

Law Director Kenneth J. Fisher

MOTION BY MS. GOLDBERG, SECONDED BY MR. BERNARDO to reappoint Kenneth J. Fisher as Law Director. On roll call, all voted “aye.”

Mr. Fisher was not present at the meeting; therefore, he will be sworn in at a later date.

Assistant Law Director/Prosecutor William T. Doyle

MOTION BY MRS. ZUCKER, SECONDED BY MR. MURPHY to reappoint William T. Doyle as Assistant Law Director/Prosecutor. On roll call, all voted “aye.”

Judge Montgomery administered the oath of office to Mr. Doyle.

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

(a) Announcement of Reappointments by Mayor and Oaths of Office

Mayor Rothschild announced the following reappointments: Director of Finance Arman R. Ochoa, Chief of Police Gary H. Stehlik, Fire Chief John L. Pitchler, Community Coordinator Walter Stinson, Service Director Christopher Vild, Building Commissioner/City Architect William C. Nadeau, Aquatic Director Evan A. Luzar, and Parks Director Melissa Canowitz.

Judge Montgomery administered the oath of office to the group as a whole.

(b) Reappointment of Mayor as Safety Director and Oath of Office

MOTION BY MR. BULLOCK, SECONDED BY MR. MURPHY to reappoint Mayor Beryl E. Rothschild to the position of Safety Director. On roll call, all voted “aye,” except Mr. Consolo, who voted “nay.”

Judge Montgomery administered the oath of office to Mayor Rothschild.

(c) Announcement of Appointments to Council Standing Committees

Before announcing the committees, Mayor Rothschild stated that each Councilman chairs one committee, serves on two others and is an alternate on one committee. She added that all Council members may attend the committee meetings of any committee.

Building Committee: Chair - Bernardo, Zucker and Goldberg (alternate: Murphy)

Civic Information Committee: Chair - Consolo, Murphy and Goldberg (alternate: Sims)

Finance Committee: Chair - Sims, Bernardo and Bullock (alternate: Zucker)

Governmental Affairs Committee: Chair - Murphy, Sims, and Consolo (alternate: Bullock)

Recreation Committee: Chair - Goldberg, Zucker and Murphy (alternate: Consolo)

Safety Committee: Chair - Bullock, Bernardo and Sims (alternate: Goldberg)

Services/Utilities Committee: Chair - Zucker, Bullock, Consolo (alternate: Bernardo)

(d) Election of Council Representatives and Liaisons to Boards and Commissions

Planning Commission

MOTION BY MR. BERNARDO, SECONDED BY MR. MURPHY to appoint Adele H. Zucker as councilmanic representative to the Planning Commission. On roll call, all voted “aye.”

MOTION BY MR. BULLOCK, SECONDED BY MR. CONSOLO to appoint Frankie B. Goldberg as alternate councilmanic representative to the Planning Commission. On roll call, all voted “aye,” except Ms. Goldberg, who “passed.”

Board of Zoning Appeals

MOTION BY MRS. ZUCKER, SECONDED BY MS. GOLDBERG to appoint Peter R. Bernardo as councilmanic liaison to the Board of Zoning Appeals. On roll call, all voted “aye,” except Mr. Bernardo, who “passed.”

MOTION BY MR. CONSOLO, SECONDED BY MR. SIMS to appoint Steven D. Bullock as alternate councilmanic liaison to the Board of Zoning Appeals. On roll call, all voted “aye.”

(e) Announcement of Council Liaisons to Committees and Commissions

Councilmanic Liaison to “Series of Discoveries” Committee: Adele H. Zucker

Alternates: Steven D. Bullock and Frankie B. Goldberg

Councilmanic Liaison to City Beautiful Commission: Steven Sims

Alternate: Peter R. Bernardo

Councilmanic Liaison to Cable Television/Internet Advisory Commission: Frank Consolo

Alternate: Kevin Patrick Murphy

Councilmanic Liaison to Financial Advisory Committee: Steven Sims

Councilmanic Liaison to Parade Committee: Peter R. Bernardo

Alternate: Kevin Patrick Murphy

Councilmanic Liaison to Recreation Advisory Committee: Frankie B. Goldberg

Alternate: Adele H. Zucker

Councilmanic Liaison to Senior Network/TC3: Adele H. Zucker

Alternate: Frankie B. Goldberg

Heights Community Congress: Steven Sims

Alternate: Steven D. Bullock

Mr. Bullock mentioned that Mr. Sims was appointed as councilmanic liaison to three committee and he does not have a primary appointment to any committee. He offered to take one of Mr. Sims assignments. Mayor Rothschild replied that Mr. Bullock does have alternate assignments.

(f) State of the City Report - Mayor Rothschild

Mayor Rothschild postponed the State of the City Report until a future meeting.

Agenda Items:

(a) Moral Claim - Raven Coyote, 3850 Mayfield Rd., Cleveland Heights

Ms. Raven Coyote, who was present, submitted a moral claim on December 23, 2007 for an incident which occurred on December 11, 2007. Ms. Coyote struck a pothole on Warrensville Center Road damaging her tire and rim. The moral claim was in the amount of \$304.88 (quote presented).

Service Director Christopher Vild reported that the area in question was a Cleveland Water Department repair. Mr. Vild stated that he did not receive official notification from Cleveland Water of the repair and was only aware of the hole after motorists had struck it and reported damage to their cars. He noted that since he was not notified of the repair, he could not assume responsible for the maintenance of the site until a permanent repair could be made. Mr. Vild recommended that the moral claim be rejected because the City was unaware of the hole.

Mr. Bernardo inquired if the claimant has recourse to the Cleveland Water Department. Acting Law Director Robert Mansour responded that the claimant would not have recourse against the Water Department. He added that if a lawsuit was filed, it would be against the City because the City has the duty to keep its streets in safe repair.

Mr. Consolo inquired if it would cost the City more than \$300 to defend the lawsuit if the matter went to Small Claims Court. Mr. Mansour replied that it is likely legal fees would exceed the amount of the claim.

Ms. Goldberg inquired if the City could be reimbursed by Cleveland Water if the claims were paid. Finance Director Arman Ochoa replied that Cleveland Water would not reimburse the City, but he could file a claim with the City's insurance company.

Mr. Bullock stated that at some point the City must bring moral claims to an end. Mayor Rothschild referred the consideration of a change to the moral claim policy to the Governmental Affairs Committee of Council. Mr. Bullock suggested that once the policy is addressed and the ordinance amended, it should be communicated to the public, and the City should do its best to keep the streets in the highest possible level of repair and encourage people to drive carefully.

Mr. Bernardo inquired if discontinuing moral claims would mean that the City would no longer handle claims for negligence. Mr. Mansour responded that moral claims are not paid because the City has liability, but rather because the City feels an obligation to reimburse someone for something that happened. He added that if there was a question of liability in this case, the City would most likely win the case in Small Claims Court because Cleveland Water did not notify the City of the repair.

Mr. Bullock entertained a motion to pay the two moral claims before the Council subject to the policy being addressed.

MOTION BY MR. BULLOCK, SECONDED BY MR. CONSOLO to approve the moral claim of Raven Coyote in the amount of \$300.00. On roll call, all voted “aye,” except Mrs. Zucker, who voted “no.”

(b) Moral Claim - Sacha Furre, 3218 Euclid Heights Blvd., Cleveland Heights

Ms. Sacha Furre, who was present, submitted a moral claim on December 12, 2007 for an incident which occurred on December 12, 2007. Ms. Furre struck the same pothole on Warrensville Center Road as the previous claim damaging her tire and rim. The moral claim was in the amount of \$250.57 (quote presented).

Mr. Vild recommended that the moral claim be rejected because the City was unaware of the hole.

MOTION BY MR. BULLOCK, SECONDED BY MR. MURPHY to approve the moral claim of Sacha Furre in the amount of \$250.57. On roll call, all voted “aye,” except Mrs. Zucker, who voted “no.”

(c) Resolution No. 2008-01 Recognizing and Honoring the Heights-Hillcrest Regional Chamber of Commerce on its 60th Anniversary

Resolution No. 2008-01 recognizes and honors the Heights-Hillcrest Regional Chamber of Commerce on its 60th Anniversary on January 19, 2008. The Heights-Hillcrest Regional Chamber of Commerce represents businesses and professionals in Cleveland Heights, Lyndhurst, Richmond Heights, Shaker Heights, South Euclid and University Heights. The resolution will be presented at the Chamber’s gala event on Saturday, January 19, 2008.

MOTION BY MRS. ZUCKER, SECONDED BY MS. GOLDBERG to approve the passage of Resolution No. 2008-01. On roll call, all voted “aye.”

(d) Resolution No. 2008-02 Honoring Rabbi Emeritus Daniel Roberts for his Davis “Tikkun Olam” Award at Temple Emanu El

Resolution No. 2008-02 honors Rabbi Emeritus Daniel Roberts on receiving the prestigious Davis “Tikkun Olam” (Repairing the World) Award which will be presented to him on January 11, 2008 at Temple Emanu El.

MOTION BY MR. SIMS, SECONDED BY MR. BERNARDO to approve the passage of Resolution No. 2008-02. 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.

There were no reports.

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

Mayor Beryl E. Rothschild

Nancy E. English, Clerk of Council