

MINUTES OF SPECIAL COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS
AUGUST 6, 2008

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

Roll Call: Present: Mrs. Adele H. Zucker
Ms. Frankie B. Goldberg
Mr. Steven D. Bullock
Mr. Kevin Patrick Murphy
Mr. Peter R. Bernardo
Mr. Frank Consolo
Mr. Steven Sims

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

Agenda Items:

A. Moral Claim: Eileen Farkas, 4301 Silsby Road, University Heights

Agenda items "A" through "D" were considered jointly. Service Director Christopher Vild reported that four moral claims were filed for property damage sustained from sewer backups when a water main broke on Silsby Road between South Belvoir Blvd. and Baintree Road on May 13, 2008. He explained that the location of the break was adjacent to a sewer manhole and consequently the manhole was flooded causing sewer backups into the basements of several homes in the neighborhood. He noted that it was a substantial break because the water was leaking from five (5) or six (6) locations.

Mr. Vild recommended that the moral claims not be granted because there was no past history of water main failures in the area and also because the City of University Heights does not own the water lines, due to the water agreement with the City of Cleveland.

Fire Chief Pitchler reported that Fire Department personnel were flushing hydrants in the area on the day of the water main break; however, the crews followed the Cleveland Water Department (CWD) procedures. He added that the department uses a "gate valve" on the hydrant in order to prevent "water hammer" caused by the hydrant being closed too fast. Chief Pitchler stated that the department followed policy as set forth by CWD and the Insurance Service Office (ISO); therefore, did not cause the water main break.

Vice Mayor Zucker asked if the Fire Department closed the hydrant improperly. Chief Pitchler responded "no." He added that the department personnel are experienced and trained and should not be faulted for doing their job, which is required to be done twice a year.

Chief Pitchler noted that after the break occurred it took ninety (90) minutes for CWD to arrive on the scene to shut off the water. He noted that there have been numerous water main breaks this season throughout the CWD territory. Chief Pitchler stated that the water lines on Silsby are over 80 years old. Mr. Vild added that the water line was installed in 1926 or 1928.

Ms. Goldberg stated that the letter from the residents indicated that it took CWD three (3) hours to arrive on the scene. Chief Pitchler reiterated that the report he received from the fire lieutenant on duty at the time indicated that it took ninety (90) minutes, not three (3) hours. Ms. Goldberg inquired if there has ever been a water main break caused by hydrant flushing. Chief Pitcher replied no, that sometimes the stem in the hydrant might break, but not a water main break. Mr. Vild added that he arrived at the site around 4:00 p.m. and a CWD workman was there before 6:00 p.m., but a construction crew had not arrived.

Mr. Consolo stated that he was on the scene at 4:30 p.m. and one person from CWD was there before 5:00 p.m., but he could not locate the shut off valve. Therefore, a construction crew had to be called in to dig down in the street to find the shut off valve.

Mr. Consolo also noted that during this incident the water meter blew up at a rental house at Silsby and Baintree Roads, which indicates a tremendous amount of pressure. He noted that a representative of CWD replaced the meter before leaving the scene. Mr. Consolo stated that he was informed that the area in question is an area where there is a variation in pressure. However, he mentioned that if the City personnel was not flushing the hydrants, the break would not have occurred. Chief Pitchler stated that he was not aware of the water meter blowing up and agreed that it indicates an excessive amount of pressure probably caused by the hydrant flushing.

Mr. Bernardo inquired as to how many hydrants were flushed that day. Chief Pitchler indicated that all of the hydrants in the area were flushed with no problems.

Mayor Rothschild inquired about the manhole exposure. Mr. Vild replied that the manhole, which is 8 ft. deep, was completely filled with water.

Mr. Sims asked if CWD would have responded to the water main break if the City did not have the new agreement with the City of Cleveland. Mayor Rothschild and Mr. Vild both replied yes, CWD would have still responded. Mr. Sims stated that it seems like the water flowed into the basements very quickly. Mr. Consolo explained that he went into the basements to assist in locating and uncovering the drain and found the water was up to the first step on the staircase. He noted that water was coming up through the floor drains and wash sink drains. He added that the water was flowing under ground, lifting the pavement enough to raise the casting on the manhole, which allowed the water to flow down the manhole and into the residents' basements very quickly.

Mr. Bernardo inquired as to what the normal pressure is in that area. Chief Pitchler could not be sure without looking at a map, but estimated 60 psi. Mr. Bernardo asked if the pressure could have been higher on that particular day. Chief Pitchler replied that CWD controls the pressure with the pumping. He stated that since the water meter ruptured in the one house, it probably was a water hammer. But, he added that this was a unique situation on a very old line, which has never happened before.

Mr. Bullock asked if there are any other reasons why the pressure would have increased other than the hydrant flushing. Chief Pitchler stated that in his experience since the water meter ruptured, it probably was a water hammer that caused the water main to break.

Vice Mayor Zucker asked why the City's insurance company rejected the claims. Finance Director Arman Ochoa stated that the claims were rejected because the City does not have a water treatment plant and the water lines are covered by another agency (City of Cleveland). He added that CWD has a policy that they do not cover water main breaks.

Sharon Samuels, 4302 Silsby Rd., stated that everything she had in the basement was destroyed. She requested a little assistance and consideration from the City, whether the residents had insurance or not.

Eileen Farkas, 4301 Silsby Rd., stated that the entire incident has been mentally and financially devastating, costing her thousands of dollars. She had to purchase a new washer and dryer (\$1,000), new carpeting (\$900), and cleanup cost (\$2,079.58). Mrs. Farkas stated that she would appreciate the \$300 paid under the moral claim.

Mayor Rothschild extended apologies to the residents on behalf of the City and condolences to Mrs. Samuels on the recent loss of her father.

MOTION BY MR. CONSOLO, SECONDED BY MRS. ZUCKER to approve Items A-D, approving the moral claims of Eileen Farkas, 4301 Silsby Road, Frank and Vivian Fields, 4309 Silsby Road, Sharon R. Samuels, 4302 Silsby Road, and Doug and Trisia Brunton, 4306 Silsby Road, in the amount of \$300 each. On roll call, all voted "aye."

B. Moral Claim: Frank and Vivian Fields, 4309 Silsby Road, University Heights

See agenda Item A.

C. Moral Claim: Sharon R. Samuels, 4302 Silsby Road, University Heights

See agenda Item A.

D. Moral Claim: Doug and Trisia Brunton, 4306 Silsby Road, University Heights

See agenda Item A.

E. Ordinance No. 2008-27 To award insurance coverage for Public Officials, Law Enforcement Liability, Umbrella Excess, and Package Policy - Mike Bentley

Ordinance No. 2008-27 awards the insurance coverage for Public Officials, Law Enforcement Liability, Umbrella Excess, Package Policy (Commercial Inland Marine/Property/General Liability/Automobile) to Traveler's Insurance in an amount not to exceed \$132,595 for the period of June 1, 2008 to June 1, 2009.

Mr. Mike Bentley and Mr. Richard "Bud" Conway of Brooks and Stafford were present. Mr. Bentley stated that he submitted requests for proposals to quote the City's liability insurance policies from nine agencies: Chubb, Great American, Harleysville, Philadelphia, Scottsdale, Selective, State Auto, Utica, and Westfield. All nine companies declined to quote. Mr. Bentley stated that the companies either were not interested in municipal policies or could not be competitive with Traveler's Insurance.

Ms. Goldberg inquired if any of the declines to quote was because of the diving boards at the pool. Mr. Bentley replied that the first questions asked was who is the current carrier and the other companies cannot compete with Travelers. Mr. Conway stated that next year the situation might be different, but this year they cannot beat Travelers.

Mr. Consolo thanked Mr. Bentley for trying to get other quotes.

MOTION BY MR. CONSOLO, SECONDED BY MS. GOLDBERG to approve the passage of Ordinance No. 2008-27 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

F. Resolution No. 2008-34 Honoring Stephen D. Wood upon the event of his retirement.

Resolution No. 2008-34 honors Stephen D. Wood, director, Cleveland Heights-University Heights Public Library, on the event of his retirement on August 31, 2008 after almost thirty-two (32) years of dedicated service.

MOTION BY MR. MURPHY, SECONDED BY MRS. ZUCKER to approve the passage of Resolution No. 2008-34. On roll call, all voted "aye."

With regard to the following payroll ordinances, Mr. Sims stated that the Finance Committee met with most of the Council members present to review each of the proposed ordinances. Mr. Sims stated that the committee recommended approval of the ordinances covered under agenda items "G" through "M." Mr. Sims complimented the staff for efforts in negotiating the contracts.

G. Ordinance No. 2008-35 Authorizing a contract between the City of University Heights and the International Association of Fire Fighters, Local 974

Ordinance No. 2008-35 authorizes a contract between the City of University Heights and the International Association of Fire Fighters, Local 974, setting forth the rate of compensation and benefits and conditions of employment for members of the bargaining unit. The contract is for a three-year period commencing July 1, 2008 through June 30, 2011.

Mr. Consolo thanked Finance Director Arman Ochoa and Councilman Sims for following up with Council, drafting the summary material which the Council received, and for efforts regarding union negotiations.

MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2008-35 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

H. Ordinance No. 2008-36 Authorizing a contract between the City of University Heights and the National Production Workers, Local 707

Ordinance No. 2008-36 authorizes a contract between the City of University Heights and the National Production Workers, Local 707, setting forth the rate of compensation and benefits and conditions of employment for members of the bargaining unit. The contract is for a three-year period commencing July 1, 2008 through June 30, 2011.

MOTION BY MR. SIMS, SECONDED BY MR. BERNARDO to approve the passage of Ordinance No. 2008-36 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. 2008-37 Authorizing a contract between the City of University Heights and the Ohio Patrolmen’s Benevolent Association (Dispatchers)

Ordinance No. 2008-37 authorizes a contract between the City of University Heights and the Ohio Patrolmen’s Benevolent Association (Dispatchers), setting forth the rate of compensation and benefits and conditions of employment for members of the bargaining unit. The contract is for a three-year period commencing July 1, 2008 through June 30, 2011.

MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2008-37 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

J. Ordinance No. 2008-38 Establishing rates of compensation and benefits for appointed officials

Ordinance No. 2008-38 establishes rates of compensation, fringe benefits, and certain conditions of employment for appointed officials of the City of University Heights. The ordinance is effective for the year of 2008.

MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2008-38 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

K. Ordinance No. 2008-39 To establish compensation for the Law Director

Ordinance No. 2008-39 establishes the compensation of the Law Director. The ordinance establishes the compensation for the period January 1, 2008 until December 31, 2009.

MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2008-39 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

L. Ordinance No. 2008-40 Authorizing a contract for compensation for the City Prosecutor and Assistant Law Director

Ordinance No. 2008-40 acknowledges the appointment of William T. Doyle as Prosecutor and Assistant Law Director and authorizes a contract for compensation. The ordinance establishes the compensation for the period January 1, 2008 until December 31, 2009.

MOTION BY MR. SIMS, SECONDED BY MS. GOLDBERG to approve the passage of Ordinance No. 2008-40 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

M. Ordinance No. 2008-41 Authorizing compensation and benefits for all general employees of the City

Ordinance No. 2008-41 is a comprehensive pay ordinance setting forth the direct compensation and fringe benefits for all city employees not specifically exempted therein. The ordinance authorizes compensation for a three-year period commencing July 1, 2008 through June 30, 2011.

MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2008-41 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

N. Ordinance No. 2008-42 To award the bid for the Silsby Road, Bushnell Road, Charney Road Waterline Replacement to Noce Enterprises, Inc.

Ordinance No. 2008-42 awards the lowest and/or best bid for 2008 Waterline Replacement Project for Silsby Road, Bushnell Road, and Charney Road to Noce Enterprises in an amount not to exceed \$1,248,322.

City Engineer Joseph R. Ciuni reported that bids were opened on July 10, 2008 for the 2008 Water Line Replacement Project. Four (4) bids were received ranging from \$1,248,321.25 to \$1,410,830.14. The project includes replacement of the water lines on Silsby Road (Milton to Green), Bushnell Road (Warrensville Center to Wrenford), and Charney Road (Claridge Oval to Hillbrook), new service connections to approximately 232 residents, new fire hydrants, new line valves and temporary bypass piping. Mr. Ciuni reported that the project is funded by Cleveland Water Department. Mr. Ciuni recommended that the City enter into a contract with Noce Enterprises, Inc. for the project.

Mayor Rothschild stated that the area on Silsby Road where the water main break occurred should be considered for improvements next year. She also requested that Mr. Ciuni review the CWD methodology for payment. Mr. Ciuni responded that CWD approved the bid price; therefore, the Finance Director can submit an invoice to CWD for the total bid price plus 10% as a contingency plus enough money for construction inspection. Once the check is received, the Finance Director can draw off of the funds as the project is built.

The ordinance was amended to delete the word "FIRE" from the title of the ordinance.

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to approve the passage of Ordinance No. 2008-42 as amended, as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

Mr. Ciuni noted that water line improvements on University Parkway are on schedule. The water lines are being installed and the homes are currently hooked up to temporary bypass. The time line on this project is 120 days. It was noted that there have been no complaints on the projects. Vice Mayor Zucker shared an experience with the contractor and noted that Noce Enterprises is very competent.

O. Ordinance No. 2008-43 Authorizing the contract/expenditure with Cummins Bridgeway for emergency repairs on a rubbish truck without competitive bidding

Ordinance No. 2008-43 authorizes the contract/expenditure with Cummins Bridgeway for emergency engine repairs on a 2000 Crane Carrier rubbish truck without competitive bidding. The engine will be rebuilt in an amount not to exceed \$22,605.

Ms. Goldberg stated that there needs to be a comprehensive analysis with regard to rubbish collection. Mr. Murphy replied that the proposal with David Akers of NEO|SO would involve a comprehensive study of garbage collection. Mr. Vild stated that he is pursuing companies and will be working with Vice Mayor Zucker, chairman of Service and Utilities Committee, and Finance Director Arman Ochoa to put together a request for proposals.

The second "Whereas" clause of the ordinance was amended to replace the word "sewer" with the words "rubbish truck engine."

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to approve the passage of Ordinance No. 2008-43 as amended, as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

P. Resolution No. 2008-44 Authorizing the City to participate in NEO|SO's 2008-2009 Salt Program

Resolution No. 2008-44 authorizes the City of University Heights to participate in the Northeast Ohio Sourcing Office's (NEO|SO'S) 2008-2009 Salt Program, to delegate the responsibility for the competitive bidding for the purchase of salt, and to establish the City's salt tonnage commitment for the 2008-2009 season. Service Director Vild recommended that the City participate in NEO|SO'S Salt Program. He noted NEO|SO'S service is excellent. He also noted that even though the City paid more last year than the group of cities that contracted with ODOT, salt was always available for the NEO|SO group when the other cities could not get it.

MOTION BY MRS. ZUCKER, SECONDED BY MR. CONSOLO to approve the passage of Resolution No. 2008-44 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

Q. Motion authorizing a contract and expenditure for Purvis Park Field Lighting to G & B Electric

City Engineer Ciuni reported that a condition of the lot split with the Heights Jewish Center was to install lighting along the sidewalk adjacent to the tennis courts leading to Wrenford Road. Mr. Ciuni noted that informal bids were solicited from four (4) contractors to install four (4) new light poles with concrete foundations, electrical conduit and wiring and full service capability. Two (2) bids were received. The low bid was received from G & B Electric Company (G & B) in the amount of \$22,000, which was over the engineer's estimate of \$18,000. Mr. Ciuni stated that in order to reduce costs the low bidder was consulted and he recommended that the original scope of the project be reduced to provide three (3) new light poles. G & B submitted a revised bid of \$14,995. Mr. Ciuni recommended that the City enter into a contract with G & B Electric Company as the lowest and best bid for the Purvis Park Lighting Project, in the amount of \$14,995. Mr. Ciuni stated that if approved the project should be completed by September 15, 2008.

MOTION BY MS. GOLDBERG, SECONDED BY MRS. ZUCKER to authorize a contract and expenditure for Purvis Park Field Lighting to G & B Electric in the amount of \$14,995. On roll call, all voted "aye."

R. Motion to reject the 2008 Sewer Lateral Repairs and Street Repair bids and rebid

Mr. Ciuni reported that bids were opened on July 10, 2008 for the 2008 Sewer Lateral Repairs and Street Repairs. Four (4) bids were received ranging from \$68,435 to \$131,993. Due to the fact that the difference in bid prices were so significant and that the low bid was approximately 9.5% higher than the engineer's estimate of \$62,428.50, Mr. Ciuni recommended that all bids be rejected and that the project be rebid providing the contractors with additional sewer and pavement information.

Mr. Consolo noted that since the Green Road sewers seemed to be the problem that area should be made the emphasis of the project. Mr. Ciuni agreed that the Cedar-Green Shopping Center is a problem.

MOTION BY MRS. ZUCKER, SECONDED BY MR. BULLOCK to reject the 2008 Sewer lateral Repairs and Street Repair bids and rebid. On roll call, all voted "aye."

S. Motion to authorize the expenditure to replace the HVAC system in the Fire Department bay area by Lake Ridge Refrigeration Inc./Medina Heating & Air Conditioning

Chief Pitchler stated that the heating system in the Fire Department needs to be replaced because the unit is twenty-three (23) years old, the heat exchanger is cracked, and it is omitting carbon monoxide into the building. Lake Ridge Refrigeration Inc./Medina Heating & Air Conditioning has submitted a quotation in the amount of \$9,775.00 to replace the HVAC system in the Fire Department bay area.

MOTION BY MR. SIMS, SECONDED BY MR. CONSOLO to approve the motion authorizing the expenditure to replace the HVAC system in the Fire Department bay area by Lake Ridge Refrigeration Inc./Medina Heating & Air Conditioning in the amount of \$9,775. On roll call, all voted "aye."

T. Motion authorizing the purchase of additional computer software for the Building Department from Franklin Information System

Building Commissioner David Menn reported that this additional computer software is phase 2 of the computer system upgrade for the Building Department, which will complete the system. The software will be purchased from Franklin Information System in the amount of \$11,846.80. Mr. Bernardo, chairman of the Building Committee, reported that the purchase was discussed in a joint meet with the Finance Committee.

MOTION BY MR. BERNARDO, SECONDED BY MR. SIMS to approve the motion authorizing the purchase of computer software for the Building Department from Franklin Information System in the amount of \$11,846.80. On roll call, all voted "aye."

- U. Motion to hold an Executive Session immediately following this special session for the purpose of discussing personnel, litigation and real estate matters**

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to hold an executive session immediately following this special session for the purpose of discussing real estate matters. On roll call, all voted "aye."

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

Mayor Beryl E. Rothschild

Nancy E. English, Clerk of Council