

MINUTES OF COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS
FEBRUARY 17, 2009

Mayor Rothschild called the meeting to order at 7:35 p.m.

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

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

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

Minutes of the regular meeting held on February 2, 2009

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

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to approve the minutes of the February 2, 2009 meeting. On roll call, all voted “aye”.

Black History Month Program - Presented by Councilman Steven Sims

Mr. Sims expressed his appreciation to Mayor Rothschild for her long standing tradition of diversity and inclusion in University Heights. He further thanked Mayor Rothschild for allowing him to arrange the Black History Program this year. Mr. Sims spoke of the usefulness of Black History Month in response to an article published in the Cleveland Plain Dealer and to the feeling that many people may have of a post-racial America which is exemplified by the historical election of the first U.S. President of African American heritage. Councilman Sims written comments are attached hereto in its entirety and made part of this record.

Mr. Sims introduced and thanked the Wiley Middle School Challenge Choir along with its director, Mr. Glynn Brackens, for their performance. He also thanked Wiley’s principal, Ms. Kelli Cogan, for allowing them to attend. Robert Redee, president of the Wiley Challenge Choir, thanked the City for the invitation to participate in the Black History Month celebration. The choir led by Mr. Brackens performed three (3) musical selections: “My Lord What a Morning,” “Oh Magnify the Lord With Me” and “Bless Me.”

Mayor Rothschild thanked the Wiley Challenge Choir and Director Brackens for another terrific performance. She also thanked Mr. Sims for arranging the program and for his message about Black History Month.

Mr. Brackens announced that the Wiley Challenge Choir is in the Fox 8 news Morning Glory Choir Competition, and asked the community to please vote for them via the Fox 8 website, www.fox8.com.

Comments from the Audience:

Sheila Hubman, 2532 Ashurst, suggested that meetings be video taped for the government channel so that presentations like the Wiley Challenge Choir can be shown to the community. She also noted that taping the meetings would be beneficial to the public because the steps are challenging, parking is at a minimum, not everyone has a computer or subscribes to the Sun Press to get information about the City.

James Barker, 14318 Washington Blvd., stated that he felt John Carroll University's requests are not advertised early or well enough to the neighborhood. He further encouraged the City and the university to work together to determine how future requests can be advertised sooner. Mr. Barker was not opposed to John Carroll's current request for the 2009 Cuyahoga County East-West High School Football All-Star Game to be played at Shula Stadium on June 12, 2009.

Vice Mayor Adele Zucker announced that the Cleveland Heights High School Boys Basketball team won its game against Mentor High School on Friday, February 13, 2009 and wished the team well in the LEL Championship Tournament.

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

Mayor Rothschild noted that the Heights-Hillcrest Regional Chamber of Commerce is holding their annual business expo on Tuesday, May 5, 2009 from 3pm - 7pm at Landerhaven.

Mayor Rothschild also noted that the Carroll News is available and has a article about the university and its apartment buildings.

Agenda Items:

A. Introductions: Nancy Levin, Director of Cleveland Heights - University Heights Public Library, and Aurora Martinez, Branch Manager of University Heights Public Library.

Mayor Rothschild introduced Nancy Levin, director of Cleveland Heights - University Heights Public Library, and Aurora Martinez, branch manager of University Heights Public Library.

Ms. Martinez presented officials with the new re-usable tote bags that are in all four (4) of the Heights public libraries. Ms. Martinez was recently interviewed by Community Coordinator Walter Stinson for an upcoming production of the City's cable program, "University Heights Today." Ms. Martinez looks forward to learning more about University Heights.

Ms. Levin stated that there are a lot of new employees at the library and she welcome any new ways they can interact with the community, schools, police and social services. She reported that approximately 1,800,000 books are circulated per year. In the two (2) cities of Cleveland Heights and University Heights, the per capita circulation is approximately 24 books per person. She noted that the Heights libraries have the most computers per person in the entire library system in Ohio. The library system welcomes all students every day after school in all of the branches with daily after-school programs. One of which is the SPOT program (designed for teenagers) and has been in each of the branches for the last five years. This program has led to a Senior SPOT program in the University Heights branch. Each branch is beginning to develop its own identity, the University Heights branch is becoming the senior hub in the system. It was also mentioned that the story hour will continue at Purvis Park this summer.

Ms. Levin invited everyone to a Friends reorganization meeting on March 22, 2009 between 2pm - 4pm. There will be a speaker who is an expert on Friends Program throughout the State of Ohio and has many innovative ideas. It was Ms. Levin's hope that the Friends groups will not only be used to sell books to the community, but will also be a community service organization.

Mr. Stinson stated that the segment on the Heights Library system with Ms. Levin and Ms. Martinez will be aired on Channel 22, on Sundays beginning March 1, 2009 and throughout the month of April at various times.

Ms. Levin stated that both she and Ms. Martinez will be in Columbus, Ohio on March 11, 2009 to meet with the State legislators to promote libraries and ensure that funding stays adequate for the Ohio library systems.

B. Resolution No. 2009-05 Supporting the Vacant Residential Property Fund

Resolution No. 2009-05 supports the City's application to the Vacant Residential Property Fund, which is a pilot project of the Board of Cuyahoga County Commissioner, to establish a rehabilitation program. Building Commissioner David Menn stated that the City is in the process of applying for a grant in the amount of \$279,000 through the First Suburbs Development Council.

The resolution will be part of the application packet and would allow the City to obtain funds for vacant or foreclosed homes. The monies could help provide funds for maintenance repairs, demolition or whatever is needed. Mr. Menn remarked that Inspector Zak Hayek has put a lot of time and effort into preparing the application with Community Coordinator Walter Stinson.

Mr. Sims asked if this is a competitive grant and the total amount of funds available. Mr. Menn stated he did not know the total funds available, but he mentioned that all the cities in the inner-ring suburbs are eligible to apply. He noted that the last time this fund was offered only two or three cities applied, and Shaker Heights received all the funds, but the funds could be divided up between various communities.

Mayor Rothschild stated the City received a small grant for storefront renovations of the K's Mens Store at Cedar Center.

Mr. Menn stated that Cuyahoga County will start a land banking program which should be in place by April of 2009. The City is making every effort to be part of this program as well.

MOTION BY MR. BERNARDO, SECONDED BY MRS. ZUCKER to approve the passage of Resolution No. 2009-05 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. 2009-06 Authorizing a professional services agreement with GT Environmental, Inc. to evaluate the City's solid waste collection services

Resolution No. 2009-06 authorizes the Mayor to enter into a professional services agreement with GT Environmental, Inc. to evaluate the City's solid waste collection services to identify operational efficiencies, cost saving and alternative collection systems at a cost not to exceed \$10,000. Vice Mayor Zucker stated that the Service and Utilities Committee has been considering this item since August of 2008. There has also been discussion by Council as a whole to evaluate the existing collection program and consider possible changes to the current system.

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to approve the passage of Resolution No. 2009-06 as an emergency measure. On roll call, on suspension of rules, all voted "aye," except Mr. Murphy who voted "nay." On roll call, on passage, all voted "aye," except Mr. Murphy who voted "nay."

Mr. Bullock asked if NEO|SO will look at rubbish collection in its exceptions analysis as he felt that there could be some duplication with the GT Environmental evaluation. Mayor Rothschild stated that it would not be a duplication because the two studies will be looking at different aspects. Mr. Murphy replied that NEO|SO will look at the rubbish collection function, but they will not do a detailed analysis. Mr. Bernardo remarked that it was his understanding that GT Environmental will be looking at the rubbish routes, equipment, front yard versus back yard pickup, and the potential for significant savings.

Mr. Murphy stated that although he thinks that efficiency and cost savings is good, he voted against the resolution because the City cannot continue to operate as an isolated community. He felt that anytime such programs are being considered, the City should involve Beachwood, Cleveland Heights, South Euclid, Shaker Heights. Vice Mayor Zucker stated that Cleveland Heights is considering a study, but was not ready.

Mr. Sims commented on Mr. Bullock's question in regards to duplication of services and suggested that Council speak to David Akers of NEO|SO about his analysis study. Mr. Sims spoke of Mr. Akers indication that his company's level of analysis would not come close to approaching what the GT study would do. Ms. Goldberg concurred with Mr. Sims, in that Mr. Akers indicated his study would not have the same specificity as the GT study with regard to garbage collection. Mr. Bullock was not convinced that services would not be duplicated.

D. Ordinance No. 2009-07 Awarding the 2009 Catch Basin, Inlet, Sewer Cleaning & Television Program

Ordinance No. 2009-07 awards the 2009 Catch Basin, Inlet, Sewer Cleaning & Television Program to the lowest and best bidder, AAA Pipe Cleaning, in an amount not to exceed \$27,450.00. City Engineer Joseph R. Ciuni stated that the program is for the annual cleaning of 350 catch basins (1/3 of the city) along with cleaning and televising the sewers.

Bids were opened on February 12, 2009 and a total of six (6) bids were received. The lowest bid was received from AAA Pipe Cleaning in the amount of \$27,450.00. Mr. Ciuni stated that \$50,000 is budgeted for this project and suggested that more sewers be cleaned because the bids were quoted on unit pricing. Mr. Ciuni recommended that the City accept the bid and enter into contract with AAA Pipe Cleaning.

Service Director Christopher Vild stated that it takes approximately one (1) month to clean the catch basins. The catch basin program has been in effect for several years and the basins are in good condition because they are cleaned every two (2) to three (3) years. Mr. Vild remarked that if the City is considering using the entire budgeted amount of \$50,000 then he would like to have the monies exceeding the \$27,450 earmarked for main line sewer cleaning and filming because the City is behind in that work. Mayor Rothschild suggested that Mr. Vild come back to Council at a later time for that consideration.

Mr. Sims asked for clarification, in regards to which budget was being referred to. Finance Director Arman R. Ochoa stated that the funds will be paid from the Sewer Assessment Fund, not the Operating Budget.

MOTION BY MRS. ZUCKER, SECONDED BY MR. BERNARDO to approve the passage of Ordinance No. 2009-07 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

E. Motion to reject the bids for the 2009 Emergency Sewer Repairs and to re-advertise for bids

Mr. Ciuni stated that bids for the 2009 Emergency Sewer Repairs were opened on Thursday, February 12, 2009 bids at 12:00 noon. After the bids were opened two (2) additional companies brought in bids stating that they were instructed by a GPD Group employee that the bids were due by Thursday, February 12, 2009 at 1:00pm. Because of the confusion, Mr. Ciuni recommended that all the bids received be rejected and to re-advertise and re-open the bids. GPD Group will pay for the cost of advertising again.

MOTION BY MRS. ZUCKER, SECONDED BY MRS. GOLDBERG to reject the bids for the 2009 Emergency Sewer Repairs and to re-advertise for bids. On roll call, all voted "aye,"

F. Motion to advertise for bids for the Purvis Park Concession Operation

Mrs. Goldberg requested the City advertise for bids for the Purvis Park Concession Operation. Mr. Bullock asked if the concession stand generates any revenue for the City. Mr. Ochoa stated that the City receives between \$800 and \$1,200 per year in commission fees or 15% of the sales.

MOTION BY MRS. GOLDBERG, SECONDED BY MRS. ZUCKER to advertise for bids for the Purvis Park Concession Operation. On roll call, all voted "aye."

G. Motion to advertise for bids for planting of tree lawn trees

Mr. Vild stated that there are 134 locations around the city to plant tree lawn trees. These trees will be 1 $\frac{3}{4}$ " in diameter with a minimum of 6' in height. Many of the trees are replacements or trees requested by residents.

Mrs. Zucker mentioned that she is aware that ash trees should be removed and asked how many ash trees there are in the city. Mr. Vild replied that there are 208 ash trees in the city. He stated that letters went out to residents with ash trees on their tree lawns, in hopes that residents will voluntarily allow the City to remove the trees over a period of time. This will save the City from having to remove all 208 ash trees when the Emerald Ash Borer gets to the Greater Cleveland area. Any tree that is removed will be replaced with the best type of tree for that area. If the resident wants to select the type of tree to be planted they will be provided with a list of different types of trees that are best suited for the area. Currently, the removal of ash trees is completely voluntary but, if a tree develops Emerald Ash Borer it will become mandatory that the trees be removed. This program only concerns the tree lawn trees. If a resident wants the City to check trees on their personal property, they can call and the department will survey the trees on their property, but will not remove them.

Mr. Sims questioned if a species list is provided in the bids specification for the 134 locations. Mr. Vild responded yes, that tree species have already been selected for homes on the list, and out of that list, the tree listing for the bid specification packets was comprised.

Mr. Sims also questioned the reason for diversifying different trees on a street and why the same tree species are not planted together on the entire street. Mr. Vild explained that the logic in diversifying the city's urban forest is that most insect diseases are host specific so if the City mixes up various species of trees when an insect disease hits, the entire street is not affected. Mr. Sims mentioned that he personally prefers tree lawn trees to look uniform. Mr. Vild stated that he will be looking at Warrensville Center Road and other barren streets to replant.

Vice Mayor Zucker congratulated Mr. Vild on the City being awarded "Tree City USA" from the Arbor Foundation. Mr. Vild noted that University Heights is the second oldest "Tree City" winner in Cuyahoga County.

MOTION BY MRS. GOLDBERG, SECONDED BY MRS. ZUCKER to advertise for bids for planting of tree lawn trees. On roll call, all voted "aye."

H. Motion to permit the 2009 Cuyahoga County East-West High School Football All-Star Game to be played at John Carroll University's Don Shula Stadium on Friday, June 12, 2009

Mr. Consolo stated that the game will run from 7:00pm - 9:00pm. The same game was held at John Carroll University in 2006 and 2007. The University Affairs Committee recommended passage based on the hours of 7:00pm - 9:00pm and that the parking will be located on the campus since school will not be in session.

Ms. Goldberg stated that the neighboring residents should be notified of the game. John Carroll University will be asked to notify the neighboring residents of the game.

MOTION BY MR. CONSOLO, SECONDED BY MR. MURPHY to permit the 2009 Cuyahoga County East-West High School Football All-Star Game to be played at John Carroll University's Don Shula Stadium on Friday, June 12, 2009 starting at 7:00pm. On roll call, all voted "aye."

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

Mayor Rothschild requested an executive session for the purpose of discussing personnel matters.

MOTION BY MR. CONSOLO, SECONDED BY MR. BULLOCK to hold an executive session immediately following this regular meeting for the purpose of discussing personnel matters; once in executive session, if the Law Director determines that it is not a proper topic then Council will move out of executive session. On roll call, all voted "aye."

Directors' Reports:

Finance Director Arman Ochoa stated that the auditors began their audit on Monday, February 16, 2009 and will be at City Hall for one week.

Fire Chief John Pitchler thanked Mayor Rothschild, Vice Mayor Zucker, City Council members, City Directors, firefighters, City employees, and University Heights residents for their support during his family's tragedy. Chief Pitchler gave a positive update on his father's condition. Mayor Rothschild offered continued well wishes.

Committee Reports:

Building Committee Chairman Peter Bernardo reported that the minutes from the previous Building Committee meeting have been distributed. The next meeting is scheduled for February 18, 2009, 7:30pm, at that time the committee will review rental fees for homes and apartments, rental signs and the release of rental permits for families.

Finance Committee Chairman Steven Sims reported that the next Finance Committee meeting will be on February 19, 2009 at 7:00pm in the Council Chambers. The Finance Advisory Committee meeting will be on February 26, 2009 at 7:00pm in the Council Chambers.

Governmental Affairs Committee Chairman Kevin Patrick Murphy reported that the Governmental Affairs Committee is still moving forward with the Call for Action Program and it should be unveiled next month.

Recreation Committee Chairman Frankie Goldberg reported that the Recreation Advisory Meeting has been rescheduled for Wednesday, February 25, 2009 at 7:00pm in Council Chambers.

There being no further business to discuss, the Council recessed into executive session, the Law Director ruled that the matter to be taken up was not appropriate for executive session. Therefore, the meeting was adjourned.

Mayor Beryl E. Rothschild

Nancy E. English, Clerk of Council

