

MINUTES OF COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS
DECEMBER 17, 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
Mr. Kevin Patrick Murphy
Mr. Peter R. Bernardo (sworn in after approval of minutes)

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
Service Director Christopher Vild
Community Coordinator Walter Stinson
Building Commissioner William C. Nadeau
City Engineer Joseph R. Ciuni

Minutes of the regular meeting held on December 3, 2007

MOTION BY MR. BULLOCK, SECONDED BY MS. GOLDBERG to approve the minutes of the December 3, 2007 meeting. On roll call, all voted "aye."

Installation of New Council Member - Peter R. Bernardo

Mr. Peter R. Bernardo, 2332 South Belvoir Blvd., was elected at the November 6, 2007 election to complete the final two (2) years of the unexpired term of former Councilman R. Patrick Kelly, who resigned on January 1, 2007. Mr. Bernardo's term which was effective December 4, 2007 expires on December 31, 2009. Law Director Kenneth J. Fisher administered the oath of office to Mr. Bernardo. Mr. Bernardo introduced his wife, Joanne, and son, Peter, Jr., who were present.

(Note: Ms. Winifred J. Weizer, 2177 Jackson Blvd., was appointed on February 5, 2007 to fill the vacancy on City Council which was created by the resignation of former Councilman R. Patrick Kelly, but choose not to run for the expired term in the November election. Her appointed term ended December 4, 2007.)

Certificates of Recognition - Cleveland Heights High School Boys Soccer Team

Mayor Rothschild and Community Coordinator Walter Stinson presented members of the Cleveland Heights High School Boys Soccer Team with certificates of recognition for their outstanding performance in the Northeast Ohio District competition of the State of Ohio Soccer Tournament. The City of University Heights congratulated team members Jared Alcorn, Obe Bhadra, Andrew Brandt, Stephen Buchholz, Michael Carlise, Cioran Coen, Hamza Dodo, Alex Gazis, Andrew Haber, Brian Harte, Seth Kluk-Barany, Evan Knoblauch, Evan Lanese, Eli London, Johan Londono, Phil Montano, Peter Roberts, John Romanin, and William Sharon, as well as coach Sean Sullivan and his assistants Rob Helgott, Mike Kenney and Justin Yarham for their teamwork which earned them the opportunity to compete at the District Championship level.

Comments from the Audience:

Danny Raiz, owner of 2351 Warrensville Center Road, stated that he spoke at the Council meeting of December 3, 2007 as did other citizens about the general communication processes within the city. Mr. Raiz stated that he would like to be heard and he left his phone number with the Clerk of Council. He requested a meeting with the appropriate City official(s) and concerned landlords who want to be heard regarding the rental permit fees, the lack of communication from the City and other matters as accurately paraphrased in the minutes of December 3, 2007. Mayor Rothschild stated that she would call Mr. Raiz to arrange a meeting. She added that the ideas expressed by Mr. Raiz at the last meeting would be taken under consideration for implementation.

Ruth Levy, 2439 Elmdale Rd., stated that she and husband, Matt, have lived in the same residence for 50 years. She noted that over the years her street has changed from a homogeneous neighborhood to a diverse, multi-cultural neighborhood. Mrs. Levy noted that she has been of member of the Series of Discoveries Committee since its inception, formerly Committee to Eliminate Hate. She stated that membership on the committee has been the most rewarding experience that she has ever had. Mrs. Levy noted that the City's diversity program has helped her understand change. Mrs. Levy thanked Susan Carver, program director, for teaching her about diversity. She also thanked Mayor Rothschild for getting her involved in the program. Mrs. Levy stated that the award winning "Series of Discoveries" must continue for the good of University Heights.

Bonita Dunham, 2339 Charney Rd., a member of the Series of Discoveries Committee, addressed program planning and implementation of the series. She noted that program planning efforts has been dynamic and well organized. She noted that the process has been insightful and thorough with clear focus. Ms. Dunham stated that the Wiley Civility Ambassador Program touched a wide demographics of the community and had an impact on the students. She stated that the Series of Discovery has been a wonderful experience for both her and her family. Ms. Dunham expressed confidence that the Council would continue to fund such a viable program.

Agenda Items:

A. Moral Claim - Peter Klein, 37705 Chagrin Blvd., Moreland Hills

Service Director Christopher Vild reported that Mr. Peter Klein, who was not present at this meeting, filed a moral claim on December 12, 2007 for damage sustained to his car (2 tires and 2 rims) after he hit pothole on November 26, 2007. Mr. Klein's total expense was \$1,335.56. Mr. Vild reported that the City had been maintaining the Cleveland Water hole repair on E. Carroll Blvd. until a permanent repair could be made. However, the stone in the hole settled during a rain event over the weekend and the cones, which the City placed on the outer perimeter of the hole, had been moved to the curb. Mr. Vild stated that since the incident, the street has been permanently repaired. Mr. Vild recommended that the moral claim be approved in the maximum amount of \$300.

Vice Mayor Zucker pointed out that on the moral claim form Mr. Klein indicated that he was aware construction was going on in the area. She added that if he was aware of construction, he should have slowed down. She mentioned that Mr. Klein had to be driving at a high rate of speed in order to damage both the front and rear tires.

MOTION BY MR. BULLOCK, SECONDED BY MRS. ZUCKER to deny the moral claim of Peter Klein. On roll call, all voted "aye."

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

This item was tabled at the December 3, 2007 meeting until additional information was received on the effectiveness and impact of the Series of Discoveries program. Ms. Susan Carver, program director, reported that after the last meeting she forwarded to the Council thank you notes that the students, who were involved with the Wiley Civility Ambassador Program, wrote to the Cedar Center merchants and older adults, as well as the students comments about the program. She noted that the principal of Wiley Middle School and two teachers also wrote letters about what the students may have learned from the program. Ms. Carver noted that the School District had originally planned on the continuing the program in the next school year so the committee moved on to its next issue.

Ms. Carver stated that the committee decided that civility in the city as a whole was an issue that should be addressed and the Neighborhood Ambassador Program was proposed. The proposed program would establish ambassadors on various streets for outreach to the community with the mission of establishing contact and educating residents new to University Heights. After meetings with the council members and city employees, it was discovered that there are issues regarding property maintenance and noise abatement which need to be addressed. Ms. Carver stated that since the proposed Neighborhood Ambassador Program has similar goals as the Neighborhood Watch Program, it was decided to establish a collaboration between the Series of Discoveries and Neighborhood Watch Program and to formulate a budget. The proposed budget for the Series of Discoveries was \$31,823 for the period of July, 2007 to June, 2008. Ms. Carver stated that the proposed program is still in the planning stages, but the combined effort would increase the number of block watch captains. She noted that the success of the proposed program will be measured by a decrease in complaints to the police and building departments.

Ms. Carver stated that success can also be measured by attendance. Dance Fest attendance figures were previously presented to the Council as requested. Ms. Carver noted that a majority of attendees for past Series of Discoveries programs have been University Heights residents. She also noted that the Cities of Maple Heights and Richmond Heights have modeled their diversity programs after the Series of Discoveries. Ms Carver stated that even if the residents of University Heights choose not to attend the program, the City should remain the leader in creating a welcoming environment in a diverse community and she again presented the budget for approval.

Mr. Bennett stated that other schools have civility programming covering some of the same points covered in the Wiley Civility Program. Mr. Bennett stated that it is a good idea to make connections with the neighbors and he would like to see the proposed program attempted.

Vice Mayor Zucker stated that she has been the liaison to the Series of Discoveries for fourteen (14) years and considers it a privilege and an honor to have worked on the program and to watch the understanding of diversity grow. Vice Mayor Zucker stated that she believes the proposed program will complement the Neighborhood Watch Program and encouraged support of the program.

Mr. Bernardo inquired if the program would be like a welcome wagon or the serving of summons. Ms. Carver replied that the block watch captains will not serve summons, but rather the goals and objectives of the Neighborhood Watch Program and Neighborhood Ambassador Program will be merged for a welcoming and education process.

Ms. Goldberg stated that past series program were excellent. But, she requested comments from Chief of Police Gary Stehlik or Police Lt. Scott Tyler as to how the proposed program will work. She also requested program objectives in order to prevent the overlap of duties with regard to the police department's and community coordinator's activities. Ms. Goldberg also expressed concern about the number of University Heights residents attendees at various programs and about the budget amount for the program. In order to be more fiscally responsible, Ms. Goldberg requested a specific proposal with line items on the proposed financial expenditures for the program.

Mr. Bullock thanked Mayor Rothschild, Susan Carver and committee members present in the audience for their efforts related to diversity because of its value and importance. However, Mr. Bullock stated that the presentation was very vague as to what the proposed program would entail. He stated that it takes time to show change in behavior and in relationships and therefore, he suggested that the city continue with a diversity program and the Series of Discoveries has been that vehicle. But, Mr. Bullock requested to know the details for the program with clear goals and objectives along with who would be responsible for the various aspects of the program and how it relates to other existing positions within the City.

Mayor Rothschild stated since there are more renters in the city than ever before and since some of the renters have been causing havoc in the neighborhoods, one aspect of the program would be for ambassadors through the Neighborhood Watch to welcome those residents in a friendly way and talk to them about resources available to them and the expectations of the community. Mayor Rothschild stated that job functions would not overlap, it would be a program in between a welcome wagon and Neighborhood Watch. She added that the program is greatly needed.

Mr. Bernardo noted that the original Series of Discoveries as designed was a wonderful program. He inquired if that program will continue or if the focus would change all together with this new program. Ms. Carver stated that the Series of Discoveries addresses the current needs of the community and the committee has determined that the current need of the community is dealing with new residents moving into University Heights. Mr. Bullock suggested that the Series of Discoveries stick to what it is good at.

Mr. Murphy stated that he has concerns with approving a budget for a program without clear goals. He suggested that Ms. Carver and the committee develop a program and then bring the proposal back to the Council.

MOTION BY MR. MURPHY, SECONDED BY MS. GOLDBERG to table the consideration of the budget for the Series of Discoveries. On roll call, all voted "aye," except Mr. Bennett and Mr. Zucker, voted "no."

C. Update on the future of deregulation - Leigh Herington, Executive Director, NOPEC

Mr. Leigh Herington, executive director of the Northeast Ohio Public Energy Council (NOPEC), was present to update Council on the future of electric deregulation. He noted that the City of University Heights is a member of NOPEC and thanked the Council for passing the resolution supporting the preservation of customer choice through Ohio electric governmental aggregation. Mr. Herington noted that the current law is due to expire on December 31, 2008 with regard to electric deregulation. Ohio Governor Ted Strickland supported and the Ohio Senate unanimously passed legislation to continue opt-out governmental aggregation. He noted that S.B. 221 is currently in the House and there is no concern that opt-out governmental aggregation will not continue. Mr. Herington stated that NOPEC has joined with the Northwest Ohio Aggregation Coalition (NOAC) to provide \$100 million in savings to their 800,000 customers. He noted that there will have to be changes in the law to make sure there is competition in order to ensure that the discounted electrical rates of at least 5% continue for the consumers.

Mayor Rothschild inquired as to what the current relationship is between the Public Utilities Commission of Ohio (PUCO) and NOPEC. Mr. Herington stated that there is a more positive relationship with PUCO than in the past.

Mr. Bennett requested that Mr. Herington address the function of a Competitive Retail Electric Service (CRES) and why NOPEC formed NOPEC, Inc. He also asked about Viking Energy Resources, which has requested that a new council of governments be built around it. Mr. Herington responded that NOPEC, Inc. was formed to register as a certified retail energy supplier in order to buy electricity wholesale for NOPEC's 400,000 customers in the event that opt-out governmental aggregation did not continue. He noted that NOPEC, Inc. has been approved by the PUCO and is currently in the process of making sure it has management and financial backing. Mr. Herington declined to comment on Viking Energy Resources.

With regard to stranded costs, Mr. Herington stated that FirstEnergy's stranded costs should have been paid off and NOPEC wants to make sure that any new costs are not in the generation charges. He added that either the legislature is going to deal directly with whatever the costs are or it will go back to PUCO.

Mr. Bennett stated that the FirstEnergy's infrastructure needs to be upgraded and he inquired if these costs would go on the regulated end. Mr. Herington replied that it should go on the regulated end.

Mr. Herington noted that NOPEC has a toll-free number, 1-888-848-7914, where customers can get all their questions answered.

D. Ordinance No. 2007-72 Temporary Appropriations for 2008 (2nd Reading)

Ordinance No. 2007-72, which was placed on first reading on December 3, 2007, authorizes temporary appropriations for current expenses and other expenditures of the City for the period of January 1, 2008 through March 31, 2008.

MOTION BY MRS. INFELD, SECONDED BY MR. BENNETT to approve the passage of Ordinance No. 2007-72 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

E. Ordinance No. 2007-77 Amending 2007 Appropriations

Ordinance No. 2007-77 amends and supplements Ordinance No. 2007-10 for the purpose of authorizing the additional appropriation of funds for the period of January 1, 2007 through December 31, 2007.

MOTION BY MRS. INFELD, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2007-77 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

F. 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 reported that the auditors have started preliminary testing in preparation of the 2007 audit.

Committee Reports:

There were no committee reports.

Mrs. Infeld took a brief look back at the people she has sat next to during her years on Council and those people that she has worked closely with – Finance Director Arman Ochoa as chair of Council's Finance Committee and Walter Stinson as chair of the Civic Information Committee. Mrs. Infeld stated that she has been honored to serve the community for the last 12 years and was humbled by the confidence the community has placed in her to represent them.

Mr. Bennett commented about some of his accomplishments during his 15½ years on City Council: introducing legislation to prevent centering of group homes; chairing the City's Master Plan Committee which started the flux of commercial redevelopment in the City; and chair of Council's Building Committee which reviewed and changed some of the zoning throughout the city. Mr. Bennett stated that the City must look at empty-nester housing in the near future.

Mayor Rothschild thanked Mrs. Infeld and Mr. Bennett, whom she described as "two of the brightest stars," for their service to the city and her personally. She noted that they will be missed and wished both of them great things in future.

Mayor Rothschild wished everyone blessings in the new year.

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

Mayor Beryl E. Rothschild

Nancy E. English, Clerk of Council