
**CITY OF HIGHLAND HEIGHTS
MINUTES OF A COUNCIL MEETING
HELD: JUNE 10, 2008**

President of Council Mills presiding.

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

ACTION ON MINUTES: The reading of the Minutes of a Council Meeting held May 27, 2008 was dispensed with. Mr. Legan moved to accept the Minutes as written; seconded by Mr. Anderson. Ayes all; motion carried.

DEPARTMENT HEAD REPORTS:

Fire Chief's Report: Interim Fire Chief Molnar reported remodeling of the bay area is complete with the exception of the gear lockers which will be installed next week. When completed they will invite Council in for an open house. Also, the Fire Department is in the process of painting all the fire hydrants red throughout the city. The red is a cleaner look than the white ones which showed rust after a year or two.

Police Chief's Report: Police Chief Cook reported as follows:

- The 5 Panasonic Toughbook MDT's were received today. One of the CF28 MDT's was given to the Service Department to chart the two signs, one at the city park and one at the municipal complex. Two of the other MDT's will be given to the Fire Department; so they will have four MDT's also.
- An incident occurred in the City in the last week where a shop lifter was apprehended on Rutland in our City. A lot of calls were received from residents on this. The incident started in Mayfield Heights where a 19 year old male was shop lifting from Target. He was pursued all afternoon. He hid and then again at 4 p.m. the pursuit started up again from Mayfield Village and ended up in Highland Heights. The shop lifter took a bike in our city and threw it at two of our officers. The male was apprehended on Rutland by a Lyndhurst Police Officer with a dog.
- For the month of May the police department responded to 939 calls for services. They responded to 43 residential alarms and handled 10 motor vehicle accidents, 7 of which involved injuries. Twenty-four prisoners were held for in excess of 500 hours.

Mr. Mills advised he observed traffic speeding in the park and noted that there is no stop sign from the new parking lot to the light.

Mr. Evans advised there is one additional speed bump yet to be installed.

Service Director's Report: Service Director Evans reported

- Road Salt. Documentation has been received from the Ohio Department of Transportation (ODOT) this week asking if the city wishes to continue in their bid for road salt. Mr. Evans recommended continuing with ODOT. In order to do that a resolution needs to be passed and they need to tell ODOT how much salt the city expects to buy. If Council is in agreement a resolution can be considered at the next meeting. The State's cut off date is July 11th. Also this can be discussed in the committee of the whole
- The new signs are up and running. Thanks to Sgt Kingzett for programming software in for them. Those installations are complete.
- Brush collection ended last Friday. Pickup is continuing for what they didn't get to last Friday. The Service Department recorded 635 stops, a record for them. The program was very successful. It took quite a bit of time and manpower but the response from residents was positive.
- Agenda Item No 3 -- a motion rejecting all bids received for the Salt Storage Building. The engineer will report on that. The request is also to revise the specifications and re-bid the project. Discussion was requested in the Committee of the Whole next week.
- Agenda Item No. 4 -- a resolution to purchase a cab and chassis from Bob Ross Buick. Approval was requested this evening because the dealer has ordered the truck and may sell it to someone else. Mr. Evans is working with the Safety & Service Committee on a body for that truck. That will be coming forth in the future.
- Agenda Item No. 13 -- the third reading of a resolution authorizing the purchase of the Bobcat Toolcat.

Mr. Pilla thanked Mr. Evans for putting up the handicapped signs in the top parking lot in the park.

Mayor Coleman commented regarding the new sign that he asked Service Director Evans to look into seeing if a different color could be used rather than the red which from certain angles is hard to view. Mr. Evans stated he will explore that but he didn't think they had a lot of options on color.

In response to Mr. Mills' inquiry regarding the top part of the sign, Mr. Evans advised it is on a photo sensor.

Building Commissioner's Report: Assistant Building Commissioner Austin reported last Friday a hearing was held before the Ohio Board of Building Appeals for Crostatas Pizzeria, 558 Bishop Road. The hearing was moved from Columbus to the Ashland ODOT office District 3. Approval was granted with a condition of receiving a letter from our Fire Department. In a meeting today with Interim Fire Chief Molnar, Fire Lieutenant Turner and Mr. Quagliata, they discussed four issues. Mr. Quagliata agreed to amend and adhere to those issues. The Fire Department letter of approval will be faxed tomorrow and that process will be completed.

Mr. Austin reported there are two new ordinances as items No. 9 and 10 on the agenda tonight. He requested approval so they can help with the noxious weeds by shortening the notice period.

Also photographs are being taken of the second offenses and attached to the documents so they have actual evidence of the violation.

City Engineer's Report: City Engineer Blackley reported on on-going projects:

- The Highland Bishop Intersection Project is under way. He and the Law Director met with Mr. Ley last week regarding an easement on his property and to present plans to help mitigate his drainage issue on his property. Council was copied with a letter sent to Mr. Ley. When they concluded that meeting, it seemed they received a positive response.

Law Director Paluf added that subject will be discussed in the Executive Session this evening.

- Park Improvement Project. The contractor Martin Enterprises has been back over the past several weeks installing signs, the electric gate and doing landscape touch-up. The project is just about ready to be closed out. The CEI crew finished the underground installation; their second crew is installing the lights. That installation is still not complete.
- Colony Drive Relief Sewer. The contractor has been instructed to resume work as soon as possible so the corrective work can be done before school starts again.
- Highland Road Pedestrian Facility. Authorization from ODOT is expected in the next several weeks. ODOT has said that they have everything now that they need and are sending the plans to the Columbus Federal Highway Department for final approval and authorization to go to bid. That is expected sometime in early July.
- Salt Storage Building. Only one bid was received. It came in \$75,000 over the engineer's estimate. Mr. Blackley stated he felt that the bid was too high to be accepted. Agenda Item No. 3 is a motion to reject all bids and authorize the Engineer to revise the specifications and re-advertise for bids.

Mr. Legan advised he has been getting feedback regarding the Colony Sidewalks, especially now that the children are out on bicycles. He asked for a time line as to when that might be completed. Mr. Blackley advised he has requested that the contractor complete this work before the children go back to school.

In response to Mayor Coleman's inquiry as to what specifically is going to be done, Mr. Blackley, reported there are large stretches of sidewalk on Colony and some on Eastlawn that have to be replaced. Also, there are driveway aprons on both Colony and Eastlawn that have an unacceptable amount of aggregate pop out. He advised the contractor has been advised of what has to be done.

Mayor Coleman suggested an acknowledgement be received from the contractor of what needs to be replaced and noted that they don't want another Ransome Road issue. Mr. Blackley will follow up on this. Mayor Coleman also suggested tightening up the time frame, noting the children return to school in the fourth week of August.

In response to Mrs. Mills' inquiry regarding the pedestrian pathway, Mr. Blackley advised he believed there will still be some work to be done in the spring. If authorization to bid is received in July, they can probably authorize a contract in August -- Council might be asked to come back for a special meeting to award the contract. Even if they got underway in September, it depends on the contractor and their ability. They can make completion mandatory some time in November.

Mayor Coleman suggested, based on the time frame, that the pathway be constructed in segments such as the west city limit to Bishop and the balance done afterwards so they can see a finished product of some of it as opposed to the entire length being torn up.

Mr. Mills advised a couple residents asked if a police officer could direct traffic at the intersection of Bishop and Highland during rush hours. Chief Cook advised an officer will be there tomorrow.

Finance Director's Report: Finance Director Ianiro reported as follows:

- The Basic Financial Statements for the Year 2007 were distributed in the Council mail boxes tonight. Call him with any questions.
- Agenda Item No. 8 is the Tax Budget for 2009. That needs to be passed by July 15th and sent to the County by July 20th.
- Agenda Items Nos. 5 and 6 are transfer ordinances. The first one deals with transfers to the pension funds and those are for current obligations unlike in prior periods when they took a flat amount and put it in each of those pensions funds without regard for current expenditures. After discussion in L&F they decided to transfer only the funds that are necessary to meet their obligation. That way by year end they will not over fund those two funds. They have budgeted \$400,000 total for each of those. The second transfer ordinance is for transfers that were budgeted at the beginning of the year from the General Fund to the Capital Improvement Fund and from the General Fund to the Issue I Fund to accommodate capital improvement needs, requests coming out of the 401 Fund and to pay the city's share of the Highland Bishop Intersection costs, estimated to be about \$225,000.
- Agenda Item No. 7 is authorizing payment to the Mayfield City School District. This is in conjunction with the city's CRA and EZA agreements based on the TIRC meeting that was reported on earlier in the year. This legislation can receive three readings.
- They are working on the renewals for the group rating for the workers compensation services. Legislation authorizing the renewal will be prepared for the next Council Meeting.
- Notification has been received from the County that the sewer assessments in the Highland Woods area will expire at the end of this year.

COMMITTEE REPORTS:

Park and Recreation Commission: Mr. Anderson advised their next meeting is scheduled for Thursday, June 12th at 7:00 p.m. and will be held in the park.

Mayfield Area Recreation Council (MARC): Mr. Anderson reported a meeting was held last Thursday, June 5th. Flag football is over. They ended up with 41 children and are worried about that program happening again next year. Mayfield School projects will be starting on the 16th so a lot of the schools will be closed; every school will have some renovations going on. Punt pass and kick is still going strong until September 21st. The next meeting is July 10th.

Mr. Anderson also reported that the MARC program received \$2700 in donations made in memory of Al Kay.

Planning and Zoning Commission: Mr. Pilla reported the following action occurred at a meeting held June 9, 2008:

- **Terry Allen, 6291 Maypine Farm Boulevard.** Motion to Grant Conditional Use Permit to Operate a Day Care in a Residential Home. Applicant withdrew application at this time; will return in January of 2009.
- **Edward Bencin, Property at 462 Miner Road.** Motion to Grant Variance to Lot Size Regulations; Lot Split and Consolidation of P.P.'s 821-26-014 & 821-26-001. This matter was tabled and will probably be on the agenda for the next meeting.
- **Thomas Ungrady, 588 Miner Road.** A variance of 12 feet was granted for an Accessory Building.
- **Swagelok Company, 328 Bishop Road.** A variance was granted to the parking requirements and final approval was given for the parking lot expansion.
- **National City Bank, 26460 Curtiss Wright Parkway.** Approval was given for a variance to the parking requirements to permit 13 additional parking spaces.
- **Key Bank, The Shoppes at Alpha Place.** Approval was given for a lot split and consolidation and Final Plat.
- **Elaine Hogan, 293 E. Edinburgh Drive.** Request for Variance to Yard Requirements. A public hearing was scheduled for June 23, 2008.
- **Adam Wahl, 860 Ford Road.** Request for Variance to Fence Requirements. A public hearing was scheduled for June 23, 2008.
- **Legacy Aberdeen Nursing Home, 407 Golf View Lane, Aberdeen Business Park, S/L 10.** Request for Conditional Use Permit to Operate a Nursing Home with 56 beds. A public hearing was scheduled for June 23, 2008.

Legislative & Finance Committee: Mr. Lombardo reported at the end of May the budget was 23% below budget on expenditures and about 33% above anticipated income. Also there will be an L&F meeting at 7:00 p.m. on June 24, 2008 prior to the next council meeting to discuss the property maintenance of vacant property in the general business and local business districts.

Safety & Service Committee: No report.

Commission on Aging: Mr. Hargate advised the next meeting is scheduled for June 16th.

Drainage Committee: Mrs. Murphy reported a meeting was held this evening. Items were considered as follows:

- McCracken-Kristocik drainage project update. Mr. Blackley reported that he met with Mr. Kristocik and his builder. There was agreement that they will proceed with the project and execute the necessary easements. Mrs. Muprhy asked that Law Director Paluf and City Engineer Blackley follow up to secure those easements. The City Engineer is in the process of obtaining three bids for this project; they have two and are awaiting the third. Hopefully they can follow up and get this project underway soon.
- Esther Road. There is a standing water problem on the curve on the south side of the road. There are two catch basins and the pipe joining them is full of roots. The pipe is 50 feet long with 12 in. pipe. The County did try to jet it out however there was some concern that it has a restricted flow. Mr. Evans will continue to observe and will report back to the committee.
- The Euclid Creek Watershed Council has a renewal draft agreement for the city's review. The City has been in this agreement for about 5 years now. The Watershed Council is requesting an increase in the annual fee of from \$2500 to \$5500. The Drainage Committee is reviewing this agreement and will bring it to a Committee of the Whole. No other communities have signed this as yet. The time frame is in the fall.
- The Regional Sewer District has approached our city to form a storm water district. Right now the city is involved with them with our sanitary sewers. This will be set for discussion in a future committee of the whole meeting. Mr. Evans and Mr. Blackley will meet with them next week.
- 730 Miner Road. Mrs. Pawlak has flooding problems from a creek that runs parallel to Miner Road. Rocks, erosion and culvert pipes have been placed into the creek and may be obstructing the flow. This is currently under investigation by Mr. Blackley.

Law Director's Report: Law Director Paluf advised issues involving litigation will be discussed in Executive Session this evening.

MAYOR'S REPORT: Mayor Coleman reported the candidates for the Fire Chief position have taken the test and the results should be received in the next day or so. He hopes to interview the candidates next week. The appointment of Fire Chief may be made in the next two weeks.

Mayor Coleman requested discussion on a vehicle for the building department.

ITEMS TO BE ADDED TO THE AGENDA: No items were added.

MEETING OPENED TO THE PUBLIC: No one spoke.

NEW BUSINESS:

MAYOR'S APPOINTMENTS:

Police Sergeant Francis Kingzett. Police Sergeant Francis Kingzett was sworn in by Mayor Coleman.

Police Sergeant Dennis Matejic. Police Sergeant Dennis Matejic was sworn in by Mayor Coleman.

MOTION CONFIRMING COUNCIL RECESS FOR THE MONTH OF AUGUST: A motion was made by Mr. Anderson confirming Council Recess for the month of August; seconded by Mr. Legan. Ayes all; motion carried.

MOTION TO REJECT ALL BIDS FOR THE SALT STORAGE BUILDING: A motion was made by Mr. Pilla to reject all bids received for the Salt Storage Building; authorizing the Engineer to revise the specs; and, authorizing the Clerk to advertise for bids; seconded by Mr. Legan. Ayes all; motion carried.

ADOPTION OF RESOLUTION 32-2008: Council listened to the First Reading in title only of Proposed Resolution 32-2008 which description is: "A Resolution authorizing the purchase of One 2008 GMC Model C-4500 Cab and Chassis from Bob Ross Buick-GMC-Hummer in an amount not to exceed Thirty Three Thousand Three Hundred Thirty Six Dollars and Fifty Cents (\$33,336.50) less the trade in of One 1991 Ford L-8000 and one 2000 Dodge Dump Truck with a combined trade in value of Seven Thousand Five Hundred Dollars (\$7,500.00), total Twenty Five Thousand Eight Hundred Thirty Six Dollars and Fifty Cents (\$25,836.50), pursuant to the Ohio Cooperative Purchasing Act and declaring an emergency." Mr. Hargate moved to suspend the Second and Third Readings; seconded by Mr. Lombardo. Ayes all; motion carried. Mr. Hargate moved to adopt; seconded by Mr. Anderson. Ayes all; motion carried.

ENACTMENT OF ORDINANCE 10-2008: Council listened to the First Reading in title only of Proposed Ordinance 10-2008 which description is: "An Ordinance authorizing transfers and declaring an emergency. (Police & Fire Pension Fund)" Mr. Legan moved to suspend the Second and Third Readings; seconded by Mr. Pilla. Ayes all; motion carried. Mr. Lombardo moved to enact; seconded by Mr. Pilla. Ayes all; motion carried.

ENACTMENT OF ORDINANCE 11-2008: Council listened to the First Reading in title only of Proposed Ordinance 11-2008 which description is: "An Ordinance authorizing transfers and declaring an emergency (Capital Improvement Fund and Issue I Fund)" Mr. Hargate moved to suspend the Second and Third Readings; seconded by Mr. Lombardo. Ayes all; motion carried. Mrs. Murphy moved to enact; seconded by Mr. Lombardo. Ayes all; motion carried.

FIRST READING PROPOSED ORDINANCE 12-2008: Council listened to the First Reading in title only of Proposed Ordinance 12-2008 which description is: "An Ordinance approving a payment to the Mayfield City School District pursuant to the requirements of Ohio Revised Code Section 5709.82 and in connection with the City's Community Reinvestment Area and Urban Jobs and Enterprise Zone Programs, and declaring an emergency." Council President Mills referred Proposed Ordinance 12-2008 to the L&F Committee for review.

FIRST READING PROPOSED ORDINANCE 13-2008: Council listened to the First Reading in title only of Proposed Ordinance 13-2008 which description is: "An Ordinance adopting a Tax

Budget for the City of Highland Heights for the Year 2009 and declaring an emergency." Council President Mills referred Proposed Ordinance 13-2008 to the L&F Committee for review.

FIRST READING PROPOSED ORDINANCE 14-2008: Council listened to the First Reading in title only of Proposed Ordinance 14-2008 which description is: "An Ordinance amending Sections 1327.03 of Chapter 1327 of the Codified Ordinances of the City of Highland Heights pertaining to General Business (G-B) and Local Business (L-B) Districts Maintenance, Inspection, Notice and Compliance, repealing all legislation inconsistent herewith, and declaring an emergency." Council President Mills referred Proposed Ordinance 14-2008 to the L&F Committee for review. Council President Mills advised there was a fresh copy of this ordinance distributed this evening. He stated when he introduced this ordinance he should not have been under the presumption that everyone wanted to have their name on it and if Council Members would like their name on the legislation, they should let the clerk know.

ENACTMENT OF ORDINANCE 15-2008: Council listened to the First Reading in title only of Proposed Ordinance 15-2008 which description is: "An Ordinance amending Section 521.10 (e) of Chapter 521 of the Codified Ordinances of the City of Highland Heights pertaining to notices to cut noxious weeds or remove litter; failure to comply; cost for city work, and repealing all legislation inconsistent herewith, and declaring an emergency." Assistant Building Commissioner Austin had recommended approval this evening. Mr. Pilla moved to suspend the Second and Third Readings; seconded by Mr. Anderson. Ayes all; motion carried. Mr. Pilla moved to enact; seconded by Mr. Anderson. Ayes all; motion carried.

ADOPTION OF RESOLUTION 30-2008: Council listened to the Second Reading in title only of Proposed Resolution 30-2008 which description is: "A Resolution declaring the necessity of providing for the payment of street lighting and the improvement or installation of additional lighting by special assessment of all parcels benefited and declaring an emergency." Clerk Buchak advised City Engineer Blackley has provided the assessments. Mr. Pilla moved to suspend the Third Reading; seconded by Mr. Legan. Ayes all; motion carried. Mr. Pilla moved to adopt; seconded by Mr. Anderson. Ayes all; motion carried.

SECOND READING PROPOSED RESOLUTION 31-2008: Council listened to the Second Reading in title only of Proposed Resolution 31-2008 which description is: "A Resolution retaining the law firm of Baker, Hostetler to provide legal services to the City of Highland Heights pertaining to matters with Stonewater Golf Club and any proceedings related thereto, and declaring an emergency."

ADOPTION OF RESOLUTION 25-2008: Council listened to the Third Reading in title only of Proposed Resolution 25-2008 which description is: "A Resolution authorizing the Mayor to execute a contract with Bobcat of Cleveland for the purchase of a Bobcat 5600 Turbo Toolcat, in an amount not to exceed \$47,177.00 pursuant to the Ohio Cooperative Purchasing Act, and declaring an emergency." Mr. Lombardo moved to adopt; seconded by Mr. Hargate. Ayes all; motion carried.

AGENDA FOR COMMITTEE OF THE WHOLE MEETING OF JUNE 17, 2008:

1. Park Pavilion

2. Field Trip for Church property
3. Street Signs
4. Salt storage building
5. Potential issue I projects

MOTION TO ADJOURN INTO EXECUTIVE SESSION: A motion was made by Mr. Pilla to adjourn into Executive Session to discuss 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. Legan. Roll call on the motion: Ayes all; motion carried. Council adjourned at 8:55 p.m. and reconvened at 9:30 p.m.

ADJOURNMENT: A motion was made by Mr. Pilla and seconded by Mr. Anderson to adjourn the meeting. Said meeting adjourned at 9:30 p.m.

Clerk of Council

President of Council