

MINUTES OF COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS  
OCTOBER 20, 2008

Mayor Rothschild called the meeting to order at 7:35 p.m.

Roll Call: Present: Mrs. Adele H. Zucker  
Mr. Steven D. Bullock  
Mr. Frank Consolo  
Mr. Steven Sims

Absent: Ms. Frankie B. Goldberg  
Mr. Kevin Patrick Murphy  
Mr. Peter R. Bernardo

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  
Building Commissioner David Menn  
Service Foreman John A. Pucella  
City Engineer Joseph R. Ciuni

**MOTION BY MR. BULLOCK, SECONDED BY MR. SIMS to excuse the absence of Ms. Goldberg, Mr. Murphy, and Mr. Bernardo. On roll call, all voted “aye.”**

Minutes of the regular meeting held on October 6, 2008

Vice Mayor Zucker requested an addition to the minutes of October 6, 2008, in that her written statement regarding Resolution No. 2008-60 and Resolution No. 2008-61 be included in the minutes, in its entirety. The statement will be included on page 3 under Agenda Item “I.”

**MOTION BY MR. BULLOCK, SECONDED BY MRS. ZUCKER to approve the minutes of the October 6, 2008, as amended. On roll call, all voted “aye.”**

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

Mayor Rothschild reported that there are several committee meetings scheduled. The list of upcoming meetings has been posted on the City’s website.

Agenda Items:

**A. Appeal to Council of the Board of Zoning Appeals’ decision of October 8, 2008 regarding the issuance of a fence permit at 2580 South Belvoir Boulevard**

Mr. Michael Kirincic was present to request that the Board of Zoning Appeals decision of October 8, 2008 regarding the fence permit issued to John Carroll University to install a fence in the back yard of its rental property located at 2580 South Belvoir Boulevard be revoked. Present representing John Carroll University were Ms. Lisa M. Barrett, Esq., attorney with Norchi, Barrett & Forbes LLC, and Mrs. Maria Alvaro-Lopez, general counsel for John Carroll University.

The court reporter transcript of this portion of the October 20, 2008 Council meeting, as prepared by Jessica M. Hine of Traver & Bishilany Court Reporting Services, LLC, is incorporated herein and attached hereto in its entirety as part of record thereof.

After conclusion of the testimony, the following motions were presented.

**MOTION BY MR. SIMS, SECONDED BY MRS. ZUCKER to table the appeal of Mr. Michael Kirincic regarding the issuance of a fence permit at 2580 South Belvoir Boulevard in order to further study the adverse impact to the neighborhood and to receive an updated legal opinion regarding the houses owned by John Carroll University and how they are being used. On roll call, Mr. Sims and Mrs. Zucker voted “aye,” and Mr. Bullock and Mr. Consolo voted “nay.” Motion failed.**

**MOTION BY MR. CONSOLO, SECONDED BY MR. BULLOCK to deny the appeal of Mr. Michael Kirincic regarding the issuance of a fence permit at 2580 South Belvoir Boulevard and that the decision of the Building Commissioner and the decision of the Board of Zoning Appeals of October 8, 2008 be affirmed. On roll call, all voted “aye,” except Mrs. Zucker, who voted “nay” and Mr. Sims who, “passed.” On repoll, Mr. Sims voted “aye.” Appeal denied.**

**B. Ordinance No. 2008-58 To repeal Section 210.01 of the Codified Ordinances relative to moral claims (2nd Reading)**

Ordinance No. 2008-58, which was placed in first reading on October 6, 2008, repeals Section 210.01 of the Codified Ordinances to eliminate the Moral Claims Policy.

**MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2008-58. On roll call, all voted “aye.”**

**C. Motion to approve the 2009 contract for public health services provided by the Cuyahoga County Board of Health**

The 2009 contract for public health services has been submitted by the Cuyahoga County Board of Health. The Board of Health is charging a uniform rate of \$3.70 per person throughout the health district, which amounts to an annual cost of \$52,340.00 for the year 2009. This is a 3% increase from the rate of \$3.60 per capita which was charged in 2007 and 2008, and amounts to an increase of \$1,314 per year.

**MOTION BY MR. BULLOCK, SECONDED BY MR. CONSOLO to approve the 2009 contract with the Cuyahoga County Board of Health for public health services, in the amount of \$52,340.00. On roll call, all voted “aye.”**

**D. 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:

**Under Service Department**, Mr. Sims requested an update on the road salt situation. In the absence of Service Director Christopher Vild, Finance Director Arman Ochoa reported that the City has advertised for bids for road salt. Bids are due on Friday, October 24, 2008. Mr. Ochoa stated that he also checked with the State Purchasing vendor, but the current rate is \$135.00 per ton plus \$12 to \$15 per ton in delivery charges.

Mayor Rothschild stated that the City currently has 2,000 tons of salt stored in the Cleveland Heights facility. Service Department Foreman John A. Pucella confirmed that the City has 2,000 tons of salt stored in the Cleveland Heights facility. He noted that Service Director Vild contacted the City of Cleveland Heights to inquire if University Heights could purchase salt from them at their cost. Mr. Pucella added that Cleveland Heights has made a verbal agreement to sell salt to University Heights. Mr. Sims requested that the verbal agreement with the City of Cleveland Heights be formalized.

Committee Reports:

**Safety Committee** Chairman Steven D. Bullock reported that the Safety Committee will meet on Monday, October 27, 2008 at 7:00 p.m. in Council Chambers.

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