

MINUTES OF COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS  
MARCH 2, 2009

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

Roll Call: Present: Mrs. Adele H. Zucker  
Ms. Frankie B. Goldberg  
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  
Law Director Kenneth Fisher  
Finance Director Arman R. Ochoa  
Chief of Police Gary Stehlik  
Fire Chief John Pitchler  
Community Coordinator Walter Stinson  
Service Director Christopher Vild  
Building Commissioner David Menn  
City Engineer Joseph R. Ciuni

**MOTION BY MS. GOLDBERG, SECONDED BY MR. BULLOCK to excuse the absence of Mr. Sims. On roll call, all voted “aye.”**

Pledge of Allegiance

Minutes of the regular meeting held on February 17, 2009

There were no corrections or additions to the minutes of February 17, 2009.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. BULLOCK to approve the minutes of the February 17, 2009 meeting. On roll call, all voted “aye.”**

Comments from the Audience

Harvey Morrison, 2424 White Road, chairman of the Charter Review Commission (CRC), reported that he presented a report as required under Ordinances No. 2008-45 during the CRC meeting of January 27, 2009. He repeated the report which is attached hereto and made part of this record.

Mr. Sims entered the meeting at 7:40 p.m.

Mr. Morrison stated that no decision has been made as to the form of government. He mentioned that some residents have indicated they were not aware of the commission and its meeting schedule. Mr. Morrison accepted Mayor Rothschild's offer of November 25, 2008 and encouraged Council's support to publicize the CRC meeting dates through the CityWatch telephone notification system.

Steven D. Bennett, 3761 Hillbrook Road, asked the Law Director if it is true that regardless of the CRC recommendations, University Heights voters will elect a Mayor at the November election to serve a four (4) year term commencing January 1, 2010 and ending December 31, 2013. Law Director Kenneth J. Fisher responded if no charter amendments go on the ballot in August of 2009, then yes there would be election in November where a Mayor would be elected for a four (4) year term commencing January 1, 2010, subject to any charter amendments recommended by the CRC and passed by the voters. Mr. Bennett suggested that an article amendment changing the position of Mayor could in essence effect a recall of a Mayor. He asked if the situation would withstand judicial review. Mr. Fisher replied that if a change in the form of government was passed at the November election from Mayor-Council to Council-Manager (for example) by the voters then it would withstand judicial scrutiny, subject to further review. He added that if the change of government passed in November, once the election is certified, the new charter would be in place. Mr. Bennett stated that he believes there would be a conflict with the timing of the two issues being placed on the ballot together. He requested that the scenario be thoroughly considered to determine if it is allowable Ohio Election Law. Mr. Bennett suggested that the amendments should not take effect until January 1, 2014.

Responding to Mr. Bennett's comments, Mr. Morrison stated that the intention of the Charter Review Commission is not to change the form of government. He added that the CRC expects to have issues on the ballot for the November election. Mr. Morrison pointed out that candidates who will be running for Council or Mayor will be running under the existing charter. He also mentioned that if the commission would change to a City Manager form of government, the change would not take effect until 2014, but added that chances are the commission will not make this recommendation.

Mayor Rothschild inquired as to how much a special election would cost. Ms. Goldberg replied that a special election would cost approximately \$60,000.

Kate Uhlir, 2448 Fenwick Road, requested that the Mayor and Council schedule a town hall meeting with the Charter Review Commission so that the issues regarding the charter review process and possible amendments can be thoroughly discussed with resident input. Ms. Uhlir requested that the town hall meeting be well publicized.

Bert Siebert, 2645 Whiton Road, a 60-year resident, stated that University Heights is a city of 1.9 sq. miles and he feels the government is too big with seven (7) council members.

Eric Pardee, 2343 Charney Road, a 24-year resident, stated that he was very distressed with the town meeting which was held on Monday, February 23, 2009 at Gearity Elementary School. He mentioned that it was a good opportunity to educate the community about all sides of the charter review process and to introduce the members of the Charter Review Commission. However, only one side of the issue was presented. He suggested that Council take the lead to resolve this issue in the best interest of the community.

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

Mayor Rothschild reported that the Harvest for Hunger Campaign is underway and runs through March 31, 2009. Donations of non-perishable food items as well as monetary donations may be dropped off at City Hall.

Agenda Items:

**A. Ordinance No. 2009-08 Authorizing the purchase and installation of a digital recording sound system for the Council Chambers**

Ordinance No. 2009-08 authorizes the purchase and installation of a digital recording sound system for the Council Chambers from Norlson, Inc. in an amount not to exceed \$14,892.00. This item was considered and approved by the Finance Committee of Council.

**MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2009-08 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."**

**B. Ordinance No. 2009-09 Accepting a Quit-Clam Deed from Catherine Harbourt**

Ordinance No. 2009-09 accepts a Quit-Claim Deed from Catherine Harbourt for the property located at 2608 Ashurst Road (PPN 722-26-028). This property has been vacant for several years and is in deplorable condition.

**Ordinance No. 2009-09 was placed on first reading. There were no objections.**

**C. Ordinance No. 2009-10 Repealing Section 1250.02(d)(4) of the Codified Ordinances relative to "For Rent" and "Vacancy" signs**

Ordinance No. 2009-10 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. Building Commissioner David Menn reported that the Building Committee of Council met to consider this item. He added that the ordinance removes "for rent" and "vacancy" signs from windows and Ordinance No. 2009-11 establishes regulations for the signs to be placed on the lawn.

**Ordinance No. 2009-10 was placed on first reading. There were no objections.**

**D. Ordinance No. 2009-11 Establishing Section 1270.11(a)(5) of the Codified Ordinances relative to “For Rent” and “Vacancy” signs**

Ordinance No. 2009-11 establishes Section 1270.11(a)(5) of the Codified Ordinances providing regulations for “for rent” and “vacancy” signs to be placed on the lawn.

**Ordinance No. 2009-11 was placed on first reading. There were no objections.**

**E. Ordinance No. 2009-12 Amending Section 1280.10(f) of the Codified Ordinances decreasing select rental permit fees**

Ordinance No. 2009-12 amends Section 1280.10(f) of the Codified Ordinances by decreasing select rental permit fees. The fee for a rental permit for a single-family dwelling was reduced from \$500 to \$300. The fee for a rental permit for both units of a two-family dwelling was reduced from \$700 to \$400. The fee for a rental permit for one unit of a two-family dwelling was reduced from \$350 to \$300. Mr. Bernardo reported that the fees were raised last year and took effect January 1, 2009. However in light of the hard economic times, City officials decided to lower the fee with a modest increase of \$50 to cover the cost of inspections.

**MOTION BY MR. BERNARDO, SECONDED BY MRS. ZUCKER to approve the passage of Ordinance No. 2009-12 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”**

**F. Ordinance No. 2009-13 Amending Ordinance No. 2007-05 adopting and establishing rules and regulations for the operation of the municipal recreational facilities**

Ordinance No. 2009-13 amends Ordinance No. 2007-05 in order to adopt and establish the 2009 Rules and Regulations for Purvis Park. Councilwoman Goldberg reported that fees for recreation passes increased as follows: senior citizen (62 plus) passes went from \$10 to \$15; youth passes went from \$20 to \$30; adult passes (18-61) went from \$30 to \$40; family passes went from \$70 to \$90; and sitter passes went from \$30 to \$40. The fee for adult tennis lessons increased from \$20 to \$25. Also, there will be a new fee of \$20 for participation in the youth tennis teams. All increases were considered and approved by the Recreation Committee of Council and the Recreation Advisory Committee.

**MOTION BY MS. GOLDBERG, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2009-13 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. 2009-14 Authorizing an agreement with the Ohio Department of Transportation for the purchase of road salt**

Ordinance No. 2009-14 authorizes an agreement with the Ohio Department of Transportation (ODOT) for the purchase of road salt for the 2009-2010 winter season. The enrollment deadline is March 25, 2009. Service Director Christopher Vild recommended partnering with ODOT because it would be the City’s best opportunity to secure a salt contract for 2009-2010. He estimated the rate to be around \$40 per ton. Mayor Rothschild recommended that the agreement be authorized in view of the City not being able to obtain a contract for road salt this year.

Mr. Sims inquired as to how much salt is intended to be purchased, how the salt will be delivered, how much salt has been used so far this season, how much salt is on reserve, and how well the sensible salting program has been working. Mr. Vild replied that the City’s annual usage is approximately 4,000 tons, but his estimate in the past for the per season purchase was 6,000 tons in order to have enough salt in the event of a heavy snowfall season. However, if the sensible salting program will continue into the 2009-2010 season, he will reduce the amount of the per season purchase amount. Mr. Vild noted that he started the season with 2,300 tons of salt and purchased an additional 1,100 tons amounting to a total of 3,400 tons. To date 1,800 tons have been used this season with 1,600 tons currently left in reserve. Mr. Vild noted that the delivery is included in ODOT’s cost and the salt will be delivered to the City’s destination of choice. With regard to the sensible salting policy, Mr. Vild reported that there has been at least a 30% reduction in salt usage since instituting the program. He added that the department has not seen a difference in manpower hours and the citizen complaints stopped by mid-January.

Mr. Consolo asked if there is a minimum order requirement on the salt purchase and if the City can opt out of the program if it finds a better deal. Mr. Vild replied that there is no minimum order requirement and added that the City will be locked into the deal.

Ms. Goldberg inquired if more cities are going with ODOT this year. Mr. Vild replied he did not take a poll, but several cities that were in the NEO|SO consortium this year are contracting with ODOT next year. Mr. Bullock asked if the large number of cities will effect ODOT's ability to deliver the salt. Mr. Vild did not foresee a problem with delivery and added that securing a contract is the most important thing right now.

Mr. Fisher advised that the City has to take action now in order to be part of the ODOT program for next year. He agreed that it is the best and most prudent move. Vice Mayor Zucker thanked Mr. Vild for his due diligence in finding a program that is best for the City.

**MOTION BY MRS. ZUCKER, SECONDED BY MS. GOLDBERG to approve the passage of Ordinance No. 2009-14 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 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:

**Fire Chief John Pitchler** reported that six (6) cities cooperated in 2007 to secure a \$1.2 million grant for a new communication system. After being awarded the grant, the cities begin to purchase and install the equipment in 2008. He stated that as of two weeks ago, the new system is fully operational and the cities throughout the county can communicate with one another.

Chief Pitchler reported that he has applied for federal stimulus funding through the State of Ohio. He applied for a new fire station, new fire engine and a new rescue squad. Chief Pitchler also mentioned that the stimulus funding for fire departments will come from the Fire Grant Act, which will not be available for a few months. He added that once applications are being accepted, he will apply through that grant for a new fire engine as well. Mr. Sims inquired if there is a local match for the funds through the Fire Grant Act. Chief Pitchler replied that there is usually a 10% to 20% match. He mentioned that the Cuyahoga County picked up the 10% local match for the new communication system, but the City would have to pay the match for the fire engine.

Mayor Rothschild stated that the City applied for several projects under the federal stimulus initiative, but was not listed under the projects on the state website, [www.recovery.ohio.gov](http://www.recovery.ohio.gov), even though confirmation emails were received. She noted that all projects were submitted again and are now showing up on the project list.

**Chief of Police Gary Stehlik** reported that he has applied for a new police station, communications equipment and vehicles under the stimulus program, which did show up on the list through the State. Chief Stehlik mentioned that funds are also available under the Byrne Grant through the State and direct funding through the COPS program for laid off policemen. He added that other existing resource streams will also be funded which have not been announced, but he will continue to check on those funding sources.

**Service Director Christopher Vild** reported that he applied for federal stimulus funds for Ash tree removal and replacement. Councilman Sims noted that Shaker Heights received \$550,000 for a similar program. Mr. Vild will determine what funding source the City of Shaker Heights received.

**Building Commissioner David Menn** reported that he applied for the Neighborhood Stabilization Program funds under the federal stimulus initiative to help with vacant and foreclosed properties. He did receive confirmation that his application was on the list and he followed up with a phone call to verify that fact.

Mr. Menn also reported that the grant application in the amount of \$279,000 has been submitted to the Vacant Residential Property Fund through the First Suburbs Development Council. He noted that three (3) other cities also applied for the funds. Mr. Menn also reported that details on the Land Bank Program will be announced in April.

**City Engineer Joseph R. Ciuni** reported that several applications were submitted in January for stimulus funds. The applications were also submitted to U.S. Senator George Voinovich, U.S. Senator Sherrod Brown and Congresswoman Marcia Fudge. Mr. Ciuni stated that when the State recovery website was instituted, the projects were submitted again. The projects submitted include: University Parkway Reconstruction, 2009 Road Improvement Program, City-wide Sewer Cleaning, Televising and Repair, and the Purvis Park Tennis Court Reconstruction. Mr. Ciuni mentioned that the City projects are on the Water Pollution Control Loan Fund list, the Ohio EPA list and the stimulus list. He has received confirmation for all the projects. Mr. Ciuni noted that the University Parkway and other city streets under the road program are not on the federal aid system through NOACA, and, therefore, do not qualify for the stimulus Federal Highway Funding.

Mayor Rothschild stated that the City projects have also been submitted to State Senator Shirley Smith and State Representative Barbara Boyd.

Committee Reports:

**Building Committee** Chairman Peter R. Bernardo reported that his committee met on February 18, 2009 which resulted in recommendations for legislation on this meeting agenda. He mentioned that the committee is also considering rental affidavits for families, apartment rental fees, and changing the fees for re-inspections.

**Civic Information Committee** Chairman Frank Consolo reported that he met with Community Coordinator Walter Stinson and Anita Kazarian about the City's assistance in increasing the circulation of the Heights Observer. Mr. Consolo suggested approaching the schools for distribution to the older students and welcomed other input.

Mr. Consolo mentioned that the Safety Committee will be considering protocols for use of the CityWatch notification system. He recommended that consideration be given to utilizing the system for non-emergency purposes.

**University Affairs Committee** Chairman Frank Consolo reported that the next meeting of the committee has been changed from March 5, 2009 to Thursday, March 12, 2009 at 7:00 p.m. at the JCU Green Road Annex.

**Finance Committee** Chairman Steven Sims reported that the Finance Committee met to review and discuss the budget. There are several recommendations which will follow the review. Mr. Sims also reported that the Financial Advisory Committee met to review the budget and raised questions regarding same. Mr. Sims was certain the City will have a budget that it can operate under and that it would be presented to the Council for timely consideration.

**Recreation Committee** Chairman Frankie Goldberg reported that the bids for Purvis Park Concession Operation has been advertised and will be opened on Thursday, March 12, 2009. Mr. Murphy suggested that the City operate the concession and have city employees work the stand. Finance Director Arman Ochoa advised that the City would have to apply for a food service license and the personnel operating the stand would have to be knowledgeable of the Board of Health food service requirements.

**Safety Committee** Chairman Steven D. Bullock reported that the Safety Committee will meet jointly with the Finance Committee and the Service and Utilities Committee on Tuesday, March 3, 2009 in Council Chambers to discuss Fire Department staffing issues, capital needs and CityWatch.

**Service & Utilities Committee** Chairman Adele H. Zucker reported that the committee will meet jointly with the Safety Committee and Finance Committee on March 3, 2009.

**Mayor Rothschild** reported that arrangements have been made for University Heights residents to skate at Thornton Park at a reduced fee, which adds another recreational offering for the community.

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