

MINUTES OF COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS
OCTOBER 19, 2009

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. Peter R. Bernardo
Mr. Kevin Patrick Murphy
Mr. Frank Consolo
Mr. Steven Sims

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

Minutes of the regular meeting held on October 5, 2009

There were no corrections or additions to the minutes of October 5, 2009.

MOTION BY MS. GOLDBERG, SECONDED BY MRS. ZUCKER to approve the minutes of the October 5, 2009 meeting. On roll call, all voted "aye," except Mr. Murphy, who "passed."

Agenda Items:

A. Planning Commission Recommendation:

Approval of preliminary plans for Gesu Church, 2470 Miramar Blvd., for renovation and additions to the Parish Center and Church as well as a change in Ohio Building Code use classification from mixed use, "R" and "B", to "B".

Present representing Gesu were Father Lorn Snow, S.J., pastor, Ms. Deanna Adler, development director, Mr. John Reali, project manager, and Mr. Tom Graveno of Milan Bender and Associates, Architects.

Mayor Rothschild reported that at its meeting on September 29, 2009, the Planning Commission passed the following motion with respect to the application of Gesu Church:

"MOTION BY MR. REICHEK, SECONDED BY MRS. ZUCKER to recommend to Council the approval of the preliminary plans for Gesu Church, 2470 Miramar Blvd., as presented on Drawings PD-1, SD-1, A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8 issued September 16, 2009; the preliminary plans which consist of three parts: 1) a change to the Parish Center (formerly the Rectory); 2) small additions to the church; and 3) storage area to replace the garage; approval is also recommended for a change in the use group classification of the Parish Center from Mixed Use ("R" (residential) and "B" (business)) to "B" in accordance with the Ohio Building Code; the proposed Parish Center will be used primarily for the business of the church as it relates to the mission and life of the Parish; subject to the approval of all City departments. On roll call, all voted 'aye.'"

Mr. Graveno described the proposed project, which consists of three components. The first and major component will be the renovation of the former rectory into the Parish Center, which will include: major interior renovation shall be done on all floors; new elevator serving all floors; new entry and handicapped ramp; existing garage space to be converted into a meeting room; new meeting room added on second floor; building to be compliant with current code; and new mechanical, electrical, plumbing and tele data systems.

The second component will be renovations to the church which will include: north entrance to the church to be made handicapped accessible with new ramp; new elevator to social hall/meeting facility on lower level; new baptismal font; new ramp from the nave to the sanctuary; new finishes, lighting and sound system in the church; and additional miscellaneous construction.

The third component will be the construction of a new storage building to take the place of the former rectory garage. The new 14ft. x 14ft. storage building will be adjacent to the dumpster area;

Mr. Graveno noted that all building materials will match the existing materials of surrounding buildings.

Correspondence dated October 15, 2009 from Building Commissioner David Menn indicated that the Architectural Review Board (ARB) approved the submittal from Gesu Church with the following conditions: The ARB required that the steps and doorway to an obsolete entrance at the Parish Center remain in place. The front windows on the new addition must have a stone surround, and the rear windows must have stone sills. The horizontal sill banding is to be continued around the building. Any rooftop mechanical equipment must be screened from view using a metal enclosure that would blend in with the roof area. The facade at the end of the corridor on the north elevation of the Church is to match the height of the elevator shaft parapet. Gesu Church agreed to conform with all of the conditions.

Law Director Kenneth J. Fisher stated that if the preliminary plans are approved, the final plans must be submitted to the Planning Commission, Architectural Review Board and City Council for final approval in accordance with Section 1274.05(a) of the Codified Ordinances.

MOTION BY MRS. ZUCKER, SECONDED BY MR. BERNARDO to accept the recommendation of the Planning Commission to approve the preliminary plans of Gesu Church, 2470 Miramar Blvd., as presented. On roll call, all voted "aye."

B. Ordinance No. 2009-53 To file an application for funding the Purvis Park Tennis Courts Rehabilitation under the Community Development Block Grant Program

Ordinance No. 2009-53 authorizes the submission of the City's application for funding of the Purvis Park Tennis Courts Rehabilitation under the requirements of the Community Development Block Grant Program (CDBG) as administered by the Board of County Commissioners. City Engineer Joseph R. Ciuni reported that the application is due November 6, 2009. He noted that the project includes the rehabilitation of all seven (7) tennis courts and resurfacing of the parking lot. The City will be applying for \$325,000 and the total estimated cost of the project is \$550,000. Mr. Ciuni mentioned that the award will be announced in January or February of 2010.

Ms. Goldberg inquired as to the cost to resurface the parking lot. Mr. Ciuni replied that the parking lot resurfacing component is \$100,000. Mr. Consolo inquired if the City owns the parking lot. Mr. Ciuni responded that the City is charged with maintenance of the lot. Mr. Fisher added that the City does own the entire area under conditional conveyances through an agreement between the Heights Jewish Center, the Cleveland Heights-University Heights City School District and the City as long as the property is being used for tennis court purposes. Mr. Fisher will review the agreement. In response to a question by Mr. Bullock, Mr. Ciuni noted that it would cost approximately \$20,000 to resurface the driveway leading into the parking lot off Cedar Road.

MOTION BY MS. GOLDBERG, SECONDED BY MRS. ZUCKER to approve the passage of Ordinance No. 2009-53 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, all passage, all voted "aye."

C. Ordinance No. 2009-54 Authorizing a contract with Ronyak Paving Company, the lowest and best bidder for the Bushnell Road Resurfacing Project

Ordinance No. 2009-54 awards the contract for the Bushnell Road Resurfacing Project to Ronyak Paving, Inc. as the lowest and best bidder in an amount not to exceed \$155,671.50.

Mr. Ciuni reported that bids were opened October 9, 2009 for the Bushnell Road Resurfacing. Nine (9) bids were received. The low bid was received from Ronyak Paving, Inc. in the amount of \$155,671.50. The engineer's estimate for the project was \$155,754.00. Mr. Ciuni reported that the project will be partially funded by last year's CDBG funds in the amount of \$100,000 in order to resurface the street after the water line project is complete. Mr. Ciuni also noted that this project may not commence until the spring of 2010 because the water line contractor is still working on Bushnell Road. In that event, the water line contractor will have to repair the trench with concrete to the street's surface. Mr. Ciuni recommended that the City enter into a contract with Ronyak Paving Inc. for the Bushnell Road Resurfacing project. Mr. Consolo expressed concerns about the condition of the roadway if the paving is not performed this year. Mr. Ciuni assured the Councilman that the trench would be filled properly.

MOTION BY MRS. ZUCKER, SECONDED BY MR. BERNARDO to approve the passage of Ordinance No. 2009-54 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, all passage, all voted “aye.”

Mr. Ciuni reported that the demolition of the house at 2603 Ashurst Road was started today and the car has been removed from the property. He noted that the contractor has 30 days to complete the job which is October 30, 2009.

Mr. Ciuni reported that the University Parkway Reconstruction Project has been completed except for punch list items, which should be completed within the next two (2) weeks. He also noted that the grass is planted, but if it does not grow, the contractor will come back in the spring and money will be held back for this purpose.

With regard to the water line projects, Mr. Ciuni reported that the Saybrook Road, Groveland Road, Charney Road, and Silsby Road projects have been completed. The Bushnell Road water line will be the last project to be completed within the next two weeks. Mr. Ciuni added that money will be held back for the restoration of the tree lawns next spring.

D. Ordinance No. 2009-55 Authorizing an agreement with Marshall Samuels Accessibility LLC for modernization of the platform lift at City Hall

Ordinance No. 2009-55 authorizes an agreement with Marshall Samuels Accessibility, LLC for repair of the platform/chair lift at City Hall in an amount not to exceed \$25,775. Mayor Rothschild reported that the City was not required to advertise for public bids because Marshall Samuels Accessibility, LLC is the sole vendor which can service the existing platform lift at City Hall. However, Building Commissioner David Menn had solicited quotes from three other vendors, but they all chose not to submit a quote because Marshall Samuels Accessibility, LLC has exclusive rights to the parts and equipment for the platform lift.

Mr. Bullock expressed his concern about spending so much money on the existing City Hall building and for an antiquated piece of equipment. He inquired if there are there other options that would be less expensive. Mr. Menn responded that he is not aware of any other options, except for the installation of an elevator system, which would be more expense.

Mr. Consolo inquired if the lift system could be moved if City Hall was to relocate. Mr. Menn stated that it would depend on the staircase in a new building, but basically the lift is unique to the existing building. Mr. Fisher stated that the current lift system would remain in the current building because the equipment is peculiar to the configuration of the existing building. He added that the lift must be fixed in order for the City to be ADA compliant. Mr. Consolo inquired if the City could receive funding to repair the lift. Mr. Menn was not aware of funding opportunities, but will continue to investigate possible funding.

Finance Director Anthony Ianiro reported that an appropriation was not made for the expenditure to repair the lift, but accommodations will be made with an amendment to the appropriation ordinance later in the year. He noted that the expenditure will come out of the General Fund.

MOTION BY MR. CONSOLO, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2009-55 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, all passage, all voted “aye.”

E. Ordinance No. 2009-56 Renaming the access drive to Purvis Park from Cedar Road to “Rothschild Plaza”

Ordinance No. 2009-56 renames the access drive to Purvis Park Pool from Cedar Road to “Rothschild Municipal Plaza” in honor of Mayor Rothschild’s service to the City of University Heights as its mayor for the last thirty-two years.

MOTION BY MR. BERNARDO, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2009-56 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, all passage, all voted “aye.”

F. Ordinance No. 2009-57 Renaming the Purvis Park Pool to the “Beryl E. Rothschild Municipal Pool”

Ordinance No. 2009-57 renames the Purvis Park Pool to the “Beryl E. Rothschild Municipal Pool” in honor of Mayor Rothschild’s service to the City of University Heights as its mayor for the last thirty-two years.

MOTION BY MR. BERNARDO, SECONDED BY MR. CONSOLO to approve the passage of Ordinance No. 2009-57 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, all passage, all voted “aye.”

MOTION BY MR. BERNARDO, SECONDED BY MR. BULLOCK to add Ordinance No. 2009-62 to the agenda. On roll call, all voted “aye,” except Mrs. Zucker, who “passed.”

G. Ordinance No. 2009-62 Naming the pavilion at Purvis Park the “Adele H. Zucker Pavilion”

Ordinance No. 2009-62 names the pavilion at Purvis Park the “Adele H. Zucker Pavilion” in honor of Vice Mayor Zucker’s service to the City of University Heights as a member of City Council for the last twenty-six years.

MOTION BY MR. BERNARDO, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2009-62 as an emergency measure. On roll call, on suspension of rules, all voted “aye,” except Mrs. Zucker, who “passed.” On roll call, all passage, all voted “aye,” except Mrs. Zucker, who “passed.”

H. Resolution No. 2009-58 Accepting Tax Rates

Resolution No. 2009-58 accepts the amounts and rates as determined by the Budget Commission and authorizes the necessary tax levies and certifies them to the County Auditor for fiscal year 2009. The County Auditor's estimate of tax rates to be levied are as follows: 4.05 mills -- Inside 10 mill limit; and 9.15 mills -- Outside 10 mill limit; a total of 13.2 mills. Mr. Ianiro noted that the resolution must be submitted to the County by November 2, 2009.

MOTION BY MR. SIMS, SECONDED BY MR. BERNARDO to approve the passage of Resolution No. 2009-58 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

I. Resolution No. 2009-59 Authorizing payment to the Northern Ohio Risk Management Agency (N.O.R.M.A.)

Resolution No. 2009-59 authorizes payment in the amount of \$88,385 to the Northern Ohio Risk Management Agency Self-Insurance Pool, Inc. (N.O.R.M.A.). Finance Director Anthony L. Ianiro reported that the payment represents the annual premium of \$56,375 for the year commencing October 1, 2009 and for the City’s share of the reserve fund in the amount of \$32,010. He noted that the annual premium was in line with last year’s premium of \$56,165. He also noted that coverage and carriers remain the same, except for the coverage on the umbrella policy which went from \$10 million single claim limit to a \$15 million single claim limit. In response to a question by Mr. Sims, Mr. Ianiro explained that the reserve fund amounts to \$550,000 for all N.O.R.M.A. participants, the City pays a percentage of its premium into the fund. The reserve funds are used to pay off claims which are under the limits. He added that if the City chooses to withdraw from N.O.R.M.A., it will be reimbursed its share of the reserve fund.

MOTION BY MR. SIMS, SECONDED BY MRS. ZUCKER to approve the passage of Resolution No. 2009-59 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”

J. Resolution No. 2009-60 Honoring Mayor Beryl E. Rothschild on her retirement

Resolution No. 2009-60 honors Mayor Beryl E. Rothschild upon her retirement after forty-two years of service to the City of University Heights, thirty-two as Mayor (1978-2009) and ten years as a Councilperson (1968-1977).

MOTION BY MR. BERNARDO, SECONDED BY MR. BULLOCK to approve the passage of Resolution No. 2009-60. On roll call, all voted “aye.”

K. Resolution No. 2009-61 Honoring Vice Mayor Adele H. Zucker on her retirement

Resolution No. 2009-61 honors Vice Mayor Adele H. Zucker upon her retirement from City Council after twenty-six years of service.

MOTION BY MR. BERNARDO, SECONDED BY MR. BULLOCK to approve the passage of Resolution No. 2009-61. On roll call, all voted “aye,” except Mrs. Zucker, who “passed.”

L. Motion to approve the 2010 contract for public health services provided by the Cuyahoga County Board of Health

The 2010 contract for public health services has been submitted by the Cuyahoga County Board of Health. The Board of Health is maintaining 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 2010.

MOTION BY MR. SIMS, SECONDED BY MS. GOLDBERG to approve the 2010 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.”

M. 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.

Committee Reports:

University Affairs Committee Chairman Frank Consolo reported that the next meeting of the committee, which is scheduled for November 9, 2009 at 7:30 p.m., will be held at John Carroll University’s Green Road Annex.

Recreation Committee Chairman Frankie Goldberg reported that she will schedule a meeting in November to discuss the joint purchase of equipment for the pool.

Service and Utilities Committee Chairman Adele H. Zucker reported that there will be a Committee of the Whole meeting on Monday, October 26, 2009 at 7:30 p.m. to discuss the results of the rubbish study submitted by GT Environmental.

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

Mayor Beryl E. Rothschild

Nancy E. English, Clerk of Council