

MINUTES OF COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS
DECEMBER 3, 2007

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

Roll Call: Present: Mrs. Adele H. Zucker
Mr. Steven D. Bennett
Mrs. Susan K. Infeld
Ms. Frankie B. Goldberg
Mr. Steven D. Bullock
Ms. Winifred J. Weizer
Mr. Kevin Patrick Murphy

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
Building Commissioner William C. Nadeau
City Engineer Joseph R. Ciuni

Minutes of the regular meeting held on November 19, 2007

MOTION BY MRS. ZUCKER, SECONDED BY MR. BENNETT to approve the minutes of the November 19, 2007 meeting. On roll call, all voted “aye,” except Mrs. Infeld, who “passed.”

Certificates of Recognition

Chief of Police Gary Stehlik along with Mayor Beryl E. Rothschild presented Certificates of Recognition to Deborah Kline of Raymont Blvd. and Patrolman Joseph Respondek for their respective roles in preventing an armed robbery at KFC, 2115 So. Taylor Road. Ms. Kline, captain of her “Neighborhood Watch” area, noticed two suspicious persons lurking behind KFC and contacted the Police Department. Patrolman Respondek, who was first to arrive at the scene, exercised professionalism in apprehending the two suspects and found the handgun that the would-be thieves intended to use in their planned theft. The City of University Heights commended both Ms. Kline and Patrolman Respondek and expressed gratitude for their collaborative effort.

Comments from the Audience:

Danny Raiz, owner of 2351 Warrensville Center Road, commented about the rental permit fee increase. He was concerned about the way city leaders have addressed the issues stemming from rental properties and offered suggestions. First, Mr. Raiz suggested that the city get feedback from all parties concerned: City officials, renters, John Carroll University (JCU), landlords, neighbors and the community at large. Secondly, he suggested that the City update its technology in an effort to use funds more efficiently, such as the housing inspectors utilizing laptops in the field, use of email instead of postal mail, and keeping council minutes current on the City’s website. Mr. Raiz challenged officials to take a trip to Bexley, Ohio, home of Capital University, and meet with City leader to see how they have embraced the university. He also challenged officials to address how the Building Department operates so that they can become more efficient. Finally, Mr. Raiz challenged officials to meet with the landlords in order to receive their input. Mayor Rothschild stated that his suggestions will be taken under consideration.

Mary Ann Rini, 3866 Tyndall Rd., opposed the proposed salt dome construction. She suggested that the City seek a continuance through the EPA to allow time to analyze the proposal further. She suggested that the proposed salt dome be made part of the evaluation to be performed for City facilities. Ms. Rini also commented about a possible conflict of interest because Mayor Rothschild and Vice Mayor Zucker are voting members of the Planning Commission. She posed several questions to the Council for them to consider prior to a vote on the issue.

Ezra Rahamin, owner of 13589 Cedar Rd., expressed his concern about the increase in rental permit fees. He noted that the increase should be justified by income. He also noted that the condition of the economy should be taken into consideration. He stated that the rental fees in Shaker Heights and Cleveland Heights are still reasonable. Mr. Rahamin stated that homeowners should be notified, preferably by email, when items that affect them are being considered.

Molly Delaney, 2607 Saybrook Road, JCU Student Union president-elect, stated that she is looking forward to working cooperatively with the City. She noted that the Student Union has taken active steps to improve the relationship between the student body and the City. She listed several goodwill activities performed by the students, such as the Footprints for Fatimas race, Through the Eyes of a Child and the Wiley Middle School leaf-raking project, just to name a few. Ms. Delaney expressed her disappointment with comments in the November 22, 2007 edition of the Sun Press, which indicated that the rental ordinances was "aimed at John Carroll..." She stated that associating all JCU students with the bad behavior of some is wrong and suggested that future comments separate those for whom the ordinance was intended from those who are trying to be responsible adults and good neighbors. Mayor Rothschild stated that the students who came to the meetings were satisfied with the changes that were made to the ordinances prior to their passage. She also noted that communication arrangements have been made with the students, and she requested that Ms. Delaney leave her contact information with the clerk.

Agenda Items:

A. Motion to Renew Fire Department Insurance: Commercial General Liability, Management Liability and Commercial Umbrella - Michael Bentley

Mr. Michael Bentley, Brooks & Stafford Company, was present. He presented the proposal for the Fire Department Commercial General Liability Insurance, Management Liability Insurance, and Commercial Umbrella Insurance through VFIS to cover the period of December 8, 2007 to December 8, 2008. The premium for the Commercial General Liability policy, which includes Management Liability, in the general aggregate of \$2 million was \$7,417. The premium for the Commercial Umbrella policy also with a general aggregate of \$2 million was \$1,486. The total annual premium was \$8,903.00, which was an increase of \$94.00 over last year's premium.

MOTION BY MRS. INFELD, SECONDED BY MRS. ZUCKER to renew the Fire Department Commercial General Liability, Management Liability and Commercial Umbrella Insurance with VFIS for the period of December 8, 2007 to December 8, 2008 in an amount not to exceed \$8,903. On roll call, all voted "aye."

B. Motion to approve budget for Series of Discoveries - Susan Carver

Ms. Susan Carver, program director, presented her proposed budget in the amount of \$31,823 for the "Series of Discoveries" program for the period of July, 2007 to June, 2008. She reported that meetings were held with City Council and employees to garner input on the establishment of a Neighborhood Ambassador Program (NAP). Ms. Carver stated that since many of the goals of NAP duplicate those of the Neighborhood Watch Program, she plans to assist Lt. Scott Tyler with the Neighborhood Watch Program for the remainder of the budget year. She noted that Mrs. Infeld might also assist with the program.

Ms. Goldberg inquired as to what is planned within the next six months with regard to the Neighborhood Watch Program. Ms. Carver replied that she will work within the perimeters set by Lt. Tyler in merging goals, but the hope is to increase the number of Block Watch Captains.

Mayor Rothschild noted that the proposed Neighborhood Ambassador Program seemed to be a natural match with the Neighborhood Watch Program because the contact persons are already established in the neighborhoods. She added that the Series of Discoveries revealed some of the problems and this will be one of the solutions to the problems. Ms. Carver noted that the two issues to be addressed will be noise abatement and property maintenance.

Mr. Murphy requested to see tangible data as to what benefits the City is receiving from the program. Ms. Carver stated that she will provide data from a survey which was conducted, testimonials from the Wiley Civility Ambassadors Program and attendance for the dance fest. Ms. Goldberg also requested to know how many University Heights residents have attended the program.

Mayor Rothschild mentioned that the Wiley Civility Ambassadors Program was very successful and well received by the students, but, regrettably, was not continued by the school this year.

Law Director Kenneth J. Fisher stated that Mrs. Infeld has no financial interest in the program, but that she will recuse herself from the discussion and vote because the presentation mentioned that she might participate in the program in the coming year.

MOTION BY MRS. ZUCKER, SECONDED BY MR. BENNETT to table consideration of the budget for the "Series of Discoveries" until additional information is received. On roll call, all voted "aye," except Mrs. Infeld, who "passed."

C. Planning Commission Recommendations:

1. Proposal to construct a road salt storage facility utilizing two parcels of City owned property on So. Taylor Road at Washington Blvd., and approval of a lot consolidation plat for real property bearing Permanent Parcel Nos. 722-01-001 and 722-01-002

Service Director Christopher Vild offered a brief overview of what led the City to consider the proposed salt storage facility. He reported that the City of University Heights falls under Phase 2 of the EPA's Storm Water Management Program which requires, under its Good Housekeeping provision, that road salt be stored in a covered facility to prevent storm water pollution. Mr. Vild noted that he inquired about an extension in order to store 500 tons of salt outside and cover it with a tarp, but was told that under no circumstances will the EPA allow this practice to continue. Therefore, the City had to address how salt is stored. He noted that currently the City stores 200 tons of salt in a large garage at the City Hall campus. Mr. Vild stated that the City Hall campus is landlocked and there is no room to build a salt dome. Therefore, other options were considered, but the only appropriate land on which to build the dome is the one the City owns.

Mr. Vild reviewed the first option for construction of a salt dome using the two parcels of land owned by the City at South Taylor Road and Washington Boulevard. He noted that the property is a good site because it is in a commercial area and it does not abut any residential properties. The dome as proposed is a lower profile, geodesic design measuring 72 ft. in diameter and 37 ft. in height which would hold 2,100 tons of salt. The dome would set at the northeast corner of the lot. Mr. Vild stated that there would be two driveway aprons on South Taylor Road; the trucks would enter from one drive, load trucks and exit via the second driveway. A small garage is proposed to be built in the southeast corner of the lot to house the front end loader which is used to load the salt. Mr. Vild noted that there will be landscaping and a bioretention area with natural plantings – the lot would drain into this area to filter sediments before the water goes into the storm sewer. An 8 ft. high masonry split face block wall would surround the perimeter of the site with two remote controlled wooden gates.

In regard to the second option, agenda item "C.2." below, Mr. Vild stated that this plan includes the two city-owned parcels as well as three parcels owned by the Cleveland Heights-University Heights City School District. With this plan, the dome would set further back off of South Taylor Road and the front end loader garage would be built behind the dome so that it would not be visible from the street. There would be a larger asphalt work area as well as a larger bioretention area. There would also be a larger grass area within the site to incorporate more landscaping for screening purposes. Mr. Vild stated that looking into the site from Wynn Road, the dome would appear to be lower into the ground due to the higher elevation of Wynn Road.

Law Director Kenneth J. Fisher reported that the City property (Permanent Parcel Nos. 722-01-001 and 722-01-002) were rezoned on June 26, 2007 from Local Retail District (U-7) to Two-Family Residence District (U-2). He noted that within the City's Zoning Code municipally owned and operated structures are a permitted use in a Two-Family Residence District. Mr. Fisher added that the facility would not be an industrial use and noted that the City does not have industrial use within its Zoning Code.

Mr. Vild stated that the City applied for \$100,000 in Community Development Block Grant (CDBG) funds with the intention of constructing the perimeter wall and doing streetscaping along South Taylor Road from Cedar Road to the Cleveland Heights line; it would include sidewalk replacement, planting of ornamental grasses and basically improving the appearance of the commercial area. In addition, he noted that 10-12 quick growing, larger trees are also proposed to screen the salt dome from Wynn Road.

Mayor Rothschild reported that at its meeting, November 29, 2007, the Planning Commission passed the following motions with respect to the above referenced application:

"MOTION BY MR. REICHEK, SECONDED BY MR. O'CONNOR to recommend to Council approval of the proposal to construct a road salt storage facility using the two parcels of real estate that the City owns on South Taylor Road, subject to the approval of all City departments and the Architectural Review Board. On roll call, all voted "aye," except Mr. Bolotin, who voted 'nay.'"

"MOTION BY MR. REICHEK, SECONDED BY MR. O'CONNOR to recommend to Council approval of a lot consolidation plat for the two city-owned parcels (specifically Permanent Parcel Nos. 722-01-001 and 722-01-002) in order to facilitate the construction of a road salt storage facility, subject to the approval of the City Engineer. On roll call, all voted 'aye.'"

MOTION BY MRS. ZUCKER, SECONDED BY MR. BENNETT to approve the Planning Commission's recommendation to construct a road salt storage facility utilizing two parcels of City owned property on So. Taylor Road at Washington Boulevard. On roll call, all voted "aye."

MOTION BY MRS. ZUCKER, SECONDED BY MR. BENNETT to approve the Planning Commission's recommendation to approve a lot consolidation plat for real property bearing Permanent Parcel Nos. 722-01-001 and 722-01-002. On roll call, all voted "aye."

2. **Proposal to construct a road salt storage facility utilizing parcels of City owned property and possible parcels of land currently owned by the Cleveland Heights-University Heights City School District, and approval of a lot consolidation plat.**

Mayor Rothschild reported that at its meeting, November 29, 2007, the Planning Commission passed the following motions with respect to the above referenced application:

"MOTION BY MR. REICHEK, SECONDED BY MR. O'CONNOR to recommend to Council approval of the proposal to construct a road salt storage facility using the City's existing two parcels and the three parcels of land currently owned by the Cleveland Heights-University Heights City School District subject to the City's acquisition of those parcels and to the approval of all City departments and the Architectural Review Board. On roll call, all voted "aye," except Mr. Bolotin, who voted 'nay.'"

MOTION BY MRS. ZUCKER, SECONDED BY MS. WEIZER to approve the Planning Commission's recommendation to construct a road salt storage facility utilizing parcels of City owned property and possible parcels of land currently owned by the Cleveland Heights-University Heights City School District. On roll call, all voted "aye."

"MOTION BY MR. REICHEK, SECONDED BY MAYOR ROTHSCHILD to recommend to Council approval of a lot consolidation plat of the three parcels currently owned by the Cleveland Heights-University Heights City School District together with the city-owned parcel as consolidated (specifically Permanent Parcel Nos. 722-01-001 through 722-01-006), subject to the City's acquisition of those three parcels and with the approval of the City Engineer. On roll call, all voted "aye," except Mrs. Zucker and Mr. Bolotin, who voted 'nay.'"

Mr. Fisher advised that he has reservations about approving a lot consolidation plat which includes the three parcels of land owned by the Cleveland Heights-University Heights City School District because the City does not own nor have under contract the three parcels. Mayor Rothschild stated that the motion is being made subject to acquisition of the lots in question. Mr. Bullock inquired if there is a negative legal aspect to approving the plat. Mr. Fisher responded that the only reservation is that the City has no legal interest in the three School District parcels. He added that, if approved, the lots could not be consolidated until the City acquires ownership.

Ms. Goldberg stated that the permanent parcel numbers are inclusive of 7221-01-001 through 722-01-006, but only five lots are being considered. City Engineer Joseph Ciuni replied that there are in fact five lots, that is just the way the numbering system is for those parcels.

MOTION BY MR. BENNETT, SECONDED BY MR. BULLOCK to table the recommendation of the Planning Commission with respect to approving the consolidation plat of the three parcels currently owned by the Cleveland Heights-University Heights City School District together with the city-owned parcels as consolidated. On roll call, all voted "aye."

3. **Ordinance No. 2007-68 Amending Chapter 1266 of the Codified Ordinances changing the title of the district from "Cedar Center District, U-9" to "Cedar Center/Mixed Use District, U-9" (2nd Reading)**

Mayor Rothschild reported that at its meeting, November 29, 2007, the Planning Commission passed the following motion with respect to Ordinance No. 2007-68, which was placed on first reading by City Council on November 5, 2007:

"MOTION BY MR. BOLOTIN, SECONDED BY MAYOR ROTHSCHILD to recommend to Council the passage of Ordinance No. 2007-68 to amend Chapter 1266 of the Codified Ordinances changing the title of the U-9 District from Cedar Center District to Cedar Center/Mixed Use District. On roll call, on passage, all voted 'aye.'"

Building Commissioner William Nadeau stated that the change will allow other areas of the city to be governed under the Mixed Use District.

MOTION BY MR. BENNETT, SECONDED BY MR. BULLOCK to approve the Planning Commission recommendation by approving the passage of Ordinance No. 2007-68. On roll call, all voted "aye."

4. Ordinance No. 2007-70 Vacating a portion of Raymont Blvd.

Mayor Rothschild reported that at its meeting, November 29, 2007, the Planning Commission passed the following motion with respect to Ordinance No. 2007-70:

“MOTION BY MR. O’CONNOR, SECONDED BY MR. REICHEK to recommend to Council the passage of Ordinance No. 2007-70 to vacate a portion of Raymont Boulevard. On roll call, on passage, all voted ‘aye.’”

Mr. Ciuni stated that the ordinance vacates a portion of Raymont Blvd. for public roadway use at the corner of Cedar and South Taylor Roads. He noted that the City will still own the property. Mr. Ciuni noted that there are underground utilities (water lines and sewers) which run down the center of the roadway; therefore, the land cannot be built upon. Mr. Fisher stated that the vacation will allow a strip of land to be conveyed to Premier Restaurant Company (KFC) as per a previously approved purchase agreement in the amount of \$110,000. He added that a utility easement will be maintained on the property. Mr. Ciuni stated that agenda item C.5. includes the utility easement on the lot split and consolidation plat. He noted that the property must be vacated prior to the lot split and consolidation. It was noted the KFC will continue to use the land as part of its parking lot.

MOTION BY MR. BENNETT, SECONDED BY MRS. ZUCKER to approve the Planning Commission recommendation by approving the passage of Ordinance No. 2007-70 to vacate a portion of Raymont Boulevard as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye, except Ms. Weizer, who voted “no.”

5. Approval of lot split and consolidation plat for the City of University Heights and Premier Restaurant Company (KFC) for real property located at the corner of Cedar Road and S. Taylor Road

Mayor Rothschild reported that at its meeting, November 29, 2007, the Planning Commission passed the following motion with respect to the above referenced application:

“MOTION BY MAYOR ROTHSCHILD, SECONDED BY MR. O’CONNOR to recommend to Council the approval of a lot split and consolidation plat for a portion of the vacated Raymont Blvd. and P.P. N. 722-01-112. On roll call, all voted ‘aye.’”

MOTION BY MR. BENNETT, SECONDED BY MS. GOLDBERG to approve the Planning Commission recommendation and approve a lot split and consolidation plat for a portion of the vacated Raymont Blvd. and P.P.N. 722-01-112. On roll call, all voted “aye,” except Ms. Weizer, who voted “no.”

D. Ordinance No. 2007-72 Temporary Appropriations for 2008

Ordinance No. 2007-72 authorizes temporary appropriations for current expenses and other expenditures of the City for the period of January 1, 2008 through March 31, 2008.

Ordinance No. 2007-72 was placed on first reading. There were no objections.

E. Ordinance No. 2007-73 Authorizing the purchase of a city-wide notification software system

Ordinance No. 2007-73 authorizes a software licensing agreement with CityWatch to provide for a non-exclusive license to use and operate proprietary computer programs.

MOTION BY MR. BULLOCK, SECONDED BY MRS. INFELD to table Ordinance No. 2007-73 until discussions with Cleveland Heights and Shaker Heights have been completed. On roll call, all voted “aye.”

F. Ordinance No. 2007-74 Authorizing transfers

Ordinance No. 2007-74 authorizes transfer of funds from the General Fund to the Police Pension Fund in the amount of \$354,610, to the Fire Pension Fund in the amount of \$457,344, and to the Bond Retirement Fund in the amount of \$652,580. It also authorizes transfer of funds from the Street Maintenance Fund to the Bond Retirement Fund in the amount of \$1,450,000; from the Sewer Maintenance “A” Fund to the Bond Retirement Fund in the amount of \$300,000; and from the Capital Improvement Fund to the Bond Retirement Fund in the amount of \$598,985.

MOTION BY MRS. INFELD, SECONDED BY MRS. ZUCKER to approve the passage of Ordinance No. 2007-74. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

G. Resolution No. 2007-75 Authorizing tax advances for 2008

Resolution No. 2007-75 requests the County Auditor to advance taxes from the proceeds of tax levies for the period January 1, 2008 to December 31, 2008.

MOTION BY MRS. INFELD, SECONDED BY MR. BENNETT to approve the passage of Resolution No. 2007-75. On roll call, all voted “aye.”

H. Ordinance No. 2007-76 Amending Section 1280.10 of the Codified Ordinances by increasing rental permit fees and amending revocation procedures

Ordinance No. 2007-76 amends Section 1280.10 of the Codified Ordinance by increasing rental permit fees and amending revocation procedures.

Mayor Rothschild recommended that Ordinance No. 2007-76 be withdrawn because the ordinance as previously passed was correct.

MOTION BY MR. BENNETT, SECONDED BY MRS. ZUCKER to withdraw Ordinance No. 2007-76. On roll call, all voted “aye.”

I. 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:

Building Commissioner William Nadeau reported that progress is finally being made at the Harbort residence at 2603 Ashurst Road. In a memorandum to the Mayor and Council dated November 29, 2007, Mr. Nadeau indicated that he is hopeful the property will transfer to a new owner by mid to late December. Ms. Weizer thanked Mr. Nadeau for his efforts.

Committee Reports:

Building Committee Chairman Steve Bennett stated that he did not attend the Planning Commission meeting on November 29th because he attended the Northeast Ohio City Council Association's forum at the Baldwin Water Plant, Cleveland. He stated that it was as a very informative session with a tour of the plant and panel discussion.

Recreation Committee Chairman Frankie Goldberg reported that she will schedule a committee meeting for next week. She also reported that John Carroll University is offering its recreation program from December 15, 2007 to January 13, 2008. She noted that their fees have decreased: individual \$35; individual and spouse \$55; and family \$75 for the month.

Safety Committee Chairman Steven D. Bullock reported that his committee is not recommending the Highway Advisory Radio (HAR) at this time and requested that it be removed from his agenda. Mayor Rothschild suggested that it remain on the agenda as an auxiliary method of notification. Mr. Bullock stated that the committee is considering another radio component as a secondary option.

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

Mayor Beryl E. Rothschild

Nancy E. English, Clerk of Council