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**CITY OF HIGHLAND HEIGHTS  
MINUTES OF A COUNCIL MEETING  
HELD: FEBRUARY 27, 2007**

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President of Council Murphy presiding.

**PRESENT:** Mayor Coleman, Councilmen Austin, Hargate, Legan, Mills, Murphy, Pilla; Clerk of Council Buchak; Fire Chief Bencin; Police Chief Cook; Service Director Evans; City Engineer Blackley; Finance Director Ianiro; Law Director Paluf.

**ABSENT:** Councilman Dolciato, excused.

**ACTION ON MINUTES:** The reading of the Minutes of a Special Council Meeting held February 20, 2007 was dispensed with. Mr. Pilla moved to accept the Minutes as written; seconded by Mr. Mills. Ayes all; abstain Austin and Hargate; motion carried.

**DEPARTMENT HEAD REPORTS:**

**Fire Chief's Report:** Chief Bencin referred to Item No. 4 on the agenda, a Resolution adopting the Cuyahoga County All Natural Hazards Mitigation Plan and advised he presented the facts to Mr. Hargate, Chairman of the Safety & Service Committee tonight. Chief Bencin requested approval this evening and advised this plan is a revision to one that was passed in 2003. He advised the actual plan is a 400 page document which the County sent him on a disk. Chief Bencin offered to provide more information on the plan for anyone who wished.

**Police Chief's Report:** No report.

Council President Murphy referred to the Pedestrian Pathway and asked Chief Cook to meet with City Engineer Blackley and Service Director Evans to study the feasibility of installing crosswalks in two areas, the Pinehurst Drive area and the Charles Place (Glen Eden Subdivision) area. Mrs. Murphy set this for discussion in the Committee of the Whole Meeting on March 20th.

**Service Director's Report:** Service Director Evans reported:

- The fuel management system which was purchased last fall has been installed and the project is complete. All of their employees have gone through an orientation on the system.
- They have had some comments over the past few weeks about a light pole on Brainard Road which was recently installed. The installer has been out and made repairs.
- The lights have been on for the ball diamonds over the last few weeks. They had a three year maintenance bond on the ball diamond lighting project. With the help of Law Director Paluf they were able to convince the contractor to come back and make some repairs. Now all of the lights on Diamonds 1, 2 and 3 are lighting and ready to go for the baseball season.
- The Service Department Annual Report has been completed and was distributed to Council this evening.

Council President Murphy commended Mr. Evans for doing an outstanding job at the resident meeting on the presentation of the pedestrian pathway and added that the meeting was very productive.

In response to Mr. Mills' inquiry as to whether the pedestrian facility would interfere with the City Hall sign, Mr. Evans advised, no. He also advised that bids were received for a new electronic marquee with the bids for the Park Improvement.

Building Commissioner's Report: No report.

City Engineer's Report: City Engineer Blackley reported two bid openings were held last Friday. Copies of the bid tabulations and his letters of recommendation have been distributed to Council.

The first bid was for the Colony-Eastlawn Drive Sanitary Relief Sewer. The low bidder was Fabrizi Trucking and Paving Co., Inc. with a bid of \$634,253.00. That is the firm that he is recommending for that project. A resolution accepting the bid has been prepared and Mr. Blackley asked Council to add that to the agenda for approval this evening. He stated that time is of the essence for this project because they need to get the contractor off of Wilson Mills Road before the County starts their resurfacing project which is slated to begin in June of this year. They had a meeting this morning with the County Sanitary Engineer who confirmed that they will be paying for the project. If Council awards the contract this evening, tomorrow a letter will be sent to the County Sanitary Engineer informing him of the fact that the city is proceeding with the project. They will then be prepared when copies of paid invoices for the project are sent to them. The city will be reimbursed as the contractor is paid.

Mrs. Murphy asked if Mr. Blackley has confirmed that the city will be reimbursed for the \$634,000 cost of the project. Mr. Blackley said, yes.

Mr. Blackley reported the other bid opening was for the community park safety improvements. The low bid is about 15% higher than his estimate. The two contractors who bid on the project said that they bid high because it is a complicated project with the provisions within it to maintain traffic and the use of the park during baseball season. Also they felt uncertain about the cost of materials during the length of the project. Mr. Blackley reported Martin Enterprises, the low bidder, is a competent contractor and he has worked with this firm previously. They have the lowest base bid at \$971,950 and have received the recommendation for bid award.

Council President Murphy set the park safety improvements for discussion in the Committee of the Whole scheduled for March 6, 2007. The resolution awarding a contract to Fabrizi will be added to the agenda this evening.

Finance Director's Report: Mr. Ianiro reported, as everyone is aware the income tax is now 2% effective January 1 of this year. Through February collections are up 10%. February collections are up 23%. They will be monitoring that and he will be reporting the progress of the income tax throughout the year.

Mayor Coleman added while they may expect the increase to be more than that, the collection cycle of the businesses is they are required to report their wages as of January 31st, but not required to remit that to RITA until the last day of the following month and then RITA has time to

remit to the city. So really all they are seeing now is those who filed their taxes early with RITA. That is why they don't see a solid percentage in relation to the percentage of increase in income tax.

### **COMMITTEE REPORTS:**

Legislative & Finance Committee: Mr. Legan reported as follows:

- Regarding Item No. 3 on the agenda which was referred to L&F, authorizing a contract with the Regional Income Tax Agency, L&F is recommending passage of that when it comes up for vote.
- L&F has met on the 5th, 19th, and earlier this evening in regard to the 2007 Budget, and is taking a kind of high level overview and now getting down to the different line items. Tonight they had a couple take-a-ways and obviously this will be an ongoing conversation. In 2006 in the general fund they spent 8.4 million dollars; the initial proposal that they received thus far is 9.9 million dollars. It seems like a pretty significant increase but it is not really considering a couple things. \$750,000 of that is ear marked for capital improvements which Council discussed. There is a \$63,000 increase in RITA collection fees which goes along with collecting more in revenue and \$150,000 that the city is committed to pay Swagelok as part of the economic development agreement. They are looking at an increase of \$410,000 to \$500,000 for equipment, training, and things of that nature. They are not talking about a permanent increase in expenses; they are really just taking care of some long overdue significant needs like the Colony-Eastlawn project, the Highland and Bishop Intersection, the Highland Road Pedestrian Pathway, the Park and things of that nature.
- One interesting note, of the 4.2 million dollars earmarked for the projects being discussed, 3.5 million dollars will be received from other sources so they are putting up money to get money. They would like to get some equipment on behalf of the Service Department and other departments. There is kind of an art and a science to this and the art to it is that they don't have labor agreements so they are not sure where wages, health care and other benefits are going to be so they are kind of using the best guess. Going forward they will be talking a little more about capital improvements and all the other funds outside of the general fund
- L&F has a meeting scheduled for Tuesday, March 6, 2007 at 6:30 p.m.

Drainage Committee: No report. Mr. Mills scheduled a meeting for March 13th at 7:00 p.m. He requested Service Director Evans and City Engineer Blackley to attend and asked the Clerk to ask Building Commissioner Stouffer to attend.

Mayfield Area Recreation Council (MARC): No report.

Planning and Zoning Commission: Mr. Pilla reported a meeting was held February 26th. The following items were considered.

- **Hackers Pub, 5596 Highland Road.** Variance for Outdoor Dining. The discussed an outdoor patio. This subject was tabled for further discussion when they provide plans and more information.

- **Abundant Life International Church, 5942 Wilson Mills Road.** Variance to Sign Requirements; Proposed Ground Sign and Landscape Plan. The variance was approved on a 3 to 2 vote. The applicant has returned 4 or 5 times and changed the sign to meet what P&Z believed was a reasonable variance on the sign. They moved the sign to the middle of the property instead of on the end and will only light the sign until 10:30 p.m. The Commission put a lot of stipulations on the approval. The actual signage for the writing on the sign is only 19.2 SF; the total area of the box is about 27 SF. This has been reduced from the original request of 38 SF.
- **DeStefano's Deli/Bakery, 5600 Highland Road.** Final Approval of Revised Plans for One Story Addition. Because of cost, DeStefano's has decided to make the addition one-story instead of two-story. The size of the actual footprint did not change. Mr. Pilla advised he has an updated plan if anyone wished to see it.
- **Team Energetics Conditioning Systems, 750 Alpha Drive.** Request for Conditional Use Permit. This will go into the Jet facility. They had 18,000 SF that had been vacant since 2000. They will put in an indoor basketball court, batting cages and golf. They are bringing in 20 new employees and will take up warehouse space that has been vacant. Because of the passage of the vote, this use is now allowed in the PCM District under a Conditional Use Permit. Under the Conditional Use Permit, they must advertise for two weeks and hold a public hearing.

Commission on Aging: Mrs. Murphy reported the AARP income tax preparation program is going very well. Time slots are available for the first two weeks in April. If anyone is interested, contact Mary Velotta in City Hall.

Plans are also underway for the annual health fair which will be held this year on May 9th. The next meeting is scheduled for Monday, March 19th at 9:00 a.m.

Safety & Service Committee: Mr. Hargate reported the committee did not have a quorum this evening; however, he did have an opportunity to discuss some capital expenditures with the Fire Chief as well as the Service Director. Safety Service will reschedule that meeting from tonight to March 13th at 7:00 p.m. Regarding Item No. 4, the resolution adopting the Cuyahoga County All Natural Hazards Mitigation Plan, Mr. Hargate recommended adoption this evening. He explained it is an updated plan that will comply with FEMA regulations and it is important to do it because without it the County would not be able to apply for federal funds in case of a natural disaster.

Park and Recreation Commission: Mr. Austin noted that Council will discuss the bids and the alternates received for the Community Park Improvement on March 6th. Mr. Austin also reported that, in discussion with Recreation Director Dave Ianiro, he is looking to get bids on home run fencing on fields 6 and 7, cement pads under the dug outs, some drainage issues on Field No. 1, replacing score pads on Fields 2 and 3, and to buy a vacuum for the pool. Money for these purchases will come out of the Park & Rec. Fund.

Home Days Committee: Mr. Austin asked Council to discuss Home Days in the Committee of the Whole Meeting on March 6th. They need to discuss if they want to go further with that due to the construction in the park and the Wilson Mills resurfacing project.

**Law Director's Report:** Law Director Paluf reported at the request of the Mayor and along with Council President Murphy he attended a meeting today in Willoughby Hills regarding the proposed airport expansion. The expansion would entail tunneling Bishop Road for about 800 feet. The people from Richmond Heights and Willoughby Hills who were there were against it.

Council President Murphy added that they have looked at 36 different proposals. Several involve different aspects of the tunneling under Bishop Road in Highland Heights and Willoughby Hills. She advised this is a conceptual stage and is called the master plan stage. There seems to be a lot of opposition. They invited the County Representatives to come to a Council Meeting and present their concept to us. Mrs. Murphy stated it is important that this community be a part of their planning.

Mr. Hargate stated he did not support the expansion proposal. He stated the city should coordinate their efforts with the Cities of Willoughby Hills and Richmond Heights and advised there have been good results in the past when they coordinated their efforts.

Mr. Paluf also reported he has been talking with the City of Cleveland representatives regarding the Economic Development Agreement and advised they agreed to send someone out on March 20th.

Mr. Paluf then requested Council to add to the agenda this evening a motion to adjourn into Executive Session to discuss Labor negotiations and personnel matters.

**MAYOR'S REPORT:** Mayor Coleman asked Council to consider, rather than having Home Days typical as they have had in years past, the Friday through Sunday format, he proposed they consider narrowing that down to a one day event on a much lower scale, perhaps coordinating that with the movie in the park, a vendor or two and a band or karaoke. The reason for this is Wilson Mills will be torn up, and assuming they go ahead with the park project, the park will be torn up. He has spoken with Recreation Director Ianiro and Mr. Valentino, Chairman of the Park & Recreation Commission and they are willing to take on coordination of the event if they decide to do it. In addition to that, the money they would save from not putting on a Home Days event could off set the cost of the overage in the park project. Mayor Coleman asked council to discuss this in the next committee of the whole.

Mayor Coleman then reported that St. Paschal's gave him letters that their fourth grade students had written to the city in their community lessons a couple weeks ago. Mayor Coleman then shared some of the comments.

#### **ITEMS TO BE ADDED TO THE AGENDA:**

Proposed Resolution declaring Fabrizi Trucking & Paving Co., Inc. as lowest and best bidder for the Colony-Eastlawn Drive Sanitary Relief Sewer Project, authorizing the Mayor to enter into a contract with Fabrizi Trucking & Paving Co.,

inc., not to exceed the sum of Six Hundred Thirty Four Thousand Two Hundred Fifty Three Dollars (\$634,253.00), rejecting all other bids received, and declaring an emergency.

A motion was made by Mr. Mills to add the above item to the agenda; seconded by Mr. Austin. Ayes all; motion carried.

Motion to adjourn into Executive Session to discuss labor negotiations and employee matters.

A motion was made by Mr. Pilla to add the above item to the agenda; seconded by Mr. Legan. Ayes all; motion carried.

**MEETING OPENED TO THE PUBLIC:**

Mr. Joe Tomaro, 533 Bishop Road, addressed Council regarding the following subjects. He asked that someone talk with the Home Owners Association in Aberdeen to clean the drainage ditch along his property to prevent drainage problems this spring. He asked about the swimming pool ordinance. Mrs. Murphy advised Building Commissioner Stouffer has proposed legislation and Council will discuss that in a future Committee of the Whole. Mr. Tomaro then asked about ordinances to prevent cats from running lose.

**NEW BUSINESS:**

**ADOPTION OF RESOLUTION 9-2007:** Council listened to the First Reading in title only of Proposed Resolution 9-2007 which description is: "A Resolution declaring Fabrizi Trucking & Paving Co., Inc. as lowest and best bidder for the Colony-Eastlawn Drive Sanitary Relief Sewer Project, authorizing the Mayor to enter into a contract with Fabrizi Trucking & Paving Co., Inc., not to exceed the sum of Six Hundred Thirty Four Thousand Two Hundred Fifty Three Dollars (\$634,253.00), rejecting all other bids received, and declaring an emergency." Mr. Mills moved to suspend the Second and Third Readings; seconded by Mr. Austin. Ayes all; motion carried. Mr. Hargate moved to adopt; seconded by Mr. Austin. Ayes all; motion carried.

**ADOPTION OF RESOLUTION 10-2007:** Council listened to the First Reading in title only of Proposed Resolution 10-2007 which description is: "A Resolution authorizing and directing the Mayor to enter into an agreement with the Tri-City Consortium on Aging and authorizing the payment of the cash match portion for the City of Highland Heights and declaring an emergency." Mr. Hargate moved to suspend the Second and Third Readings; seconded by Mr. Austin. Ayes all; motion carried. Mr. Pilla moved to adopt; seconded by Mr. Legan. Ayes all; motion carried.

**FIRST READING PROPOSED ORDINANCE 1-2007:** Council listened to the First Reading in title only of Proposed Ordinance 1-2007 which description is: "An Ordinance appropriating for current expenses and other expenditures of the City of Highland Heights, Ohio, for the period commencing January 1, 2007 and ending December 31, 2007, and declaring an emergency."

**SECOND READING PROPOSED RESOLUTION 7-2007:** Council listened to the Second Reading in title only of Proposed Resolution 7-2007 which description is: "A Resolution

authorizing and directing the Mayor to enter into an addendum to the software licensing agreement with the Regional Income Tax Agency (RITA) entered into on June 8, 2005 and authorized by Resolution No. 18-2005, and declaring an emergency."

**ADOPTION OF RESOLUTION 8-2007:** Council listened to the Second Reading in title only of Proposed Resolution 8-2007 which description is: "A Resolution adopting the Cuyahoga County All Natural Hazards Mitigation Plan and declaring an emergency." Mr. Hargate moved to suspend the Third Reading; seconded by Mr. Austin. Ayes all; motion carried. Mr. Pilla moved to adopt; seconded by Mr. Hargate. Ayes all; motion carried.

**COMMITTEE OF THE WHOLE AGENDA - MARCH 6, 2007:**

1. Review the Park Phase 1 Bids.
2. Home Days

**MOTION TO ADJOURN INTO EXECUTIVE SESSION:** A motion was made by Mr. Pilla to adjourn into Executive Session to discuss labor negotiations and employee matters in accordance with Section 4.05 of the Charter of the City of Highland Heights and Section 121.22(g) of the Ohio Revised Code; seconded by Mr. Hargate. Roll call on the motion: Ayes all; motion carried. Council adjourned at 8:50 p.m. and reconvened at 9:04 p.m.

**ADJOURNMENT:** A motion was made by Mr. Mills and seconded by Mr. Legan to adjourn the meeting. Said meeting adjourned at 9:05 p.m.

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Clerk of Council

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President of Council