

MINUTES OF COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS  
MARCH 15, 2010

Mayor Infeld called the meeting to order at 7:38 p.m.

Roll Call: Present: Mrs. Frankie B. Goldberg  
Mr. Steven D. Bullock  
Mr. Kevin Patrick Murphy  
Mr. Frank Consolo  
Mr. Steven Sims  
Mr. Phillip Ertel  
Mrs. Susan D. Pardee

Also Present: Administrative Assistant Kelly M. Thomas  
Finance Director Anthony L. Ianiro  
Acting Law Director Dennis Nevar  
Chief of Police Gary Stehlik  
Fire Chief John Pitchler  
Building Commissioner David Menn  
City Engineer Joseph R. Ciuni

Pledge of Allegiance

Minutes of the regular meeting held on March 1, 2010

There were no corrections or additions to the minutes of March 1, 2010.

**MOTION BY MS. GOLDBERG, SECONDED BY MRS. PARDEE to approve the minutes of the regular meeting held March 1, 2010. On roll call, all voted “aye,” except Mr. Consolo, who “passed.”**

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Comments from the Audience

Deborah Newman, 4027 Meadowbrook Blvd., commented on the remark of Mr. Harvey Morrison, who, at the council meeting of March 1, 2010, suggested that the City stop using the sidewalk bombardiers and use the money to salt the streets instead. Ms. Newman disagreed and stated that discontinuing the sidewalk bombardiers would negatively affect the residents of University Heights in terms of safety and quality of life, especially for students and other pedestrians who would have to walk in the street.

Winifred Weizer, 2177 Jackson Blvd., commented on the budget noting that budgets by their nature are political documents – being used for political posturing and gain. She mentioned that threatening to withhold approval of a balanced operating budget until demanded actions are taken by the administration without concern for the legal ramifications are problematic. She added that if the Council’s actions regarding the budget is to impose its vision on the residents then the Council is using the budget for gain.

Ms. Weizer stated that a majority of registered voters elected a new Mayor, who has new ideas for the City. She hoped the Council would work with the Mayor in a spirit of compromise for the betterment of the city as a whole. Ms. Weizer mentioned that the Mayor expressed her desire to appoint a full-time Finance Director in order to look at all options available to the city while considering the request on how to reduce costs further. She stated that this request seems reasonable since a part-time Finance Director does not have the time to research alternatives and make recommendations. She added that the recommendations may provide alternatives which may result in a better outcome for the city and its residents.

Ms. Weizer stated that the bulk of the 5.92% total raise in personnel costs is due to the impact of the 27<sup>th</sup> pay cycle, which occurs every 12 years. She explained that our years are not 52 weeks long, but rather 52 weeks and 1 day long. Therefore, over twelve years with leap year we gain one full pay period or 14 days. This pay is not a windfall or a raise for the employees; but it represents the pay for hours worked the previous two weeks. Without the 27<sup>th</sup> pay happening in this year, the budget would have had a surplus of \$563,000, which is more positive than the projected \$263,000.

Ms. Weizer commented that the pay raise for union employees is not a 4% increase for the full year, but only the last half of the year (July-December) which is a total of approximately \$96,000. Therefore, the impact is substantially lower than the \$300,000 previously stated. She mentioned that the pay raise was negotiated in 2008 and both the administration and the Council at that time felt the raise was appropriate and approved it. Ms. Weizer suggested that the Council work together with the new Mayor on her vision for the City of University Heights.

Jeffrey Muller, 2440 Elmdale Rd., requested that University Heights residents be excluded from the rental permit process and inspections. He noted that as residents, in contrast to absentee landlords, property owners are constantly looking after and maintaining their properties. Mr. Muller stated that personally he feels harassed by the housing inspectors, who he also feels are "knit picky." Mr. Muller stated that he believe the inspectors are citing him for items which normally would not be cited, such as replacing an entire sidewalk block for a crack. Mr. Muller requested that the fee structure for rental permits and inspections be reconsidered because surrounding cities' fees are significantly lower or non-existent. He requested that Council consider reducing the cost and frequency of inspections. He also requested that an appeals committee be formed to hear appeals by residents. Mayor Infeld informed Mr. Muller that he can request another inspector or the Building Commissioner to inspect his property. Vice Mayor Goldberg stated that the Building Committee of Council will consider the requests.

Michael Ceraolo, University Heights Firefighter, stated that the 27<sup>th</sup> pay for the Police and Fire Departments actually occurred in 2009, but was pushed back to 2010 because the funds were not available at that time.

Agenda Items:

**A. Ordinance No. 2010-11 Appropriating for current expenses and other expenditures for the period of January 1, 2010 through December 31, 2010 (2<sup>nd</sup> Reading)**

Ordinance No. 2010-11, which was placed on first reading on March 1, 2010, appropriates for the current expenses and other expenditures of the City of University Heights for the period commencing January 1, 2010 and ending December 31, 2010.

**MOTION BY MR. CONSOLO, SECONDED BY MRS. PARDEE to approve the passage of Ordinance No. 2010-11 as an emergency measure. On roll call, on passage, Mr. Ertel, Mr. Consolo and Mrs. Pardee, voted "aye," and Mr. Sims, Mr. Murphy, Ms. Goldberg and Mr. Bullock, voted "nay." MOTION FAILED.**

Councilman Murphy suggested that discussion continue on the 2010 budget and then a special meeting be called to act on the appropriations ordinance. He mentioned that although the City is facing tough times, the Mayor and Council are working well together and a budget will be passed by the end of March.

Vice Mayor Goldberg stated that the Council believes in the Mayor and the strategies for 2010-2011. She added that it is the obligation of the Council to review the budget and ensure that it is the best budget for the City and its employees.

Councilman Bullock commented that the delay will also provide the Mayor time to continue to address the budget and provide alternatives before the ordinance is passed. He added that the Council will meet its obligation and pass a budget by the end of March.

Mayor Infeld stated that a public notice will be given as to the date and time of the special council meeting to pass an appropriation measure.

**B. Ordinance No. 2010-12 Transferring funds to the Police and Fire Pension Funds**

Ordinance No. 2010-12 transfers funds from the General Fund to the Police Pension Fund in the amount of \$128,092 and from the General Fund to the Fire Pension Fund in the amount of \$144,929.

**MOTION BY MR. ERTEL, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2010-12 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. 2010-13 Amending Article XII (Hospitalization) of the Collective Bargaining Agreement of the City and the Ohio Patrolmen's Benevolent Association (Police Officers Unit)**

Ordinance No. 2010-13 amends Article XII (Hospitalization) of the Collective Bargaining Agreement of the City and the Ohio Patrolmen's Benevolent Association (Police Officers Unit) retroactive to November 1, 2009. The ordinance formally increases the maximum non-network charge from \$2,500 (single) and \$5,000 (family) to \$3,000 (single) and \$6,000 (family). Also, the cap on non-formulary drugs increased from \$45 to \$50.

**MOTION BY MR. CONSOLO, SECONDED BY MRS. PARDEE to approve the passage of Ordinance No. 2010-13 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. 2010-14 Amending Article XII (Hospitalization) of the Collective Bargaining Agreement of the City and the Ohio Patrolmen's Benevolent Association (Dispatchers Unit)**

Ordinance No. 2010-14 amends Article XII (Hospitalization) of the Collective Bargaining Agreement of the City and the Ohio Patrolmen's Benevolent Association (Dispatchers Unit) retroactive to November 1, 2009. The ordinance formally increases the maximum non-network charge from \$2,500 (single) and \$5,000 (family) to \$3,000 (single) and \$6,000 (family). Also, the cap on non-formulary drugs increased from \$45 to \$50.

**MOTION BY MS. GOLDBERG, SECONDED BY MR. CONSOLO to approve the passage of Ordinance No. 2010-14 as an emergency measure. On roll call on suspension of rules, all voted "aye." On roll call on passage, all voted "aye."**

**E. Resolution No. 2010-15 Authorizing an agreement with the Ohio Department of Transportation to purchase rock salt for the 2010-2011 winter season**

Resolution No. 2010-15 authorizes an agreement with the Ohio Department of Transportation (ODOT), Office of Contracts, to purchase sodium chloride (rock salt) for the 2010-2011 winter season.

Service Director Christopher Vild recommended that the City participate in the program with ODOT because the State will not be denied salt, and therefore, the City will receive a contract as well. He reported that the City is currently participating in the program, which has worked well with timely deliveries. Councilman Ertel noted that the City must submit the participation agreement prior to the March 26, 2010 deadline.

**MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to approve the passage of Resolution No. 2010-15 as an emergency measure. On roll call on suspension of rules, all voted "aye." On roll call on passage, all voted "aye."**

**F. Resolution No. 2010-16 Honoring the Life of Otis Paul Drayton, Jr.**

Resolution No. 2010-16 honors the life of the late Mr. Otis Paul Drayton, Jr., a longtime resident who recently passed away. Mr. Drayton, an olympian in the 1964 Olympics in Tokyo, Japan, received a gold medal and a silver medal in the 4 x100 meter relay and the 200 meter run, respectively.

**MOTION BY MR. SIMS, SECONDED BY MR. MURPHY to approve the passage of Resolution No. 2010-16. On roll call, all voted "aye."**

**G. Motion to continue the Sensible Salting Policy**

Councilman Ertel stated that the goal of the Sensible Salting Policy is to maintain safe driving conditions while reducing the use of salt. He noted that the policy is implemented by salting the main and secondary roads, which includes: Cedar Rd., Warrensville Center Rd., S. Taylor Rd., S. Belvoir Blvd., S. Green Rd., Silsby Rd., Washington Blvd., and Meadowbrook Boulevard. Areas where motorists would frequently apply brakes such as hills and intersections are also salted. Even though only some street are salted, all streets are plowed.

Mr. Ertel noted that the Service and Utilities Committee recommended that the City continue the Sensible Salting Policy based on the following: 1) safety (no increase in accidents reported); 2) resident satisfaction (majority of Council, Mayor nor Service Director have not received complaints); 3) cost (30% to 40% savings); 4) environmental responsibility (related to salt runoff); 5) neighboring cities' policies (sensible salting will continue in the 2010-2011 winter season).

Mr. Vild recommended ordering 3,300 tons of salt in the upcoming season, which is the same amount as requested for the current winter season. He noted that 2,928 tons have been used to date this season. Mr. Vild stated that the City has met its 80% contractual obligation with Cargill Salt, the successful bidder with ODOT.

Councilman Bullock noted that some complaints were received; however, there was no indication that safety was compromised with the program. Chief of Police Gary Stehlik confirmed that emergency vehicles could maneuver the streets which has been enhanced by adding four-wheel drive vehicles to the fleet. Fire Chief Pitchler did not have an issue with the salting policy.

Mr. Ertel stated that the policy of using the sidewalk bombardiers will not change; the sidewalks will be kept clear and safe.

**MOTION BY MR. ERTEL, SECONDED BY MR. SIMS to continue the Sensible Salting Policy in the 2010-2011 winter season. On roll call, all voted "aye," except Ms. Goldberg and Mr. Consolo, who voted "nay."**

**H. Motion to advertise for bids for the 2010 Catch Basin Cleaning Program**

City Engineer Joseph R. Ciuni reported that his office has prepared specifications for the 2010 Catch Basin Cleaning Program, which consist of cleaning approximately 350 catch basins at locations selected by the Service Director. It also includes heavy and light cleaning of storm and sanitary sewer mains in the street at locations chosen by the Service Director. Mr. Vild requested that the 2010 Catch Basin Cleaning Program be a two-year program for 2010 and 2011.

**MOTION BY MR. CONSOLO, SECONDED BY MR. BULLOCK to advertise for bids for the 2010 Catch Basin Cleaning Program. On roll call, all voted "aye."**

**I. Motion to advertise for bids for the 2010 Emergency Repairs Program**

The 2010 Emergency Repairs Program would consist of work such as removal of existing pavement, removal of concrete curbs and concrete walks, trench excavation, removing and replacing damaged sewer pipe (main line or laterals) and/or fittings, removing and replacing test tees, backfilling trench, replacing pavement, and restoration of grassed or landscaped areas. All work will be directed by the Service Director. Mr. Vild requested that the 2010 Emergency Repairs Program be a two-year program for 2010 and 2011.

**MOTION BY MR. BULLOCK, SECONDED BY MRS. PARDEE to advertise for bids for the 2010 Emergency Repairs Program. On roll call, all voted "aye."**

**J. Motion to advertise for bids for 2010 Tree Planting**

Service Director Christopher Vild requested permission to advertise for bids for the 2010 Tree Planting Program. He noted that this year's program will consist of a larger amount of trees since many Ash trees are being removed and replaced with various varieties of trees.

Councilman Sims inquired as to the plan for the community image which Mr. Vild is trying to achieve as the trees are mature. Mr. Vild replied that the goal is to keep and increase the forested look. He added that if the city is well canopied, then the city will have a better impression in the next 5-15 years than it has currently.

Mayor Infeld announced that the City was award Tree City USA designation again this year. Mr. Vild will represent the City at the award ceremony on March 17, 2010 at the City of Hudson.

**MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to advertise for bids for the 2010 Tree Planting. On roll call, all voted "aye."**

**K. 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:

**Fire Chief** John Pitchler reported that the Federal Emergency Management Agency (FEMA) has confirmed notification of Council's authorization to contribute the City's share (\$13,750) of the \$275,000 grant which the City applied for to purchase a new fire pumper truck. More information should be received within the next few weeks.

Chief Pitcher also reported that he received notification from FEMA that the City may receive a smoke detector grant in the amount of \$81,000.

Committee Reports:

**Building Committee** Chairman Frankie B. Goldberg reported that a Building Committee meeting is scheduled for Thursday, April 1, 2010 at 7:00 p.m. in the conference room.

Vice Mayor Goldberg requested a moment of silence in memory of Cleveland Heights Patrol Officer Thomas Patton II. Mayor Infeld suggested that the moment of silence also include the names of others who passed away recently: former State Representative Claudette Woodard; former olympian Otis P. Drayton, Jr.; and long city volunteers, Bernadette "Bunny" Hill and Gladys Bergson. A moment of silence was held in remembrance of all mentioned.

**Finance Committee** Chairman Steven Sims reported that the Finance Committee met on Tuesday, March 9, 2010 and held its final scheduled review session on the 2010 budget. Minutes of the meeting will be available soon. He noted that City expenses were reviewed for the last five years, particularly personnel costs. The meeting resulted in a motion which passed 2 to 1 to recommend the budget to Council for passage. He mentioned that reservations were expressed regarding the cost structure of the City and the steps that might be taken in 2010 and beyond in order to establish a sustainable structure for the City.

Mr. Sims mentioned that personnel costs in 2010 will be \$396,000 higher than in 2009, and if this continues unchanged, the City would be looking at a \$400,000 increase for the year 2011. He added that there has been conversation as to things the City can do to ensure that it remains sustainable. He pointed out that everyone is aware that the City's revenues are generally at a level which cannot be expected to increase significantly over the course of the next few years, and the City is anticipating that expenses will continue to outpace the revenue growth. Mr. Sims stated that whatever the level of increase, those numbers are the financial responsibilities of the City to provide for, and therefore, it was recommended that the City begin to address these concerns and consider some of the possible alternatives that exists.

Mr. Sims stated that the Council's reasoning not to pass the budget at this meeting was not politically motivated. Rather, it was because of the aforementioned reasons that Council decided it was not in the best interest of the City to pass the budget as presented.

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

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Susan K. Infeld, Mayor

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Nancy E. English, Clerk of Council