
**CITY OF HIGHLAND HEIGHTS
MINUTES OF A COUNCIL MEETING
HELD: SEPTEMBER 25, 2007**

President of Council Murphy presiding.

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

ACTION ON MINUTES: The reading of the Minutes of a Council Meeting held September 11, 2007 was dispensed with. Mr. Pilla moved to accept the Minutes as written; seconded by Mr. Mills. Ayes all; motion carried.

The reading of the Minutes of a Special Meeting held September 18, 2007 was dispensed with. Mr. Pilla moved to accept the Minutes as written; seconded by Mr. Mills. Ayes all; motion carried.

DEPARTMENT HEAD REPORTS:

Fire Chief's Report: Fire Chief Bencin reported a small fire with minimal damage occurred this evening at Mulligan's. They were closed about two hours. It was a fire in the storage area above the rest rooms caused by a fan that ignited some storage.

Police Chief's Report: No report.

Service Director's Report: Service Director Evans reported as follows:

- Wilson Mills project. Paving is now complete and the striping contractor was out today putting down pavement markings. The project went very well.
- Ridgebury Boulevard. The County is saying that construction is planned within ODOT's 2008 fiscal calendar year budget which is actually July 2008 to July 2009. The design plans and bidding will take place in the third or fourth quarter of 2008 with construction in the spring of 2009.
- In-house Crack Sealing Program. This program is underway and is substantially complete. They have a little material left and are using that in the parking lot here at the Municipal Complex.
- Leaf Collection. Will begin Monday October 15th. All equipment is ready and they are gearing up and ready to go.
- 2007 Miscellaneous Concrete Program. There were two contracts, one for the work at City Hall and one for general work in the city. They expect to be over authorized cost on that program by an estimated \$10,000 because they had to add 3 catch basins plus a couple of waterbreaks have occurred since the project went to bid. They are under budget as far as the budget for the year but are going to be overcost on this particular contract which will require a change order.

In response to Mr. Austin's inquiry regarding hiring part time help for the leaf collection, Mr. Evans advised they are in the process right now; they have brought some people on board and have a few more applications. Mr. Austin asked if those people will help toward snow removal. Mr. Evans advised they have traditionally not used part time people because it hasn't been budgeted although with the short fall of manpower this year he spoke to the Mayor and they are going to keep a couple individuals on a part time basis through the winter on an as needed basis for snow removal. These won't be people who drive their big equipment, but they can help by plowing the parking lot and other things to relieve the full time staff.

Building Commissioner's Report: Building Commissioner Stouffer advised he would like to discuss the swimming pool and grass ordinance and also a new model property maintenance code. He will distribute copies of that code.

Mr. Dolciato asked if the gate was installed at Maypine Farms Subdivision. Mr. Stouffer advised, no, and that he has been contacting the developer. Law Director Paluf advised he also has contacted the developer. He added that it is a unique type of gate.

Mr. Austin referred to the former Sunoco Station where they removed the tanks, leaving two huge holes and stated his concern that the holes are still there. Building Commissioner Stouffer advised their permits are from the Ohio EPA. Fire Chief Bencin advised that is controlled by the Bureau of Underground Storage Tanks through the State Fire Marshall's office. He further advised if the holes are still open that means they are testing the ground. He will check with the Fire Marshall's office to see the status.

City Engineer's Report: City Engineer Blackley reported most projects are at or nearing completion.

- Colony - Eastlawn Sanitary Relief Sewer Project. This project is substantially complete. There are some punch list items that they are working on with the contractor, Fabrizi Trucking.
- Park Safety Improvements. Martin Enterprises has completed the water main; they are awaiting final approval from the water department. They continue to do some concrete and stone work and expect the asphalt paving to be done by next week. They have started doing some of the landscape work in the main parking lot. It is expected in the next two weeks to see some closure on that project.
- Bass Energy - Gas Wells. In a meeting in the park today with the Service Director, Fire Chief, Law Director and representatives from Bass Energy, they agreed on a location for the tank battery in the park which will be located next to the retention basin. It will be screened by trees. They also reviewed the areas where the wells are going to be drilled. They have to clear areas around the well head that are typically 165 x 165 feet square. They will restore those areas and will plant screening trees. The actual enclosure of the well head is small and will be enclosed with an 8 ft x 8 ft. fence with a chain link enclosure on top of it.
- State Issue I Application - Highland-Bishop Intersection Improvement: Agenda Item No. 2 is authorizing an application for State Issue I funds; deadline for submission is September 28th. They will not hear back from the DOPWIC committee for a few weeks on the request for additional funds. Because of the deadline, they will submit this application at the same time they have requested additional funds. If they hear favorably on the request for additional funds, this application will be withdrawn. The cost estimate

has been revised based on the bids received. Last year they used a mix of 75% loan and 25% local revenue; that can be changed to 80% and 20%.

Mr. Legan, Chairman, L&F Committee recommended using the 80-20 mix if it would not effect the city's scoring. Mayor Coleman agreed stating his preference would be to go to the 80-20 mix.

Finance Director's Report: No report.

COMMITTEE REPORTS:

Legislative & Finance Committee: Mr. Legan reported L&F met last evening and discussed the following:

- Agenda Item No. 4 regarding the transfers, specifically the transfer from the General Fund into the Capital Improvement Fund of \$750,000. They discussed that the Pedestrian Path and the Highland-Bishop Intersection Project will be delayed until 2008 and whether they still want to go ahead and move the full \$750,000. Their conclusion was that they would still want to do that with an impending property purchase being a possibility and that they would need that money anyway. It is the recommendation to approve that this evening.
- They also spoke about two drainage projects discussed in the committee of the whole last week and specifically where that money would come from. There is a line item in the capital improvement fund for drainage projects so they identified that as a place where the money for those two projects could come from. The dollar amount is between \$10,000 and \$11,000.
- They discussed some finance issues at Stonewater which they will have more to report on later.
- The Mayor will report on Brown-Flynn and where they are with that project.

In response to Mr. Pilla's inquiry -- when they transfer the money is there an interest rate change, Finance Director Ianiro stated, no, it is just a transfer from one fund to another.

Drainage Committee: Mr. Mills reported a meeting was held this evening. They discussed the following:

- McCracken, 336 Miner Road. Council is asked to approve a motion this evening authorizing the preparation of easements to go in and fix the swale. They wish to proceed. The neighbors agreed.
- Colombo, 5528 Highland Road. City Engineer Blackley will work on this.
- Mike Strumbly, Highland Road was in to give an update on his problems.

Planning and Zoning Commission: Mr. Pilla reported the action that occurred in a meeting held September 24, 2007:

- **Aberdeen Commons Assisted Living Development, 399 Bishop Road.** Variances were granted to Period of Validity and Transferability of Conditional Use Permit. Mr. Pilla thanked Law Director Paluf for his assistance with this matter. The applicant has a

15 year window for which the Conditional Use Permit will be good which allows them to get financing so the project can get under way. They want to start as soon as possible.

- **Brian Himmel, 416 Medway Road.** A variance of 7 feet was granted to the driveway width requirements to establish a driveway width of 27 ft. for a length of 25 feet.
- **James & Marilyn Zemanek, 781 Kennelwood Drive.** A variance was approved from the rear yard setback requirements of 5 ft. to 25 ft. 1 in. to permit rear yard setback between 50 feet to 29 feet. The variance was granted because they are on a pie shaped lot and the way their addition goes it is shorter and longer. They also granted it because the neighboring home is a distance away.
- **Lester & Rae Miller, 621 Hanford Drive.** Review Request for Variance to Fence Requirements; Schedule Public Hearing. The applicant did not appear.
- **Alpha Retail Shopping Plaza & Sunoco, Alpha Drive & Wilson Mills Road.** Discussion of Proposed Plans. Applicant discussed their proposed plans. Mr. Pilla has the plans if anyone wished to review them. They spent a lot of time talking about driveways because they are looking to put an immediate driveway in so a semi could come off I-271 and drive to the back of their buildings. The Commission suggested they meet with the fire and police and then have a traffic study prepared.
- **Review Status of Commercial Vehicle Parking Requirements.** A ruling from the Law Director was reviewed. Mr. Pilla thanked Law Director Paluf for providing the ruling and advised the Commission accepted his recommendation.

Mr. Pilla also reported that he received a copy of a letter directed to Law Director Paluf from Forest City in which they stated that they are against any fence in Stonewater and cited different articles that state no fences shall be constructed.

Mr. Dolciato suggested Council look at the driveway ordinance so people would not have to request a variance.

Mrs. Murphy suggested perhaps this is more appropriate for discussion in a committee of the whole.

Commission on Aging: Mrs. Murphy reported they did have the farmers market for the seniors last Friday at the Community Center. It was a huge success and they had a great turnout.

Mayfield Area Recreation Council (MARC): No report.

Safety & Service Committee: Mr. Hargate reported the Safety & Service Committee met last Tuesday evening, September 18th, with the Service Director. They discussed needed repairs to the salt shed as well as further plans for additional salt storage.

Mayor Coleman reported that Mr. Evans and he met a little over a month ago to discuss what his plans are for the repair of the current salt shed and also the proposed building of a new salt shed. He advised there were plans some time ago to construct a new salt shed. That design didn't look like a salt shed for the reason that it would not be offensive to people in Aberdeen

who butt up against the Service Department. The problem is it is cost prohibitive, almost twice the cost of a cone shaped salt shed. Mayor Coleman and Mr. Evans walked the property and felt they might want to entertain the cone shaped salt building because it is a more practical solution, more functional and they can screen the area and the mounded area by Aberdeen with different types of tall trees and save a couple hundred thousand dollars. They will request conversation on this either later this year or next year to look at construction of a new salt building.

Park and Recreation Commission: Mr. Austin reported in a meeting held Wednesday, September 18th they did a walk thru of the park project. Moving the parking lot opened up an enormous green space where the drive and parking lot was. The Park & Rec. Commission was excited because they have all kind of ideas for the new green space. They are anxious to get another 5-year plan to incorporate new ideas in the park. It was great to see all the hard work of the people and Council people in the past that put together this plan. The Commission thanks all of Council for their support in approving their projects.

Mayor Coleman added that in the original master plan for the park, the area between the parking lot and where the basketball courts were was going to be the playground. Since they relocated the playground, they now have an enormous amount of space to do something real special. He suggested this is an opportunity to utilize that space for needs in the park. They have a need for a pavilion and an area for the day camp to go in rainy weather.

Law Director's Report: Law Director Paluf asked Council to add an executive session to the agenda this evening to discuss imminent litigation.

MAYOR'S REPORT: Mayor Coleman reported two items. The Newsletter has not been out yet because he wanted the timing of it to coincide with communication to the residents about the rezoning issue on Wilson Mills. This would save the cost of mailing an individual letter which costs about \$1500. So they will do that communication in the newsletter and that will effectively pay for a significant portion of the Newsletter. The Newsletter will be out the second week in October.

Mayor Coleman asked Council to add to the agenda a motion authorizing an additional \$3000 to the Brown Flynn contract. This is for some photography work that they plan to do in the city and they are going to have a professional photographer come in. That will become a library of pictures. In addition, they will re-write some of the introductions to the website and add a couple more features.

ITEMS TO BE ADDED TO THE AGENDA:

1. Motion authorizing the City Engineer to prepare an easement along with plans and specifications and to seek informal bids for grading and drainage modifications at 336 and 342 Miner Road.

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

2. Motion amending contract with Brown, Flynn Communications, Ltd. as authorized by Resolution No. 32-2007 on July 10, 2007 in an amount not to exceed \$3,000.

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

3. Motion to adjourn into Executive Session to discuss Imminent Litigation.

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

MEETING OPENED TO THE PUBLIC: No one spoke.

NEW BUSINESS:

MOTION AUTHORIZING CITY ENGINEER TO PREPARE EASEMENTS, PREPARE PLANS AND SPECIFICATIONS AND SEEK PROPOSALS FOR DRAINAGE IMPROVEMENT AT 336

MINER ROAD: A motion was made by Pilla authorizing the City Engineer to prepare an easement along with plans and specifications and to seek informal bids for grading and drainage modifications at 336 Miner Road; seconded by Mr. Mills. Ayes all; motion carried.

MOTION AMENDING CONTRACT WITH BROWN, FLYNN COMMUNICATIONS, LTD.: A motion was made by Mr. Legan amending the contract with Brown, Flynn Communications, Ltd. as authorized by Resolution No. 32-2007 on July 10, 2007 in an amount not to exceed \$3,000; seconded by Mr. Mills. Ayes all; motion carried.

ADOPTION OF RESOLUTION 40-2007: Council listened to the First Reading in title only of Proposed Resolution 40-2007 which description is: "A Resolution providing for the observance of Halloween on October 31, 2007 and declaring an emergency." Mr. Dolciato moved to suspend the Second and Third Readings; seconded by Mr. Pilla. Ayes all; motion carried. Mr. Pilla moved to adopt; seconded by Mr. Hargate. Ayes all; motion carried.

ADOPTION OF RESOLUTION 41-2007: Council listened to the First Reading in title only of Proposed Resolution 41-2007 which description is: "A Resolution designating the Mayor of the City of Highland Heights, Ohio, as the certifying representative to submit an application for, and to certify compliance with the Issue I Financial Assistance Program for a Capital Improvement Program for the City of Highland Heights, Ohio, and declaring an emergency." Mr. Legan moved to suspend the Second and Third Readings; seconded by Mr. Austin. Ayes all; motion carried. Mr. Legan moved to adopt; seconded by Mr. Austin. Ayes all; motion carried.

FIRST READING PROPOSED ORDINANCE 16-2007: Council listed to the First Reading in title only of Proposed Ordinance 16-2007 which description is: "An Ordinance repealing previous Chapter 1315 of the Codified Ordinances of the City of Highland Heights pertaining to garages and accessory buildings in its entirety, and enacting new Chapter 1315 pertaining to portable home storage units."

ENACTMENT OF ORDINANCE 15-2007: Council listened to the Third Reading in title only of Proposed Ordinance 15-2007 which description is: "An Ordinance authorizing transfers and declaring an emergency." Mr. Legan moved to enact; seconded by Mr. Mills. Ayes all; motion carried.

MOTION TO ADJOURN INTO EXECUTIVE SESSION: A motion was made by Mr. Mills to adjourn into Executive Session to discuss pending Imminent Litigation 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. Dolciato. Roll call on the motion: Ayes all; motion carried. Council adjourned at 8:52 p.m. and reconvened at 9:10 p.m.

ADJOURNMENT: A motion was made by Mr. Mills and seconded by Mr. Legan to adjourn the meeting. Said meeting adjourned at 9:10 p.m.

Clerk of Council

President of Council