

MINUTES OF COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS
FEBRUARY 16, 2010

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

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

Absent: Mr. Kevin Patrick Murphy

Also Present: Clerk of Council Nancy E. English
Acting Law Director Dennis Nevar
Chief of Police Gary Stehlík
Fire Chief John Pitchler
Building Commissioner David Menn
Community Coordinator Walter Stinson

MOTION BY MR. ERTEL, SECONDED BY MR. SIMS to excuse the absence of Councilman Murphy. On roll call, all voted “aye.”

Pledge of Allegiance

Minutes of the regular meeting held on February 1, 2010

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

MOTION BY MR. BULLOCK, SECONDED BY MRS. PARDEE to approve the minutes of the regular meeting held February 1, 2010. On roll call, all voted “aye.”

Black History Month Program presented by Councilman Frank Consolo

Councilman Consolo mentioned that Clerk of Council Nancy English arranged for the Wiley Middle School Challenge Choir to participate in the program and Councilman Steven Bullock and Councilman Steven Sims helped to arrange for the guest speaker, the Rev. Marvin A. McMickle Ph.D., pastor of Antioch Baptist Church.

Mr. Consolo stated that this is the 34th anniversary of Black History Month and commented on its origin. He mentioned that the celebration of black history in America started in 1926 by Dr. Carter G. Woodson, an African American historian, writer and educator, who established “Negro History Week” to honor the contributions of African Americans. The month of February was chosen for the observance because it marked the birthdays of former President Abraham Lincoln and former slave and abolitionist Frederick Douglass, who influenced the lives and social condition of African Americans. In the early 1970's, the name of the observance was changed to “Black History Week” and was expanded to “Black History Month” in 1976.

Mr. Consolo stated that the celebration and study of black history has brought about understanding and harmony. It also reveals the significant contributions of African Americans like Dr. Martin Luther King, Jr., Jackie Robinson, Stephanie Tubbs Jones, Carl and Louis Stokes and others culminating in the election of Barack Obama as President of the United States of America.

Councilman Consolo hoped the program would encourage University Heights' residents to participate in acknowledging the heritage and historical background of African Americans and to appreciate the many important contributions made by African Americans to our city, state and nation.

Mr. Consolo introduced the guest choir, the Wiley Middle School Challenge Choir under the direction of Mr. Glenn Brackens

The Wiley Middle School Challenge Choir led by Mr. Glenn Brackens performed the traditional version and a modern arrangement of the “The Negro National Anthem,” *Lift Every Voice and Sing*. The audience joined the choir for the traditional version. The second selection performed by the choir was *I Lift My Hands To You*, written by Victor Smallwood.

Councilman Bullock introduced guest speaker, Rev. Marvin A. McMickle Ph.D., pastor, Antioch Baptist Church.

Rev. McMickle addressing the question as to why we celebrate Black History Month, remarked that we celebrate because after all of these years the achievements of African Americans in history still remains untaught and unknown. And, not just to the non-Black population, but to African Americans as well. He noted that although some names like Martin Luther King, Jr. and Rosa Parks are well known to many, the significance of the Little Rock Nine, Daisy Bates, Thurgood Marshall, Brown vs Board of Education, and the Montgomery Bus Boycott are less familiar or unknown altogether. He mentioned that it is important to tell the stories so that people will not forget black history.

Rev. McMickle talked about African American Clevelanders whose contributions have made an impact on the history of African American people and on the history of the country. The first was Garret Morgan a scientist, who invented the gas mask and the traffic light. He also commented about Cleveland athletics and the legacy of Jesse Owens, who won four (4) gold medals in the 1936 Olympic games in Berlin. He spoke of Bill Wills and Marion Motley, who were members of the 1946 Cleveland Browns in the old American Football Conference, who won the conference championship three years in a row before the National Football League was invented in 1947. Rev. McMickle remarked about the political contributions of Carl and Louis Stokes. Carl, who was elected in 1967, and Louis, who was elected in 1969, were recognized for their political bravery because, at that time, Cleveland was the fourth most racially segregated city in America, behind Chicago, Detroit, and Gary, Indiana.

Rev. McMickle shared a story of his ancestor, Edward Denahey, who at the age of 60 was shot four times, and killed by a voter registrar in Danville, Kentucky in 1930 for his persistent desire to register to vote. The registrar pled self defense against the unarmed man, and was released the same day. Rev. McMickle stated that one of the greatest achievements that has happened in African American history was the struggle to gain the right to vote. The right to vote gave us Carl Stokes in 1967, Louis Stokes in 1969, Stephanie Tubbs Jones in 1999, culminating in the election of Barack Obama, the first African American President in 2008. He noted that there are still people today who want to prohibit African Americans from voting by reinstituting a literacy exam.

Rev. McMickle stated that it is good to see that a few cities in Cuyahoga County still values diversity and that people of all races, various religious backgrounds and both genders are standing side by side and serving side by side even though there are still people who do not want to see it. He commented that it is important for cities like University Heights, Cleveland Heights, Shaker Heights, Berea and others who live peaceably with ethnic and religious diversity to continue doing what they are doing. Rev. McMickel stated that it is a anomaly to have a Black History Month program at a City Council meeting where The Negro National Anthem is sung by a Black middle school choir and a Black Baptist preacher gives the remarks. He added that America is a country where everyone belongs, but where some are made to feel unwelcome, but not in University Heights. He added that the fact that it is happening in University Heights is a credit to everyone who came out to be a part of this proceeding, and to the Mayor and City Council for demonstrating their own personal and corporate commitment to the notion that diversity in religion and culture is of value to them.

In summing up, Rev. McMickle stated that we celebrate Black History Month so that people will remember because those who do not remember their history are likely to repeat it. He thanked everyone for coming and thanked City Council and the Mayor for hosting a celebration that demonstrates how all the people can live together, govern together, and learn together. He was grateful for having an opportunity to be a part of the evening.

Rev. McMickle and the Wiley Middle School Challenge Choir were thanked for their participation in the City's Black History Program.

Comments from the Audience

Andrea Davis, vice president of the Parents Support Group for the Wiley Challenge Choir, thanked the City for the invitation and the opportunity for the choir to perform at the Black History Program again this year. She noted that the students have come together for a good purpose and are working hard. Mrs. Davis announced that the choir has been invited by Congresswoman Marcia Fudge to perform in Washington, D.C. in May, 2010. She mentioned that fundraisers and concerts will be taking place in preparation of the Washington, D.C. trip and requested the community's continued support. Mayor Infeld wished the choir the best in their endeavors.

Joey Powers, member of the Wiley Challenge Choir, was honored to participate in the Black History Month celebration. He thanked Mr. Brackens for advising the choir, and he thanked his peers as well.

Nicole Barringer, member of the Wiley Challenge Choir, was honored to participate in the Black History Month program and finds singing the songs inspiring. She enjoyed the program and wanted to learn more about black history. She also thanked the City for choosing the choir to perform at the celebration.

Agenda Items:

A. Ordinance No. 2010-07 Amending Article XII (Hospitalization) of the Collective Bargaining Agreement of the City of University Heights and National Production Workers, Local 707 retroactive to November 1, 2009

Ordinance No. 2010-07 amends Article XII (Hospitalization) of the Collective Bargaining Agreement with the City of University Heights and the National Production Workers, Local 707, 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 MRS. PARDEE, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2010-07 as an emergency measure. On roll call on suspension of rules, all voted “aye.” On roll call on passage, all voted “aye.”

B. Ordinance No. 2010-08 To accept a grant from FEMA for the purchase of fire pumper truck

Ordinance No. 2010-08 authorizes the Mayor to accept a grant requested from the Federal Emergency Management Agency (FEMA) in the amount of \$275,000 for the purchase of a fire pumper truck and authorizes the City to contribute 5% of the total amount in an amount not to exceed \$13,750.

Fire Chief Pitchler noted that final approval of the grant is still pending. He will be notified of the award in two to four weeks. The total grant will be for \$275,000, of which, the government will pay \$261,250 and the City will pay \$13,750. Chief Pitchler added that the funds will be used to purchase a pumper truck because the department's existing pumper truck is almost 20 years old and does not meet NSPA standards. Chief Pitchler credited Firefighter Robert Perko for writing the grant. He suggested that Firefighter Perko be recognized with a certificate when the pumper is received. In response to a question from Mr. Consolo, Chief Pitchler stated that the current truck cannot be sold for fire service, but it can be scrapped, donated to a museum, or sold to a collector. He also noted that all the good equipment will be taken off the truck and reused.

Councilman Bullock thanked Chief Pitchler, Mayor Infeld and his fellow Council members for their efforts and recommended that the \$13,750 be allocated for the City's match.

MOTION BY MR. BULLOCK, SECONDED BY MR. CONSOLO to approve the passage of Ordinance No. 2010-08 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. 2010-09 Establishing Chapter 1475 of the Codified Ordinances entitled, “Notice of Foreclosure and Registration of Vacant Buildings or Structures”

Ordinance No. 2010-09 establishes Chapter 1475 of the Codified Ordinances entitled, “Notice of Foreclosure and Registration of Vacant Buildings. The new chapter applies to all residential, commercial, and industrial buildings located within the city. The ordinance requires any person who files a complaint for foreclosure in a court to notify the City of the filing and file a complete copy of the foreclosure complaint with the Building Commissioner within ten (10) days after filing the foreclosure complaint with the court. A filing fee for the notice of foreclosure shall be \$150. The name, address and contact information of the person who will be responsible for maintaining the foreclosed property must also be submitted.

Vice Mayor Goldberg stated that the ordinance was recommended by the Building Committee at its February 9, 2010 meeting. Building Commissioner David Menn stated that the practice has been successful in other cities. He thanked Housing Inspector Zak Hayak, who initiated this process.

MOTION BY MS. GOLDBERG, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2010-09 as an emergency measure. On roll call on suspension of rules, all voted “aye.” On roll call on passage, all voted “aye.”

D. Resolution No. 2010-10 Congratulating Community Coordinator Walter Stinson on the event of his retirement.

Resolution No. 2010-10 congratulates Community Coordinator Walter Stinson on his retirement after thirty-three (33) years of dedicated service to the City of University Heights. All City Council members read the resolution and Vice Mayor Goldberg presented the resolution to Mr. Stinson.

MOTION BY MR. ERTEL, SECONDED BY MR. SIMS to approve the passage of Resolution No. 2010-10 as an emergency measure. On roll call, on passage, all voted “aye.”

E. Motion to approve payment to Cleveland Water Department for use of water from fire hydrants

Fire Chief Pitchler reported that this is an annual charge that is based on the number and locations of hydrants in the city.

MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK to approve payment in the amount of \$10,577.99 to the City of Cleveland Water Department for the annual fee for use of water from fire hydrants. On roll call, all voted “aye.”

F. Motion to approve payment to the City of Shaker Heights for the 2nd half 2009 Shaker Heights Municipal Court costs

Chief of Police Gary Stehlik reported that an invoice was received in the amount of \$39,425 from the City of Shaker Heights for University Heights' share of the operating expenses of the Shaker Heights Municipal Court for the period July 1, 2009 through December 31, 2009.

MOTION BY MR. SIMS, SECONDED BY MS. GOLDBERG to approve payment in the amount of \$39,425 to the City of Shaker Heights for Shaker Heights Municipal Court costs for the second half of 2009 (July 1, 2009 through December 31, 2009). On roll call, on passage, all voted “aye,” except Mr. Ertel, who “passed.”

G. 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 State Auditor's Office has issued the 2008 Audit Report for the City of University Heights. According to the report, former Finance Director Arman Ochoa received payroll advances from the City in the amount of \$69,795.00, of which, \$37,840 has been repaid and \$31,955 remains outstanding. He added that there is joint and several liability in the favor of the City of University Heights against Ohio Casualty Insurance Company in the amount of \$12,790 and Western Surety in the amount of \$19,165 as well as \$1,496 from an overpayment on vacation leave payout. Mr. Nevar stated that former Mayor Beryl E. Rothschild is liable for \$8,057 if the money is not obtained from Mr. Ochoa.

With regard to criminal charges against Mr. Ochoa, Chief Stehlik stated that the case is in the hands of the County Prosecutor, who was awaiting the 2008 Audit Report before proceeding. Any formal charges will come out of the County Prosecutor's Office.

Chief of Police Gary Stehlik reported that the department is collaborating with John Carroll University on a program which is funded by a grant to combat violence against women. He noted that this is the first year of the program. Grant funds in the amount of \$6,000 has been authorized for recording equipment and computers for the detective cars. John Carroll University sent Lt. Detective James Williams to Florida for a two-day training on violence against women in December of 2009. The program is ongoing for another two years, but they are seeking a new director.

Chief Stehlik reported on the status of the shared Animal Warden Program with South Euclid and Richmond Heights. The first year of the program, the City spent \$7,141 versus the previous year of \$20,525.

Fire Chief John Pitchler reported that crews have been shoveling snow away from the fire hydrants for the last five days. He noted that 120 hydrants in the city are serviced by the City of Cleveland Heights and University Heights is not charged for water from those hydrants.

Chief Pitchler also reported that all members of the Fire Dept. will undergo CPR recertification by Tuesday, February 23, 2010.

Building Commissioner David Menn reported that there are various loan programs available through Cuyahoga County for home repairs, remodeling, etc. He suggested that any residents who are interested in loan programs be referred to him.

Community Coordinator Walter Stinson thanked the Mayor and Council for the resolution presented at this meeting in his honor. Mayor Infeld read and presented a Proclamation to Mr. Stinson declaring February 28, 2010 as "Walter Stinson Day" in the city of University Heights.

Committee Reports:

Building Committee Chairman Frankie B. Goldberg reported that a Building Committee met on February 9, 2010 and discussed increased productivity and efficiency in the Building Department. They also reviewed court cases, savings within the department, and possible online payments.

Finance Committee Chairman Steven Sims reported that the Finance Committee will meet again to consider any concerns from the 2008 Audit Report and Management Letter. There were a total of six (6) findings. Two findings were from the previous year, Finding No. 2007-1 and Finding No. 2007-02, which have been corrected. Therefore, there are four (4) new findings, which must be addressed to determine the status of resolving the concerns. Mr. Sims stated that the minutes from the Finance Committee meeting of January 28, 2010 have been distributed.

Mayor Infeld stated that the Finance Committee did a good job of reviewing the auditor's recommendations for the years 2005, 2006 and 2007. She mentioned that the city is moving forward as some items have been resolved and the City is working on others.

Governmental Affairs Committee Chairman Susan D. Pardee reported that her committee met on February 16, 2010 prior to this meeting and agreed that the City will increase opportunity to minority and women-owned businesses to be informed of opportunities for bids or RFPs for contracts. The City will share lists with other communities and utilizing the website to invite businesses to learn more about the opportunities.

Another meeting of the Governmental Affairs Committee will be scheduled in March.

Service and Utilities Committee Chairman Phillip Ertel reported that a Council of the Whole Committee meeting was held prior to this meeting where the City's snow removal and salting policy was discuss. The Service and Utilities Committee will review the policy the determine if improvements can be made. There being no further business to discuss, the meeting was adjourned.

Susan K. Infeld, Mayor

Nancy E. English, Clerk of Council