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**CITY OF HIGHLAND HEIGHTS  
MINUTES OF A COUNCIL MEETING  
HELD: JUNE 24, 2008**

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President of Council Mills presiding.

PRESENT: Mayor Coleman, Councilmen Anderson, Hargate, Legan, Lombardo, Murphy, Pilla; Clerk of Council Buchak; Fire Lieutenant Turner; Police Chief Cook; Assistant Service Director Hess; Assistant Building Commissioner Austin; Finance Director Ianiro; Law Director Paluf.

ACTION ON MINUTES: The reading of the Minutes of a Council Meeting held June 10, 2008 was dispensed with. Mr. Legan moved to accept the Minutes as written; seconded by Mr. Anderson. Ayes all; motion carried.

The reading of the Minutes of a Special Meeting held June 17, 2008 was dispensed with. Mr. Legan moved to accept the Minutes as written; seconded by Mr. Pilla. Ayes all; motion carried.

**DEPARTMENT HEAD REPORTS:**

Fire Chief's Report: No report. In response to Mr. Mills' inquiry regarding the Fire Department building renovations, Fire Lieutenant Turner reported the locker company called today and advised the lockers should be installed early next week. That is the last item.

Police Chief's Report: Police Chief Cook reported three new police vehicles were delivered and they are in the process of being converted. He also reported Agenda Item No. 5 concerning the hiring of an architect to work on the jail improvements and with the Bureau of Adult Detention was discussed briefly this evening with L&F. That legislation can receive first reading this evening.

Mrs. Murphy reported she has been approached by some residents who are concerned with garbage scavengers who go through the garbage and pick up things that residents have put at the street the night before garbage collection day. Their concern is that it is uncomfortable for them and there is some fear of identity theft -- security issues. She noticed there is an ordinance prohibiting that and asked what Chief Cook would advise Council Members to tell the residents when they inquire about that.

Chief Cook advised within the last three months they had a complaint about a gentlemen who was scavenging through the garbage. They did stop him and tell him to cease and desist. Chief Cook advised he talked with Prosecutor Dan Taylor concerning the ordinance. Prosecutor Taylor said the ordinance is enforceable; our ordinance is a second degree misdemeanor; and, the also indicates that once the residence puts the garbage out it becomes the city's possession. That ordinance was put in in 1989. Chief Cook stated if a resident does see someone going through the garbage and it make them uncomfortable, they should call the police and the police will tell the person to cease and desist. Most likely the police will give them a warning and the second time they would cite them.

Chief Cook further reported he checked with the City of Willoughby because of an article in the News Herald last week that they are enforcing the ordinance. He learned their offense is a first degree misdemeanor. They saw that some of the people who were scavenging through the garbage did have other criminal offenses so they took a pretty strong stance on it and they have arrested eleven people this year. Most are receiving \$50 to \$100 fines.

Council President Mills noted that Agenda Item No. 5 is to receive first reading, and asked if Item No. 6, authorizing advertising for bids for Item No. 5 should be deleted from the agenda until Item No. 5 is approved. Chief Cook agreed.

Service Director's Report: Assistant Service Director Hess reported as follows:

- Mr. Evans is on vacation but requested that items 2, 3, 4 and 7 if possible be passed this evening.
- The Brush Chipping Program ended June 6th. Last week there were quite a few heavy winds and as a result they were receiving requests for storm damage brush pickup. They always try to help people with storm damage. Yesterday and today their department did a sweep of the city and covered every street again. They received 3 or 4 calls today and told the resident that they were picking up storm damage and that the program is over. They seemed to be fine with that and then proceeded to bundle and prepare their brush for the refuse collection.

Mayor Coleman commented that the brush collection project that they had was very popular and the residents really appreciate the opportunity to do that. He has asked Service Director Evans to see what it would take to extend that program multiple times during the year. Mayor Coleman advised the city's rubbish collectors do pick up brush but the resident has to bundle it in 4 ft sections.

Building Commissioner's Report: Assistant Building Commissioner Austin reported as follows:

- Regarding Maypine Farms, today he met with David Simon who is taking over for Josh Simon. They discussed two issues, the sidewalk from Miner Road coming into the development and the sidewalk along the gate. They will meet with City Engineer Blackley regarding this.
- Another issue at Maypine Farms was the fence around the retention basin. There have been concerns that children would be able to crawl under the fence. Provisions will be made to stop that from happening.
- Harry Buffalo's Restaurant will open Thursday.
- A couple complaints were received that the dumpster at Mobile Lawn Care was over full and that there was a broken fence. He spoke with a representative from Mobile Lawn Care and they have added an additional day for garbage collection. They have been cooperative.

City Engineer's Report: Council President Mills advised a report from City Engineer Blackley was distributed to Council Members. He noted a couple items:

- July 11th is the bid opening date for two projects -- the 2008 Miscellaneous Concrete Street Repairs and the 2008 Striping of Streets.
- July 18th is the bid opening date for two other projects -- Highland Road Pedestrian Facility and the new Salt Storage Building.

In response to Mrs. Murphy's request to mention 336 Miner Road, Mr. Mills advised City Engineer Blackley reported they are still waiting for the signed easements and he suggested all questions could be referred to the Law Director.

Law Director Paluf reported they have a situation where the easement is worded in a particular way that one owner will sign it and the other will not and if it is worded in another way one owner will sign it and the owner will not. He is trying to see if there is some kind of middle ground for that. Mr. Paluf also reported in regards to doing the work he knew that one bid was received but that it was high and they are waiting for a couple other bids.

Mr. Austin added that, they received one other bid and they are waiting for another; one that did come in was high. He also advised that the contractor thought that the scope of the work was larger than what it is anticipated now. After conversation with the City Engineer, he understands that the scope of work was narrower. Mr. Austin suggested that Mr. Blackley is going out for re-bid with clarification so everyone is bidding on the same project.

Finance Director's Report: No report.

### **COMMITTEE REPORTS:**

Park and Recreation Commission: Mr. Anderson reported after the Committee of the Whole last week in which they discussed Whiteford Park, he met with Tony Valentino, Chairman of the Park & Recreation Commission and with Frank Legan, Councilman at Whiteford Park. They walked the area. He provided some recommendations:

- The playground equipment needs to be pulled. It is in bad shape.
- They talked about clearing some of the woods. They walked the woods and ended up near the city complex. There are some big creeks back there. They talked about maybe clearing 10 feet which means more maintenance. They would still have another thousand yards of woods behind that.
- They asked that the service department, kill all the low vegetation so they have a view into the trees.
- An additional light was suggested. The pole at the far right needs to be serviced because the lens is out.
- They wanted to wait and see what L&F came up with, money wise.
- A new playground and maybe a small pavilion back there with a couple picnic tables and grills also to be put back there depending on how much money the whole thing would be. Maybe they could get a hold of a couple companies and have them put a package together with 2 or 3 different options for us to see what we want and what would best it meets the city's and resident's needs.
- Post a sign with rules for the park.

Mr. Hess will make Service Director Evans aware of these suggestions.

Mayor Coleman reported he had spoken with Mr. Evans about the condition of the light poles in the Highland Woods Area. A lot of them are in need of maintenance. CEI owns the poles. Mayor Coleman advised Mr. Evans will see if CEI can add a pole to that area.

Mayfield Area Recreation Council (MARC): No report.

Planning and Zoning Commission: Mr. Pilla reported the following action occurred in a meeting held June 23, 2008:

- **Elaine Hogan, 293 E. Edinburgh Drive.** Approval was give for a variance to install a parallax on her property. They made sure that it was outside the 25 ft setback for Stonewater. It is totally within the allowable building area.
- **Adam Wahl, 860 Ford Road.** Approval was given for a fence. There were no variances granted on the actual fence. It is within the code to put a board on board fence up. The variances were because the code is written that a fence cannot go further than the back of someone's house. They actually have an addition on the back of their house for a sunroom so they were allowed to bring the fence up to the actual foundation of the back of the house.
- **Legacy Aberdeen Nursing Home, 407 Golf View Lane, Aberdeen Business Park, S/L 10.** Motion to Grant Conditional Use Permit to Operate a Nursing Home (The applicant did not appear.)

Legislative & Finance Committee: Mr. Lombardo reported a meeting was held this evening prior to the Council Meeting at 7 p.m. They discussed the following:

- Whiteford Park. Up to \$25,000 was allocated from the Park and Recreation Fund for work on that park. The committee would like to meet with Park & Recreation to finalize what they will do there and go out for bids and everything. They thought if it was convenient with that committee they could discuss this at the Council of the Whole Meeting on July 8th. If not they can make some other arrangements.
- L&F recommended the purchase of a car under state contract for the Building Department, in an amount not to exceed \$13,850.
- Proposed Ordinance 14-2008 amending Section 1327.03 pertaining to property maintenance was reviewed. There will be some corrections and changes in that before finalization.

Mayor Coleman suggested council add a motion to authorize the purchase of that vehicle.

Safety & Service Committee: No report.

Commission on Aging: No report.

Drainage Committee: No report.

Home Days Committee: Mr. Austin reported they have signed two more bands and are looking at another band for a younger group for the teen tent. A lot of the vendors are back. And they are moving toward a successful Home Days, August 1, 2, and 3.

In response to Mayor Coleman inquiry regarding a ride contract, Mr. Austin reported he talked with the ride owner who signed an intent letter. He is duplicating last year's contract, will have Law Director Paluf review it and will meet with the owner at the fair grounds this week.

Mayor Coleman noted legislation is needed to allow alcohol in the park. Law Director Paluf will provide the legislation.

Parade: Mrs. Murphy reported everything is moving along very nicely with that.

Law Director's Report: No report. Law Director Paluf reported he will meet with Council in the Executive Session this evening.

**MAYOR'S REPORT:** Mayor Coleman reported as follows:

- The City Newsletter will go to the printer next week. After that, it is about two weeks before residents receive it. Hopefully sometime in July it will be delivered to the residents.
- Chief Cook has been asked to tighten his officer's presence in the park. He felt there was a lot more activity in the park, a lot more things for people to do; and, he wants people to know that the police are there if they need help with anything.
- Michael Iliano (Mickey) has been hired as a part time housing inspector. He has been busy and in his first week he wrote 40 violations. A half dozen or so dealt with commercial vehicles which are now gone. He is mostly doing this in the evening and on weekends which is when most of the violations are viewed because people bring the commercial vehicles home after work. Mayor Coleman thanked council for allowing him to hire a housing inspector.
- Agenda Item No. 1 is the reappointment of Ray Febo as a member of the Architectural Review Board. He retired from another position and needed to give a resignation letter to PERS.

Mayor Coleman provided Michael Iliano's qualifications. He has been in the business for 27 years and is a State Certified Building Inspector and a State Certified Residential Official, works for the City of Cleveland and currently supervises 26 inspectors, 4 chief inspectors and 3 clerical people.

**ITEMS TO BE ADDED TO OR DELETED FROM THE AGENDA:**

1. Motion authorizing a contract with Statewide Ford Lincoln Mercury for the purchase of a 2008 4-door Ford Fusion for use by the Building Department, in an amount not to exceed \$13,870.

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

6. Motion authorizing the Clerk to advertise for bids for the Police Department Jail Improvement.

A motion was made by Mr. Pilla to delete the above item (Agenda Item No. 6) from the agenda; seconded by Mr. Anderson. Ayes all; motion carried.

**MEETING OPENED TO THE PUBLIC:**

Mrs. Amy Feran, 5650 Hawthorne Drive, stated she is a representative of the political group known as LOGS. In March when she informed Council that LOGS had launched a petition drive to put a Charter Amendment proposal on the ballot and that they planned to come back to Council in early July. This would give Council time to validate the petitions and pass an ordinance to get the charter amendment language on the ballot in the general election in November. They are now wrapping up their charter petition efforts and will be back in two weeks to present the petitions formally to council. She asked everyone present to sign the LOGS petition. She stated by sign the petition they are not taking a position on the amendment it means that it will go on the ballot to be voted on. Mrs. Feran stated their efforts have been very warmly received by the citizens of Highland Heights.

Mr. William McCracken, 336 Miner Road, stated he is one of the residents on the drainage problem that was mentioned earlier. He stated he already signed the papers and there was no need to change the papers. He stated signing the papers would ask him to give up his rights. He stated they are favoring the person who caused the problem and persecuting the person who is the victim. Mr. McCracken complained of the length of time it is taking to resolve this problem. Mr. McCracken stated don't ask him to sign anything else because he is not. His next move, they are going to force his hand; they have pushed me to the point where what else can he do. He has pleaded with them; he has asked them for their support. He has not gotten that. He has never had a conversation with the Mayor.

Law Director Paluf stated he advised the Mayor, since a law suit was threatened over a year ago, he advised the Mayor not to discuss this; and, they are trying to work on it.

Mrs. Nancy McCracken, 336 Miner Road, asked he was referring to, what law suit? She stated they never have done anything like that. She advised they did eventually hire an attorney and ask that that drain be removed because they couldn't get help from this committee but there has never been a threat of a lawsuit but there will be one if they don't get this straightened out.

**NEW BUSINESS:**

**MOTION AUTHORIZING PURCHASE OF VEHICLE FOR BUILDING DEPARTMENT:** A motion was made by Mr. Pilla to authorize a contract with Statewide Ford Mercury Lincoln for the purchase of One (1) 2008 4 door Ford Fusion for use by the Building Department, in an amount not to exceed \$13,870; seconded by Mr. Anderson. Ayes all; motion carried.

**MAYOR'S APPOINTMENT:** Architectural Review Board -- Ray Febo.

A motion was made by Mr. Lombardo and seconded by Mr. Pilla to confirm the Mayor's re-appointment of Ray Febo to the Architectural Review Board, term expiring 12/31/2009. Ayes all; motion carried.

**MOTION AUTHORIZING CITY ENGINEER TO PREPARE PLANS AND SPECIFICATIONS FOR DRAINAGE, CONCRETE AND LANDSCAPE REPAIRS AT THE COMMUNITY CENTER:**

A motion was made by Mr. Lombardo authorizing the City Engineer to prepare plans specifications and the Clerk to advertise for bids for Drainage, Concrete and Landscape Repairs at the Community Center; seconded by Mr. Pilla. Ayes all; motion carried.

**ADOPTION OF RESOLUTION 34-2008:** Council listened to the First Reading in title only of Proposed Resolution 34-2008 which description is: "A Resolution authorizing the Mayor to enter into an agreement with CT Consultants to provide Architectural/Engineering Services for the Highland Heights Community Center Building Improvements pursuant to a proposal dated May 22, 2008, in an amount not to exceed Twenty Five Dollars (\$25,000.00) and declaring an emergency." Mr. Anderson moved to suspend the Second and Third Readings; seconded by Mr. Lombardo. Ayes all; motion carried. Mr. Legan moved to adopt; seconded by Mr. Lombardo. Ayes all; motion carried.

**MOTION AUTHORIZING CLERK TO ADVERTISE FOR BIDS FOR INTERNAL REPAIRS AND MASONRY REPAIRS FOR THE COMMUNITY CENTER PROJECT:**

A motion was made by Mrs. Murphy authorizing the Clerk to advertise for bids for internal repairs and masonry repairs for the Community Center Project; seconded by Mr. Legan. Ayes all; motion carried.

**FIRST READING PROPOSED RESOLUTION 35-2008:** Council listened to the First Reading in title only of Proposed Resolution 35-2008 which description is: "A Resolution authorizing an agreement with RWL Architects, Inc. to provide architectural services for the Highland Heights Police Department Jail Improvement in an amount not to exceed Six Thousand Dollars (\$6,000.00), and declaring an emergency."

**ADOPTION OF RESOLUTION 36-2008:** Council listened to the First Reading in title only of Proposed Resolution 36-2008 which description is: "A Resolution authorizing the Mayor to enter into a participation agreement with the Ohio Department of Transportation for the purchase of Sodium Chloride (Rock Salt) to the Municipality and declaring an emergency." Mr. Pilla moved to suspend the Second and Third Readings; seconded by Mr. Anderson. Ayes all; motion carried. Mr. Pilla moved to adopt; seconded by Mr. Anderson. Ayes all; motion carried.

**FIRST READING PROPOSED ORDINANCE 16-2008:** Council listened to the First Reading in title only of Proposed Ordinance 16-2008 which description is: "An Ordinance authorizing participation in the Ohio Association of Public Treasurers (OAPT) Workers Compensation Group Rating Program and declaring an emergency."

**FIRST READING PROPOSED ORDINANCE 17-2008:** Council listened to the First Reading in title only of Proposed Ordinance 17-2008 which description is: "An Ordinance enacting Section 151.16 (m) of Chapter 151 of the Codified Ordinances of the City of Highland Heights pertaining to the compensation of members of the Service Department, repealing all legislation inconsistent herewith and declaring an emergency."

**SECOND READING PROPOSED ORDINANCE 12-2008:** Council listened to the Second 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."

**SECOND READING PROPOSED ORDINANCE 13-2008:** Council listened to the Second 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."

**SECOND READING PROPOSED ORDINANCE 14-2008:** Council listened to the Second 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 and Local Business Districts, Maintenance, Inspection, Notice and Compliance, repealing all legislation inconsistent herewith, and declaring an emergency.

**TABLED RESOLUTION 31-2008:** Council listened to the Third Reading in title only of Proposed Resolution 31-2008 which description is: "A Resolution retaining the 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." Mr. Hargate moved to table; seconded by Mr. Lombardo. Roll call on the motion: Ayes Hargate, Lombardo, Mills, Murphy; nays Anderson, Legan, Pilla. Motion carried.

**MOTION TO ADJOURN INTO EXECUTIVE SESSION:** A motion was made by Mr. Anderson 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 Mrs. Murphy. Roll call on the motion: Ayes all; motion carried. Council adjourned at 8:45 p.m. and reconvened at 9:05 p.m.

**CANCELLED COMMITTEE OF THE WHOLE FOR JULY 1, 2008:** Council member discussed the need to hold a Committee of the Whole next week and decided, because there were no matters for discussion and it is a holiday week during which several council members will be out of town, to cancel the Committee of the Whole Meeting of July 1, 2008. If needed, a Committee of the Whole will be scheduled for 7:00 p.m. prior to the next Regular Meeting of July 8, 2008.

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

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Clerk of Council

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President of Council