

MINUTES OF COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS
JUNE 1, 2009

Mayor Rothschild called the meeting to order at 7:30 p.m.

Roll Call: Present: Ms. Frankie B. Goldberg
Mr. Steven D. Bullock
Mr. Peter R. Bernardo
Mr. Frank Consolo
Mr. Steven Sims

Absent: Mrs. Adele H. Zucker
Mr. Kevin Patrick Murphy

Also Present: Clerk of Council Nancy E. English
Law Director Kenneth Fisher
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. BERNARDO to excuse the absence of Mrs. Zucker and Mr. Murphy. On roll call, all voted “aye.”

Minutes of the regular meeting held on May 18, 2009

There were no corrections or additions to the minutes of May 18, 2009.

MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK to approve the minutes of the May 18, 2009 meeting. On roll call, all voted “aye.”

Comments from the Audience

Anita Kazarian, 3813 Claridge Oval, stated that the Charter Review Commission (CRC) indicated they were assured by Council members that the money is available to fund the salary of a city administrator. Ms. Kazarian inquired as to which Council members told the CRC that the funds are available. Mr. Consolo stated that the question was answered by members of the CRC at its last regular meeting, whereby different members noted that during the interviews of Council and other individuals, the CRC was told that they should focus on making changes and not be concerned with trying to figure out the budget, and to leave the economics to the Council. Mr. Consolo noted that he was one of the Councilpersons during those discussions who reiterated that and also told them that if the electorate passes the amendments, then it is Council’s duty to fund the position. Ms. Kazarian inquired as to where the funds would come from. Mr. Consolo stated that no member of Council pointed to a specific line item in the budget as to where the funds will come from.

Mr. Bullock stated that he did not say there are funds available for the position. However, he did tell the Commission that it was not an issue for them to be concerned about, but rather it is the responsibility of the Council and Mayor to find the funds if the CRC’s recommendations are approved by the residents. Mr. Bullock stated that if the Council and Mayor cannot find \$75,000 to \$100,000 to fund a position then they all should resign. He pointed out that as leaders it is their responsibility to reorganize or reposition the city to accomplish what is necessary. Mr. Bullock urged everyone to ask questions about the CRC report on both sides of the issue. He pleaded with everyone to look at the issues, evaluate them, and find ways to address the issues in ways that are best for the residents of the city.

Mayor Rothschild announced that the Charter Review Commission will hold a public hearing on Tuesday, June 2, 2009 at 7:00 p.m. in the Donahue Auditorium of the Dolan Science Center at John Carroll University.

Mr. Sims also commented that it would be the duty of Council to identify any resources needed to accommodate the position of city administrator. He added that this would be accomplished through the budget process. He added that the new Mayor may also have ideas on restructuring and alternative way of doing things differently that my assist in the process. Mr. Sims stated that there are many future opportunities to support a city administrator.

Mr. Consolo mentioned that the proposed Charter changes could have been brought forth by the citizens through a referendum petition. He added that even if that was the case, the Council would still have the same duty to fund the changes approved by the residents.

Sheila Hubman, 2532 Ashurst Rd., suggested that the City lease the store on the top level of University Square for office space. She added that City Hall offices and the Police Department could be moved into that space and a new jail facility could be included. Mrs. Hubman also suggested that the two (2) houses west of City Hall could be purchased and all four (4) houses could be demolished to open space to construct a new fire station. She requested that her suggestions be considered. Mayor Rothschild noted that a facilities study was completed, but has not been considered by the Council. She added that leasing space at University Square was not one of the options presented, but it could be added to the list.

Mrs. Hubman also requested that the salary ordinance for the position of Mayor for the term beginning January 1, 2010 be considered at a regularly scheduled Council meeting, not a special meeting. She also asked that the ordinance not be passed on an emergency basis because ordinances passed on emergency is not subject to referendum.

Sarah Wilder, 3706 Meadowbrook Blvd., presented her comments in writing. She requested that Council pass an ordinance to delay placing the recommendations of the Charter Review Commission on the 2009 ballot. She suggested a delay until 2010 or until: Council schedules more open forums for additional resident input; Council outlines "what is broken" and how the proposed changes will fix what is broken; Council specifies the salary for a city administrator; Council specifies whether the Mayor will be full-time or part-time and what the salary will be; and Council identifies what departments and services will be affected in order the pay the salaries of the Mayor and city administrator. Dr. Wilder also requested that the Council help to restore confidence and respect for the Mayor and City employees who have provided services to the residents for more that thirty-two (32) years in an efficient and effective manner.

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

Mayor Rothschild reported that the Plain Dealer published articles on how taxes in the first quarter of 2009 have affected municipalities. She mentioned that most cities have been affected negatively. However, University Heights was not and the tax collections increased slightly by approximately \$11,000. Mayor Rothschild stated that the City is well run, efficient and frugal with tax payer dollars. She added the budget is balanced and the City is not in a financial crisis.

Mayor Rothschild noted that the Finance Director Arman Ochoa was unable to attend this meeting.

Agenda Items:

A. Motion authorizing the demolition of 3897 Tyndall Road - Dr. David B. Myers

Dr. David B. Myers and Sara Myers, the adult children of the late Donald and Virginia Myers, were present to request a demolition permit to demolish their parents home at 3897 Tyndall Road which was severely damaged in a tragic fire on May 4, 2009. Mayor Rothschild stated that all the required paper work is in order. Condolences were offered to the Myers on the loss of their parents. Dr. Myers stated that the family is very appreciative of the community's expressions of sympathy.

Law Director Kenneth J. Fisher explained that the Code requires Council approval for the demolition permit. Although the Myers were not required to appear at the meeting, they attended in case questions arose. A letter from Dr. Myers, dated May 21, 2009, indicated that State Farm Insurance, which insured the home, determined that the house is structurally unsound and will need to be razed to its foundation.

MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK to authorize the demolition of the property located at 3897 Tyndall Road based on the determination by Council that the structure is a safety hazard or public nuisance based on the submission. On roll call, all voted "aye."

B. Ordinance No. 2009-28 Authorizing the purchase of one (1) leaf collector for the Service Department through State Purchasing

Ordinance No. 2009-28 authorizes the purchase of one (1) leaf collector for the Service Department through the Ohio Cooperative Purchasing Program from Jack Doheny Company in an amount not to exceed \$36,261.

Service Director Christopher Vild requested that the ordinance be removed from the agenda for further investigation and brought back at the next meeting of Council. There were no objections. Therefore, the ordinance was removed from the agenda.

C. Ordinance No. 2009-29 Authorizing the purchase of one (1) fingerprint system for the Police Department

Ordinance No. 2009-29 authorizes the purchase of one (1) Live Scan Fingerprint System for the Police Department from Biometric Information Management in an amount not to exceed \$14,183.

Chief of Police Gary Stehlik reported that the Safety Committee considered and approved the purchase. He added that the equipment has been budgeted for and the price quoted is lower than the State Purchase contract price.

MOTION BY MR. BULLOCK, SECONDED BY MS. GOLDBERG to approve the passage of Ordinance No. 2009-29 as an emergency measure.

Mr. Consolo stated that he cannot go along with the purchase of the fingerprint system or the leaf collector because he believes the funds for the purchases should come out the departments individual budgets by cutting expenses instead of increasing the budget. He added that the budgets should have been cut by 10% in order to find money for such purchases.

Mr. Bernardo inquired as to why the ordinance needs to be passed on emergency. Chief Stehlik replied that the quote expires on June 8, 2009.

Mr. Sims stated that during the budget process, Council took great care to balance the budget and expenditures for capital equipment were included in that budget on a priority basis. He added that the fingerprint system was included in those priorities. He also mentioned that the Safety Committee and Finance Committee gave careful consideration on which items could and could not be funded. Mr. Sims reiterated that the funds are in the budget for this purchase.

Mayor Rothschild stated that the departments have been reducing their budgets on an ongoing basis and those reductions are almost at 15%.

Ms. Goldberg inquired as to what type of fingerprint system the Police Department currently utilizes. Chief Stehlik responded that the department currently uses ink print; however, all departments nationwide are being mandated to scan prints and submit them electronically.

Mr. Consolo explained that he is not doubting the need for the equipment. But, it was his opinion that each department could find the money in their respective budget to cut in order to justify a capital expense. Mr. Bullock and Ms. Goldberg respected Mr. Consolo's position.

On roll call, on suspension of rules, all voted "aye," except Mr. Consolo, who voted "nay." Vote on suspension of rules failed, 4-1. Ordinance No. 2009-29 was placed on first reading.

Chief Stehlik will check with the vendor to determine if the quoted price will be honored after June 8, 2009.

D. Ordinance No. 2009-30 Authorizing an application for funding the University Parkway Roadway Reconstruction through the Ohio Department of Transportation State Infrastructure Bank

Ordinance No. 2009-30 authorizes the filing of an application for funding of the University Parkway Roadway Reconstruction through the Ohio Department of Transportation (ODOT) State Infrastructure Bank (SIB).

Mayor Rothschild reported that she and City Engineer Joseph R. Ciuni pleaded the City's case before the Issue 1 Committee again for the University Parkway Roadway Reconstruction, but because the rules had changed and the City was too far down on the list, the project was denied.

Therefore, Mayor Rothschild stated that funding the project through the ODOT State Infrastructure Bank was the second option. City Engineer Joseph R. Ciuni reported that once the contract is awarded, the project could begin as early as July 1, 2009 and would take 90 days to complete. He added that the SIB loan application has been completed and once the ordinance is passed it will be submitted to ODOT.

Mr. Consolo stated that the proposal is not the same as what was presented at the Finance Committee meeting. He noted that at that time the estimate for the project was \$850,000 which would have cost the City \$87,750 a year for 10 years, with \$27,500 in interest. At that time, he felt it was too good to be true. And it seemed that he was right because now the project of \$680,000 is going to cost the City \$79,000 a year for 10 years, which will be \$110,000 in interest. Mr. Consolo stated that he is frustrated because the City needs to become more aware because this is major issue. He added that the project will be paid back out of the Sewer Fund. However, the sewer assessment was increased in order to have appropriate funds for the aging infrastructure. Mr. Consolo questioned if the \$110,000 in interest will deplete the fund. Mayor Rothschild stated that the SIB loan is the only option the City has. She added that the City's debt is very low.

Mr. Sims stated that the City does not have the funds for the project in the operating funds. He added that the City has a very high debt rating, but does not have the ability to fund the repayment of debt if it is borrowed. Therefore, the City must use the special assessment funds in order to accommodate a project of this magnitude. Mr. Sims could not explain why the calculations were off earlier, but he stated that the interest rate 3% is not out of line and with a term of 10 years a loan of \$679,508 calculates to a payment of \$79,214 a year. He pointed out that this is the City's only alternative because the funds cannot come out of the General Fund and they cannot be borrowed from any other source because the City does not have a repayment source. Mr. Consolo agreed, but felt leadership was lacking on this issue. He added that the City cannot continue to perform basic city services on credit. Mayor Rothschild stated that the City does not borrow that often. Ms. Goldberg wanted to hear from Mr. Ochoa about the discrepancy in the report.

Mr. Bernardo inquired as to why the ordinance is being considered as an emergency measure. Mayor Rothschild stated that the project has to get started. Mr. Ciuni stated that the contractor will hold his price for sixty (60) days. However, it is better to start earlier so that paving is not happening late in the year.

Mr. Sims stated that it is not unusual or improper to borrow funds to complete a capital improvement project such as the University Parkway Roadway Reconstruction.

Mr. Fisher suggested that agenda item "D" be passed on emergency and agenda item "E" be placed on first reading to assure that funding is approved.

MOTION BY MR. SIMS, SECONDED BY MR. BERNARDO to approve the passage of Ordinance No. 2009-30 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. 2009-31 To enter into an agreement with Mr. Excavator for the University Parkway Roadway Reconstruction Project

Ordinance No. 2009-31 authorizes an agreement with Mr. Excavator as the lowest and best bidder for the University Parkway Roadway Reconstruction Project in an amount not the exceed \$679,508.28.

Ordinance No. 2009-31 was placed on first reading. There were no objections.

F. Resolution No. 2009-32 To enter into an agreement with Burton Scot Contractors for resurfacing University Heights' portion of South Taylor Road from Cedar Road to Silsby Road

Resolution No. 2009-31 authorizes an agreement with Burton Scot Contractors as the lowest and best bidder for the resurfacing of University Heights' portion of South Taylor Road from Cedar Road to Silsby Road in an amount not to exceed \$55,528.43. Mr. Ciuni recommended approval.

Mr. Bernardo questioned the reason for the emergency. Mr. Fisher stated that the project is in conjunction with Cleveland Heights and the contract has to be entered into so the project can begin as soon as possible because the construction season is short.

Mr. Consolo noted that he was originally against this project because University Parkway was not being funded. Now he has changed his mind and stated that this is a good collaborative effort between municipalities.

MOTION BY MR. CONSOLO, SECONDED BY MS. GOLDBERG to approve the passage of Ordinance No. 2009-32 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

G. 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 reported that the \$5,000 check cleared on the Harbourt property located at 2603 Ashurst Road. He added that the deed has been recorded and the property is now owned by the City of University Heights. He also reported the Building Commissioner is in the process of obtaining quotes to clean out the house. Building Commissioner David Menn reported that he has received one quote for \$1,300 and a second for \$1,800. A meeting is scheduled to receive the third quote. Mr. Menn noted that the house will be reinspected once it is cleaned out to determine the structural integrity. He added that the preliminary findings was that the house is sound, but both he and Mr. Ciuni are reserving final judgement until the house is cleaned out.

Mr. Fisher stated that no matter what the findings are with the house, the garage will have to be razed because it is structurally unsafe. Mr. Sims inquired as to the steps being taken in regard to the garage. Mr. Menn stated that there is debris and an abandoned car in the garage that should be cleaned out. Mr. Ciuni warned against anyone going in the garage because of the safety hazard of the collapsed roof. Mr. Fisher advised that Council should authorize the City Engineer to obtain a quotes to raze the garage only.

MOTION BY MR. CONSOLO, SECONDED BY MR. BERNARDO to authorize the City Engineer to issue a request for proposals to demolish the garage at 2603 Ashurst Road. On roll call, all voted "aye."

Building Commissioner David Menn reported that there are currently 32-35 properties on the court's docket relative to foreclosures, which is less than 1% of the total homes in the city. He mentioned that all of them may not actually end up in foreclosure.

Mr. Sims commented on the large number of properties for sale in the city, which compounds the issue of foreclosures. He also remarked about the Plain Dealer article regarding the County Auditor's estimate of the decline in property values in University Heights to an extent of approximately 10%. Mr. Sims stated that the City must remain diligent and focused and not discount anything that maintains the City's positive position.

Mayor Rothschild stated that she is aware of that, but University Heights is not in trouble like many other cities. Mayor Rothschild noted that she does what she does to protect the city and to keep it as viable as it can be. She added that University Heights is a wonderful city and in reviewing the home sales some people are getting good bargains. She also noted that it is important to point out that professionals are still buying homes in the city, which has been reflected in the entrance and exit surveys over the last 32 years. She also pointed out that the banks brought on the crisis.

Mr. Consolo inquired if the City subscribes to RealtyTrac. Mr. Menn replied that the City receives the hatch report and a report off the internet. Mr. Consolo offered to share his subscription to RealtyTrac for review.

Community Coordinator Walter Stinson reported that the Summer Band Concert Series starts on Thursday, June 4, 2009 and runs every Thursday through August 20, 2009.

Mr. Bernardo inquired if the block parties run from 9am to 10pm. Mr. Stinson replied that the block parties run different hours, but the block parties do not continue beyond 8 pm or 9 pm for safety reasons.

Committee Reports:

Building Committee Chairman Peter Bernardo mentioned that he will communicate with Council through email regarding the phase-in of rental permits for apartments.

Finance Committee Chairman Steven Sims reported that the Finance Committee will meet on Monday, June 8, 2009 at 7:00 p.m. in Council Chambers.

Recreation Committee Chairman Frankie B. Goldberg reported that the Memorial Day Parade was exceptional well attended this year.

Ms. Goldberg encouraged everyone to attend the Charter Review Commission's public hearing on June 2, 2009 and to come with an open mind. She added that the voters will decide the issues in the ballot box and the City officials will have to move forward and work with the recommendations. Ms. Goldberg noted that Mayor Rothschild has spent 32 years working full-time at a part-time position, but the status quo is no longer acceptable for the city. Mayor Rothschild agreed and pointed out that there are many ways to move forward.

Safety Committee Chairman Steven D. Bullock expressed his affection for Mayor Rothschild. He added that he moved to University Heights because of what he found here which was created in large part by Mayor Rothschild. Mr. Bullock mentioned that he also honors the Mayor and apologized for not being at the Memorial Day Program when she was honored. However, he honored her and thanked her for what she has done and added that now the City must move on to a different level in order to make sure the city is still what it was when he moved to University Heights when his grandchildren are making the decision as to where they want to live. Mayor Rothschild reiterated that there are many ways to move forward. She mentioned that the city administrator and his support staff will cost the City a lot of money.

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

Mayor Beryl E. Rothschild

Nancy E. English, Clerk of Council