

MINUTES OF COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS
NOVEMBER 17, 2008

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

Roll Call: Present: Mrs. Adele H. Zucker
Ms. Frankie B. Goldberg
Mr. 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 R. Ochoa
Chief of Police Gary Stehlik
Fire Chief John Pitchler
Community Coordinator Walter Stinson
Service Director Christopher Vild
City Engineer Joseph R. Ciuni

A moment of silence was held in memory of the late Marjorie Wright, who passed away recently. Mrs. Wright was a former Mayor of the City of Cleveland Heights.

Minutes of the regular meeting held on November 3, 2008

There were no corrections or additions to the minutes of November 3, 2008.

MOTION BY MS. GOLDBERG, SECONDED BY MR. SIMS to approve the minutes of the November 3, 2008. On roll call, all voted "aye."

Comments from the Audience:

Sheila Hubman, 2532 Ashurst Rd., noted that she attended the University Affairs Committee meeting where discussion was held of establishing a historic district in University Heights. She opposed any suggestion to divide the city into districts or wards because University Heights is such a small city. Mrs. Hubman commented about the time in the 1960's when University Heights was divided into upper University Heights and lower University Heights. She would not like to see a division of the city repeated, but rather she supported unity. Mrs. Hubman stated that if a historic district is considered it should include the entire city. She also inquired if the University Affairs Committee will make a report and if the committee has received a response from John Carroll University regarding the request from the committee. Councilman Consolo noted that he will make a report later in this meeting.

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

Mayor Rothschild reported that the Cleveland Foodbank is calling for additional donations of food and monetary donations. Anything people can do to help would be appreciated. The situation due to the economy is grim for many families.

Agenda Items:

A. Resolution No. 2008-63 Authorizing an Animal Control Services Agreement with the City of South Euclid

Resolution No. 2008-63 authorizes the Mayor to enter into an Animal Control Services Agreement with the City of South Euclid for animal control services in University Heights at a rate of \$30.58 per hour, plus \$2.00, for each hour of service.

Chief of Police Gary Stehlik reported that the City has been incurring extra charges beyond the retainer under the existing contract with Greg Miller Animal Control Service. Therefore, he has been looking for an alternative. Chief Stehlik stated that the City of South Euclid approached him about joining its animal control program. He noted that the City of Richmond Heights has already joined with South Euclid and if University Heights joins then South Euclid would be able to have a full-time animal control employee. He stated that the City would realize a savings by contracting with the City of South Euclid.

Chief Stehlik requested that Resolution No. 2008-63 be approved as an emergency measure because he has to give 30 days notice to Greg Miller Animal Control Service. The term of the agreement with the City of South Euclid is January 1, 2009 through December 31, 2013.

Vice Mayor Zucker inquired as to why the rate for the City of Richmond Heights is lower than the price quoted to University Heights. Chief Stehlik replied that Richmond Heights came in at that price a year ago. He will find out if Richmond Heights' rate will increase in 2009.

Mr. Sims inquired about the "call out" rate. Chief Stehlik explained that a "call out" means a call that is outside of normal working hours, such as after hours or on weekends. Mr. Sims also inquired if there is information on usage under the current contract. Chief Stehlik gave an example for the month of September and of the approximate 42 entries only 22 were covered under the retainer. He noted that repeat visits for trapping have incurred a lot of the extra charges. Chief Stehlik mentioned that education is provided to the residents on what to do to prevent attracting animals into the yard.

Ms. Goldberg recommended that the Council receive a quarterly report on the savings and effectiveness of the program.

Councilman Bullock stated that the Safety Committee considered the agreement at its meeting of October 27, 2008 and recommended approval.

MOTION BY MR. BULLOCK, SECONDED BY MR. BERNARDO to approve the passage of Resolution No. 2008-63 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

B. Ordinance No. 2008-64 Amending Section 890.03 (a) of the Codified Ordinances pertaining to Imposition of Taxes to correct a clerical error

Ordinance No. 2008-64 amends Section 890.03 (a) of the Codified Ordinances pertaining to Imposition of Taxes in order to correct a clerical error which was made when the code was amended in 2004 to include gaming/lottery winnings. Finance Director Arman Ochoa and the Regional Income Tax Agency (RITA) recommended that this amendment be made.

MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2008-64 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. 2008-65 Approving Change Order #1 and Change Order #2 to the contract with Monte Construction Company for the 2008 Sewer Lateral Repair and Street Repairs

Ordinance No. 2008-65 approving Change Order #1 and Change Order #2 to the contract with Monte Construction for the 2008 Sewer Lateral Repair and Street Repairs. City Engineer Joseph R. Ciuni reported that additional work was necessary under the contract. The two (2) change orders amounts to an additional \$4,580.50 to the contract with Monte Construction Company. Mr. Ciuni recommended approval of the change orders.

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to approve the passage of Ordinance No. 2008-65 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, 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

MOTION BY MRS. ZUCKER, SECONDED BY MR. BULLOCK to hold an executive session immediately following this regular meeting for the purpose of discussing personnel matters. On roll call, all voted "aye."

Directors' Reports:

Under **Service Director's** report, Councilman Sims requested an update on the road salt situation. Service Director Christopher Vild stated that he has not found another source for the purchase of salt and the situation with the City of Cleveland Heights is the same. Mr. Vild stated that he will continue to look for potential alternate sources for salt. But, presently the cost of salt per ton without a contract is anywhere from \$110 and up with minimum orders of 5,000 to 10,000 tons, which is more salt than University Heights needs.

Mr. Vild stated that it does not look like the City will be able to get reasonably priced salt, but if the City has to order at a higher price later there is no order deadline and he will check on the lead time for orders. Mr. Sims requested that the information be confirmed because he would like specific and firm alternatives in place to receive the salt so that the City does not reach a point where the salt has run out and there is a lead time to get it.

Mr. Vild also mentioned that he participated in a winter operations survey from the Ohio Municipal League and Ohio Department of Transportation (ODOT). The result of the survey has not been received.

Mr. Bernardo inquired if the leaf trucks will be changed over to plow snow. Mr. Vild replied that he is postponing removing the leaf collection boxes in the event the weather changes and leaf collection can continue at full force. Currently, there are four (4) trucks plowing and two (2) salting. Mr. Vild reported that the new truck will be in on Friday, November 21, 2008.

Mr. Murphy asked if there is an agreement with the City of Cleveland Heights for the purchase of salt. Mr. Vild responded that there was a verbal agreement, but Cleveland Heights City Manager Robert Downey has to check their contract with Cargill to determine if they are permitted to sell salt under the contract.

Mr. Vild noted that the only other option is to use aggregate, which would be difficult at best to do at the Cleveland Heights storage facility. Mr. Vild is not a supporter of using aggregate because it will increase sewer cleaning costs in the spring. Mayor Rothschild mentioned this is what happens when a City does not have its own salt storage facility.

The Service & Utilities Committee will discuss the "sensible salting" policy created by the Northern Ohio Service Directors Association at its meeting on November 24, 2008.

With regard to the Silsby Road Waterline project, Vice Mayor Zucker inquired if the homes will be connected to the temporary water hoses all winter. Mr. Ciuni replied that thirty (30) of the (59) homes have been connected and the remainder should be finished by the end of the week, weather permitting.

In reference to the University Parkway Waterline project, Councilwoman Goldberg asked if the contractor owes the City money because the project was not finished in a timely manner. Mr. Ciuni replied that the contractor was to be completed by October 14, 2008, but was completed on November 10, 2008. He added that payment will be held back as liquidating damages at a rate of \$300 per day for 26 days.

Community Coordinator Walter Stinson reported that the Community Development Block Grant (CDBG) application for the Bushnell Road Resurfacing and Enhancement Project has been filed with the Cuyahoga County Community Development Department.

Mayor Rothschild reported that Building Commissioner David Menn is in Columbus taking required courses and exams from the Board of Building Standards.

Committee Reports:

Building Committee Chairman Peter R. Bernardo reported that he will schedule a committee meeting for December.

Civic Information Committee Chairman Frank Consolo reported that three (3) vendors made presentations for website updating and maintenance. However, the City will postpone final action until 2009 because of the money involved.

University Affairs Committee Chairman Frank Consolo reported that the committee met and proposed establishment of a Historic District. He noted that the ordinance has been drafted and will be considered by the committee.

Councilman Consolo reported that he has received a list of items requested from John Carroll University. Mr. Consolo noted that he, Councilmen Bullock and Murphy met with Dora Pruce, the new Director of Government and Community Relations at John Carroll University on November 12, 2008. The priorities of John Carroll University will be used for the agenda for next committee meeting.

Finance Committee Chairman Steven Sims reported that the Finance Committee will meet on Tuesday, November 18, 2008 at 7:00 p.m. in City Hall Council Chambers. The Financial Advisory Committee members have been invited to attend the meeting.

Recreation Committee Chairman Frankie Goldberg reported that a Recreation Committee will meet on Wednesday, November 19, 2008 at 7:00 p.m. in City Hall Council Chambers.

Service & Utilities Committee Chairman Adele H. Zucker reported that a Service & Utilities Committee meeting has been scheduled for Monday, November 24, 2008 at 7:00 p.m. in City Hall conference room.

There being no further business to discuss, the meeting was recessed into executive session. Following the executive session, the meeting was adjourned.

Mayor Beryl E. Rothschild

Nancy E. English, Clerk of Council