

MINUTES OF COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS
MAY 19, 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: Law Director Kenneth J. Fisher
Finance Director Arman R. Ochoa
Chief of Police Gary Stehlik
Fire Chief John Pitchler
Service Director Christopher Vild
Building Commissioner William C. Nadeau
Asst. Building Commissioner David Menn
City Engineer Joseph R. Ciuni

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

Minutes of the regular meeting held on May 5, 2008

There were no corrections or additions to the minutes of May 5, 2008.

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to approve the minutes of the May 5, 2008 meeting. On roll call, all voted “aye.”

Agenda Items:

A. Ordinance No. 2008-17 Recognizing the appointment of David Menn as Building Commissioner and establishing compensation for said position

Ordinance No. 2008-17 recognizes the appointment of David Menn as Building Commissioner effective May 31, 2008 and amends the compensation of the Building Commissioner to \$65,000 effective May 31, 2008. Mayor Rothschild noted that this ordinance was discussed and approved by the Finance Committee.

MOTION BY MR. SIMS, SECONDED BY MRS. ZUCKER to approve the passage of Ordinance No. 2008-17 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

Mayor Rothschild administered the Oath of Office to David Menn. Mr. Menn introduced his wife, Terry, and thanked everyone for their support.

B. Ordinance No. 2008-18 Authorizing the purchase of a sewer van through the State Purchasing Program

Ordinance No. 2008-18 authorizes the purchase of one (1) 2008 Ford Cargo Van Model E-350 for the Service Department from 32 Ford Mercury under the Ohio Cooperating Purchasing Program in an amount not to exceed \$17,684. Mayor Rothschild noted that this ordinance was discussed and approved at the joint meeting of the Service and Utilities and Finance Committees.

MOTION BY MRS. ZUCKER, SECONDED BY MR. CONSOLO to approve the passage of Ordinance No. 2008-18 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

C. Ordinance No. 2008-19 Authorizing the purchase of a 2009 International Diamond SPEC dump truck chassis through the State Purchasing Program

Ordinance No. 2008-19 authorizes the purchase of one (1) 2009 International Diamond SPEC 7400 SFA 4X2 (SA525) Dump Truck Cab and Chassis for the Service Department from International Truck & Engine Corp. under the Ohio Cooperative Purchasing Program in an amount not to exceed \$58,897. Service Director Christopher Vild noted that Ordinance No. 2008-19 and Ordinance No. 2008-20 were both discussed and approved at the joint meeting of the Service and Utilities Committee and Finance Committee. He stated that the equipment to be purchased under the ordinances will build one dump truck.

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to approve the passage of Ordinance No. 2008-19 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

D. Ordinance No. 2008-20 Authorizing the purchase of a 2008 single axle stainless steel dump body with snow plow package through the State Purchasing Program

Ordinance No. 2008-20 authorizes the purchase of one (1) 2008 Single Axle Stainless Steel Dump Body with Snow Plow Package for the Service Department from The Gledhill Road Machinery Company under the Ohio Cooperative Purchasing Program in an amount not to exceed \$53,533.

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to approve the passage of Ordinance No. 2008-20 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

E. Resolution No. 2008-21 Authorizing a Salt Storage Agreement with the City of Cleveland Heights

Resolution No. 2008-21 authorizes the Mayor to execute a Road Salt Storage Agreement with the City of Cleveland Heights. Mr. Vild stated that language was added to the agreement to address what would happen if any of the City of University Heights' unused salt remains in the storage facility upon termination of the agreement.

Ms. Goldberg inquired when the agreement will take effect. Mr. Vild replied that once the City of Cleveland Heights approves the agreement, he would like to store salt immediately.

Mr. Consolo stated that the termination date in paragraph "3" of the agreement was to be changed from March 31, 2009 to June 1, 2009, as per a decision made during the joint committee meeting. Law Director Kenneth J. Fisher stated that the agreement will be amended accordingly if the City of Cleveland Heights agrees.

Resolution No. 2008-21 was placed on first reading. There were no objections.

F. Resolution No. 2008-22 Authorizing an agreement between the Cities of Cleveland and University Heights for Suburban Distribution Asset Renewal Program Project Reimbursement

Resolution No. 2008-22 authorizes the Mayor to execute a Suburban Distribution Asset Renewal Program Project Reimbursement Agreement with the City of Cleveland. City Engineer Joseph R. Ciuni reported that approval of the agreement is needed in order for the City to take the lead on the University Parkway Waterline Replacement project and other University Heights water main projects and to be reimbursed by the City of Cleveland for design, construction, and construction management of the water line portions of the projects. Mr. Fisher noted that the agreement is the mechanism which has been negotiated by and through the Cleveland Water Department.

MOTION BY MRS. ZUCKER, SECONDED BY MR. BERNARDO to approve the passage of Resolution No. 2008-22 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

G. Resolution No. 2008-23 Adopting the 2009 Tax Budget

Resolution No. 2008-23 adopts the official Tax Budget of the City of University Heights for the calendar year commencing January 1, 2009. Mayor Rothschild noted that the resolution was reviewed by the Finance Committee.

Resolution No. 2008-23 was placed on first reading. There were no objections.

H. Ordinance No. 2008-24 Authorizing a contract with TC3 for the senior transportation program

Ordinance No. 2008-24 authorizes the Mayor to sign an agreement with the Transportation Consortium Coordinating Committee (TC3) for the transportation program for senior residents and disabled residents of University Heights. Mayor Rothschild stated that TC3 has been operating without a contract, but the only change from the previous contract is that the fee increased by \$1.00 for individuals who use the vehicle. Vice Mayor Zucker reported that Nancy Fiordalisi, executive director of TC3, attended the joint meeting of the Service and Utilities and Finance Committees and explained the program in detail.

MOTION BY MR. SIMS, SECONDED BY MRS. ZUCKER to approve the passage of Ordinance No. 2008-24 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

I. Ordinance No. 2008-25 Authorizing a Software Licensing Agreement with CityWatch

Ordinance No. 2008-25 authorizes the Mayor to enter into a software licensing agreement with CityWatch to provide for a non-exclusive license to use and operate proprietary computer programs. Mr. Sims reported that CityWatch is a service that the City has been examining for a long time and was determined to be of great value to the city. He noted that the CityWatch program is a reverse 911 system. Mayor Rothschild noted that the program has been thoroughly discussed in the Safety and Finance Committees.

Ordinance No. 2008-25 was placed on first reading. There were no objections.

J. Motion authorizing repairs to rubbish truck by Waste Removal Equipment, Inc.

Mr. Vild reported that the rubbish truck #25-5, a 1986 Crane Carrier, is unsafe to use in its current condition. He noted that Waste Removal Equipment, Inc. has submitted a quote of \$5,115.00 to repair the truck. Mr. Vild stated that Waste Removal Equipment has repaired several of the department's trucks with good results.

MOTION BY MRS. ZUCKER, SECONDED BY MR. CONSOLO to authorize repairs to rubbish truck 21-5 by Waste Removal Equipment, Inc. in an amount not to exceed \$5,115.00. On roll call, all voted "aye."

K. Motion authorizing payment to the Cleveland Restoration Society for the Heritage Home Loan Program

Mayor Rothschild explained that the Cleveland Restoration Society has been servicing the residents of University Heights under the Heritage Home Loan Program even though payment for the service has not been authorized for 2008. Mr. Ochoa reported that at the January 22, 2008 Council Meeting a request was made to reduce the administrative fee to \$7,500 from \$8,000. He noted that there was an error on the invoice and the actual fee should have been \$8,250, which was paid in 2007. Mr. Ochoa stated that the Cleveland Restoration Society is willing to reduce the fee by \$500 which would bring the new invoice amount down to \$7,750.

Mr. Bernardo inquired about the background information that Council was suppose to receive on the 2007 projects which were carried over into 2008. Mr. Consolo concurred that the information was to be submitted along with current data and information on the fees paid by other cities.

Ms. Goldberg suggested that a representative of the Cleveland Restoration Society be invite to a Council meeting.

Mayor Rothschild suggested that the item be tabled until the matter is clarified.

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to table the authorization of payment to the Cleveland Restoration Society for the Heritage Home Loan Program. On roll call, all voted "aye."

L. 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:

Law Director Kenneth J. Fisher recognized retiring Building Commissioner William Nadeau for his years of service and wished him well.

Building Commissioner William Nadeau thanked Mayor Rothschild and the administration their support. He mentioned that he has attended over 525 council meetings. Mr. Nadeau stated that he is proud that there have not been any building incidents of a catastrophic nature due to the Building Department's enforcement of the Code provisions. He thanked everyone and mentioned that it was a pleasure to work for the City of University Heights.

City Engineer Joseph Ciuni reported that a water main break occurred on Silsby Road between Baintree Rd. and So. Belvoir Blvd. on Tuesday, May 13, 2008. He noted that the force of the water main break blew out a section of the manhole which caused basement flooding in the area. Mr. Ciuni stated that the water main has been repaired and AAA Pipe Cleaning is currently cleaning and televising the sewer line. He added that he will investigate the extent of the possible undermining of the roadway once the video tape of the sewer has been reviewed. He noted that the street is closed off in the vicinity of the main broke. Mr. Ciuni stated that the once all the information is received, he will have to advertise for bids for sewer and roadway repairs. He added that temporary repairs may be made to the street.

Mr. Ciuni also reported that concrete work has been completed on the Meadowbrook Boulevard Phase II project. The tree lawns will be restored this week and then paving will be completed. The project is on schedule and is expected to be completed by June 1, 2008.

Mr. Ciuni reported that one of his inspectors did a site viewing at the University Square parking garage on May 19, 2008. He reported that the crack sealing has been completed. He added that repairs to the steel rods were load tested. Mr. Ciuni stated that the work is being done in a very professional manner. He noted that when structural engineers from Chicago, IL are here testing, an inspector from GPD Group will also be present. Mr. Ciuni noted that the repairs should be completed by July.

Mr. Sims inquired if there is a certification that will speak to the safety condition of the garage once the work is completed. Mr. Ciuni responded that it should be required of the structural engineer. Mayor Rothschild noted that the Cleveland-Cuyahoga County Port Authority will require it also.

With regard to the water main break, Mr. Sims inquired if it would be more fiscally prudent to declare an emergency so that permanent repair can be made to the street instead of making a temporary repair. Mr. Ciuni replied that the temporary repair would be done in-house with city workers. Mr. Vild stated that he planned to pour cement into the existing repair location in order to bring the hole up to grade and sure up the casting in the manhole so that the barricades can be removed, which would allow both lanes of traffic to be opened. He noted that will hold the site until a permanent repair can be made.

Mr. Bernardo inquired if the City could be held liable for the flooded homes. Mr. Fisher responded that the City does not have liability. However, he has advised Mr. Ochoa to report the incident to the City's insurance carrier. Mr. Fisher stated that he has advised individuals who do not have insurance to seek private counsel. He also agreed with Mr. Consolo that an advisory should be placed in the City's newsletter suggesting that residents check their policies for water and sewer backup coverage.

Ms. Goldberg suggested that the elected officials be notified immediately should a similar incident occur again. Mr. Ochoa stated that CityWatch would be able to send out such notification. Mr. Vild stated that he did attempt to send the Council members an email, but it did not go through.

Mrs. Susan Infeld, chairman of the Memorial Day Parade Committee, reported that currently there are seventy-five (75) participants signed up for the parade. She noted that the parade program is being finalized. Mrs. Infeld stated that the committee is anticipating that all members of Council will participate in the parade and signs have been prepared accordingly.

Committee Reports:

Building Committee Chairman Peter Bernardo reported that he is getting an agenda together for a meeting to be determined.

Civic Information Committee Chairman Frank Consolo reported that he asked Community Coordinator Walter Stinson to place a notice in the newsletter advising residents to check their insurance policies to determine if they have a sewer backup endorsement on their policies. Mr. Consolo commended the Fire Department for their swift action during the water main break incident. He stated that CityWatch is a good vehicle to notify residents and Council members in emergency situations. Mr. Vild recommended that residents contact the Police Department in the event of an emergency, who will in turn contact the appropriate party.

Finance Committee Chairman Steven Sims deferred his comments on the joint Finance and Service and Utilities Committee meeting to Vice Mayor Zucker.

Recreation Committee Chairman Frankie Goldberg reported that the recreation booklet of the summer offerings for 2008 have been mailed out to the residents. She anticipates that many people will sign up for programming. Ms. Goldberg was also hopeful that there will be many spectators at the Memorial Day Parade.

Mayor Rothschild stated that there is information in the recreation booklet about the City's partnership with the South Euclid-Lyndhurst Recreation Program (SELREC) whereby residents of University Heights may participate in the leisure time activities offered by SELREC at the South Euclid-Lyndhurst resident rate. She noted the University Heights will reimburse SELREC the difference between the resident rate and the non-resident rate.

Service and Utilities Committee Chairman Adele Zucker reported that a joint meeting of the Service and Utilities Committee and the Finance Committee was held on May 7, 2008. She thanked the members of both committees for their participation. The minutes have been distributed. Six of the seven items the committee discussed were voted on at this meeting. Vice Mayor Zucker stated that the seventh item will go back to committee as well as the review of the tree assessment ordinance, sewer assessment ordinance, down spout ordinance, and landscaper ordinance. She also thanked the Council members for approving the new equipment for the Service Department.

Vice Mayor Zucker expressed that it has been a pleasure working with Mr. Nadeau. She commented that he will be missed.

Mayor Rothschild wished Mr. Nadeau well in his retirement.

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

Mayor Beryl E. Rothschild

Nancy E. English, Clerk of Council