

MINUTES OF SPECIAL COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS
JUNE 29, 2009

Mayor Rothschild called the special meeting to order at 7:08 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: Law Director Kenneth J. Fisher
Secretary Kelly M. Thomas
Deputy Chief of Police James Rohal
Service Director Christopher Vild
Building Commissioner David Menn
City Engineer Joseph R. Ciuni

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

Agenda Item:

A. Resolution No. 2009-38 A Resolution of Appreciation to the University Heights Charter Review Commission

Resolution No. 2009-38 expresses appreciation and gratitude to the members of the Charter Review Commission (CRC) for giving of their time and effort in meeting and making the recommendations for Charter amendments, which will be presented to the electorate at the November 3, 2009 general election. Mayor Rothschild read and presented the resolution to the members of the CRC who were present at the meeting.

Vice Mayor Zucker noted that the date in the first whereas clause should be changed to read September 2, 2008. Mr. Sims requested that his name be corrected to read Steven Sims.

MOTION BY MR. SIMS, SECONDED BY MR. BULLOCK to approve the passage of Resolution No. 2009-38 subject to corrections being made. On roll call, all voted “aye.”

B. An update regarding 2603 Ashurst Road - Building Commissioner David Menn and City Engineer Joseph R. Ciuni

Building Commissioner David Menn reported that he and City Engineer Joseph Ciuni reinspected the house located at 2603 Ashurst Road after it was cleaned out, and they found the house to be structurally sound and able to be salvaged. Mr. Menn stated that he will schedule an open house for a date in July.

City Engineer Joseph Ciuni mentioned that the cleaners did an excellent job so that Mr. Menn and he were able to make a good visual inspection. Mr. Ciuni added that a list of point of sale violations on the property has been prepared. He noted that the violations must be corrected, but the house is in good condition.

Mr. Bernardo inquired as to when the house will be rehabilitated. Mayor Rothschild replied that a decision will have to be made relative to whether the house will be rehabilitated and sold or if it would be sold as is. Law Director Kenneth J. Fisher stated that by law, the City would make the property available for sale through public advertisement. If an acceptable bid is received, then the property would be sold. Mr. Fisher recommended that a cost analysis to rehabilitate the structure be completed in order to set a minimum bid.

Vice Mayor Zucker inquired if the City is responsible for demolishing the garage and if not having a garage will affect price of the property. Mr. Ciuni mentioned that the roof has collapsed on the garage and it has been boarded up and secured to prevent entry. Mr. Ciuni added that he could obtain bids to demolish the garage, but recommended selling the property as is.

Mr. Bernardo suggested that the City take quick action in order to alleviate the neighbors' concerns.

Mr. Sims suggested that as part of the public sale, a condition of transferring the property stipulate that the buyer must place a deposit or guarantee with the City that the structure would be rehabilitated to a level as required by the City. He added that the property should not transfer until the improvements are satisfactory made. Mr. Fisher stated that the cost of rehabilitation must be determined.

Mr. Fisher stated that even though discussion of rehab has proceeded, Council has not determined whether the house will be rehabilitated and sold or razed and the property sold as a vacant lot. He added that this will be addressed at a future meeting. Mayor Rothschild inquired as to a potential time estimate to make such determination. Mr. Fisher stated that cost estimates would have to be obtained, but contingent upon a special meeting being called for this matter, the next regular meeting of the Council would be September 8, 2009. Mr. Bullock stated that Council should not let the summer recess hinder the process from moving forward. He was willing to meet if a special meeting had to be called.

Following a comment from Mr. Bernardo, Mr. Fisher explained the process of placing money in escrow for improvements to the house. Mr. Consolo asked how the City could make the buyer go above and beyond just fixing the violations. Mr. Fisher replied that as the owner of the property, the City can impose whatever conditions it desires. But, the City must determine what should be improved and at what price and then the property could be advertised for public bid. Mr. Consolo inquired who will determine what should be done. Mr. Fisher responded that the GPD Group could establish the estimate. Mr. Menn added that he could determine code requirements.

Mr. Sims stated that other communities have undertaken a similar process. He added that a decision could not be made at this meeting, but after the Council has the opportunity to walk through the house, they would possibly be able to come up with the conditions of selling the property, and then reconvene to consider the issue. Mr. Sims stated that his suggestion to hold an open house for the community would alleviate the residents concerns about the condition of the property. He added that some issues might have to be referred to various departments and/or Council committees. He agreed that the process should be expedited.

Mayor Rothschild stated that there are companies which complete high end renovations and can give the City a determination as to what should be done. Mr. Fisher recommended that if a company is brought in then that company would be precluded from bidding on the property. Mr. Sims stated that if the property is going to be sold, he would prefer that it be sold to a family who would live in it, rather than a company.

Ms. Goldberg inquired if the garage is safe. Mr. Menn stated that the main door is closed and the side door is locked or boarded up. Mr. Ciuni reiterated that the roof of the garage has caved in, but there is no danger of the garage collapsing. Mr. Consolo asked if the car has been removed from the garage. Mr. Ciuni stated that he did not feel comfortable letting anyone enter the garage. Therefore, removing the car was not part of the quote to clean out the house. Mr. Menn mentioned that the car could be towed out of the garage. Mr. Consolo requested that the car be removed. Mayor Rothschild mentioned that Council action will not be needed to have the car removed.

Mr. Ciuni stated that there is interest from rehabbers who have inquired as to the minimum bid. He mentioned that it would take approximate one week to establish an estimate. Mr. Consolo requested to hear from the residents.

Linda Johnson, 2604 Ashurst Rd., stated that the value of other options, instead of renovation, should be considered such as razing the house and instituting a storm water management plan or a green house to maintain the property value and integrate energy efficiency. She added that green space will raise the property values in the area. Ms. Johnson stated that other issues which have not been considered is the property values which have dropped on Ashurst Road and the evidence that approximately 20% of the housing stock cannot be sold or rented. Mr. Sims commented that various options should be shared so that they can be taken into consideration during the process.

Mayor Rothschild stated that the open house be held prior to any decision being made. Mr. Menn stated that he could hold the open house on either July 9th or 10th from 5-7 p.m.

Robin Gilbert, 2623 Ashurst Rd., mentioned that there are many children on the street and the house is a scary situation. Mrs. Gilbert inquired as to what the purpose of the open house is because the neighbors have been in the house because it has been open for more than twenty (20) years. She suggested that the Council tour the house also.

Don Southard, 2556 Ashurst Rd., recommended that Council go through the house in order to make an educated decision on what to do with the property.

Terry Gilbert, 2623 Ashurst Rd., suggested that the Council get a quote on demolition also in order to consider the whole picture. City Engineer Joseph Ciuni noted that demolition could cost between \$8,500 to \$10,000.

Mayor Rothschild stated that a special Council meeting could be held and the residents will be invited for a round table discussion to present the facts and to decide on proceed. Mr. Bullock stated that in the meantime the City should get several option with the costs for each.

Mark Jones, 2604 Ashurst Rd., suggested that the Law Department provide information on what kind of conditions State law would allow to be put on the sale of the property. His concern was that a person would rehab the house doing a minimum amount of work and become an absentee landlord with bad renters. Mr. Jones stated that if the house is to be sold it should be fixed up commensurate with other homes in the neighborhood. Mr. Fisher reiterated that since the City is the seller it can impose whatever conditions it chooses. He added that the City's cost basis is very low at this point and would leave opportunity for a buyer to purchase the property and improve it.

Mayor Rothschild stated that the City is monitoring the foreclosure situation very closely. She added that a lot of houses in the city are being rehabbed and sold to families. Mayor Rothschild stated that in the last thirty-three (33) years 80% of the houses sold have been purchased by professional people. Mr. Menn and Mr. Bernardo borne witness to the fact the homes are being significantly improved through rehab and being sold.

The open house for 2603 Ashurst Road was set for Thursday, July 9, 2009 from 5:00 pm to 7:00 pm. Official notice will be mailed to the neighbors. Mr. Menn stated that the garage and attic will be not be accessible for touring. Mayor Rothschild stated that a follow-up meeting would be scheduled after all documentation is obtained.

C. Resolution No. 2009-31 To enter into an agreement with Mr. Excavator for the University Parkway Roadway Reconstruction Project (2nd Reading)

Resolution No. 2009-31, which was placed on first reading on June 1, 2009, authorizes the Mayor to enter into an agreement with Mr. Excavator, Inc., the lowest and best bidder, for the University Parkway Roadway Reconstruction Project in an amount not to exceed \$679,508.28.

City Engineer Joseph R. Ciuni stated that the State Infrastructure Bank (SIB) loan has been approved in the amount of \$682,200.00, which includes the financial advisor fee. Mr. Ciuni recommended that the City enter into a contract with Mr. Excavator Inc. for the University Parkway Roadway Reconstruction Project. He noted that once the contract is approved, construction could start in two weeks and the contract would run for 90 days.

Vice Mayor Zucker stated that the "Acceptance" clause on page 3 of the preliminary project term sheet indicates that the agreement will terminate if not signed and received by June 22, 2009; otherwise, a non-refundable loan commitment fee of \$5,000 will be due and payable to the Ohio Department of Transportation. Mr. Ciuni mentioned that the document was just received on this day, June 29, 2009, and would have to be revised prior to the Mayor signing it.

MOTION BY MS. GOLDBERG, SECONDED BY MR. CONSOLO approve the passage of Resolution 2009-31. On roll call, all voted "aye."

D. Ordinance No. 2009-36 To enter into a contact with the Senior Transportation Connection (STC) for senior transportation services (2nd Reading)

Ordinance No. 2009-36, which was placed on first reading on June 15, 2009, authorizes the Mayor to enter into an agreement with the Senior Transportation Connection to provide transportation services for senior and disabled residents of University Heights for the period beginning July 1, 2009 and ending June 30, 2010.

Mayor Rothschild stated that the TC3 senior transportation service will conclude on June 30, 2009. She added that it is an expensive service, but it is necessary.

Mr. Bernardo inquired if the contract can be terminated if a less expensive method of transportation is found, such as cab service. Mr. Fisher stated that either party can terminate the contract on 90 days notice. Vice Mayor Zucker stated that contract provides the opportunity to continue the service now, but it can be modified at a later date. Mayor Rothschild mentioned that a cab may not be able to service wheelchair bound residents.

Mr. Consolo objected to the Council receiving the contract just fifteen (15) days ago and stated that more options should have been presented. Mr. Consolo added that he could not in good conscience deal with a company that would not ask for previous employment history from the finance director candidate. He stated that Section 3.3 of the contract provides for a taxi service to be used. He also noted that one place in the contract hours of operation is 8:00 AM to 6:00 PM, Sunday through Saturday. But, in another location the normal hours of service are listed at 8:00 am to 4:00 pm, Monday through Friday and can close on other days. Mr. Consolo stated that he cannot compare the contract with what the City had with TC3 and requested that the Mayor present the Council with more options.

Mayor Rothschild stated that STC was modeled after the TC3 program, which was phased out. She mentioned that Vice Mayor Zucker represented the City on the TC3 board and Community Coordinator Walter Stinson represents the City of the STC board. She noted that it was their recommendation to contract with STC. Mayor Rothschild suggested that the Council approve the ordinance because the residents need and deserve the service, and other options could be considered over the next three months.

Mr. Bullock agreed that the service should be provided for those who require it. But, he stated that there is a need to be more proactive and not reactive by just accepting whatever is presented to the Council under a sense of urgency rather than deciding what is best for the city.

Ms. Goldberg requested that a representative of STC appear before the Council to answer questions regarding the cost of the program. Vice Mayor Zucker stated that Shaker Heights and Mayfield Heights had similar questions, but after their investigations they decided to contract with STC.

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to approve the passage of Ordinance No. 2009-36.

Mr. Consolo inquired as to whom would give the 90-day notice to terminate the contract. Mr. Fisher stated that the Mayor would give notice. Mr. Consolo requested an assurance that Mayor Rothschild would continue to search for an alternative and if a better option is found then the contract with STC would be terminated. Mr. Fisher stated that the original contract was to expire December 31, 2009, but with a new administration and council taking office in January, 2010 there would certainly be an interruption of service. Therefore, the term of the contract was amended to run from July 1, 2009 to June 30, 2010. However, Mr. Fisher stated that the Council could authorize a 6-month contract.

Ms. Goldberg requested a report from Mr. Stinson within 90 days of other possible alternatives. Mr. Consolo suggested that a disinterested person provide the report. Mr. Fisher recommended that the contract be executed to expire December 31, 2009, the Council could receive the report of other alternatives, and then the contract could be extended if needed. Mr. Bernardo stated that he could agree to a 6-month contract, but he would like the report of options within the 90 days. Mayor Rothschild stated that the contract could be for a year and still terminate within 90 days.

Vice Mayor Zucker called for the question. On the motion to approve the passage of Ordinance No. 2009-36 with an amendment which was accepted by Mrs. Zucker and seconded by Mr. Sims to include a report on various options within 90 days or Mayor Rothschild shall give notice to terminate the contract. On roll call, all voted "aye."

Mr. Fisher clarified that the motion authorizes the Mayor to enter into a contract with an expiration date of June 30, 2010 with the proviso that within 90 days the administration will provide a report including possible alternatives and if not done, the Mayor shall give notice to terminate the contract.

E. Ordinance No. 2009-37 To submit an application for funding the Purvis Park Tennis Courts Rehabilitation Project under the Community Development Block Grant Program and the American Recovery and Reinvestment Act of 2009

Ordinance No. 2009-37 authorizes the Mayor to submit the City's application for funding the Purvis Park Tennis Courts Rehabilitation Project under the Community Development Block Grant Program and the American Recovery and Reinvestment Act of 2009 as administered by the Board of Cuyahoga County Commissioners for the contract period of September 1, 2009 - March 31, 2011.

City Engineer Joseph R. Ciuni reported that the project would be in the second round of Community Development Block Grant funding. He noted that two projects would be awarded in an amount up to \$500,000. He added that no matching funds are required by the City. The application is due July 2, 2009.

MOTION BY MS. GOLDBERG, SECONDED BY MRS. ZUCKER to approve the passage of Ordinance No. 2009-37 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. 2009-39 Levying a special assessment for street lights

Ordinance No. 2009-39 levies a special assessment on all properties served by street lights at a rate of seventy cents (\$.70) per front foot for the tax year 2009. This is an annual renewal with no increase.

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to approve the passage of Ordinance No. 2009-39 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

G. Ordinance No. 2009-40 Levying a special assessment for trees

Ordinance No. 2009-40 levies a special assessment for improving streets by spraying, planting, maintaining and removing shade trees at a rate of eighty cents (\$.80) per front foot for the tax year 2009. This is an annual renewal with no increase.

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to approve the passage of Ordinance No. 2009-40 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. 2009-41 Levying a supplementary assessment for sewers

Ordinance No. 2009-41 levies a supplementary assessment for the purpose of establishing a sewer fund to maintain, repair and reconstruct the sewerage system and waterlines with the city at a rate of \$78.00 per year per dwelling unit for the tax year 2009. This is an annual renewal with no increase.

MOTION BY MRS. ZUCKER, SECONDED BY MR. SIMS to approve the passage of Ordinance No. 2009-41 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

I. Motion authorizing the Mayor to enter into a contract with The Loyola Group for professional IT Services

Mr. Consolo stated that the contract with The Loyola group will provide IT support on an interim basis, they will create a request for proposals, and provide assistance with the selection of a long-term IT support vendor. The services will be billed on a time and material basis not to exceed \$2,800 (28 hours at \$100 per hour). Mr. Consolo added that once the software is located, The Loyola Group will also train Clerk of Council Nancy English, Kelly Thomas of Administration, and Dee Dellas of the Building Department on how to update the website.

MOTION BY MR. CONSOLO, SECONDED BY MR. BULLOCK to enter into a contract with The Loyola Group for professional IT Services. On roll call, all voted "aye."

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

Mayor Beryl E. Rothschild

Nancy E. English, Clerk of Council