

MINUTES OF COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS
SEPTEMBER 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. Peter R. Bernardo
Mr. Kevin Patrick Murphy
Mr. Frank Consolo
Mr. Steven Sims

Absent: Mr. Steven D. Bullock

Also Present: Clerk of Council Nancy E. English
Law Director Kenneth Fisher
Chief of Police Gary Stehlak
Fire Chief John Pitchler
Community Coordinator Walter Stinson
Service Director Christopher Vild
Building Commissioner David Menn
City Engineer Joseph R. Ciuni

MOTION BY MRS. ZUCKER, SECONDED BY MR. BERNARDO to excuse the absence of Mr. Bullock. On roll call, all voted “aye.”

A moment of silent reflection and prayer was held in memory of three (3) University Heights residents, who tragically lost their lives last week: Dan Murphy, a sophomore at St. Ignatius High School, Frank Kinmount, a sophomore at John Carroll University, and Lilly Marfella-Scivittaro, a resident of Lansdale Road.

Minutes of the regular meeting held on September 8, 2009

There were no corrections or additions to the minutes of September 8, 2009.

MOTION BY MR. SIMS, SECONDED BY MS. GOLDBERG to approve the minutes of the September 8, 2009 meeting. On roll call, all voted “aye.”

Comments from the Audience

Linda Johnson, 2604 Ashurst Rd., thanked City officials for approving the demolition of the ongoing nuisance at 2603 Ashurst Road. She asked several questions: if all debris will be removed from the site when the house is demolished or if the debris will be buried; if the engineer will oversee the project; if seeding will be accomplished this year or in the spring; and, if the sidewalk will be repaired. Ms. Johnson also requested that residents in the neighborhood be notified when demolition is to begin. Mayor Rothschild replied that all items have been addressed in the contract except for the notification of residents. Law Director Kenneth J. Fisher recommended that City Engineer Joseph R. Ciuni coordinate notification with the contractor.

Ms. Johnson suggested that the City develop continuing dialogue as a way to provide growth and vitality to existing neighborhoods through a revitalization program similar to that of the City of Shaker Heights. She also suggested that the citizens be engaged in an ongoing program for use of the land possibly a rain garden and/or educational use. She also noted that her neighborhood is facing issues with the turnover of housing stock; therefore, many houses have been rented out.

Paul Miller, 2370 Charney Rd., commented about the presence of numerous empty beer cans in the yards of certain homes in his surrounding neighborhood. He requested that something be done eliminate the problem. Mayor Rothschild asked Mr. Miller to provide addresses so that the City can investigate the problem.

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

Mayor Rothschild reported that the Council members have received the rubbish study. A Committee of the Whole meeting will be scheduled to discuss the report.

Also, Mayor Rothschild reported that the Exceptions Analysis is almost finished. A draft was presented to the working group and changes were to be made. Mayor Rothschild will follow up with NEO|SO to determine where they are with completing the study.

Mayor Rothschild reported that due to numerous projects being taken by the administrative staff, the copying, folding and stuffing of the Charter amendment mailing was contracted out, but the project still came within budget. Mayor Rothschild requested that an additional \$400 compensation be given to Clerk of Council Nancy English as part of her compensation for the Charter Review duties for grouping the Charter amendment mailing labels for all registered voters within each household over one weekend.

Agenda Items:

A. Presentation by Mr. Douglas G. Heuer, new superintendent, CH-UH City School District

Mr. Douglas G. Heuer, new superintendent of the Cleveland Heights-University Heights City School District, reported on the District's accomplishments: the graduation rate was 94% for the 2009 class of Cleveland Heights High School; graduates were awarded over \$8 million in scholarship money; among the graduates were twelve (12) National Merit Award winners; five (5) Heights High students have been selected for the All Ohio Choir as well as three (3) alternates.

Mr. Heuer reported that the budget has been reduced by \$2.4 million. He also noted that students who are not legal residents of the District are being sought out and removed from the school system and, if necessary, will be prosecuted in order to guarantee restitution of tuition fees.

Mr. Heuer announced that the District received a \$400,00 grant for foreign language to support a new Mandarin Chinese program being offered to elementary students. Also, the District was selected by the United States Department of Education as one of 14 districts in the country to be a site for the Confucius Classroom, an educational resource center established in conjunction with the Chinese government.

Mr. Heuer stated that he will be recommending a thorough study of all educational facilities in order to develop a 10-year facilities development plan.

Mr. Heuer introduced the principals from Gearity Professional Development School and Wiley Middle School, Mrs. Sherry Miller and Dr. Octavia Reid, respectively. Also present were Carol Paul of John Carroll University, Fred Thomas, assistant principal of Wiley Middle School, and Mrs. Gableman, a teacher at Wiley Middle School. Mrs. Miller and Dr. Reid presented a PowerPoint presentation (attached hereto and made part of this record) about the programs offered at the schools. They commented about the partnership with John Carroll University and working with the parents through the PTA. There is extensive computer training in the schools. The new One to One Initiative would enable all students at Wiley Middle School to have access to a laptop computer. The Learning Gardens provides opportunity for the community to become involved in the schools.

B. Ordinance No. 2009-43 Establishing the compensation of the Mayor for the term beginning January 1, 2010 (2nd Reading)

Ordinance No. 2009-43, which was placed on first reading on September 8, 2009, establishes the annual compensation of the Mayor at \$33,750 for the term beginning January 1, 2010 through December 31, 2013.

MOTION BY MR. SIMS, SECONDED BY MR. MURPHY to approve the passage of Ordinance No. 2009-43. On roll call, all voted "aye," except Mrs. Zucker, who "passed." On repoll, Mrs. Zucker "passed."

C. Ordinance No. 2009-44 Establishing the compensation of the members of Council for the term beginning January 1, 2010 (2nd Reading)

Ordinance No. 2009-44, which was placed on first reading on September 8, 2009, establishes the annual compensation of Council members for the term beginning January 1, 2010 at the rate of \$8,700.00, which is consistent with Ordinance No. 2005-15. Starting January 1, 2011, the annual salary shall be increased to \$8,900.00, which is also consistent with Ordinance No. 2005-15. For the years beginning January 1, 2012 and January 1, 2013, the annual salary shall be fixed at \$8,900.00.

Ms. Goldberg stated that if she is re-elected she will forgo any salary increase above \$8,500 and urged the other members of Council to do the same.

MOTION BY MR. SIMS, SECONDED BY MR. BERNARDO to approve the passage of Ordinance No. 2009-44. On roll call, all voted “aye,” except Mrs. Zucker, who “passed.”

D. Ordinance No. 2009-47 Amending Section 409.09(a)(1)(c) of the Codified Ordinances to increase storage and towing charges in private tow-away zones (2nd Reading)

Ordinance No. 2009-47, which was placed on first reading on September 8, 2009, amends Section 409.09(a)(1)(c) of the Codified Ordinances by increasing storage and towing charges in private tow-away zones.

MOTION BY MR. SIMS, SECONDED BY MR. MURPHY to approve the passage of Ordinance No. 2009-47. On roll call, all voted “aye.”

E. Ordinance No. 2009-48 Amending 409.10(c) of the Codified Ordinances to increase removal and storage charges (2nd Reading)

Ordinance No. 2009-48, which was placed on first reading on September 8, 2009, amends Section 409.10(c) of the Codified Ordinances of the City of University Heights by increasing removal and storage charges in all areas except private tow-away zones.

MOTION BY MR. SIMS, SECONDED BY MR. CONSOLO to approve the passage of Ordinance No. 2009-48. On roll call, all voted “aye.”

F. Resolution No. 2009-49 To seek financial assistance from the Ohio Public Works Commission to fund the Street Rehabilitation Program

Resolution No. 2009-49 authorizes the Mayor to seek financial assistance from the Ohio Public Works Commission (OPWC) State Public Works Program to fund various capital infrastructure improvement projects under the University Heights Street Rehabilitation Program.

City Engineer Joseph R. Ciuni reported that the Issue 1 application is due September 25, 2009. It was his recommendation to apply for funding for street resurfacing of the streets scheduled to have water mains replaced in 2010 by the Cleveland Water Department (CWD). The streets include: Eardley Road from Hillbrook to Charney; Barrington Road from Silsby to Cedar; Ashurst Road from Silsby to Meadowbrook; Dysart Road from Hillbrook to Meadowbrook; and Tyndall Road from Fenwick to Saybrook.

The total cost of the project would be \$1,600,000 with Cleveland Water Department participation being \$1,275,000. That leaves \$325,000 for the City to fund. Mr. Ciuni recommended applying for a 0% loan of \$162,500 and a grant in the amount of \$162,500. Award notifications will be made in December.

Mayor Rothschild stated that the City's leverage with the application is higher because of the CWD funds to be expended on the streets.

Mr. Consolo inquired if the City chose the streets that the Cleveland Water Department's will replace the water mains. Mr. Ciuni stated that the City worked with Cleveland Water on selecting the streets. He added that the hydrant flushing tests played an important role in determining which streets were chosen.

Mr. Sims inquired about the calculations for the resurfacing portion of the project. Mr. Ciuni replied that the resurfacing portion for the five (5) street would be \$325,000; however, he will include the entire project on the application including the water main replacement by CWD to use as leverage to demonstrate that 80% of the project is already funded.

Finance Director Anthony Ianiro asked about the term of the loan. Mr. Ciuni responded that the 0% loan would be repaid over twenty (20) years.

Mr. Sims also inquired if the deficiency will be overcome in this application as it related to leverage in the Issue 1 application for the University Parkway reconstruction. Mr. Ciuni explained that with the University Parkway application there were several categories in which the City did not score the

maximum. He also noted that the leverage in the application for University Parkway was not as high because funding was equal at 50% for the water main and 50% for reconstructing the street; therefore, the City lost points. Mr. Ciuni stated that the committee is subjective, but the City will lobby for the funds. Mayor Rothschild also noted that it is hard for small communities to compete with the City of Cleveland and Cuyahoga County.

Mr. Fisher advised that the resolution should be amended to include the words, "AND DECLARING AN EMERGENCY," in the title. The resolution was so amended.

MOTION BY MRS. ZUCKER, SECONDED MR. BERNARDO to approve the passage of Resolution No. 2009-49 as an emergency measure, as amended. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."

Mr. Ciuni reported that the Cleveland Water Department has spent over \$2.5 million in University Heights over a 2-year period on water main replacement projects on the following streets: University Parkway, Silsby Road, Charney Road, Bushnell Road, Saybrook Road, and Groveland Road. He added that CWD will spend an additional \$1.5 million next year on five (5) more streets. Mr. Ciuni noted that the Fire Department has noticed an improved water flow from the fire hydrants due to the new water mains.

Mr. Ciuni reported that the contractor for the University Parkway reconstruction has one more day of paving. The final layer is scheduled to be laid on Thursday, September 24, 2009, weather permitting. Sprinkler lines will also be repaired this week, then seeding and cleanup will complete the project. Ms. Goldberg thanked Mr. Ciuni for getting University Parkway walkable before the Rosh Hashana holiday.

In reference to the demolition of 2603 Ashurst Road, Mr. Ciuni reported that once the contract is returned and approved by the Law Director, a notice to proceed will be issued to the contractor. He mentioned that all debris will be removed from the site and the site will be seeded this year. He added that if the grass does not grow, the contractor will be instructed to come back in the spring to touch up the site.

G. Ordinance No. 2009-50 Transferring funds

Ordinance No. 2009-50 authorizes the transfer of funds from the General Fund to the Police Pension Fund in the amount of \$224,362 and to the Fire Pension Fund in the amount of \$270,190. Mr. Ianiro stated that the transfers will cover the exact payments due for the 1st and 2nd quarters of 2009.

MOTION BY MR. SIMS, SECONDED MS. GOLDBERG to approve the passage of Ordinance No. 2009-50 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. 2009-51 Authorizing participation in the Ohio Association of Public Treasurers Workers Compensation Group Rating Program

Ordinance No. 2009-51 authorizes participation in the Ohio Association of Public Treasurers (OAPT) Workers Compensation Group Rating Program for the period beginning January 1, 2010 through December 31, 2010.

Mr. Ianiro reported that the City has been involved with the OAPT Workers Compensation Group Rating Program for years until few years ago when the City was dropped from the program due to claims. He noted that the City now qualifies for the 40% group rating program. He stated that based on the estimated payroll, the City would realize a saving of approximately \$44,000. Mr. Ianiro recommended participation in the Ohio Association of Public Treasurers Workers Compensation Group Rating Program. He noted that the employees benefits will not be lowered in any way.

MOTION BY MR. SIMS, SECONDED MR. BERNARDO to approve the passage of Ordinance No. 2009-51 as an emergency measure. On roll call, on suspension of rules, all voted "aye," except Mr. Consolo, who "passed." On roll call, on passage, all voted "aye," except Mr. Consolo, who "passed." On repoll, Mr. Consolo "passed."

I. 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 Anthony Ianiro reported that the City will receive a payment of \$42,000 in estate taxes before the end of the year. He noted that the City already collected almost \$49,000 in estate taxes this year bring the total over \$100,000 in estate tax revenues for 2009.

Mr. Ianiro also reported that Cuyahoga County will perform an audit of the Juvenile Diversion Program to ensure that program guidelines are being followed.

Chief of Police Gary Stehlik reported that the City has received the \$100,000 in federal stimulus funds from the City of Cleveland for the purchase of equipment for the Police Department. He noted that the funds have been deposited in an interest bearing checking account. Regular procedures will be followed when purchasing the equipment.

Fire Chief John Pitchler reported that all key individuals have been trained on the new CityWatch system.

Chief Pitchler thanked the Council for approving the agreement with the Cleveland Water Department, which facilitated the water main replacements. He noted that the poor water volume is being eliminated with each new water main installation.

Vice Mayor Zucker inquired as to what caused the new water leak on S. Green Road. Chief Pitchler replied that a leak in the hydrant caused a leak in the street when the hydrant was shut off.

Community Coordinator Walter Stinson reported that the Senior Transportation Connection (STC) submitted its monthly report for August 2009, which was similar to that of July 2009. He noted that the majority of the trips taken on the senior transportation vans were for medical purposes.

Building Commissioner David Menn reported that he and Mayor Rothschild met with Harry Conrad, governmental programs administrator of the Cuyahoga County Department of Development, to express concern for the lack of Community Development Block Grant (CDBG) program funding for small communities because the smaller communities cannot compete with the larger cities. They discussed incorporating a larger census tract in University Heights. Also, Mr. Menn requested that the Exterior Maintenance Program be re-instituted.

Mr. Menn stated that Mayor Rothschild and he also met with representatives of the HUD voucher program (Section 8) to facilitate a better working relationship. Mayor Rothschild stated that the program is more stringent than previously. If there is a problem a house, the tenants will not be recommended again to receive the voucher.

Mr. Sims inquired if the City's concerns to the County will be followed up in writing. Mayor Rothschild and Mr. Menn replied that they are working on the followup correspondence.

Committee Reports:

University Affairs Committee Chairman Frank Consolo reported that a meeting of the University Affairs Committee has been scheduled for 7:30 p.m. to 9:30 p.m. on Wednesday, September 30, 2009 at John Carroll University in the Jardine Room.

Mayor Rothschild stated that John Carroll University has as excellent partnership with Cleveland Heights-University Heights School District as reported earlier in this meeting.

Finance Committee Chairman Steven Sims reported that he will refer to the Finance Committee the \$400 request for compensation. With respect to the Ashurst property, Mr. Sims wanted to ensure that the City takes possession of the vehicle in the garage and sell it in order to reduce the cost the City is incurring to demolish the property.

Mr. Sims also requested that the Exceptions Analysis be completed as quickly as possible and perhaps ready for discussion in conjunction with the rubbish study due to overlapping issues. Mayor Rothschild stated that Mr. Murphy and Mr. Bullock recommended that the Exceptions Analysis not be released until after the election. Mr. Murphy stated that he will contact David Akers of NEO|SO to determine if Exceptions Analysis could be ready for the next meeting.

Service and Utilities Committee Chairman Adele H. Zucker reported that a joint meeting will be scheduled with the Safety Committee to discuss landscaper registration.

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

Mayor Beryl E. Rothschild

Nancy E. English, Clerk of Council