

MINUTES OF COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS  
APRIL 20, 2009

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

Roll Call: Present: Mrs. Adele H. Zucker  
Ms. Frankie B. Goldberg (not at roll call)  
Mr. Steven D. Bullock (not at roll call)  
Mr. Peter R. Bernardo  
Mr. Kevin Patrick Murphy  
Mr. Frank Consolo

Absent: Mr. Steven Sims

Also Present: Clerk of Council Nancy E. English  
Law Director Kenneth 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 David Menn  
City Engineer Joseph R. Ciuni

**MOTION BY MR. MURPHY, SECONDED BY MR. CONSOLO to excuse the absence of Mr. Sims, Ms. Goldberg and Mr. Bullock. On roll call, all voted “aye.”**

Minutes of the regular meeting held on March 16 , 2009

There were no corrections or additions to the minutes of March 16, 2009.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. MURPHY to approve the minutes of the March 16, 2009 meeting. On roll call, all voted “aye,” except Mr. Consolo, who “passed.”**

Minutes of the regular meeting held on April 6, 2009

There were no corrections or additions to the minutes of April 6, 2009.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. BERNARDO to approve the minutes of the April 6, 2009 meeting. On roll call, all voted “aye,” except Mr. Consolo, who “passed.”**

Ms. Goldberg entered the meeting at 7:37p.m.

Comments from the Audience

Rick Adante, 2247 Fenwick Rd., commented that the April 13, 2009 community dialogue hosted by the Concerned Citizens for University Heights produced several questions and concerns regarding the Charter Review Commission’s reasons for proposing changes to the Charter. He also noted that there were concerns as to why the City is rushing to get the changes on the ballot this year.

Mr. Adante requested the written comments which were presented to the Charter Review Commission (CRC) by Ms. Goldberg on 10/30/2008, Finance Director Arman Ochoa on 11/25/2009, and Mr. Murphy and Mr. Bullock on 12/09/2009.

Mr. Adante presented the following four (4) questions to the Council, which were posed to the CRC, as well: “1) What are the specific issues which the City is facing that you feel only a restructured government is capable of dealing with, and how will a restructured government deal with those issues specifically. 2) Why have you established a time frame which pushes for the proposed changes to be voted on and possibly implemented in 2010 instead of allowing more time for the residents to understand the immediate issues and be able to provide useful suggestions for alternatives? 3) If the City has specific issues that need to be dealt with, why not address them through ordinance rather than a charter amendment? 4) Could the Council please provide their estimate as to the additional costs a city administrator would warrant, and how the additional funds for a city administrator would be obtained?”

Mr. Murphy stated that he is willing to talk about the answers to the questions if Mr. Adante contacts him personally. Mr. Murphy also offered to provide a copy of his written comments of 12/09/2009. Mr. Adante suggested that the answers be given at a formal presentation because the questions were generated from a group of people who would also like to hear the answers. Mr. Murphy commented that he would put his responses in writing.

Mr. Consolo responded that he introduced Ordinance No. 2008-45 which established the Charter Review Commission with the intent of having a true "charter review." He noted that the decision came out of Council's and the Mayors' discussions of February, 2008 regarding the potential for a change in the form of city government. After three to four months of discussion, Council could not come to a consensus because some individuals wanted the structure to stay the same, others wanted a City Manager, and still others wanted a City Administrator. Mr. Consolo stated that he, personally, did not have a position and tried to consider the pros and cons of each. Therefore, he suggested that instead of Council considering the matter alone, that a more perspective be brought in by having a full charter review with the possible change in the form of government as one of the topics. With that in mind, Mr. Consolo stated that he did not agree with Mr. Adante's comment that the CRC and Council wanted the change. Rather, he wanted the CRC convened to hold public meetings and to receive input pro and con. Mr. Consolo stated that as a Councilperson he feels it is inappropriate for him to join in on the discussions one way or another. He noted that it seems the CRC has decided to recommend a City Administrator. Mr. Consolo stated that he is willing to let the public ultimately decide the issue.

In response to Mr. Adante's questions, Mr. Consolo stated that the CRC was not formed to address a specific issue. He added that he personally wanted the commission to review the Charter and determine if there was a need for a change and why. Mr. Consolo stated it is his opinion that the only person qualified to run the City currently is Mayor Rothschild, and the City will have "big shoes to fill" when she leaves office next year. Therefore, he would like a professional with a track record and the background in finance, economic development, union contracts, procuring grant funds, etc. to run the operations of the City. He added that it should not be left up to chance if the person who is elected Mayor can handle the administration of the City. Mr. Consolo added that he feels it is a urgent situation because the City has to keep going come January 1, 2010. He also noted that the City Administrator position could be established by ordinance rather than a charter amendment, but if executive power is granted through an ordinance that person would still be under the control of the Mayor. However, if the duties are placed in the Charter those duties would be untouchable by the Mayor or Council. Therefore, that was something Mr. Consolo wanted the Charter Review Commission to consider. Mr. Consolo was not sure of the exact cost of a City Administrator, but he was sure the Council would be fiscally responsible, and the City Administrator of University Heights would not warrant the salary of an administrator in a larger city.

Ms. Goldberg stated that she would provide Mr. Adante with a copy of the comments she presented to the Charter Review Commission, but her reason for supporting the establishment of the commission was that the Charter had not been reviewed in thirty (30) years along with the fact that Mayor Rothschild will be leaving office December 31, 2009. She wanted an independent voice, not the elected Council members, to review the Charter and the day-to-day operations of the City to determine if something could be done better. She noted that the CRC has been conscientious and diligent in its work. Ms. Goldberg stated that she is concerned that residents feel left out of the process because she wanted the community engaged. She added that perhaps the City should do a better job in that regard. However, she mentioned that a mailing will be going out to the public from the Charter Review Commission very soon. Ms. Goldberg stated that whatever form of government the City ends up with it must be efficient for the present and for years to come. Mr. Adante stated that he is not as concerned with the process of the CRC as he is with the reason why they are recommending a ballot issue for a City Administrator. Ms. Goldberg was confident the voters would educate themselves with regard to the issues of the Charter Review Commission's recommendations.

Mayor Rothschild invited everyone to attend the remaining meetings of the Charter Review Commission which are scheduled for 7:00 p.m. every 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month until May 26, 2009.

Mr. Bernardo expressed concern that the public feels they have not been able to offer input when the commission has been meeting in open session since October 16, 2008 and an opportunity has been given for public comment at each meeting. Mr. Bernardo stated that he would provide his written comments as well.

Mr. Bullock entered the meeting at 8:03 p.m.

Thelma Smith, a Bushnell Rd. resident, expressed concern that even though residents are allowed to ask questions at the CRC meetings, the questions are not being answered. She also noted that it seems that the input of the residents is not taken into consideration. Ms. Smith stated that after asking the questions, attending the CRC meetings and reading the minutes, she has still not received the answers as to what is wrong with the government and how the charter review is going to fix what is wrong. She also had an issue with the fact the CRC review will be finished when the public hearing is held on May 19, 2009.

Mayor Rothschild suggested that residents' input be taken at the beginning of the CRC meetings rather than at the end. Mayor Rothschild apologized that the meeting she held on February 23, 2009 was called a town hall meeting when it should have been called an informational meeting because she feels the government is being dismantled. She noted that the City is in good shape: there have been no layoffs; the budget is balanced; quality services are being provided; and everything is running as usual. Mayor Rothschild stated that there are people in the community who could take her place when her term expires, including several former councilmen with the educational background and years of experience in the City to handle the job.

Jeff Soclof, a University Parkway resident, thanked Ms. Goldberg, City Engineer Joseph Ciuni and Mayor Rothschild for being responsive to the concerns of the residents regarding the condition of University Parkway. He noted that the water problems were resolved with waterline replacement last year. But, he noted that the condition of the University Parkway roadway is deplorable and inquired as to the plans for repair of the street. He noted that there are safety issues with the fluctuations in the grade of the street and the tree lawns were left in poor condition. Mr. Soclof inquired if the job is bid soon would the road repair be completed this year.

Mayor Rothschild explained that the City applied for competitive funds through Issue 1 for the repairs, but did not receive an award. She added that a meeting is scheduled with the County Engineer to request his assistance in securing funds for the project. She also noted that she is working with Congresswoman Marcia Fudge to obtain stimulus funds for the project. She stated that if all else fails, the City will have to borrow the money to repair the roadway. Mayor Rothschild assured the residents that the City intends to repair the street.

City Engineer Joseph R. Ciuni agreed that University Parkway is the worst street in the city. He explained that the entire roadway needs to be replaced not resurfaced because the base under the roadway has failed due to the numerous water main breaks on the street. Mr. Ciuni noted that there is time for the road reconstruction to be completed this year. He added that the bidding and award process take 4 to 6 weeks and the construction could start in June if bidding is authorized at the next council meeting. Finance Director Arman Ochoa stated that the estimated cost of the project is \$1 million (\$850,000 for the street and \$150,000 for possible additional sewer work).

Mr. Consolo stated that he voted against the 2009 Budget and the 2009 Road Improvement Program ordinances because he did not want to incur debt for University Parkway. He believe the funds could have been found for the project and that the University Parkway roadway reconstruction should have been part of the 2009 Road Improvement Program. Following a question from Mayor Rothschild, Mr. Ochoa noted that the loan would be paid out of Sewer Replacement Fund.

Loramae Simkoff, a 35-year resident of University Pkwy., concurred with the comments by Mr. Soclof and added that the street is an embarrassment. She noted that her tree lawn has been level with the street for about five (5) years. Mrs. Simkoff pointed out that the street should have been repaired a long time ago.

Marcia Waxman, a University Pkwy. resident, concurred that the condition of University Parkway is an embarrassment. Mrs. Waxman mentioned that she has also damaged her car on street.

Mayor Rothschild thanked everyone for coming to the meeting and assured the residents that the street would be fixed.

Agenda Items:

**A. Motion to request additional funds for the Charter Review Commission to conduct an educational city-wide bulk mailing**

Mayor Rothschild reported that an additional \$897.00 is needed to send out the mailing requested by the Charter Review Commission, which was approved for an expenditure of \$1,500.

Vice Mayor Zucker inquired where the additional funds for the CRC will come from. Mr. Ochoa stated that the expenditures will be made from the General Fund.

**MOTION BY MR. BULLOCK, SECONDED BY MS. GOLDBERG to authorize the expenditure of \$2,397.00 for the city-wide bulk mailing as requested by the Charter Review Commission. On the roll call, all voted “aye,” except Mrs. Zucker, who voted “nay.”**

**B. 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:

**Finance Director Arman R. Ochoa** responded to questions from the April 6, 2009 Council meeting regarding the concession stand collections. The sales for 2008 were approximately \$13,000 with \$1,910.83 being collected by the City. In 2007, sales were approximately \$15,000 with \$2,214.75 being collected.

**Community Coordinator Walter Stinson** reported that the summer recreation brochure has been published and will be delivered in the mail this week.

Mayor Rothschild announced that the City Beautiful Commission is having its annual flower sale, and she encouraged everyone to place orders.

**Service Director Christopher Vild** reported that GT Environmental, Inc., the consultants conducting the rubbish study, will be in the city this week and part of next week observing rubbish collection.

**Building Commissioner David Menn** reported that the City did not receive the grant through the Vacant Residential Property Fund. He added that the entire amount of \$279,000 was awarded to the City of South Euclid.

Committee Reports:

**Building Committee** Chairman Peter R. Bernardo announced that the Building Committee will meet on April 21, 2009 at 7:00 p.m. in the conference room to continue discussion of apartment building rental permits and fee adjustments.

**Governmental Affairs Committee** Chairman Kevin Patrick Murphy announced that an informational meeting of heights area council members will be held on Thursday, April 30, 2009 at 7:00 p.m. at John Carroll University's Dolan Auditorium to discuss applying for a grant from Efficient GovNow for potential collaboration efforts between the cities of Beachwood, Cleveland Heights, Lyndhurst, Shaker Heights, South Euclid and University Heights.

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