

MINUTES OF COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS  
JUNE 2, 2008

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. Kevin Patrick Murphy  
Mr. Peter R. Bernardo  
Mr. Steven Sims

Absent: Mr. Frank Consolo

Also Present: Clerk of Council Nancy E. English  
Law Director Kenneth J. Fisher  
Finance Director Arman R. Ochoa  
Chief of Police Gary Stehlík  
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. SIMS to excuse the absence of Mr. Consolo. On roll call, all voted “aye,” except Mrs. Zucker, who “passed.” On repoll, Mrs. Zucker “passed.”**

Minutes of the regular meeting held on May 19, 2008

There were no corrections or additions to the minutes of May 19, 2008.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to approve the minutes of the May 19, 2008 meeting. On roll call, all voted “aye,” except Mr. Bullock, who “passed.”**

Presentation of Certificates of Recognition:

Mayor Rothschild presented the Eighth Grade Boys Soccer Team of Gesu School with Certificates of Recognition for winning the City-Wide Soccer Championship in the Cleveland Diocesan Catholic Youth Organization on May 18, 2008.

Comments from the Audience:

A resident identified herself as Jane Doe, any town USA. She expressed concern that her address is now “globally” known because the City Council minutes are published on the City’s website with the names and addresses of the people who speak at the meetings. She requested that addresses be taken off the minutes prior to them being posted on the internet. She mentioned that her privacy has been lost and now she feels at risk because she has a personal issue with a man whom she did not want to have her address. She noted that people should be warned that their names and addresses will be on the internet because her concern could also be the same for other single women and women at risk.

Mr. Fisher stated that City Council is a public body and its meetings are open to the public and the minutes are available as a public record. He added that the City is governed by very stringent requirements under the Ohio Revised Code. Mr. Fisher stated that if she had indicated there was a privacy issue, she would not have been required to give her address.

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

Mayor Rothschild congratulated Mrs. Susan Infeld, chairman of the Memorial Day Parade Committee, for an outstanding parade. She also commended the New Richmond High School Marching Band from New Richmond, Wisconsin, who learned about the City’s Memorial Day Parade on the internet and came to University Heights to march in the parade and were sensational.

Mayor Rothschild sympathized with Jane Doe, but commented that it might be frightening if people are told their name and address will be on the internet. Mr. Fisher stated that first amendment rights apply because Council meets in public session. Ms. Goldberg also noted the Council is a public body which meets in a public forum.

Mr. Murphy inquired if her name can be deleted from the minutes. Mr. Fisher stated that the minutes could be amended, but they are already posted on the internet. Mayor Rothschild suggested that the police keep an eye on Jane Doe's house.

Mr. Bullock suggested that speakers be asked to identify themselves by stating name and address for the record unless you have personal reasons not to. Mayor Rothschild stated that another issue could arise if individuals do not indicate where they are from. Mayor Rothschild agreed that things have changed over the years, but this is the first time anyone has had an issue with providing their name and address for the record.

Agenda Items:

**A. Motion to advertise for bids for Cleveland Water Department Water Main Replacements on Silsby Road (Milton to Green), Bushnell Road (Warrensville Ctr. Rd. to Wrenford) and Charney Road (Claridge Oval to Hillbrook)**

City Engineer Joseph R. Ciuni recommended that the City advertise for bids for Cleveland Water Department (CWD) Water Main Replacements on the following three (3) streets: Silsby Road (Milton to Green), Bushnell Road (Warrensville Ctr. Rd. to Wrenford) and Charney Road (Claridge Oval to Hillbrook). Mr. Ciuni reported that all three streets will be bid as one construction project. The maximum construction budget for this project is \$1,140,000. CWD will reimburse the City for all engineering and construction administration costs. This item was discussed at the joint meeting of the Service and Utilities and Finance Committees of Council.

Mr. Fisher stated that the City has signed the reimbursement agreement with the CWD, but any expenses over 10% of the bid would become the City's responsibility.

Mr. Sims inquired as to what the process would be for managing the project to avoid change orders. Mr. Ciuni noted that GPD Group will do the construction administration and inspections. He added that CWD will also have to have an inspector on site. Mr. Ciuni explained that once the road is open, the contractor could find unforeseen problems, which may require a change order. However, he does not anticipate any problems because the roads are not caving in. Mr. Sims recommended that the project be managed in a way to ensure that the contractor stays within budget to avoid unnecessary change orders. Mr. Ciuni stated that there will be checks and balances through inspections by both the GPD Group and Cleveland Water Department.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. BULLOCK to advertise for bids for Cleveland Water Department Water Main Replacements as presented. On roll call, all voted "aye."**

**B. Motion authorizing the purchase and installation of various interior van equipment through the State Purchasing Program**

Service Director Christopher Vild reported that he received three (3) quotes for the purchase and installation of various accessory equipment to outfit the new 2008 sewer van which was authorized for purchase at the meeting of May 19, 2008. The equipment includes a lift, tool cabinet, electronic convertor, and barrier wall. Mr. Vild reported that The Carnegie Body Company submitted the lowest quote in the amount of \$6,946.04. This item was discussed at the joint meeting of the Service and Utilities and Finance Committees and additional quotes were obtained as requested.

**MOTION BY MRS. ZUCKER, SECONDED BY MS. GOLDBERG to authorize the purchase and installation of various interior van equipment through the Ohio Cooperative Purchasing Program from The Carnegie Body Company in the amount of \$6,946.04. On roll call, all voted "aye."**

**C. Resolution No. 2008-21 Authorizing a Salt Storage Agreement with the City of Cleveland Heights (2<sup>nd</sup> Reading)**

Resolution No. 2008-21, which was placed on first reading on May 19, 2008, authorizes the Mayor to execute a Road Salt Storage Agreement with the City of Cleveland Heights. Since the last meeting, the expiration date of the agreement was changed to terminate on June 1, 2009. Law Director Kenneth J. Fisher stated that the legal counsel for the City of Cleveland Heights agreed to the date change. Mr. Fisher also noted that the Cleveland Heights City Council has the agreement on its June 2, 2008 agenda for passage.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. BERNARDO to approve the passage of Ordinance No. 2008-21. On roll call, all voted “aye.”**

**D. Resolution No. 2008-23 Adopting the 2009 Tax Budget (2<sup>nd</sup> Reading)**

Resolution No. 2008-23, which was placed on first reading on May 19, 2008, adopts the official tax budget of the City of University Heights for the calendar year commencing January 1, 2009.

**MOTION BY MR. SIMS, SECONDED BY MRS. ZUCKER to approve the passage of Resolution No. 2008-23. On roll call, all voted “aye.”**

**E. Ordinance No. 2008-25 Authorizing a Software Licensing Agreement with CityWatch (2<sup>nd</sup> Reading)**

Ordinance No. 2008-25, which was placed on first reading on May 19, 2008, authorizes the Mayor to enter into a software licensing agreement with CityWatch to provide for a non-exclusive license to use and operate proprietary computer programs. Mr. Bullock stated that the Safety Committee met several times on this reverse 911 program and recommended approval.

**MOTION BY MR. BULLOCK, SECONDED BY MS. GOLDBERG to approve the passage of Ordinance No. 2008-25. On roll call, all voted “aye.”**

**F. Resolution No. 2008-26 To support and endorse the renewal of the Clean Ohio Fund**

Resolution No. 2008 supports and endorses the renewal of the Clean Ohio Fund. The renewal of the Clean Ohio bond package will be on the November 4, 2008 ballot. A \$400 million renewal of the Clean Ohio Fund will meet the growing demand for green space conservation projects, brownfields revitalization, recreational trail development, and farmland preservation.

**MOTION BY MR. BULLOCK, SECONDED BY MRS. ZUCKER to approve the passage of Resolution No. 2008-26. On roll call, all voted “aye.”**

**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:

**Finance Director** Arman Ochoa reported that the City received two (2) reports from the Public Utilities Committee of Ohio (PUCO) on Dominion East Ohio's request to increase its rates. One report was prepared by the PUCO staff and the other was prepared by Blue Ridge, an independent company. The report addressed Dominion's operations as a whole. There were some discrepancies found, but no conclusion was given. Mayor Rothschild stated that the reports are available for review.

**Fire Chief** John Pitchler reported that the Heights Area Special Rescue Team (HASRT), which includes University Heights fire personnel, was instrumental in rescuing and recovering the three (3) men trapped in the gas tank on May 30, 2008.

Chief Pitchler also reported that the arson fire on Jackson Blvd. is under investigation. He noted that a UH patrolman discovered that fire and the firefighters did an excellent job to extinguish it.

Under Service Department report, Mayor Rothschild stated that lawns at the vacant houses will continue to be cut. She noted that at a future meeting of the Building Committee, a recommendation will be made to reduce the time period of the notification process. Mr. Vild noted that the recommendation will be for the first notice be a notice to cut, and the second notice on a given property will be a seasonal abatement so that the lawns will be cut on a regular basis. Mr. Bernardo inquired if the recommendation will include an increase in fee. Mayor Rothschild stated that it can be discussed at the meeting. Building Commissioner David Menn stated that he is looking at ways to improve the process.

**Community Coordinator** Walter Stinson reported that Wiley Middle School hosted its 2<sup>nd</sup> Annual Poetry Gala on May 29, 2008. Each school in the Cleveland Heights-University Heights City School District was represented by a student from first grade through high school.

Mr. Stinson announced that the summer band concert series will begin on Thursday, June 5, 2008 at 7:30 p.m. on the Wiley Middle School front lawn with the University Heights Symphonic Band.

**Building Commissioner** David Menn reported that he will meet with Mr. Bernardo in order to schedule a Building Committee meeting.

Committee Reports:

**Governmental Affairs** Chairman Kevin Patrick Murphy reported that a committee meeting has been scheduled for Monday, July 7, 2008 at 6:30 p.m. in Council Chambers. Proposed legislation will be discussed and the committee's standing agenda will be reviewed.

**Recreation Committee** Chairman Frankie Goldberg reported that the pool opened Memorial Day weekend and recreation passes are on sale.

Ms. Goldberg stated that Inland US Management notified the City on May 29, 2008 that they would not appear before Council at this meeting (June 2, 2008) because they believe the meeting would be more productive by rescheduling until later in the summer. Ms. Goldberg disagreed and stated that they should have appeared to update the Council and residents on the progress being made at the University Square garage. She noted that Inland is a community partner and they should have attended this meeting and another one later in the summer. Ms. Goldberg stated that it was disgraceful that Inland did not appear.

Ms. Goldberg commented about the Sun Press article relating to the City's website. She stated that the City needs to do a better job keeping the website current and inquired about the status of the RFP for updating and maintaining the website. Mr. Ochoa responded that it has been received, but a purchase order has not been issued.

Mr. Bullock inquired if Inland contacted her personally to advise her that they would not be at the meeting. Mayor Rothschild replied that Inland's local attorney called her. Mayor Rothschild stated that she expressed to him that she was not happy about the decision, but it did not change their minds. She was informed that the City would continue to receive regular updates until they appear.

Ms. Goldberg asked if Inland gave a date as to when they would appear. Mayor Rothschild responded no, that they are waiting to see what the bond market is going to do so they can finance additional improvements, known as Phase Two.

Mr. Fisher stated that the most recent update indicated that structural repairs are ongoing. The repairs should be completed in July, 2008. However, Inland is waiting for improvements in the bond market to proceed with the redesign, which will cost approximately \$5 to \$6 million. Actual construction on the redesign is slated for 2009.

**Service and Utilities Committee** Chairman Adele Zucker reported that a joint meeting of the Service and Utilities Committee and the Finance Committee will be held on June 10, 2008 at 7:00 p.m. in Council Chambers. Topics of discussion will be the assessment ordinances, down spout ordinance, the possible resurfacing of a portion of South Taylor Road, and other potential items. The agenda and background material will be distributed prior to the meeting.

Mr. Sims stated that it will be necessary to have an executive session related to personnel matters at the committee meeting of June 10, 2008. He encourage all Council members to attend the meeting. Mr. Fisher stated that at the June 10<sup>th</sup> meeting a public motion will be made to adjourn into executive session for the purpose of discussing ongoing collective bargaining negotiations.

Mr. Bernardo stated that the Board of Zoning Appeals will be meet on Waterway Gas & Wash Company's application on Tuesday, June 17, 2008 at 7:30 p.m. in Donahue Auditorium, Dolan Science Center, John Carroll University, 20700 North Park Blvd, University Heights.

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

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Mayor Beryl E. Rothschild