

MINUTES OF COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS  
DECEMBER 21, 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. Steven Sims

   Absent:        Mr. Kevin Patrick Murphy  
   Mr. Frank Consolo

   Also Present: Clerk of Council Nancy E. English  
   Acting Law Director Dennis Nevar  
   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

**MOTION BY MR. SIMS, SECONDED BY MR. BERNARDO to excuse the absence of Mr. Murphy and Mr. Consolo. On roll call, all voted “aye.”**

Minutes of the regular meeting held on December 7, 2009

There were no corrections or additions to the minutes of December 7, 2009.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. BULLOCK to approve the minutes of the December 7, 2009 meeting. On roll call, all voted “aye.”**

Reports and Communications from the Mayor and the taking of action:

Mayor Rothschild announced that Vice Mayor Adele Zucker was honored at the Cleveland Heights High School basketball game on Saturday, December 19, 2009 for being a supporter and Heights High sports enthusiast since 1971.

In offering farewell comments, Mayor Rothschild stated that she has had a wonderful 42-year journey with the City of University Heights (10 years on Council and 32 years as Mayor). However, she was disheartened because nothing substantial happened in the last 2 years of her tenure because the thrust to change the form of government dominated everything else. She mentioned that the voters have spoken and the matter should now be laid to rest.

Mayor Rothschild mentioned several items that are still unfinished. One item of major importance is revising the Planning and Zoning Code; she suggested utilizing the services of David Hartt of D. B. Hartt, Inc., who is an expert in such matters. Another item is to evaluate the Needs Study prepared by David Siebold of Herman, Gibans, Fedor, Inc. Mayor Rothschild recommended that when the City Hall building and municipal complex is renovated that the village atmosphere be maintained. She mentioned that there was no follow-through regarding the development of the Fuchs Mizrahi School property. Also, the beautification of the City remains on hold, such as how to plant trees on the main thoroughfares of Warrensville Center Road and Cedar Road and installation of a median on Warrensville Center Road.

Mayor Rothschild stated that her biggest disappointment was the ongoing relationship problems with John Carroll University (JCU). She mentioned that the University Affairs Committee of Council tried to resolve the issues, but has been unsuccessful as well. Mayor Rothschild stated that it is crucial for John Carroll University to consider a second sight for its sports fields, and suggested that JCU cooperate with Notre Dame College and Ursuline College. She hoped JCU would discontinue its efforts to purchase homes surrounding the university because the city will lose families and income tax, which would be detrimental to the city. Mayor Rothschild hoped that John Carroll University would realize that it is part of the city, and that the city deserves its cooperation. She added that the city deserves to know the goals of the university, to have help in recreating the money its losing, and the families its losing because of the purchase of homes around the university. Mayor Rothschild hoped that John Carroll University will work with city officials in the future.

Mayor Rothschild urged the Council to remember that they represent the citizens and should take into consideration what they want. She emphasized that the backyard rubbish collection be should maintained because the aesthetics of the properties on Warrensville Center Road and Cedar Road would be hampered by the rubbish sitting out on these main streets.

Mayor Rothschild noted that new county government will take at least in three years to implement, which will impact who works together, who merges, and who collaborates. She pointed out that University Heights has a long legacy of collaboration and cooperation. Mayor Rothschild advised the Council to know exactly how much will be saved by outsourcing when operating over the next few years.

Mayor Rothschild stated that the last two years have been difficult, and she hoped that the secret meetings and calls would end so that everyone can work toward the same goal. She expressed that Council is the legislative branch, which makes the laws and appropriates the money, and the Mayor is the executive branch, who is the leader. She hoped that everyone would work together in the future.

Mayor Rothschild mentioned that as she continues with the next phase of her journey, she will write a book and a musical. She thanked those who cooperated with her. Mayor Rothschild thanked Councilman Peter Bernardo for his efforts in honoring her and Vice Mayor Zucker for their years of service.

Agenda Items:

**A. Response to questions regarding the Exceptions Analysis Report - Ebie Holst**

Mrs. Elizabeth "Ebie" Holst of NEO|SO was present to answer questions regarding the Exceptions Analysis report which will be formally presented to the Council on Tuesday, January 19, 2010. Ms. Goldberg inquired if the report would be more substantial than the four page summary. Mrs. Holst replied that the full report is more detailed and will be presented in its entirety at the January 19, 2010 meeting.

Mr. Sims stated that the summary does not serve as an insight into what the recommendations will be and requested that the Exceptions Analysis be released to the Council so that the members will have time to review the report prior to the January 19<sup>th</sup> meeting. Mrs. Holst noted that a summary of the scheduling decisions was submitted to the Council to explain what has happened to date. She noted that it is NEO|SO's intention to walk the Council through the report on January 19<sup>th</sup>, answer questions that evening, and then also be available for questions at a later date. Mr. Sims stated that the suggested method would not be an efficient and urged that the report be submitted to the Council as soon as possible.

Mr. Bernardo asked if there is a cost associated with releasing the report to the Council. Mrs. Holst responded that there is not because the contract is closed. Mr. Bernardo stated that he is disappointed because the January 19<sup>th</sup> date is beyond his term, and he would have like to evaluate the report for which he authorized payment. He agreed with Mr. Sims that Council should receive the report as soon as possible. Mr. Bullock requested to Council receive the report at least a week prior to January 19, 2010 meeting. Ms. Goldberg requested that the report be made available to the public at the same time. Mrs. Holst agreed to provide the report at least a week prior to January 19, 2010, give the walk-through presentation, and answer questions. She also noted that it has never been NEO|SO's intent to suppress the report, but rather they have been trying to work with the various interests around the release of the report.

Mrs. Holst added that the original intention was to provide the report as a presentation, which can be changed. She also noted that in the process of completing the report, the scope of the project changed. It initially started out as an "efficiency study," but ended up as a "broader view" and they were hoping to accommodate this change of scope through the presentation. This way they could clearly explain the types of efficiencies the city was looking at and what is the city is attempting to do with the monies that is to be saved; thereby focusing on the top line and the bottom line. Mrs. Holst also stated that NEO|SO has tried to provide the best value in the best interest of the City even though the timing and politics have been unfortunate.

Vice Mayor Zucker expressed her disappointment in the process by stating that it is unfortunate that the current Council will not receive the report because she and Mr. Bernardo are going off the Council at the end of year.

**B. Resolution No. 2009-69 Accepting a grant award from the Ohio Department of Natural Resources, Division of Forestry, and authorizing an agreement with same for the 2009 Urban Tree Canopy Initiative**

Resolution No. 2009-69 accepts a grant award from the Ohio Department of Natural Resources, Division of Forestry, and authorizes an agreement with same for the 2009 Urban Tree Canopy Initiative. This is a matching grant in which both the State and the City will pay \$3,663. Service Director Christopher Vild stated that the Urban Tree Canopy program will aid in assessing the condition of the city's urban forest.

Mr. Sims inquired as to the strategy for planting trees on Warrensville Center Road and Cedar Road. Mr. Vild replied that there have been discussions to determine if City funds can be expended to plant trees on private property on Cedar Road. He as two examples from cities which have done this – the City of Kent, which uses a very simple way of just granting permission, and the Village of Woodmere, which is more detailed requiring an easement. Mr. Vild noted that trees are being planted on Warrensville Center Road as funds become available. Mr. Sims suggested that the City needs a more strategic plan in order to create a specific feel in the neighborhoods. He inquired as to what type of image Mr. Vild is trying to create. Mr. Vild replied that he plants the largest trees possible for the location with mixed variety.

Vice Mayor Zucker asked Mr. Vild to explain why the tree lawns were removed from Cedar Road. Mr. Vild explained that the tree lawns were removed from Cedar Rd. because the road salt destroyed the trees and the grass on the tree lawns. Mayor Rothschild suggested that the City work with the property owners to have trees planted in their front yards.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to approve the passage of Resolution No. 2009-69 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. 2009-70 Transferring Funds**

Ordinance No. 2009-70 authorizes the transfer of funds from the General Fund to the Police Pension Fund from in the amount of \$151,926; from the General Fund to the Fire Pension Fund in the amount of \$205,439; from the General Fund to the Sewer Maintenance "A" Fund in the amount of \$750,000; from the General Fund and to the Street Maintenance Fund in the amount of \$150,000. It also transfers funds from the Street Maintenance Fund to the Bond Retirement Fund in the amount of \$1,700,000; 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 \$650,000.

**MOTION BY MR. SIMS, SECONDED BY MR. BERNARDO to approve the passage of Ordinance No. 2009-70 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. 2009-71 Amending Ord. No. 2009-15 for the purpose of authorizing amended final appropriations for the period January 1, 2009 through December 31, 2009**

Ordinance No. 2009-71 amends Ordinance No. 2009-15 for the purpose of authorizing amended final appropriations for the period of January 1, 2009 through December 31, 2009 for the current expenses and other expenditures of the City. Mr. Ianiro explained the amendments to various accounts. He noted that after the transfers are made, the General Fund will have a \$265,000 balance. Mr. Sims thanked Mr. Ianiro for his efforts. Mayor Rothschild mentioned that Mr. Ianiro will remain on staff temporarily under the new administration until a permanent Finance Director is hired.

**MOTION BY MR. SIMS, SECONDED BY MR. BERNARDO to approve the passage of Ordinance No. 2009-71 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."**

**E. 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:

**Acting Law Director** Dennis A. Nevar reported that the Northeast Ohio Regional Sewer District (NEORSD) is proposing new storm water rates to go into effect in July, 2010. He noted that the charge will be approximately \$4.75 per month. Mr. Nevar reported that each community has had one representative on the water shed advisory council. Previously the sewer district appointed the water shed advisory members, but the documents have been amended so that each community will appoint its own member to the council. Mr. Nevar stated that University Heights will appoint a member to the Lake Erie Direct water shed council. He noted that another highlight of the amendments would be to exempt non-self supporting municipal functions such as city hall, police and fire departments, service garages and recreational facilities. He added that the credit manual is still being created and is anticipated to be finalized by April, 2010. Mr. Nevar noted that there are questions about authority which also needs to be worked out.

**Service Director** Christopher Vild reported that the NEORSD is creating a storm water utility. He noted that each home will be assessed by its impervious surface – averaging \$4.75 per month. He added that the City will receive 7.5% of the funds back to be used at the City's discretion for storm water related activities. Mr. Vild stated that the City may request a representative to attend a Council meeting to discuss the new policy. Mayor Rothschild recommended that a representative of NEORSD be invited to a meeting.

**Building Commissioner** David Menn reported that repair of the chair lift will be started on December 22, 2009. Mayor Rothschild stated that a roof leak caused the ceiling outside the Council Chambers to collapse. She authorized the emergency repair of the roof for \$1,000.

Committee Reports:

There were no committee reports.

Mr. Bernardo thanked everyone that he has worked with over the last two years, and he felt privileged to have work with his fellow Council members because they have been responsive to the citizens. Mr. Bernardo commented on many things which have been accomplished over the last 2 years: rental permits fee decreased, balanced the budget, financed street and water main repairs, contracted with police and fire, prevented layoff of personnel, cut overtime, demolished a problem house, blocked the Waterway project at the request of the neighbors, and initiated dialogue with John Carroll University. Mr. Bernardo stated that he will stay active as director of the CERT Team and as a member of the Parade Committee. He thanked Fire Chief John Pitchler, Chief of Police Gary Stehlik, Service Director Christopher Vild, Building Commissioner David Menn, and Community Coordinator Walter Stinson for their help, cooperation and professionalism. Mr. Bernardo thanked Mayor Rothschild for being a mentor and a friend. And he thanked the citizens for their confidence in him. Mayor Rothschild stated that Mr. Bernardo has also been active in the city even before becoming a Council member.

Vice Mayor Zucker noted that she has enjoyed her service to University Heights over the last 26 years. She thanked Mayor Rothschild, Chief Stehlik, Chief Pitchler, Building Commissioner Menn, Service Director Vild, Finance Director Ianiro, Community Coordinator Stinson, Clerk of Council English, and the administrative staff for their help and support over the last 26 years. Vice Mayor Zucker also thanked the residents for their support and encouragement. She encouraged the residents to attend the Council meetings, serve on committees, and have input into the governmental process. Mrs. Zucker urged the residents to make sure that backyard rubbish pick up does not get eliminated without their input and that the defeat of the Charter amendment is not presented again. Even though she regretted that certain things did not get accomplished, she commented that University Heights is a wonderful community to live, work and raise a family as she did for the last 49 years. Vice Mayor Zucker wished everyone well and wished all a happy holiday season.

Councilman Sims thanked Mayor Rothschild for her service and stated that it has been a pleasure and a privilege serving with her. He was impressed with her spirit to serve University Heights, the Greater Cleveland area, and the nation. He added that her caring nature and desire to serve is reflected in the 42 years of service devoted to the city and the community at-large. Mr. Sims also noted that it has been a pleasure and a privilege to serve with Vice Mayor Zucker, who brought a needed prospective to the Council. He added even though they did not always agree, she brought valuable insight and presence to the Council. Mr. Sims stated that Councilman Bernardo is a person who is passionate about everything that he is a part of and will be missed.

Councilwoman Goldberg stated that it has been a pleasure to work with Mayor Rothschild, Vice Mayor Zucker and Councilman Bernardo. She mentioned Mayor Rothschild has given her heart and soul to the city and she thanked her for her service. She read a portion of the Dr. Seuss book, "*Oh, The Places You'll Go,*" and then presented it to the Mayor. Ms. Goldberg thanked Vice Mayor Zucker for her assistance and guidance with recreation and for her efforts in keeping the notes of the Recreation Committee meetings. She also thanked Mr. Bernardo for his efforts and energy on the Building Committee and for his service to the city even before being elected to the Council.

On a personal note, Councilman Bullock noted that his family moved to University Heights in 1982 because of the city's attributes, which he credited to Mayor Rothschild, Vice Mayor Zucker, and others. He noted that they have worked hard and sincere over the years and they should focus on more than just the last 2 years because they have given so much more to the people of University Heights than the last 2 years. Mr. Bullock thanked both Mayor Rothschild and Vice Mayor Zucker for their service. He also thanked Vice Mayor Zucker for putting him in his place when needed. Mr. Bullock thanked Councilman Bernardo for his service and friendship. He looked forward to continuing his relationship with all the officials going out of office.

Councilman Sims made a presentation on behalf of the citizens of University Heights. Mayor Rothschild was presented with a dozen red roses. Vice Mayor Zucker was presented with a dozen yellow roses. Councilman Bernardo was presented with a white rose boutonniere.

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