Ochoa
Chief of Police Gary Stehlik
Fire Chief John Pitchler
Community Coordinator Walter Stinson
Building Commissioner David Menn
Service Director Christopher Vild
City Engineer Joseph R. Ciuni

A moment of silence was held in memory of everyone who lost their lives in the 9-11 tragedies.

Minutes of the regular meeting held on September 2, 2008

There were no corrections or additions to the minutes of September 2, 2008.

MOTION BY MS. GOLDBERG, SECONDED BY MR. BULLOCK to approve the minutes of the September 2, 2008 meeting. On roll call, all voted "aye."

Mayor Rothschild announced that there were six (6) women in the audience from the Cleveland Executive Fellowship. She noted that they are studying University Heights by examining the economic, social, political and spiritual aspects of the city. Their findings will be revealed on Wednesday, September 17, 2008 from 11:00 am to 12:30 pm in the Jardine Room of the Lombardo Student Center at John Carroll University.

Comments from the Audience:

Sarah Wilder, 3706 Meadowbrook Blvd., stated that she learned about the proposal to establish a Charter Review Commission through articles in the Sun Press rather than through direct communication from the City. She mentioned that the City has provided excellent professional services and she is proud to be a resident of University Heights. She has always felt a sense of community, collaboration, active involvement and participation. However, Mrs. Wilder questioned why the formation of a Charter Review Commission is being rushed without input from the residents.

Mrs. Wilder offered other suggestions for the Council to consider at this time: 1) organize a UH Voter Registration Campaign and recruit volunteers to drive voters to the polls on November 4th; 2) form a Tutoring/Mentoring Initiative to assist students of the Cleveland Heights-University Heights City School District; 3) hold a Community Forum after the November election to seek input from residents regarding the Charter Review Commission and the change in the form of government; and 4) hold a Get Acquainted Reception to meet all city employees.

Mrs. Wilder urged the Council to delay the establishment of a Charter Review Commission and a possible change in the form of government and focus on urgent priorities affecting the residents of University Heights such as jobs, foreclosures, health issues facing senior citizens, lack of services for those on fixed and low incomes and promoting greater diversity in University Heights.

Harvey Morrison, 2424 White Rd., supported the override of the Mayor's veto of Ordinance No. 2008-45, to establish a Charter Review Commission. He noted that the cost of holding a special election to consider Charter recommendations is an unnecessary expense. Mr. Morrison stated that the commission will just study the need for changes and make its recommendations. He added that the Charter should actually be reviewed every 20-25 years. He suggested that the commission

consider a community development officer, establishing a prohibition against nepotism and looking at what is necessary to move the community forward.

Steven D. Bennett, 3761 Hillbrook Rd., questioned why the Council is rushing the passage of legislation to form a Charter Review Commission. He stated that a change in the form of government from a Mayor-Council form to Council-Manager form is not needed. He also noted that potential issues to change the form of government cannot be on the same ballot with the election for Mayor. He suggested that any issue to change the form of government would have to be on the May primary ballot in order to be fair to candidates who are running for Mayor in the November 2009 election. Mr. Bennett was in favor a Charter Review Commission with automatic reviews every 10 years, however, he felt the timing for this review is not right. Mr. Bennett urged Council to table Ordinance No. 2008-45 and reconsider it at a later date.

Paul Miller, 2370 Charney Rd., stated that if the intended purpose for the Charter Review Commission is to change the form of government then he is against it. Mr. Miller mentioned that he moved from a city with a Council-Manager form of government and in that city the people had no say. He inquired if research has been done as to how many cities the size of University Heights have a City Manager. Mr. Miller stated that the City does a wonderful job for the residentS and everything seems to be running okay. He urged the Council to consider what it is doing because the City operates very nicely under the current form of government.

Mary Ann Rini, 3866 Tyndall Rd., stated that she does not believe the City has been well run for the last ten years. She noted that there is a need to look at how the City is run because of inconsistencies. Mrs. Rini encouraged Council to reconsider the Mayor's veto of Ordinance No. 2008-45.

Chris Calo and Keith Kanner, firefighters with the University Heights Fire Department, announced that the Fire Department will host The Pink Ribbon Tour, Saturday, September 27, 2008 from 11:00 am to 3:00 pm. A pink fire engine is traveling the United States to heighten awareness about breast cancer. This will be the first of two fundraisers to benefit the local chapter of the Susan G. Komen Foundation and The Gathering Place. The second event will be the Pink Party of the Year on October 25th, 26th and 27th. Vice Mayor Zucker stated that she would like to participate in the events as a 27 year breast cancer survivor.

Reports and Communications from the Mayor and the taking of action:

Mayor Rothschild stated that on September 4, 2008, she vetoed Ordinance No. 2008-45, as amended, in its entirety. She stated that it is not wise to establish a Charter Review Commission at this time because it will cause a direct conflict with the candidates who will be running for the positions of Mayor and Council in the November 2009, election if the recommendations of the Charter Review Commission are on the same ballot. She stated that it is not prudent to change the form of government mid-term and added that it would be better to wait until 2010 when the new administration is in office. Mayor Rothschild also stated that she is not opposed to a real Charter Review, just the timing of this proposal. Mayor Rothschild requested that her written comments about her veto of Ordinance No. 2008-45 be made part of record hereto (see attachment).

Agenda Items:

A. Moral Claim - David Post, 4298 Silsby Road

Mr. David Post, property owner of 4298 Silsby Road, filed a moral claim on August 30, 2008 for property damage sustained from a sewer backup when the water main broke on Silsby Road between South Belvoir Blvd. and Baintree Road on May 13, 2008.

Service Director Christopher Vild reported that this claim was for the same incident that four (4) other claims were filed and approved by Council on August 6, 2008. He noted that during this incident the water meter blew up at Mr. Post's rental property. Mr. Vild recommended approval of the moral claim. Due to the fact that no receipts were included with the moral claim, a motion to table was introduced.

MOTION BY MR. MURPHY, SECONDED BY MR. CONSOLO to table the moral claim of David Post, 4298 Silsby Road, in order to obtain receipts for expenses. On roll call, all voted "aye."

B. Moral Claim - Shoshana Klein, 2521 Rubyvale Drive

Mr. and Mrs. Klein, 2521 Rubyvale Drive, were present. Mrs. Shoshana Klein filed a moral claim for damage caused by a sewage backup in their basement on June 13, 2008. Mrs. Klein requested reimbursement for the \$731.00 plumber's bill and the \$1,000 deductible on their homeowner's insurance.

Mr. Vild stated that the backup was caused by a steel cable in the main sanitary sewer and excess debris which was tangled around the cable. He was unaware of how the cable got in the sewer line, but AAA Pipe Cleaning Company was called in to clear the line. Due to the fact that the City was not aware of the blockage, Mr. Vild recommended that the moral claim be rejected.

MOTION BY MR. SIMS, SECONDED BY MR. BERNARDO to approve the moral claim of Shoshana Klein, 2521 Rubyvale Drive, in the amount of \$300.00. On roll call, all voted "aye," except Mr. Murphy and Mr. Consolo, who voted "nay."

C. Moral Claim - David M. Smith, 3506 Washington Blvd.

Mr. David Smith, 3506 Washington Blvd., was present. He filed a moral claim for two (2) tires and rims damaged on August 25, 2008 when he struck a chuck hole near a catch basin on E. Carroll Blvd. near S. Green Road. Mr. Smith stated that his insurance would not cover his loss and he requested reimbursement of \$916.00.

Mr. Vild stated that the Service Department Foreman John A. Pucella recommended that the moral claim be rejected because the City was not aware of the condition of the street where Mr. Smith damaged his tires. The chuck hole has been repaired.

Mr. Sims suggested that the City devise a process to become more aware of areas in the roadway that require repair. Mr. Vild noted that the system currently in place is for the rubbish crews to call in areas and the police department also advises the department of locations.

Mr. Sims, Ms. Goldberg and Mr. Bullock all offered comments that there has to be a conclusion to the moral claim policy. Mr. Murphy stated that the Governmental Affairs Committee considered the moral claim policy at its last meeting. The consensus was not to allow moral claims any longer. Mr. Murphy noted that an ordinance will be presented at the next meeting to bring a conclusion to the moral claim issue. Mr. Bullock stated that once an ordinance is passed amending the policy, it should be communicated to the general public.

Mr. Sims stated that until a new policy is adopted, the Council has to operate under the existing authority to allow moral claims; therefore, he presented the following motion.

MOTION BY MR. SIMS, SECONDED BY MRS. ZUCKER to approve the moral claim of David M. Smith, 3506 Washington Blvd., in the amount of \$300.00. On roll call, all voted "aye," except Mr. Murphy and Mr. Consolo, who voted "nay."

D. Mayor's veto of Ordinance No. 2008-45, to establish a Charter Review Commission, and Motion to reconsider the ordinance, pursuant to Article 3, Section 7 of the Charter (5 affirmative votes necessary to override Mayor's veto)

On September 4, 2008, Mayor Beryl E. Rothschild vetoed Ordinance No. 2008-45, as amended, to establish a Charter Review Commission, in its entirety.

MOTION BY MR. CONSOLO, SECONDED BY MR. MURPHY to reconsider Ordinance No. 2008-45 and override the Mayor's veto of Ordinance No. 2008-45.

Ms. Goldberg stated that the "us against them" mentality has to stop because the proposed Charter Review is not about a new form of government. Ms. Goldberg noted that she is in favor of a chief administrative officer, not a city manager. She added that once the commission makes its recommendations, the residents will vote on them. She encouraged everyone to come together to move the City forward.

Mr. Bernardo stated that it is time to take a look at the Charter in order to correct discrepancies.

Mr. Sims stated that he supports a Charter review and noted that it is not about the single issue of changing the form of government, but rather it is about reviewing the Charter for the betterment of the city. Mr. Sims added that the decision to form a Charter Review Commission was not something the Council came to lightly, however, it was time to do it. He suggested that the commission be allowed to do its work and the citizens will speak through the commission.

Vice Mayor Zucker stated that she is not against a Charter Review Commission, but she feels ten months is not enough time for the commission to do its work. She was also against the way the commission is being formed.

Mr. Bullock stated that there are no hidden or personal agendas in forming the Charter Review Commission. He noted that the Council wants to establish communications with the residents. Mr. Bullock stated that although he is interested in examining a change in the form of government, it does not have to be a city manager form. Mr. Bullock stated that he feels there should be a professionally trained public administrator who would look for funding and other alternatives for City operations. Mr. Bullock thanked Mayor Rothschild for all she has done for the city. He honored her, applauded her and asked her to join the Council in keeping University Heights a great place to live.

On roll call, on the motion to reconsider Ordinance No. 2008-45 and override the Mayor's veto, all voted "aye," except Mrs. Zucker, who voted "nay."

Mr. Consolo announced that a public notice will go out announcing the formation of a Charter Review Commission. He stated that residents who are interested in serving on the commission should submit a letter of interest and resume to the Clerk of Council by 7:30 p.m. on Monday, October 6, 2008.

E. Resolution No. 2008-50 Honoring Maureen Weisblatt, Director of the University Heights Public Library, on the event of her retirement

Resolution No. 2008-50 honors Maureen Weisblatt, director of the University Heights Public Library, a branch of the Cleveland Heights-University Heights Public Library located at 13866 Cedar Road, on the event of her retirement. Ms. Weisblatt will retire on September 30, 2008 after 30 years of dedicated service.

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to approve the passage of Resolution No. 2008-50. On roll call, all voted "aye."

F. Resolution No. 2008-51 To seek financial assistance from the Ohio Public Works Commission State Public Works Program to fund the University Parkway Roadway Reconstruction

Resolution No. 2008-51 authorizes the Mayor to seek financial assistance from the Ohio Public Works Commission (OPWC) State Public Works Program to fund the University Parkway Roadway Reconstruction. City Engineer Joseph R. Ciuni reported that the application is due on September 26, 2008. He noted the application will include funding to replace the entire street.

MOTION BY MRS. ZUCKER, SECONDED BY MR. BERNARDO to approve the passage of Resolution No. 2008-51 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

G. Resolution No. 2008-52 To submit a proposed contract and disclosure statement for public inspection regarding admission to the NORMA Self-Insurance Pool, Inc. (1st Reading)

Resolution No. 2008-52 authorizes submission of a proposed contract and disclosure statement for public inspection for admission to membership in the NORMA Self-Insurance Pool, Inc. in conformity with Section 2744.081 of the Ohio Revised Code.

Resolution No. 2008-52 was placed on first reading. There were no objections.

H. Resolution No. 2008-53 To enter into a contact with NORMA Self-Insurance Pool, Inc. for the purpose of becoming a member (1st Reading)

Resolution No. 2008-53 authorizes the Mayor to enter into a contract with the NORMA Self-Insurance Pool, Inc. for the for the purpose of becoming a member.

Resolution No. 2008-53 was placed on first reading. There were no objections.

I. Ordinance No. 2008-54 Amending Section 1072.20 of the Codified Ordinances by reducing the number of days upon which hedge or shrubbery nuisances must be abated after notice from the City (1st Reading)

Ordinance No. 2008-54 amends Section 1072.20 of the Codified Ordinances by reducing the number of days upon which hedge or shrubbery nuisances must be abated after notice from the City from ten (10) to three (3) days. Mr. Bernardo stated that Mr. Sims has suggested amendments to Ordinance No. 2008-54, 2008-55 and 2008-56 which will make the language within each ordinance more consistent with one another. Law Director Kenneth J. Fisher will consider the amendments. **Ordinance No. 2008-54 was placed on first reading. There were no objections.**

J. Ordinance No. 2008-55 Amending Section 1084.04 of the Codified Ordinances by reducing the number of days upon which noxious weeds must be cut and disposed of after notice from the City (1st Reading)

Ordinance No. 2008-55 amends Section 1084.04 of the Codified Ordinances by reducing the number of days upon which noxious weeds must be cut and disposed of after notice from the City from five (5) to three (3) days.

Ordinance No. 2008-55 was placed on first reading. There were no objections.

K. Ordinance No. 2008-56 Amending Chapter 1460 of the Codified Ordinances by amending the title of the chapter and reducing the number of days upon which pest nuisances must be abated after notice from the City (1st Reading)

Ordinance No. 2008-56 amends Chapter 1460 of the Codified Ordinances by amending the title of the chapter to "Pest and Sanitary Control" and reducing the number of days upon which pest nuisances must be abated after notice from the City from ten (10) to three (3) days.

Ordinance No. 2008-56 was placed on first reading. There were no objections.

L. Ordinance No. 2008-57 To provide for the issuance of \$419,000 Bond Anticipation Notes in anticipation of the issuance of Bonds for various purposes

Ordinance No. 2008-57 provides for the issuance of \$419,000 Bond Anticipation Notes in anticipation of the issuance of Bonds for the following purposes: 1) improving Cedar Road by reconstructing the roadway, improving traffic signals, sanitary and storm sewers, sidewalks and aprons and paying for engineering costs (\$332,500); and 2) improving Warrensville Center Road by reconstructing the roadway and improving traffic signals, sidewalks and aprons (\$86,500).

MOTION BY MR. SIMS, SECONDED BY MR. BERNARDO to approve the passage of Ordinance No. 2007-57 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

M. 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:

Chief of Police Gary Stehlik reported that Patrolman Charles Darrah has been called up by the Army Reserves for a second tour in Afghanistan. Ptl. Darrah will be in Afghanistan for one year. Mr. Bernardo suggested that a sponsorship be initiated to help Ptl. Darrah's family while he is away.

Fire Chief John Pitchler reported that CityWatch is operational. He added that additional training and testing will continue on the system. Chief Pitcher also noted that a mutual agreement has been reached with South Euclid and Lyndhurst whereby each city will use the other's lines at no cost.

Service Director Christopher Vild reported that three (3) men were called in Sunday evening to clear the streets of trees and branches from the wind storm. He noted that the debris from the storm is being picked up from tree lawns. He added that brush does not have to be cut up or tied.

Chief Pitchler stated that Cuyahoga County is attempting to be declared an emergency area through the Federal Emergency Management Agency (FEMA). He noted that if it is, the City will apply to be reimbursed for its expenses relative to the storm.

Community Coordinator Walter Stinson announced that a retirement reception will be held for Maureen Weisblatt on Sunday, September 21, 2008 from 2:00 p.m. to 4:00 p.m. at the University Heights Library.

Mr. Stinson noted that representatives of the Cuyahoga County Department of Development, Cuyahoga County Treasurer's Office and the Cuyahoga County Foreclosure Prevention Office presented a very informational session on September 9, 2008 from 7:00 p.m. to 9:00 p.m. at Wiley Middle School Auditorium. They addressed programs offered by the County with respect to foreclosure prevention assistance and financing for home repairs/improvements. Mr. Stinson credited Mr. Sims for initiating the program.

Building Commissioner David Menn stated that housing inspector Zak Hayek helped to organize the session at Wiley. He noted that it was a great success.

Committee Reports:

Building Committee Chairman Peter Bernardo reported that his committee minutes of the meeting held on August 28, 2008 have been distributed. Three (3) ordinances to amend the code by reducing the number of days after notice is given to abate nuisance conditions relative to hedges and shrubbery, grass and weeds and pests were placed on first reading at this meeting. Other items are still under consideration.

Civic Information Committee Chairman Frank Consolo reported that three (3) vendors responded to the request for proposals for updating and maintaining the City's web site. He noted that one hour presentations will be made to the department heads on Thursday, September 18, 2008 at 1:30 p.m. and Friday, September 19, 2008 at 10:00 a.m. and 1:30 p.m. in Council Chambers.

Finance Committee Chairman Steven Sims reported that he will schedule a Finance Committee meeting during the week of October 13, 2008. The primary focus of the meeting will be a general financial update of the budget through September 30, 2008 and anticipated projections through the end of the year.

Recreation Committee Chairman Frankie Goldberg reported that she will schedule a committee meeting in October. She received a letter of commendation regarding the excellent performance of the pool staff.

Safety Committee Chairman Steven D. Bullock reported that he will attempt to schedule a committee meeting prior to the next Council meeting.

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

Mayor Beryl E. Rothschild

Nancy E. English, Clerk of Council