

MINUTES OF COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS  
MAY 5, 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. Kevin Patrick Murphy  
Mr. Peter R. Bernardo  
Mr. Frank Consolo  
Mr. Steven Sims

Absent: Mr. Steven D. Bullock

Also Present: Clerk of Council Nancy E. English  
Law Director Kenneth J. Fisher  
Acting Law Director Robert Mansour  
Finance Director Arman R. Ochoa  
Deputy Chief of Police James Rohal  
Fire Chief John Pitchler  
Service Director Christopher Vild  
Community Coordinator Walter Stinson  
Building Commissioner William C. Nadeau  
City Engineer Joseph R. Ciuni

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

Minutes of the regular meeting held on April 21, 2008

Mayor Rothschild stated that the Council members received amended pages 7 and 8 of the minutes which incorporated the changes and additions as requested by Councilman Consolo.

Under agenda item D., Ordinance No. 2008-13, the following amended paragraph was substituted for the second paragraph under this section:

“Mr. Consolo stated that he will be voting no on the ordinance because the review required to apprise Council of the merits of this ordinance was not done by University Heights staff and the price estimate had increased nearly \$25,000.00 in only 4 months time. Mr. Consolo noted that according to the April 15, 2008 letter from University Heights City Engineer Joe Ciuni, the Service Director of the City of Shaker Heights checked the bids received and was making a recommendation to award the contract to Delta Asphalt. The letter also noted that the price increase was due in part to the City of Shaker Heights specification that prohibits the use of recycled asphalt. Based on this, Mr. Consolo stated that he thought that University Heights had improperly delegated its authority to receive and approve bids for its own street work to Shaker Heights and could not, therefore, vote for the ordinance.”

Under agenda item F., Ordinance No. 2008-15, the following additional paragraph was inserted as the third paragraph under this section:

“Mr. Consolo stated that he will be voting no on this ordinance as well as Ordinance No. 2208-16 authorizing the purchase of three (3) more police vehicles. Mr. Consolo reminded Council that thirteen months ago, in Ordinance No. 2007-13, a previous Council had approved the purchase of five (5) Jeep Grand Cherokees – four (4) for the police department and one (1) for the fire department in the amount of \$120,000.00. Mr. Consolo noted that now Council is being asked in these two ordinances to approve the purchase of two (2) more SUVs as well as two new police cruisers at a cost of nearly \$100,000.00. Mr. Consolo stated that he could not see the need for a City of 1.9 square miles having so many SUVs and police and fire vehicles and he could not justify the spending of over \$220,000.00 in 13 months on just police and fire vehicles.”

Mrs. Zucker inquired if the comments as made were on the audio tape of the meeting. Clerk of Council Nancy E. English replied that the comments are accurate according to what was stated at the meeting.

There were no other corrections or additions to the minutes of April 21, 2008.

**MOTION BY MR. CONSOLO, SECONDED BY MR. BERNARDO to approve the minutes of the April 21, 2008 meeting, as amended. On roll call, all voted “aye,” except Ms. Goldberg and Mrs. Zucker, who “passed.”**

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

Mayor Rothschild announced that Gearity Elementary School was recognized as a National Model School by the International Center for Leadership in Education. The recognition was based on the school’s innovative approaches and success surrounding student achievement.

Agenda Items:

**A. Presentation by Greater Cleveland Sports Commission - David Gilbert**

Ms. Meredith Scerba, director of events, Greater Cleveland Sports Commission, announced that the 2008 International Youth Soccer Tournament, the Continental Cup, will once again be held at John Carroll University on July 2-6, 2008. She noted that there will be approximately 110 teams from around the world participating in the tournament. John Carroll University will house the teams as well.

Ms. Scerba requested approval to have a fireworks display on Thursday, July 3, 2008 during the opening ceremonies and to extend the lighting at Shula Stadium until 10:30 p.m. on July 3, 2008 in order to allow for clean up after the opening ceremonies. She noted that the fireworks display will be the exact same show as last year and will be 4-5 minutes in length starting at approximately 9:30 p.m. The low altitude/close proximity fireworks show will be shot from the area behind the tennis courts on the property of Bellefaire JCB. Written approval has been obtained from both Bellefaire and John Carroll University. Ms. Scerba noted that the same fireworks company, Hamburg Fireworks Display Inc., and the same shooter will do the show again this year. Ms. Scerba added that she has been working with the University Heights Fire Department on licensing. Fire Chief John Pitchler stated that there were no problems last year and recommended that the approval be granted.

Ms. Goldberg inquired if residents will be notified of the fireworks display. Ms. Scerba replied that they are working with Mr. Jerry Sheehan from John Carroll University on the mailing list. She added that notice will be posted on the City’s website as well.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to grant approval to the Greater Cleveland Sports Commission to hold an opening ceremony at John Carroll University with fireworks display and extended lights at Shula Stadium on July 3, 2008 as long as the residents are notified. On roll call, all voted “aye.”**

**B. Moral Claim: Deborah McClure, 2304 Warrensville Center Rd., University Heights**

Ms. Deborah McClure filed a moral claim on April 10, 2008 for damage to her car after she struck a pothole on Warrensville Center Road on December 11, 2007. Although the incident occurred in December, Ms. McClure was not aware of the broken left tie rod until February 27, 2008 when the car was taken in for unrelated work. She believed the damage to the tie rod was a direct result of hitting the pothole. The moral claim, in the amount of \$317.70, included a tie rod end and wheel alignment.

Mr. Bernardo noted that Council had discussed not entertaining any more moral claims. Mayor Rothschild stated that it was only discussed, an amendment to the policy has not come before the Council yet.

Service Director Christopher Vild reported that he recommended approval of the moral claim because the Cleveland Water Department repair hole did exist in that location, but the City was unaware of the hole at the time. He also noted that two other moral claims were filed on the same location. Vice Mayor Zucker stated that there was information in the packet that Ms. McClure sold the car without getting it fixed. Mr. Vild stated that he was unaware of that fact when he approved the moral claim.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. MURPHY to deny the moral claim if Deborah McClure, 2304 Warrensville Center Road. On roll call, all voted “aye.”**

**C. Appeal from Board of Zoning Appeals' decision of April 9, 2008 - Izetta Roberts To allow the property located at 3734 Hillbrook Road not to be considered as rental property even though she (the owner) does not live there.**

Mrs. Izetta Roberts was not present for the appeal hearing. Mayor Rothschild inquired if Mrs. Roberts had been notified of the hearing. Clerk of Council Nancy English replied that Mrs. Roberts was notified. Acting Law Director Robert Mansour advised that the applicant has the burden to prove her case, if she is not present, the appeal could be either denied or tabled to allow the applicant opportunity to be present.

Mr. Consolo inquired as to the applicant's history of appearances before the Board of Zoning Appeals. Mr. Bernardo noted that she was present. Mayor Rothschild explained that Mrs. Roberts requested a Special Permit to allow her property at 3734 Hillbrook Road not to be considered as rental property because her daughter, Danielle Roberts, lives in the house, but does not pay rent. She added that Law Director Kenneth J. Fisher ruled that issuing a Special Permit would set a precedence for future cases under similar circumstances, which would defeat the purpose of the rental permit ordinance. Building Commissioner William Nadeau stated that a certain amount of housing stock in the city is owned by parents whose children live in the homes and attend John Carroll University. He added that in other circumstances children own the homes their parents are living in. He noted that in both cases those individuals pay the rental permit fees. Mr. Nadeau stated that rental property is extremely susceptible to hazards and it is important for inspections to be done every two years. Mr. Nadeau stated that Izetta and Danielle Roberts own three homes in the city: one home owned by Izetta Roberts (3723 Meadowbrook Blvd.) where she resides, one home owned by Izetta Roberts (3734 Hillbrook Rd.) where Danielle Roberts resides, and one home jointly owned (3878 Silsby Rd.) which is being rented out.

Mr. Consolo stated that the issue was extremely important, but because the appellant failed to appear he entertained a motion to reject the appeal.

**MOTION BY MR. CONSOLO, SECONDED BY MRS. ZUCKER to reject the appeal of Izetta Robert, regarding the property located at 3734 Hillbrook Road.**

Mr. Bernardo stated that the Building Committee will review the rental ordinance because he does not believe the City should come between parents helping their children or children helping their parents. Mr. Bernardo noted that other cities have an affidavit program whereby the owner verifies by affidavit that a family member is living at the residence, then they are exempt from the rental permit fees. He added that this particular case may not qualify, but the larger issue is allowing family members to help family members. Mr. Murphy stated that all cases are not going to be the same noting that parents bought a home in his neighborhood for their daughter and her friends to live in. Mr. Bernardo stated that in that case, they would not qualify because only the family member could live in the house. He added that if they are renting to other people, then they would be in violation.

Mr. Sims stated that since the issue will be considered in the Building Committee, the Roberts' case should be incorporated into that process. Mr. Sims did not speculate why the applicant was not present, but he added that Mrs. Roberts took the time to present her case at the Board of Zoning Appeals meetings. He stated that the proper procedure would be to table the appeal until the Building Committee makes its recommendation. Mr. Nadeau stated that Mr. Sims raised a good point since the committee will consider the matter. He added that the way the ordinance is currently written there was no alternative except to deny the application, even though Mrs. Roberts informed the Board of Zoning Appeals members that her daughter would be the only person living in the house. Mr. Nadeau recommended that the application be tabled until after the committee meeting.

Ms. Goldberg asked how Mrs. Roberts was notified of the meeting. Ms. English stated Mrs. Roberts was notified in writing by U.S. mail and with a follow up phone call with no response.

Mr. Consolo stated his motion to reject the appeal stands because this appeal could set a precedence. Mrs. Zucker stated that her second stands.

**On the roll call to reject the appeal of Izetta Robert, regarding the property located at 3734 Hillbrook Road, all voted "aye," except Mr. Sims and Mr. Murphy, who voted "nay."**

**D. Motion to advertise for bids for the University Parkway Waterline Replacement**

City Engineer Joseph R. Ciuni reported that the plans for the University Parkway Waterline Replacement project have been completed and are ready to be advertised for bids.

Mr. Ciuni noted that the project is scheduled in the City of Cleveland Water Department's Water Main Renewal projects for 2008. The project includes: removal and replacement of 2700 feet of deteriorated, structurally deficient 8" water main from Bromley Road to Green Road; removal and replacement of all hydrants, valves, and house service connections; repair of the roadway, curb, sidewalk and tree lawn above the trench. The cost estimate of the project is \$485,000.

Mr. Ciuni reported that the City received an agreement from the City of Cleveland to be entered into for payment of the waterline replacement project. Therefore, Mr. Ciuni recommended that the City advertise for bids for the project. He noted that once the project is bid, opening will be at the end of May. The award will be made in June, the project would start in July, and completed within 90 days, which would be October, 2008.

Mayor Rothschild stated that the City intends to resubmit to Issue 1 for funding to cover the roadway reconstruction. She also noted that the City qualifies for three other projects under the new amended water agreement with the Cleveland Water Department.

Mr. Consolo inquired if there are any stipulations which changes the City's ability to obtain bids such as the City being restricted to certain bidders. Mr. Ciuni responded that there are not. He added that the bids have to be publicly advertised for unit pricing and the Cleveland Water Department will review the bids.

Ms. Goldberg asked if the project just includes the waterline replacement. Mr. Ciuni replied that the waterline replacement and restoration of the roadway surface above the trench is included in the project. Ms. Goldberg inquired as to the City's expense to reconstruct the roadway. Mr. Ciuni responded that the University Parkway roadway reconstruction from South Green Road to Bromley Road is estimated at \$650,000.

**MOTION MRS. ZUCKER, SECONDED BY MS. GOLDBERG to advertise for bids for the University Parkway Waterline Replacement project. On roll, all voted "aye."**

Mr. Ciuni updated officials on the Meadowbrook Boulevard Rehabilitation Project. He noted that the base repairs have been completed, the leveling course is down, and curbs on the south side of the roadway was to be poured today. Once curbs are completed, then the driveway aprons on the south side of the street will be done before proceeding to the north side of the streets for curb and apron replacement. The street resurfacing is scheduled to be done by the end of May, 2008. Mr. Ciuni noted that the project is on schedule.

**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:

**Finance Director** Arman Ochoa reported that a letter was received from the Cuyahoga County Board of Elections indicating that the City was over charged for the 2007 election expenses by \$17,423.85. He noted that since the County only took out \$12,000 of the intended \$25,600, the City will receive approximately \$7,000 back in the next settlement statement in October, 2008.

**Fire Chief** John Pitchler reported that fire hydrants throughout the city will be flushed this week and next week.

**Deputy Chief** James Rohal reported that Gesu's DARE (Drug Abuse Resistance Education) graduation ceremony will be held at 8:30 a.m. on Monday, May 12, 2008.

**Service Director** Christopher Vild reported that the City was awarded the Tree City USA Award for the 30<sup>th</sup> consecutive year at a ceremony in Stow, Ohio on Wednesday, May 30, 2008. The Tree City USA Award recognizes that University Heights has a comprehensive tree program. Mr. Vild mentioned that University Heights is the second oldest Tree City in Cuyahoga County along with the City of Cleveland Heights. The City received a 30-year trophy, a 30-year flag, and two new signs.

**Community Coordinator** Walter Stinson reported that the Heights-Hillcrest Regional Chamber of Commerce held its annual Business Expo on April 29, 2008 at Landerhaven. He noted that University Heights had a booth and it was well attended. Ms. Goldberg mentioned that the Heights-Hillcrest Chamber of Commerce Business Expo was well attended by both vendors and the public.

Vice Mayor Zucker inquired into the status of the summer recreation booklet. Mr. Stinson replied that he expected to receive them today, but did not. He added that the booklets should go out in the mail to the residents this week.

Committee Reports:

**Civic Information Committee** Chairman Frank Consolo reported that he received a draft agreement from the Loyola Group to assist the City in writing a Request for Proposal for updating and maintaining the City's website.

**Finance Committee** Chairman Steven Sims reported that his committee met on April 24, 2008. He reported that a presentation was made by Jeff Rink of Key Banc Capital Markets on what a debt policy should include. They also reviewed the credit status of the City as well as the debt capacity of the City. Mr. Sims stated that no recommendation came out of that meeting. He reported that the committee will meet again to further consider a debt policy for the City. Mr. Consolo added that Mr. Rink's presentation was excellent.

**Governmental Affairs Committee** Chairman Kevin Patrick Murphy reported that he will schedule a committee meeting to address the moral claim policy.

**Recreation Committee** Chairman Frankie Goldberg reported that the Recreation Advisory Committee met on April 23, 2008 and discussed items relating to the pool and tennis courts. She announced that registration for swimming and tennis lessons will be held on Wednesday and Thursday, May 27 and 28, 2008 from 6:30 p.m. to 8:00 p.m. at Purvis Park. The pool opens for pre-season on May 24, 2008 and the regular season begins June 6, 2008.

**Service and Utilities Committee** Chairman Adele Zucker reported that there will be a joint meeting of the Service and Utilities Committee and the Finance Committee on Wednesday, May 7, 2008 in Council Chambers.

Vice Mayor Zucker also reported that the Northeast Ohio City Council Association (NOCCA) presented an excellent forum on May 1, 2008 regarding the foreclosure crisis with County Treasurer Jim Rokakis. She noted that the presentation will be cast on NOCCA's website in approximately ten days.

Law Director Kenneth J. Fisher entered meeting.

Mrs. Susan Infeld, chairman of the Memorial Day Parade Committee, stated that they are planning for all elected officials to participate in the parade. She noted that the Heights High Marching Band and the Marching Tigers, a Middle School Band from New Richmond, Wisconsin will be participating. Mrs. Infeld stated that the theme for the parade is "Hats Off to the USO." A USO troop will be performing in the program at John Carroll University following the parade. Major Patrick McGreal, U.S. Army, will deliver the patriotic message. Mrs. Infeld welcomed input and reported that the next parade committee meeting will be May 6, 2008 at 7:00 p.m. in the conference room at City Hall. Another meeting will be scheduled in two weeks. Mr. Bernardo stated that the flag and rifle salute to the vets will be reinstated this year.

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