

MINUTES OF COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS  
SEPTEMBER 2, 2008

DRAFT

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. Kevin Patrick Murphy (not at roll call)  
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 R. Ochoa  
Chief of Police Gary Stehlik  
Fire Chief John Pitchler  
Community Coordinator Walter Stinson  
Building Commissioner David Menn  
Service Department Foreman John Pucella  
City Engineer Joseph R. Ciuni

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

A moment of silence was held in memory of the late Stephanie Tubbs Jones, U.S. Congresswoman, District 11, who passed away suddenly on August 20, 2008.

Minutes of the regular meeting held on June 16, 2008

There were no corrections or additions to the minutes of June 16, 2008.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. BULLOCK to approve the minutes of the June 16, 2008 meeting. On roll call, all voted “aye.”**

Minutes of the special meeting held on August 6, 2008

There were no corrections or additions to the minutes of August 6, 2008.

**MOTION BY MR. CONSOLO, SECONDED BY MRS. ZUCKER to approve the minutes of the August 6, 2008 meeting. On roll call, all voted “aye.”**

Comments from the Audience:

Steven D. Bennett, 3761 Hillbrook Rd., stated that the ordinance to establish a Charter Review Commission which is on the agenda for this meeting does not allow for direct election of members. He suggested that by not allowing members, especially a majority of members, to be elected is a call for a change of government from Mayor-Council form to Council-City Manager form of government. He expressed that passing the ordinance on emergency suggests that there is a rush to have the commission in place so that the change is made prior to the November 2009 general election. He noted that a special election would cost the taxpayers of University Heights more than if it was held at a regularly scheduled election. He also noted that there has been considerable discussion in prior public meetings on the opinion that a Council-Manager form of government would be more efficient than the current form of government. But, there has been little discussion of acting on efficiencies now nor on the probability that a future Mayor could bring more efficiencies about.

Mr. Bennett stated that he has had the experience as a agent of change with after his fifteen (15) years on City Council he was term limited off the Council, an ordinance he initiated. He noted that the current push for change comes from the decrease in Local Government Funds. Mr. Bennett stated that as president and a member of the Northeast Ohio City Council Association (NOCCA) he has been involved in seeking and developing regional solutions to the financial and operating crisis in local government and will be running for Mayor to continue developing those solutions for University Heights.

Mr. Bennett invited Council members to attend the NOCCA forum on Thursday, September 25, 2008 at which the topic will be "Does Your Community Need New Revenue? Planning and Sharing for Regional Growth." The forum will be held at Sterle's Solvenian Country House, 1401 E. 55<sup>th</sup> St., Cleveland from 5:30 pm to 8:00 pm.

Mr. Bennett urged the sponsors of Ordinance No. 2008-45 to consider and pass the amendments proposed by Vice Mayor Zucker for seven (7) elected members to the Charter Review Commission because those who appoint rarely chose individuals with different opinions from themselves.

Patricia Baskin, 2177 Jackson Blvd., read a letter from Winifred Weizer, 2177 Jackson Blvd., who could not be at the meeting due to employment obligations. The letter addresses concerns regarding the creation of a Charter Review Commission. It expressed concerns that the public does not have the full information as to the real issue behind the creation of a Charter Review Commission which consequently led to the introduction of the proposed ordinance. It noted that there has been ongoing discussions about the topic of change to a city manager form of government since the council retreat at the beginning of 2008. At the retreat, retired Professor Sy Murray of the Levin College at Cleveland State University reviewed the city manager form of government and an alternative. Mr. Murray did not recommend the city manager form, but rather suggested that Council establish, by ordinance, the position of City Administrator appointed by the Mayor and confirmed by the Council. It went on to note that after the initial retreat several committee of the whole meetings were held to discuss the options. These meetings failed to achieve a consensus and now the formation of a Charter Review Commission has been proposed. In Ms. Weizer's opinion, "it is disingenuous to present the commission as something that is necessary for the good of the city." She advocated that if the residents do not want a city manager form of government, then a Charter Review Commission is not needed.

In the letter, Ms. Weizer suggested that public hearings could have been held over the last seven (7) months for the residents to offer their input and to determine if the residents are supportive of a city manager, city administrator or the current system of government. It also noted that the Civic Information Committee's agenda of its meeting held on August 11, 2008 had an item for the "creation of a commission to review the Charter provisions and change in form a government issues." Adding that this meeting could have been more widely published in the newspaper, but was not because it was called after the paper's deadline. In the conclusion of the letter, Ms. Weizer indicated that the councilpersons are elected to represent the people and they should be willing to listen to what the residents have to say. It noted that if the residents do not agree with the change to a Council-City Manager form of government, then the City does not need a Charter Review Commission.

John Reebel, 3770 Northwood Road, mentioned that many of his neighbors were not aware of what is going on. Mr. Reebel stated that he does not have strong feelings one way or another about changing the form of government, but he feels strongly that legislation to possibly change the form of government needs open discussion and input from the residents, especially since there will be a cost involved. Mr. Reebel added that it seems the ordinance is being rushed through since it is on for emergency passage and there needs to be more public input.

Margaret Duffy-Friedman, 4521 University Parkway, stated that when she learned six (6) months ago that there were concerns about the city, she met with each of the Council members in person or by phone and has attended many of the committee meetings and committee of the whole meetings. Mrs. Duffy-Friedman noted that she inquired several times where the needs assessment was and where Council was obtaining its data from to create this new idea without satisfactory answers. She encouraged others to ask questions as well and asked why the ordinance to establish a Charter Review Commission is being considered as an emergency. She noted that the process does not seem to be in the spirit of the Sunshine Laws. She questioned the process that led to the legislation being presented this evening. She also questioned where the electorate is in the process since the commission, as proposed, will only consist of appointed members. She called for the Council to consider elected representatives in any future legislation pertaining to a Charter Review Commission. Mrs. Duffy-Friedman suggested that the ordinance be tabled and that the citizens be brought into the process.

Mrs. Duffy-Friedman stated that her husband, former Councilman Jeffrey H. Friedman, could not attend the meeting because the chair lift was not inoperable and requested permission for Mr. Friedman to call in and make his comments. Mayor Rothschild granted permission for Mr. Friedman to make his comments via the telephone.

Susan K. Infeld, 3906 Tyndall Rd., explained to the audience that the draft ordinance passed out to audience members is an ordinance proposed by Vice Mayor Zucker amending the ordinance introduced by Councilman Consolo to establish a Charter Review Commission. Mrs. Infeld stated that she did not have a problem with citizens reviewing the Charter because it has been thirty (30) years since the last review. But, she questioned some aspects of establishing the commission such as the level of direction given to the commission from the Council and who will lead the commission at the first meeting. She mentioned that based on the Sun Press article, it seems that some Council members may have a different agenda. She also questioned the need for an emergency measure on the ordinance. Mrs. Infeld stated that University Heights has always been a community that allowed citizen input and it disturbs her that input was not garnered on this issue.

Mary Bondy, 2295 Loyola Road, stated that she was not sure if she favors passing the Charter Review Commission ordinance at this meeting. However, she felt strongly as others do that there should be change in University Heights, but she feels the need for more input on the options available to make that change. Mrs. Bondy stated that she has been dissatisfied with what has been going on in the city for the last ten (10) years. She felt a sense of urgency for change and whether that change comes from the charter review or other options, she asked that the citizens be educated and informed in an efficient and timely manner.

Mrs. Bondy suggested that taxpayers' dollars are being wasted operating under the current structure, policies and procedures. She used the Waterway Gas & Wash Company project and vacant spaces in local retail shopping areas as cases in point. Ms. Bondy mentioned that if the City does not have the expertise in-house then it should be procured from the outside. She suggested that University Heights is facing population decline, disinvestment in the city, deteriorating infrastructure, and bad private investments. She noted that in looking at past mistakes, the city has to look at itself, its organization, structure, resources, funding and human expertise. Mrs. Bondy stated that although the public has not been educated about what the process of a Charter Review Commission is, many will see this is an option for the city to get out of its current situation or as a tool for bettering the city.

Mary Ann Rini, 3866 Tyndall Rd., spoke in support of Mary Bondy's comments. Mrs. Rini supported the formation of a Charter Review Commission because she supports a City Manager form of government. She too expressed disappointment over the work of the administration and Council over the past ten (10) years. She stated that the city needs a City Manager with strong expertise in administration, city planning, economic development, regional planning, tax planning, and a strong vision. She added that a City Manager could also help the city deal with the parking problem at John Carroll. Mrs. Rini stated that perhaps a Charter Review Commission would be a way of examining what the city is doing. She suggested that the members of the commission be appointed and elected.

Bill Gould, 2200 Edgerton Rd., stated that the city is facing harsh realities: declining population, declining business opportunities, along with increased taxes. Mr. Gould stated that it is difficult for the residents to be active participants in the process if the City does not provide good information. He noted that he attended this meeting because of an article in the Sun Press, which had little information. Mr. Gould stated that he does not object to the formation of a Charter Review Commission, but has concerns about the process. One being that the ordinance, as proposed, does not allow for direct electorate from the citizenry, which is a must because of the small size of the city. Mr. Gould stated that he does not understand why the proposal would increase the size of the government for a shrinking population, which will increase costs for a smaller tax base.

Mayor Rothschild stated that the size of the staff has not increased, but rather it has been at the same level for several years. She explained that the taxes had not be raised in twenty-six (26) years prior to the passage of Issue 153 in 2006. She also noted that most of the taxes go to the schools and taxes have been increasing over the years because of the schools.

Mr. Gould understood, but he would like to have input into the process with regard to the Charter Review Commission. He stated that with today's technology there are better ways to communicate with the residents to keep more people informed.

Marc Blumenthal, 2253 S. Belvoir Blvd., asked for more explanation on the benefits of electing the members of the Charter Review Commission versus appointment. Mayor Rothschild stated that it would be explained during the course of the meeting.

Chris Tunison, 2544 Traymore Rd., stated that the City has let down the residents in terms of communication because the only way she knew about the issue of the Charter Review Commission was through the Sun Press article. She agreed to the concept of a Charter Review Commission, but questioned the difference in being elected rather than appointed. She stated that there should be additional meetings to educate the community as to the pros and cons and the key issues which the commission will address.

Jeffrey Friedman, 4521 University Parkway, offered his comments via a speaker phone. After listening to the comments of the other speakers, Mr. Friedman explained that the Charter Review Commission is not going to change the taxes nor addresses whether houses are sold or not sold. Mr. Friedman noted that he authored the charter review legislation 30 years ago. He stated that the most democratic way to handle the formation of the commission is to include elected as well as appointed members. He noted that the Charter is the basis of government (city constitution) and the membership of the commission should come from a good cross section of the community. He stated that depending on the membership of the commission it should have an equal number of elected and appointed members or be skewed to the electorate to ensure that neither the Mayor nor Council is taking over the commission. Mr. Friedman stated that the proposed ordinance under consideration gives the controlling number of members to the Council. He noted that this gives an appearance that the Council is skewed toward an agenda. Mr. Friedman quoted Councilwoman Goldberg's comment in Sun Press and agreed with her that "We need some independent voices to review the charter."

Mayor Rothschild stated that her view of the Charter Review Commission's responsibility is to review the current Charter in order to determine what needs to be updated. However, she noted that if the Charter Review Commission is to change the form of government then a different process is needed such as holding public hearings in order to find out what the public wants before the commission meets. Mayor Rothschild stated that she believes the Council members who are in favor of the charter change want the executive and legislative branches to be one branch – the Council would appoint the City Manager without input from the Mayor. Therefore, the Council would run the City and the Mayor would be a ceremonial head. Mayor Rothschild stated that certain items should be considered such as how much it would cost the city and for what. She stated that "if the system is not broke why fix it." Mayor Rothschild stated that she and past elected officials must have been doing something right because University Heights has only been on the ballot once for an income tax increase in over 30 years. Mayor Rothschild stated that the proponents of the proposal have not taken into consideration that she will be leaving office at the end of 2009. She stated that anyone considering running for Mayor in 2009 will not know what kind of government they are running for, which is not be fair to the candidates. She noted that the cost of changing government has not been analyzed. She noted that the cost of a City Manager would be high plus the salaries of any assistants. Mayor Rothschild stated that one aspect which she does support is an administrative assistant for the Mayor, which could be accomplished by changing the administrative code, not the Charter.

Mayor Rothschild stated that the proposed Charter Review Commission legislation has a bias built into it because under the proposed amendments, which will be made later in this meeting, the Mayor's appointments will change from two (2) to one (1) member and the appointment of the chair of the commission will be removed from the Mayor and given to the appointees. She stated that an unbiased, impeccable attorney with an excellent reputation should be chosen to chair the commission. Mayor Rothschild stated that the best way to address the membership of the commission is for seven (7) members to be elected, (7) members to be appointed and the chairman appointed by the Mayor. Mayor Rothschild recommended that the proposed ordinance to establish a Charter Review Commission be tabled until 2010 under the new administration in order to avoid a predetermined mind set.

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

Mayor Rothschild announced that an important informational meeting, sponsored by the City and the Cuyahoga County Department of Development, will be held Tuesday evening, September 9, 2008 from 7:00 p.m. to 9:00 p.m. at Wiley Middle School Auditorium, 2181 Miramar Blvd., University Heights regarding rentals, foreclosure prevention assistance and financing for home repairs/improvements.

#### Agenda Items:

##### **A. Ordinance No. 2008-45 To establish a Charter Review Commission**

Ordinance No. 2008-45 establishes a Charter Review Commission, sets forth qualifications for members of such commission and sets forth the authority and duties of such commission.

Councilman Consolo, who introduced the ordinance, reminded Council that any recommendations made by the Charter Review Commission will be placed on the ballot and voted on by the electorate of University Heights. He stated that the commission will not be set up by Council, run by Council nor dictate how it votes. Mr. Consolo stated that any final disposition, whether there be a change in the form of government or not, will be voted on by the people not Council. He added that under the proposed ordinance all meetings of the commission will be open to the public and a public comment period is required at each meeting. He noted that within 90 to 120 days after the commission convenes, the commission is required to make a progress report to the Council and the public.

Mr. Consolo stated that in order for commission members to be elected, the City would have to wait until November, 2009 because it is too late to place the issue on the November, 2008 ballot. He also noted that Council held discussions about having elected members on the commission, but they did not want to exclude residents who may not want to go door to door to campaign. Mr. Consolo stated that the Council wants to get the best quality people possible to serve on the commission without making them go through the process to get elected. He noted that an amendment by Vice Mayor Zucker only required that a candidate get fifteen (15) signatures to run which would cause a flood of candidates. Mr. Consolo stated that in reviewing what other cities have done, it was determined that the best quality and most interested people were those that were appointed.

Mr. Consolo stated that in drafting the proposed ordinance, the Council reviewed what was done 30 years ago and used the prior resolution as a basis to draft the proposed ordinance. He noted that under the ordinance no elected official or appointed official or employee of the City may serve on the Charter Review Commission. Mr. Consolo stated that during the meetings on the issue, those councilmen who desired to make a change in the government expressly denied that their goal in the establishment of the Charter Review Commission was to change the form of government.

Mayor Rothschild stated that an email sent out by Mr. Consolo stated that the current Charter gives the Council power. She added that the Council is looking for power with this charter change. Mr. Consolo noted that is the Mayor's view.

Mr. Consolo explained that under the proposed ordinance, eleven (11) members would be appointed to the commission. Each councilperson would appoint one (1), two (2) appointments would be made by the Mayor and two (2) appointments would be made by the council as a whole after interviews are held. Mr. Consolo stated that one of the amendments which would be presented is to take one (1) appointment from the Mayor and give to other to the council as a whole. He noted that this was suggested in part by Vice Mayor Zucker, in order to get more citizens involved. Another amendment would be for the commission at its first meeting to choose its own chairman instead of the Mayor appointing a temporary chairman. He added that the dates would be moved back 30 days to correspond with the passage of the ordinance.

Mr. Bernardo stated that Mr. Consolo made important points and he is in favor of the ordinance, but that it not be passed on emergency because the public will not know what is happening. He noted that since the electoral process does not apply and the City is not facing a deadline, he sees no reason why the ordinance cannot be presented on two readings. Mr. Bernardo added that in the meantime town meetings can be held to educate the public. It would also give time for notice to be given for the next council meeting. Mr. Consolo stated that the emergency is necessary because there are certain time limits to be met for the 2009 election. He noted that approximately twelve (12) months from now (September, 2009) any amendments would have to be submitted to the Board of Elections to be placed on the November 2009 ballot. He added that the councilpersons wanted to get the commission up and running by October, 2008 which cuts their deliberation time down to eleven (11) months.

Law Director Kenneth J. Fisher stated that the Charter requires that legislation be read at two separate public meetings. In order to pass on emergency, two-thirds (5) of the members elected to council must vote in the affirmative to waive the two reading requirement and takes effect upon the signature of the Mayor. If the ordinance does not get five affirmative votes, the ordinance will be placed on first reading and passed at the next meeting of September 15, 2008.

Vice Mayor Zucker stated that there is no reason to rush into passage of the ordinance on emergency. Mrs. Zucker stated that she is in favor a Charter Review Commission, but she wants the public to be involved in the process. She suggested that Council slow down the process and get the public involved.

**MOTION BY MRS. ZUCKER to table Ordinance No. 2008-45 and that it be referred to the Council Committee of the Whole to be discussed with the Law Director present. Motion died for lack of a second.**

Mr. Fisher stated that the Civic Information Committee did consider the proposed ordinance at a public meeting and the draft ordinance was presented to him for review, on which he made semantic changes.

Mr. Bernardo inquired if the emergency issue should be voted on prior to the amendments. Mr. Fisher stated that the amendments require a simple majority of four (4) affirmative votes for passage and the emergency will require five (5) affirmative votes, therefore the amendments should be presented first.

Mr. Murphy stated that there is no hidden agenda and the public will be involved in every step of the process.

Vice Mayor Zucker stated that she has amendments to Ordinance No. 2008-45 as presented. The first being to amend the membership on the Charter Review Commission to fifteen (15) members: seven (7) elected, seven (7) appointed by Council (one appointment each), and one (1) appointed by the Mayor. It was decided that Councilman Consolo would present his amendments first and action taken on those, then Vice Mayor Zucker could present her amendments.

The following individual amendments to Ordinance No. 2008-45 were presented:

**MOTION BY MR. CONSOLO, SECONDED BY MR. BULLOCK to amend Section 1 of Ordinance No. 2008-45 to change the date of September 15, 2008 to October 15, 2008 as the date that the Charter Review Commission would take office. On roll call, all voted “aye” except Mrs. Zucker, who voted “no.”**

**MOTION BY MR. CONSOLO, SECONDED BY MR. MURPHY to amend Section 2(a) of Ordinance No. 2008-45 to change the date of September 8, 2008 to October 6, 2008. On roll call, all voted “aye” except Mrs. Zucker, who voted “no.”**

**MOTION BY MR. CONSOLO, SECONDED BY MR. MURPHY to amend Section 2(b) of Ordinance No. 2008-45 to change the “The Mayor may appoint two (2) members...” to “The Mayor may appoint one (1) member...” and to change the date of September 8, 2008 to October 6, 2008. On roll call, all voted “aye” except Mr. Bernardo and Mrs. Zucker, who voted “no.”**

**MOTION BY MR. CONSOLO, SECONDED BY MR. MURPHY to amend Section 2( c ) of Ordinance No. 2008-45 to change “Two (2) members of the Commission...” to “Three (3) members of the Commission...”; to change the date of September 8, 2008 to October 6, 2008; to change the date of September 15, 2008 to October 15, 2008; and to change “...two (2) interested residents to the Commission.” to “...three (3) interested residents to the Commission”. On roll call, all voted “aye” except Mrs. Zucker, who voted “no.”**

**MOTION BY MR. CONSOLO, SECONDED BY MR. MURPHY to amend Section 5 of Ordinance No. 2008-45 to change “...the 15<sup>th</sup> day of September...” to “...the 15<sup>th</sup> day of October...”; to delete the words, “The Mayor shall select one appointee to the Commission to serve as temporary chairman and...” from the second sentence so that the sentence starts with, “The first order of business shall be the election by the Commission of a Chairman to preside at all meetings,...”; and to add the words, “meeting minutes and” to the last sentence so that the sentence reads in part, “...a Secretary to faithfully record the meeting minutes and actions of the Commission...”; On roll call, all voted “aye” except Mrs. Zucker, who voted “no.”**

**MOTION BY MR. CONSOLO, SECONDED BY MR. MURPHY to amend Section 6 of Ordinance No. 2008-45 to change “September” to “October”; and change the date of March 16, 2009 to April 6, 2009.**

Ms. Goldberg stated that the Cuyahoga County special elections to be held in 2009 will be February 3<sup>rd</sup> and August 4<sup>th</sup>. She noted that it would cost the City approximately \$60,000 to hold a special election. Ms. Goldberg stated that she would be uncomfortable and would not support expending that much money on a special election for the Charter Review Commission’s recommendations. It was noted that May 5, 2009 primary election would not cost the City additional funds to have issues on the ballot. Ms. Goldberg stated that if the issues were not ready for the May primary election, it would have to wait for the general election on November 3, 2009. Mr. Fisher stated that the only way around that would be to have the Charter review recommendations certified to the Cuyahoga County Board of Elections 60 days before May 5, 2009, which would be March 4, 2009. Mr. Consolo thanked Ms. Goldberg for doing the research that led to including both terms in the ordinance so that it would be flexible. He agreed that \$60,000 would be an exorbitant amount of money to expend for a special election.

Mayor Rothschild reiterated that the proposal is unfair for the people who will be running for Mayor in November of 2009 because they will not know what they are running for. Mr. Consolo stated that he understood Mayor Rothschild's position, but the entire population of University Heights has more say than the two (2) people that have announced their candidacy for Mayor.

Ms. Goldberg stated that she is offended as an elected official that the Charter Review Commission has been equated with the City Manager. She stated she will make sure that independent voice review the Charter, which has not been reviewed in 30 years. Ms. Goldberg stated that 71% of the communities in Cuyahoga County appoint their Charter Review Commissions. Vice Mayor Zucker mentioned that many of the commissions are appointed by the Mayor. Ms. Goldberg replied that the information had not been provided in writing for the Council's perusal.

Mr. Sims stated that if the issue is having a balance on the Charter Review Commission, the ordinance as proposed is more appropriate. Mr. Sims expressed that for him the Charter Review Commission should never be equated with a change in the form of government because that is not what the commission is about. He added that it is unfair to label the process as an action to change the form of government. Mr. Sims stated that the process will be open and inclusive with public involvement and input. He added that if the issue of a change in government was to arise, he would hope the commission would make a special effort to ensure that the residents are made aware of the issue so that they can attend the meetings and speak to the issue. Mr. Sims also noted that the potential influence of Council should not be a concern because the city has independent minded people who will approach the review in an unbiased manner. He noted that there has not been a predetermination of what the process will entail and will not make a presumption otherwise. Mayor Rothschild was encouraged by Mr. Sims comments, but still feels there is a built in bias.

Mr. Bullock stated the elected officials knows his position, but noted that it is unfair for the Mayor to conclude that the commission will end up recommending a change in the government. Mr. Bullock added that he has the greatest respect for Mayor Rothschild, but he also has an idea of what needs to happen and feels there is an urgency to get it done. Mr. Bullock stated that in the cities surveyed, most charters are reviewed every 10 years. He added that University Heights' Charter has not been reviewed in 30 years and there is a need for review even if the change in government is not recommended. Mr. Fisher explained that the Charter does not provide for mandatory charter review.

Mayor Rothschild inquired what position people be running for in November 2009 in the event that there is a recommendation to change the form of government on the November 2009 ballot. She expressed that the timing of this proposal is extremely bad. Mr. Murphy stated that no one knows if there will be a recommendation to change the Charter.

Ms. Goldberg inquired if it would be too late to get the recommendations on the May 5, 2006 ballot if the recommendations are presented to the Clerk on April 6, 2009. Mr. Fisher stated that the question would have to be posed to the director of the Board of Elections, but he believes it would. Mr. Fisher noted that he will research the issue, but an alternative would be to move the April date back to March 2, 2009 to allow for the 60 day limit.

Mr. Consolo asked if the proposal is delayed and a new mayor is elected and the Charter Review Commission recommends a change from the Mayor-Council form of government during the first year of the Mayor's term would that person remain in office for the remainder of the term. Mr. Fisher stated that he would have to research the issue. He added that if the recommendations are placed on the May primary election then it will address the Mayor's issue of Mayoral candidate knowing what they are running for. Mr. Consolo stated that it is also possible to obtain a grant from a non-profit foundation to pay for a special election.

**On roll call to amend Section 6 as presented, all voted "aye" except Mrs. Zucker, who voted "no" and Ms. Goldberg, who "abstained."**

**MOTION BY MR. CONSOLO, SECONDED BY MR. BULLOCK to amend Section 8 of Ordinance No. 2008-45 to add the following sentence after the first sentence, "Within 90 to 120 days of taking office, the Commission shall make available to Council and the public a progress report." On roll call, all voted "aye" except Mrs. Zucker, who voted "no."**

**MOTION BY MR. CONSOLO, SECONDED BY MR. MURPHY to amend Ordinance No. 2008-45 such that the date of October 15, 2008 throughout the ordinance be changed to October 16, 2008 to avoid any possible conflict with a religious holiday. On roll call, all voted "aye" except Mrs. Zucker, who voted "no."**

Vice Mayor Zucker decided not to present her amendments to Ordinance No. 2008-45 because she would not get the support of a second. She expressed her disapproval of the ordinance in its current form.

**MOTION BY MR. CONSOLO, SECONDED BY MR. MURPHY to approve the passage of Ordinance No. 2008-45, as amended, as an emergency measure. On roll call, on suspension of rules, all voted “aye,” except Mr. Bernardo and Mrs. Zucker, who voted “no.” On roll call, on passage, all voted “aye,” except Mr. Bernardo and Mrs. Zucker, who voted “no.”**

**B. Ordinance No. 2008-46 Amending Ord. No. 2008-15 authorizing the purchase of one 2008 Chevrolet Trailblazer for the Fire Department through the State Purchasing Program**

Ordinance No. 2008-46 amends Ordinance No. 2008-15 by authorizing the purchase of one 2008 Chevrolet Trailblazer for the Fire Department through the Ohio Cooperative Purchasing Program in an amount not to exceed \$20,322. Mr. Bullock stated that the vehicle authorized for the Fire Department is no longer available and Fire Chief Pitchler has recommended purchasing the Chevy Trailblazer, which will save the City \$1,000.

**MOTION BY MR. BULLOCK, SECONDED BY MR. SIMS to approve the passage of Ordinance No. 2008-46 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. 2008-47 Levying Special Assessments for providing city services in the removal of nuisance conditions at various locations throughout the city**

Ordinance No. 2008-47 levies Special Assessments for providing city services in the removal of nuisance conditions at various locations throughout the city. Finance Director Arman Ochoa reported that the assessments are for grass cutting services on ninety-seven (97) parcels, totaling \$33,685. The assessments will be collected on the 2009 tax bill. In response to a question from Mr. Consolo, Mr. Ochoa noted the contractor who performs the work is not paid until the City receives the money from the County.

**MOTION BY MR. BERNARDO, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2008-47 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. 2008-48 Abating Special Assessments for the year 2009 at certain parcels at University Square**

Ordinance No. 2008-48 abates the special assessment for the year 2009 on certain parcels within the city for the University Square parking garage and authorizes the Finance Director to file the report on the abatement of special assessments, dated September 2, 2008, with the Cuyahoga County Auditor on or before September 8, 2008. Finance Director Arman Ochoa reported that there are enough funds to meet the debt service payment, and, therefore, the special assessment for 2009 is not required. He noted that the total debt requirement is \$6,127,420 and there is \$10,073,022 in the account. The ordinance was amended to correct the dates and the report was amended to change the assets.

Mr. Consolo inquired if there is a way to withhold funds in anticipation of the day when the special assessment will be needed to help pay the debt service. Mr. Ochoa responded no, but in the event the property owners of Inland US Management, Target and Macy's could not meet the debt service, the bonds held by the Cleveland-Cuyahoga Port Authority would be in default. After questioning from Mr. Sims, Mr. Ochoa confirmed that in such a situation the City of University Heights would not have any financial responsibility for any payment.

**MOTION BY MR. CONSOLO, SECONDED BY MR. SIMS to approve the passage of Ordinance No. 2008-48, as amended, as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”**

**E. Ordinance No. 2008-49 Awarding the 2008 Sewer Lateral Repairs and Street Repairs (Re-bid)**

City Engineer Joseph Ciuni reported that bids were opened on August 28, 2008 for the 2008 Sewer Lateral Repairs and Street Repairs (Re-bid). Two (2) bids were received. The low bid was submitted by Monte Construction Company in the amount of \$69,265.50.

The scope of work under the project consists of sewer lateral repairs on Eaton Road and on University Boulevard, the replacement of sewer outlet pipes at Cedar-Green Shopping Center, and street repairs on Washington Blvd. and Silsby Road (near Baintree). It was noted that the cost of the Cedar-Green lateral repair will be split 50/50 with the shopping center owner in the amount of \$6,335.00 each. Mr. Ciuni recommended that the City enter into a contract with Monte Construction Company as the lowest and best bid in an amount not to exceed \$69,265.50.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to approve the passage of Ordinance No. 2008-49 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."**

**F. Motion to authorize the demolition of 2099 Wynn Road**

Building Commissioner David Menn reported that the house located at 2099 Wynn Rd., which the City owns, has become a nuisance and requested that Council declare it a public nuisance and authorize the demolition. It was noted that the house has been vandalized and is not habitable. City Engineer Joseph Ciuni also recommended that the house and garage be demolished. There are no plans for the property at this time.

Mr. Consolo noted that the Mr. Ciuni submitted two letters: one dated August 14, 2008 with results of bids to demolish the property, and the other dated August 28, 2008 recommending the demolition. He inquired as to why the City Engineer received quotes to demolish the house and garage prior to getting Council approval. Mayor Rothschild replied that the demolition was discussed when the property was purchased.

Mr. Fisher stated that the threshold issue is the motion to authorize the demolition. If that authorization is not given then the expenditure for the demolition will not be considered.

Mr. Consolo inquired if funds have been expended to the obtain bids for the demolition. Mr. Fisher stated that the three (3) proposals are under \$15,000 and did not require publicly advertised bids. Therefore, there was no expenditure of City funds for placing an advertisement in a newspaper of general circulation. Mr. Consolo requested that in the future the recommendation be brought to the Council first for approval before bids are obtained.

Mr. Bernardo stated that the Building Committee is currently considering a procedure for the demolition of homes.

Mr. Sims requested an explanation as to how informal bids were obtained. Mr. Ciuni stated that he solicited informal bids from a list of twelve (12) demolition contractors, and three (3) responded. Mr. Sims stated that normally he would be troubled about demolishing a home, but he is aware that the effort to abate nuisances is very important to the community. Mr. Sims added that he would agree with improving the structure if funds were available, but because they are not, he is in favor of removing the nuisance that would otherwise be a blight on the city. He also commended the staff for efforts to abate nuisance conditions in the form of hedge trimming and grass cutting.

Mr. Menn stated that there was a house fire at the residence a few years ago and the property owner was cited in court to make the repairs, but the house then went into foreclosure, and sat boarded up for over a year and a half. The property was purchased by the City, but it is a site for constant vandalism. Mayor Rothschild stated that another advantage to demolishing the house is that the lot can be added to the property the city owns on South Taylor Road.

**MOTION BY MR. BERNARDO, SECONDED BY MS. GOLDBERG to authorize the demolition of 2099 Wynn Road. On roll call, all voted "aye."**

**G. Motion to authorize the expenditure for the demolition of 2099 Wynn Road**

Mr. Ciuni reported that three (3) proposals were received for the demolition of 2099 Wynn Road. The low bids was received from O.B.O. Demolition & Construction in the amount of \$8,500. The scope of work will consist of demolishing the house, removing the basement and foundation and filling in the hole. The garage will also be demolished. In addition, the concrete driveway apron will be removed, a tree lawn installed and grass will be planted.

Mr. Consolo inquired as to what happens if the contractor discovers asbestos in the house. Mr. Ciuni stated that the contractor will be liable to remove it. Mr. Sims suggested that language be included in the contract to address the issue of asbestos. Mr. Consolo suggested that the language state that the cost of asbestos removal be borne by the contractor.

**MOTION BY MR. SIMS, SECONDED BY MR. BERNARDO to award a contract to O.B.O. Demolition & Construction, Inc. for the demolition of 2099 Wynn Road in the amount of \$8,500. On roll call, 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.

Mr. Consolo stated that since Ordinance No. 2008-45 passed on emergency, he inquired if Council action should be taken on the notice publication provision within the ordinance for notification to the residents to apply for the commission. Mr. Fisher replied that the ordinance takes effect upon the signature of the Mayor. Therefore, he recommended that action be taken at the next regular meeting on September 15, 2008.

Mayor Rothschild announced that she intends to veto the ordinance. Mr. Fisher stated that under the Charter, the Mayor has the right to veto the ordinance and it will take two-thirds or five (5) affirmative votes to override the Mayor's veto.

Mr. Bernardo requested that information be disseminated to the public during the two week period until September 15, 2008. He suggested that information regarding the Charter Change Commission be explained as well as the pending Mayor's veto.

Ms. Goldberg suggested that a letter go out to the community with respect to what action was taken at this meeting and what the future process will be as well as how true the democratic process is in University Heights.

Mr. Fisher advised that Council could make a motion that the matter be posted on the web and that applications be submitted. He added that if the Mayor vetoes the ordinance then Council would need five votes to override the veto and the residents would have fourteen (14) days to submit the applications.

**MOTION BY MR. CONSOLO, SECONDED BY MR. BULLOCK to publicize as stated in Ordinance No. 2008-45 Section 2 (c) that interested electors of University Heights submit letters of interest and a resume to the Clerk of Council after passage of this ordinance but before October 6, 2008 at 7:30 p.m. via the City's normal manner of publication i.e. newspaper, website, etc.; the notice shall include an explanation of the Charter Review Commission and its process; Councilman Consolo will draft the notice with input from the entire Council and final approval by the Law Director. On roll call, all voted “aye.”**

Mr. Fisher stated that the ordinance be posted along with the notice.

Directors' Reports:

**Community Coordinator** Walter Stinson reported that the City sponsored twelve (12) very well attended band concerts during the summer concert series at Wiley Middle School. He noted that Ben & Jerry's and Cold Stone Creamery sponsored two (2) ice cream socials and the City sponsored three (3).

Mr. Stinson reported that thirty-four (34) block parties have been scheduled through the beginning of September this summer.

Mr. Stinson also reported that two (2) local businesses K's for Men, 13890 Cedar Rd, and a new business located at 3688 Silsby Road have shown interest in the Storefront Renovation Program administered by the First Suburbs Development Council using Community Development Block Grant funding from the Cuyahoga Department of Development. Mr. Buddy Kohl of K's for Men was awarded \$8,000 of his \$19,700 project amount for roof improvements.

Mr. Sims acknowledged Mr. Stinson's commitment and dedication to the City. He also encouraged attendance at the informational meeting on September 9, 2008. Mr. Stinson noted that representatives of the Cuyahoga County Department of Development, Cuyahoga County Treasurer's Office and the Cuyahoga County foreclosure Prevention Office will be presenting on various programs offered by the County with respect to Foreclosure prevention assistance and financing for home repairs/improvements. The meeting will be held Tuesday evening, September 9, 2008 from 7:00 p.m. to 9:00 p.m. at Wiley Middle School Auditorium , 2181 Miramar Blvd., University Heights.

Mr. Consolo inquired if there was an armed robbery at the BP gas station at Cedar and Green Roads. Chief Stehlik stated that he will check, but he believes it was a pump gas and driveway incident. However, he noted that the tanning salon at Cedar and Green was robbed at gun point. Mr. Consolo expressed his concern.

Chief Stehlik also reported that there was a car accident over the weekend in which a motorist drove into a house on the northwest corner of Channing Road and Meadowbrook Boulevard. There were no injuries which required transport to the hospital.

Committee Reports:

**Building Committee** Chairman Peter Bernardo reported that his committee met and considered three (3) ordinances to amend the code by reducing the number of days from 10 days to 3 days after notice is given to abate nuisance conditions relative to hedges and shrubbery, grass and weeds and pests. Other items which are being considered are: is an ordinance to prohibit swimming pools, which is a safety hazard for children, and furniture which are not designed for outdoor use to be placed on the front lawns; the placement and removal of temporary signs for contractors; guidelines for the demolition of homes along with the \$1 purchase of homes. The committee will review the rental fee structure to include apartment buildings, which will help to reduce the fees for individual property owners and bring additional income into the City. The RV storage and parking as well as affidavit for family rentals will also be considered at a future meeting.

**Finance Committee** Chairman Steven Sims reported that he anticipates holding a Finance Committee meeting in October to focus on an update of the budget with a possible cut off date of September 30, 2008.

**Recreation Committee** Chairman Frankie Goldberg reported that the pool will be open for its final weekend of the season on September 6 and 7, 2008 from 12 noon to 6:00 p.m. Mayor Rothschild stated that all the reports have been favorable this summer with no complaints being made.

**Safety Committee** Chairman Steven D. Bullock reported that he will schedule a joint meeting with the Finance Committee meeting before the end of September.

Mr. Bullock noted that CityWatch system has been installed and some staff have been trained; additional training sessions will be held. Chief Pitchler noted that they will use the system for the September 29, 2008 fire hydrant flushing.

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