

Edward Reichek, 2381 Glendon Rd., a 30-year member of the City Planning Commission, stated that he is concerned with the process of the public hearing regarding John Carroll University's plans for the future because the university has not filed an application with the City. Mr. Reichek stated that once JCU files the application, it should go through the various departments, the Planning Commission, Board of Zoning Appeals, if applicable, and then to the City Council.

Mr. Reichek inquired if Councilman Bernardo intends to recuse himself from deliberations and voting on any issues regarding John Carroll University since he is an employee of the university. Mr. Bernardo stated that he will recuse himself because of a conflict of interest.

Acting Law Director Robert G. Mansour stated that the University Affairs Committee has been investigating the issues regarding John Carroll University and the committee will hold a public work session to obtain input from the public. He noted that since there is no formal application pending before the City, no formal action would be taken at the work session. Councilman Consolo concurred that no action will be taken at the session, just public comments will be heard.

Dora Pruce, director of Government and Community Relations, John Carroll University, presented written comments, which is attached hereto and made part of this record. She noted that at the December 29, 2008 meeting, JCU will present detailed answers to the questions raised by Council members of the University Affairs Committee at the December 4, 2008 meeting with John Carroll University. Ms. Pruce thanked City Council for the progress made thus far and stated that JCU stands ready to cooperate with the City for the future of University Heights and John Carroll University.

Cathy Rezos, 2530 Claver Rd., requested a copy of the original conditions imposed on John Carroll University when the Don Shula Stadium construction was approved. Mrs. Rezos was given the public notice of the December 29, 2008 meeting which had the conditions attached. She noted that the residents are very concerned about the prospect of the lights at the stadium being on until 11:00 pm.

Matthew Ginley, 2639 Kerwick Rd., inquired as to who has the ultimate decision on the issues regarding John Carroll University. Mayor Rothschild stated that the committee will make a recommendation to the Mayor and Council. However, once an application is made, the matter will be heard by the Planning Commission and perhaps the Board of Zoning Appeals, followed by a final approval by the Council.

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

Mayor Rothschild reported that the U.S. Conference of Mayors and Governor Strickland, through the First Suburbs Consortium, has requested "shovel-ready projects" which would qualify for large scale infrastructure funding programs to be considered by the U.S. Congress. She stated that City Engineer Joseph Ciuni prepared a list of projects and the City has submitted the shovel-ready projects for possible funding.

Mayor Rothschild reported that several letters and emails have been received regarding the proposals of John Carroll University.

Mayor Rothschild stated that she has also received correspondence regarding the City's new "sensible salting" policy. She explained that under the new salting policy all streets will be plowed, but only the main streets, intersections and hills will be salted. Mayor Rothschild further explained that the salt situation was created by the owners of the salt mines, who are selling salt outside of Ohio at outrageous rates, creating a shortage in Ohio. She also noted that the City has no choice but to continue with the salting policy. In fact, most of the cities in Northeast Ohio have instituted the same policy in order to conserve salt.

Agenda Items:

A. Resolution No. 2008-69 Authorizing a contract with NEO|SO to conduct an Exception Analysis Study (2nd Reading)

Resolution No. 2008-69, which was placed on first reading on December 1, 2008, authorizes the Mayor to enter into a contract with Northeast Ohio Sourcing Office (NEO/SO) for an exception analysis study of the City of University Heights. Mayor Rothschild stated that Councilwoman Goldberg obtained two (2) additional proposals for similar studies. She requested that the second reading of the ordinance be tabled until Ms. Goldberg is present.

MOTION BY MR. MURPHY, SECONDED BY MR. BERNARDO to table Resolution No. 2008-69 until January 5, 2008. On roll call, all voted "aye."

B. Ordinance No. 2008-71 Amending the 2008 Appropriations

Ordinance No. 2008-71 amends Ordinance No. 2008-05 for the purpose of authorizing amended final appropriations for the period of January 1, 2008 through December 31, 2008, for the current expenses and other expenditures of the City of University Heights, Ohio.

MOTION BY MR. SIMS, SECONDED BY MRS. ZUCKER to approve the passage of Ordinance No. 2008-71 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

C. Resolution No. 2008-72 Requesting the PUCO to extend the current NOPEC generation discount until First Energy's permanent electric rate plan is approved by the PUCO so residents will not lose the current 5% NOPEC generation discount beginning January 1, 2009

Resolution No. 2008-72 requests the Public Utilities Commission of Ohio (PUCO) to extend the current 5% NOPEC generation discount until First Energy's permanent electric rate plan is approved by the PUCO so residents will not lose the discount beginning January 1, 2009.

Councilman Sims, University Heights' representative to NOPEC, gave an overview of the NOPEC's meeting held on November 13, 2008 at which this and other matters were discussed. Mr. Sims stated that action was taken to make it less onerous for members to withdrawal from NOPEC's electric or natural gas aggregation program. He noted that there were also changes to the by-laws in order to ensure proper representation through proxy vote at the annual meetings. The annual budget for 2009 was also approved. The budget consisted of approximately \$1.1 million in revenues and approximately \$967,000 in expenses, leaving \$133,000 in net profits. Mr. Sims announced that two (2) new members, the City of Seven Hills and Trumbull County, were admitted into NOPEC. Seven Hills will participate in the natural gas aggregation. Trumbull County will participate in both the natural gas and electric programs. Mr. Sims reported that very favorable natural gas rates were announced - winter \$9.95/mcf and \$9.50/mcf going into the summer.

Mr. Sims also noted that Resolution No. 2008-72 will support NOPEC's effort to ensure that FirstEnergy does not charge residents the 5% fee which is the current 5% NOPEC generation discount. He added that NOPEC customers are faced with a 20% premium if FirstEnergy's Energy Security Plan is approved, as submitted. NOPEC is attempting to save \$55 million over the next two years and will be defeated if the plan is approved, as submitted. Mr. Sims stated that NOPEC has saved residents of its member communities over \$80 million. Councilman Sims recommended passage of Resolution No. 2008-72.

Mayor Rothschild thanked Mr. Sims for his report. Mayor Rothschild noted that the general public has paid for FirstEnergy's Perry Nuclear Power Plant several times over through stranded costs, transmission costs and the like. She noted that FirstEnergy has not maintained its equipment over the years, but is now attempting to do so.

MOTION BY MR. SIMS, SECONDED BY MR. MURPHY to approve the passage of Resolution No. 2008-72 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

Mayor Rothschild added another item to the agenda.

D. Authorizing Emergency Repairs at 2395 Warrensville Center Road

Service Director Christopher Vild reported that a sewer backup occurred at 2395 Warrensville Center Road on December 5, 2008 due to a blockage caused by a damaged sewer line. Three (3) quotes were obtain from AAA Pipe Cleaning Service (\$12,400), NOCE Construction (declined to quote) and Imperial Waterproofing (\$11,000) to make emergency repairs to the damaged sewer line. The job was awarded to Imperial Waterproofing. Once work commenced, it was apparent that there was additional undermining which required additional work. The entire sewer line from the curb to the main had to be replaced, which cost an additional \$1,000. Mr. Vild recommend that payment be authorized to Imperial Waterproofing in an amount not to exceed \$12,000 for sewer repairs at 2395 Warrensville Center Road. The expenditure will be paid from the Sewer Fund.

Mr. Sims inquired if Mr. Vild has a list of companies to call in an emergency situation. Mr. Vild replied that he contacts companies that the City has used in the past, those with the proper equipment and those companies who can respond right away.

Mr. Vild added that he would like to consider having an annual sewer maintenance contract in order to have a company on retainer for emergency purposes. Mr. Sims requested that Mr. Vild expand the list of companies who are contacted for routine and emergency situations to ensure the list includes businesses owned by women and minorities.

MOTION BY MR. SIMS, SECONDED BY MRS. ZUCKER to authorize payment to Imperial Waterproofing in an amount not to exceed \$12,000 for emergency sewer repairs at 2395 Warrensville Center Road. On roll call, all voted "aye."

E. 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:

Police Chief Gary Stehlik reported that the Police Department received \$1,000 from Target for the purchase of radios through a law enforcement grant.

Chief Stehlik also reported that as a result of the collaborative between John Carroll University, the University Heights Police Department, the Prosecutor's Office, and various women advocate groups, a \$300,000 grant for a three-year program addressing violence against women was secured. He noted that John Carroll University is currently seeking a director for the program. Chief Stehlik mentioned that the City will receive funds for equipment for the Detective Bureau.

Mr. Sims congratulated Chief Stehlik for his efforts in securing funds, and he suggested that it be confirmed that the process be open and widely publicized to ensure the greatest degree of diversity and inclusion in the selection the director and other staff members of the program. Mr. Bernardo stated that JCU has a new hiring policy which is very inclusive.

Service Director Christopher Vild did not have a report, but Mr. Sims inquired into the status of the water main break at 3814 Groveland Road. Mr. Vild stated that Cleveland Water fixed the leak on Friday, December 12, 2008 and the City will be reimbursed for the repair.

Vice Mayor Zucker inquired into the status of the water leak on Green Road at University Parkway. Mr. Vild stated that a temporary repair will be made with cold patch and the permanent repair will be made in the spring once the asphalt plants reopen.

Mr. Vild reported that the Silsby Road repairs between Milton and Green have been completed. He also noted that the crews will make one more leaf collection pass through the city.

Community Coordinator Walter Stinson reported that he will include an article in a forthcoming newsletter about the grant funds received from Target for the Police Department.

Mr. Stinson also reported that he submitted twenty-four (24) projects to the U.S. Conference of Mayors for the Economic Main Street Stimulus Program. He noted that of the 427 cities in the United States, only 14 cities in the state of Ohio have submitted projects, University Heights included. Mr. Stinson noted that many of the projects could be completed within the next two years if the federal government supplies the funds.

Mr. Sims suggested that the information on school modernization be sent to the Cleveland Heights-University Heights City School District.

Building Commissioner David Menn reported that the Building Department will be looking into grants to fix vacant and foreclosed properties. He noted that land banking may be an option in the near future.

City Engineer Joseph R. Ciuni reported that he prepared a list of shovel-ready projects for Governor Stickland's Office as well as the U.S. Conference of Mayors. He reported that the City did not receive the Issue 2 grant for the University Parkway Road Resurfacing project. However, it is on the list of shovel-ready projects. Mr. Ciuni noted that the roadway will have to be replaced next year. He added that the project could be done in two phases, if necessary: Phase 1) Milton to Green and Phase 2) Bromley to Milton. Mr. Ciuni also reported that the restoration portion of the water line projects will be completed in the spring.

Mr. Ciuni reported that the new lights have been installed at Purvis Park. He also noted that the Cedar Road project is complete with the exception of re-timing the traffic signals.

Committee Reports:

Building Committee Chairman Peter R. Bernardo reported that he will schedule a committee meeting for a date during the second week of January. The agenda will consist of discussion on the price of rental permits, granting an exception to families with respect to rental permits, and extending rental permits to apartment buildings.

University Affairs Committee Chairman Frank Consolo reported that the committee met on December 4, 2008. The minutes have been distributed. Councilman Consolo noted that the meeting resulted in eleven (11) recommendations. A public meeting will be held on December 29, 2008 at 7:00 p.m. to discuss two (2) of John Carroll University's priority items. The first being the proposed area for a play field, and the second being amended use of Shula Stadium. Mr. Consolo noted that the location of the meeting was changed from City Hall to John Carroll University Green Road Annex to accommodate all interested parties.

Councilman Consolo noted that he met with Father Neihoff, president of John Carroll University, on Thursday, December 11, 2008. He noted that Father Neihoff is committed to working with the City on an ongoing basis. Mr. Consolo stated that he received five emails regarding JCU's issues and placed the senders names into the record: Ron Zucca, Michael Kirincic, Matthew Ginley, Trish Rhoa, and Pasqualeen Kessinger.

Finance Committee Chairman Steven Sims reported that Vice Mayor Zucker and he attended a meeting hosted by State Senator Shirley Smith, District 21. The State Office of Budget and Management made a presentation which is available online. Mr. Sims stated that the budget is the lowest growth budget in Ohio in 42 years. \$1.3 billion has been cut from the budget with departments operating at 87% with another \$640,000 million needing to be cut. The revenue projection will be down for 2008 and in all upcoming years, including 2009, 2010, 2011. Mr. Sims stated that the Local Government Funds (LGF) float with the budget so if the budget is down LGF are down. Therefore, LGF from the State of Ohio will have an impact on University Heights putting further strain on its budget as well.

Service & Utilities Committee Chairman Adele H. Zucker reported that she will schedule a meeting meet during the first week of January.

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

Mayor Beryl E. Rothschild

Nancy E. English, Clerk of Council