

MINUTES OF COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS  
JUNE 16, 2008

Mayor Rothschild called the meeting to order at 7:35 p.m.

Roll Call: Present: Mrs. Adele H. Zucker  
Ms. Frankie B. Goldberg  
Mr. Steven D. Bullock  
Mr. Peter R. Bernardo  
Mr. Frank Consolo  
Mr. Steven Sims

Absent: Mr. Kevin Patrick Murphy

Also Present: Clerk of Council Nancy E. English  
Law Director Kenneth J. Fisher  
Finance Director Arman R. Ochoa  
Deputy Chief of Police James Rohal  
Fire Chief John Pitchler  
Service Director Christopher Vild  
Community Coordinator Walter Stinson  
Building Commissioner David Menn  
City Engineer Joseph R. Ciuni

**MOTION BY MS. GOLDBERG, SECONDED BY MR. BULLOCK to excuse the absence of Mr. Murphy. On roll call, all voted “aye,” except Mrs. Zucker, who “passed.”**

Minutes of the regular meeting held on June 2, 2008

There were no corrections or additions to the minutes of June 2, 2008.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. BULLOCK to approve the minutes of the June 2, 2008 meeting. On roll call, all voted “aye,” except Mr. Consolo, who “passed.”**

Presentation of Certificate of Recognition:

Community Coordinator Walter Stinson read the Certificate of Recognition which was presented to the Cleveland Heights High School Track and Field Team members by Mayor Rothschild. The team won the State Division I Championship in various track and field events. It was mentioned that Head Coach Claude Holland was named “Coach of the Year” in March, 2008.

Presentation of Certificate of Recognition:

Vice Mayor Zucker read the Certificate of Recognition which was presented by Mayor Rothschild to track star, Emily Infeld, daughter of former Councilwoman Susan Infeld, for helping to secure the Division I State Championship for her team, the “Blue Streaks” of Beaumont Girls High School Track and Field Team. Miss Infeld has won a scholarship to Georgetown University, where she will run track.

Agenda Items:

**A. Request from Bellefaire Jewish Children’s Bureau to obtain a demolition permit to raze Building “I” on its campus**

Betty Scheiferstein, director of Administration Services at Bellefaire, was present to request permission to demolish Building “I” on Bellefaire’s campus. The building is 12,000 square feet, has 2 stories, was built in 1928 and has been empty since the late 1990's. The building was considered for renovation, but needed extensive improvements. Ms. Scheiferstein stated that Bellefaire’s officials decided that due to the condition of the building, it should be demolished. She noted that they are seeking to demolish the building in June or July of this year prior to the their road resurfacing project. Ms. Scheiferstein stated that there are no plans to build on the site at this time. However, the foundation will be removed and the site will be filled with engineered backfill so that another building could be constructed on the site in the future if plans should change.

In a letter dated, June 12, 2008, Mr. Alan Ambuske, president, Ambuske Architects Inc., stated that Building I is beyond repair and should be demolished for the safety of its clients and Bellefaire staff.

In response to a question by Vice Mayor Zucker, Ms. Scheiferstein noted that Building "I" is located on the interior oval of the campus directly across from the Monarch School.

Mr. Bernardo inquired if there will be any abatement. Ms. Scheiferstein replied that all visible asbestos was abated in 1990, but the pre-demolition inspection revealed wrapping on piping behind the walls and above the ceiling which will have to be abated as part of the contract.

**MOTION BY MR. BERNARDO, SECONDED BY MRS. ZUCKER to approve the issuance of a demolition permit to Bellefaire Jewish Children's Bureau to raze Building "I" on its campus pursuant to Section 1242.14 (d) of the Codified Ordinances. On roll call, all voted "aye."**

**B. Ordinance No. 2008-27 To award insurance coverage for Public Officials, Law Enforcement Liability, Umbrella Excess, and Package Policy**

Ordinance No. 2008-27 awards the insurance coverage for Public Officials, Law Enforcement Liability, Umbrella Excess, and package policy (commercial Inland Marine/Property/General Liability/Automobile) to Travelers Insurance in an amount not to exceed \$132,595 for the period of June 1, 2008 to June 1, 2009.

Mr. Mike Bentley of Brooks and Stafford stated that Traveler's Insurance, is an A+ rated, premier insurance company and the largest insurer of municipalities. He reported that the premium for 08/09 totals \$132,595.00, which is an increase of \$244.00 over last year's premium. The premium breakdown is as follows: Package Policy totaled \$91,975 (\$57,753 for Property, Auto Inland Marine and \$34,222 for General Liability); Law Enforcement Liability - \$26,297; Public Entity Management Liability - \$5,848 and Umbrella - \$8,475.

Mr. Bentley mentioned that companies other than Travelers will not bid on the swimming pool due to the diving boards. Mr. Consolo inquired as to the other companies that bid. Mr. Bentley responded that Selective Insurance and Philadelphia Insurance have bid in the past. He added that any other company declined to quote this year. He also noted that it would be good to have multiple companies bid in order to get competitive rates and the pool may be something that the City may want to look at in the future.

Mayor Rothschild inquired as to what the current coverage is for the pool. Mr. Bentley replied that the pool falls under the General Liability Policy, which is covered at \$2 million. Mayor Rothschild stated that there has only been one incident at the pool and expressed her opinion that the existing coverage is adequate. Law Director Kenneth J. Fisher agreed that the coverage is good, but he added that there may be a significant cost saving to the City if the diving boards were removed. He suggested that Mr. Bentley provide the premium amount if there were no diving boards to determine if the premium would indeed be lower. Mr. Bentley stated that he would provide that information to the Finance Director to be forwarded to the Council. Mr. Consolo inquired if other companies would bid if that was the case. He also asked if the City is currently in a grace period on the coverage. Mr. Bentley replied, yes, if the diving boards were removed other companies would bid. He explained that the City is currently bound as of June 1, 2008 pending Council's approval. Mr. Consolo suggested that the City should start the process earlier, around March. Mr. Bentley mentioned that the process is normally started in April.

There was discussion of whether to table or approve the ordinance pending other quotes. Mayor Rothschild stated that Mr. Mike Bentley and Mr. Richard "Bud" Conway have served the City well and has always tried get the best deal for the City. She also noted that Traveler is an excellent company. Mr. Fisher noted that the summer season is almost over so the coverage will not change for this year, but he suggested that future insurance renewal proposals be submitted earlier in the year, especially any information regarding the diving boards. Mayor Rothschild stated that the diving boards are a popular attraction at the pool.

Mr. Bullock stated that he thought Mr. Bentley was making a professional suggestion when he suggested that the City review what is being covered because potential changes could bring about a lower premium. Mr. Bentley noted that year after year the question of the diving boards arises when its time to quote the policy; therefore, he brought it up as something that should be considered. Mr. Bullock appreciated the suggestion and noted that the City should take Mr. Bentley's advice and take it under consideration in the coming year.

Mr. Consolo wanted to see quotes from other companies' even if the companies declined to bid.

Ms. Goldberg asked for an explanation about the Public Entity Cyber Liability coverage. Mr. Bentley noted that Cyber Liability has not been covered in the past nor is it part of the current proposal, it was offered as another suggestion for future consideration. Ms. Goldberg agreed that Cyber Liability should be considered in this technological age.

Mr. Bentley also advised the Council that there have been consistent minor claims with the Cushman rubbish scooters hitting cars in driveways. He suggested that the City institute a training program or policy regarding the operation of the Cushman scooters. Finance Director Arman Ochoa stated that he is working with a representative of Travelers in order to get an in-house driving class. Mr. Ochoa noted that the loss run of the last three years has totaled \$50,000.00, which is fairly good.

Mr. Sims expressed concern over how the presentation was put forward because the various options left the Council with more questions than answers because all pertinent information was not presented. Mr. Bentley understood the concern and stated that he would find out the cost differential of the premium without the diving boards from the current carrier and other carriers. He noted that it will take at least one month to find out that information.

Mayor Rothschild inquired as to how many claims there were from the pool. Mr. Ochoa noted there were no claims from the pool in the last run of a three year period. Mr. Fisher noted that claims made was not the issue, rather the issue is that the insurance industry red tags diving boards.

Mr. Consolo questioned why under the Automobile Liability Protection the Uninsured Motorist Coverage is marked "rejected." Mr. Bentley stated that Uninsured Motorist Coverage is available, but it has been rejected by the City at some point in the past. Mr. Fisher expounded that Ohio law requires that the Uninsured Motorist Coverage be made available, but the coverage has been rejected as part of the coverage and if included there were be an additional charge.

Mr. Sims asked Mr. Bentley if the premium proposed by Travelers is a fair and reasonable amount. Mr. Bentley stated that the premium is fair and reasonable for the renewal because the City of University Heights is a good risk.

After discussion of whether or not to approve the ordinance without seeing other quotes, the suggestion was made to table the ordinance until Mr. Bentley comes back with further information.

**MOTION BY MR. CONSOLO, SECONDED BY MR. BULLOCK to table Ordinance No. 2008-27. On roll call, all voted "aye," except Mrs. Zucker, who voted "no."**

**C. Ordinance No. 2008-28 Levying a Special Assessment for street lights**

Ordinance No. 2008-28 levies a special assessment on all designated properties served by street lights at the rate of seventy cents (\$.75) per front foot for the tax year 2008. Vice Mayor Zucker stated that this item was considered at the joint meeting of the Service and Utilities Committee and Finance Committee on June 10, 2008. The committee has recommended to increase the assessment from a rate of sixty cents (\$.60) per front foot to seventy-five cents (\$.75) per front foot.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. BERNARDO to approve the passage of Ordinance No. 2008-28 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. 2008-29 Levying a special assessment for tree maintenance**

Ordinance No. 2008-29 levies a special assessment for improving the streets of the city by the spraying, planting, maintaining, and removal of shade trees at a rate of eighty cents (\$.80) per front foot for the tax year 2008. Vice Mayor Zucker noted that the committee has recommended an increase from a rate of forty cents (\$.40) per front foot to eighty cents (\$.80) per front foot. She noted that all the assessments being considered at this meeting have not been increased since 1998.

Mr. Sims, who chairs of the Finance Committee, noted that the rationale for the increase was the current need to maintain the urban forestry in order to maintain the value and character of University Heights. He added that there is also a growing need for the funds because of a disease which is moving through Ohio which will affect the trees in the city.

Service Director Christopher Vild explained that the emerald ash borer, a beetle that preys on Ash trees, is migrating to the Greater Cleveland area. He noted that the insect travels one-fourth to one-half mile per year. Pheromone traps are used to track the movement of the insect. He noted that there has been sightings in Cuyahoga County. Mr. Vild noted that there is a 100% mortality rate to Ash tree

infected with the insect. He noted that expenditures due to infestation will be for removal of trees and planting new trees. Mr. Vild stated that he expects costs to increase significantly. He added that the fund has been operating in a deficit situation; therefore, additional funds are needed to cover current and expected expenditures.

Mr. Consolo added that services for the residents such as spring clean up and leaf collection will also come out of the Tree Maintenance Fund.

**MOTION BY MRS. ZUCKER, SECONDED BY MS. GOLDBERG to approve the passage of Ordinance No. 2008-29 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. 2008-30 Levying a supplementary assessment for sewer maintenance**

Ordinance No. 2008-30 levies a supplementary assessment against property within the city for the purpose of establishing a sewer fund to maintain, repair and reconstruct the sewerage system and water lines within the city. Vice Mayor Zucker reported that the committee recommended a increase from \$58 per year per dwelling unit to \$78.00 per year per dwelling unit.

Mr. Vild noted that the increase was proposed to cover the regular cleaning and filming of the city’s sewers as well as meeting the anticipated repairs due to the age of the infrastructure.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. CONSOLO to approve the passage of Ordinance No. 2008-30 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”**

**F. Ordinance No. 2008-31 Authorizing a contract between the City and the Ohio Patrolmen’s Benevolent Association**

Ordinance No. 2008-31 authorizes a contract between the City of University Heights and the Ohio Patrolmen’s Benevolent Association, setting forth the rate of compensation and benefits and conditions of employment for members of the bargaining unit.

**MOTION BY MR. SIMS, SECONDED BY MR. BERNARDO to approve the passage of Ordinance No. 2008-31 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”**

**G. Resolution No. 2008-32 Authorizing a purchase agreement for the purchase of 2099 Wynn Road**

Resolution No. 2008-32 authorizes the Mayor to enter into a purchase agreement with George Wehbe and Rajesh Gupta for the purchase of 2099 Wynn Road, University Heights. Law Director Kenneth J. Fisher stated that the deal for the property was ready to close. He noted that purchasing the property would expend the City-owned property in the area of Wynn Rd., Washington Blvd. and South Taylor Road. Mr. Fisher noted that the purchase price was \$45,000 and demolition cost will be approximately \$7,000.

Mr. Consolo stated that the closing date and contingency dates would have to be changed within the purchase agreement. Mr. Fisher noted that the dates would be changed.

**MOTION BY MR. CONSOLO, SECONDED BY MR. SIMS to approve the passage of Resolution No. 2008-32, as amended, as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”**

**H. Ordinance No. 2008-33 To award bid for University Parkway Waterline Replacement**

Ordinance No. 2008-33 awards the 2008 University Parkway Waterline Replacement Project to the lowest and/or best bidder, Noce Enterprise, Inc., in the amount not to exceed \$418,806. City Engineer Joseph R. Ciuni reported that bids were opened on May 30, 2008. Five (5) bids were received ranging from \$418,806 to \$573,639. The project includes replacement of the water line on University Parkway from Green Road to Bromley Road, new service connections, new fire hydrants, new valves and temporary bypass piping. Mr. Ciuni reported that the Cleveland Water Department has approved the bid. Mr. Ciuni recommended that the City enter into a contract with Noce Enterprises, Inc. for the project.

Following an inquiry from Ms. Goldberg, Mr. Ciuni stated that the time line for the project is 120 days.

Vice Mayor Zucker suggested that residents in the affected area receive notification describing the specifics of the project.

**MOTION BY MRS. ZUCKER, SECONDED BY MS. GOLDBERG to approve the passage of Ordinance No. 2008-33 as an emergency measure. On roll call, on suspension of rules, all voted “aye.” On roll call, on passage, all voted “aye.”**

Mr. Ciuni reported that the Meadowbrook Boulevard Phase II Rehabilitation project has been completed. He added that the traffic light loop detector will be reinstalled in order to restore the proper timing to the traffic light at Meadowbrook Blvd. and Warrensville Center Road.

Mayor Rothschild inquired about the lighting at Purvis Park. Mr. Ciuni replied that informal bids were received for the lighting, which came in under \$14,995. This item will be presented to the Council at its next meeting.

Mr. Ciuni reported that the Cuyahoga County Engineer’s Office indicated that they would not participate in the Taylor Road Resurfacing project since their budget is done for 2008 and because both cities, University Heights and Cleveland Heights would have to participate. Vice Mayor Zucker inquired as to what Cleveland Heights would do since University Heights is not participating. Mr. Ciuni will find out Cleveland Heights’ intentions.

Mr. Sims inquired as to how the dip in Cedar Road at Barrington Road will be resolved. He noted that water collects in that area. Mr. Ciuni responded that the County Engineer’s office indicated that one or more catch basins will be added at the lowest point where the water is ponding. He mentioned that the County believes the pavement is sound and will not be repaved. Mr. Ciuni noted that the item is on the punch list and he will follow up with the County.

**I. Motion to advertise for bids for a self-contained leaf collection machine**

Service Director Christopher Vild requested permission to advertise for bids for a self-contained leaf collection machine. Mr. Sims requested additional information on the need and benefit of the leaf collection machine. Mr. Vild explained that he is looking to replace a 1979 International rubbish truck which was converted to collect and hold leaves. He noted that the benefit of purchasing a self-contained unit is that the machine will vacuum and hold the leaves. It was noted that the efficiency of the department will be improved because the leave collection truck will not have to be reconfigured for snow removal.

**MOTION BY MR. ZUCKER, SECONDED BY MR. BULLOCK to advertise for bids for a self-contained leaf collection machine. On roll call, all voted “aye.”**

**J. Motion to advertise for bids for various sewer related repairs**

Mr. Vild identified various locations in the city where sewer lateral repairs and street repairs are needed: 1) 2590 Eaton Rd., estimated cost \$19,800; 2) 2599 University Boulevard, estimated cost \$8,500; 3) Cedar-Green Shopping Center, estimated cost \$20,000; 4049 Washington Blvd., estimated cost \$1,100; and Silsby Road near Baintree Road, estimated cost \$12,000. Mayor Rothschild mentioned that Larry Weizer, owner of Cedar-Center Shopping Center, will pick up part of the cost of improvements at the shopping center through the assessment method.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. BERNARDO to advertise for various sewer related repairs. 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**

**MOTION BY MS. GOLDBERG, SECONDED BY MR. CONSOLO to hold an executive session for the purpose of discussing the purchase of real estate. On roll, call all voted “aye.”**

Directors’ Reports:

**Building Commissioner** David Menn reported that Curves and Allstate Insurance Agency have opened at Cedar Center. He also noted that a new jewelry store, Antrobus Designs, has opened at Silsby Center.

Committee Reports:

**Building Committee** Chairman Peter Bernardo reported that he will schedule a committee meeting within a few weeks to discuss the Building Commissioner's ideas to streamline the department and possible repairs to the building.

Mayor Rothschild suggested that the Finance Committee meet jointly with the Building Committee if there are money issues involved in the meeting.

**Civic Information Committee** Chairman Frank Consolo reported that he met with the directors and a representative of the Loyola Group on June 13, 2008 to start obtaining information in order for the Loyola Group to prepare the RFP for the updating and maintenance of the City's website. Mr. Consolo noted that the request for proposals should be ready to go out in early August. He welcomed input from the Council members on potential companies to send the RFP to.

**Finance Committee** Chairman Steven Sims reported that the Finance Committee met jointly with Service and Utilities Committee. Items discussed at the meeting were covered on the agenda of this meeting.

**Recreation Committee** Chairman Frankie Goldberg reported that the swim season is in session and everything is going well at the pool and the tennis courts.

**Service and Utilities Committee** Chairman Adele H. Zucker reported that the joint committee met on June 10, 2008 and items covered on the agenda were passed at this meeting.

There being no further business to discuss, the meeting was recessed into executive session. Following the executive session, the meeting was adjourned.

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Mayor Beryl E. Rothschild

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Nancy E. English, Clerk of Council