
**CITY OF HIGHLAND HEIGHTS
MINUTES OF A COUNCIL MEETING
HELD: JULY 8, 2008**

President of Council Mills presiding.

PRESENT: Mayor Coleman, Councilmen Anderson, Hargate, Legan, Lombardo, Murphy, Pilla; Clerk of Council Buchak; Fire Chief Turner; 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 June 24, 2008 was dispensed with. Mr. Lombardo requested a correction on page 1 second paragraph from bottom, second line, change "would" to "Cook" and on, page 4 in the Legislative Finance Committee Report, where they discussed Whiteford Park, \$25,000 allocated, add that the allocation was from the Park & Recreation Funds. Mr. Legan moved to accept the Minutes as amended; seconded by Mr. Anderson. Ayes all; motion carried.

INSTALLATION OF NEW FIRE CHIEF: Fire Chief. William R. Turner. Mayor Coleman stated he was very proud to be able to do this. He has known Bill over 25 years; they worked together at the corner gas station years ago. Bill's Mother Sandy was his Teach in his senior year. Helped him to cull his culinary skills which seem to work quite well. Bill did many years in the city, including, he worked PT in the Service Department. He worked at the pool and in fact his senior search project at Mayfield High School was he shadowed HH fire department. Back when he was a teenager he wanted to work in this capacity. I think this is his dream. He was hired full time in 1991 and five years later he was promoted to Lieutenant. I can't say enough about how nice it is have someone go to the top spot that we have trained and not to lose him to another city. I want to thank Chief Bencin for giving Bill the opportunity to learn within the department, train him. Bill Turner was then sworn in by Mayor Coleman.

DEPARTMENT HEAD REPORTS:

Fire Chief's Report: Chief Turner reported the Lieutenant Test is scheduled for next Wednesday July 16th. The hydrant painting program is coming to an end. Their goal every year is to paint one-third of the fire hydrants in the city. The lockers in the fire station are just about complete. That will complete the projects for the bays. Chief Turner encouraged Council members to stop and take a look. They certainly appreciate receiving approval for the projects to improve the bays and look forward to Council's continued support.

Mr. Mills excused Fire Chief Turner so that he can attend a celebration in his honor being held in the Fire Station.

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

- for the month of June the Police Department responded to 995 calls for service, 16 damage property accidents with 4 involving injuries where people were transported. Also, they responded to 39 residential alarms. For the month of June 35 prisoners were held for a total of approximately 900 hours.
- Code Red is going forward. This morning Chief Cook worked with the company out of Florida setting up the mapping for the city. On Thursday morning they will be training the safety forces on how to implement the Code Red Emergency System. Also the Mayor and Service Director will be trained in it. They anticipate a test call will be sent to the residents before the end of the month.
- Agenda Item No. 4, Resolution 35-2008. Chief Cook recommended approval, awarding a contract with RWL Architects which would let them move forward with jail renovations. A meeting with the Jail Bureau of Adult Detention is scheduled for next week regarding this.
- The CR 30 Panasonic computers were received and are in the process of putting them in the police cars. Two of the older units will be put into the fire engines.
- They are changing over their vehicles
- The Ford Fusion of the Building Department is ordered.

In response to Mr. Mills' request for a report regarding the Highland-Bishop Intersection, Chief Cook reported actually it has gone relatively smooth from their perspective. They did have one accident and that was not due to the road construction. They had an emergency run and an emergency vehicle was going through the intersection and a driver reacted on it. They do have an officer up there, not every day, which is not the construction company's fault, it is a part time job and with vacations they had trouble filling it. There will be an officer up there tomorrow. The construction company has been cooperating with the police department.

In response to Mr. Pilla's inquiry regarding block watch information, Chief Cook advised he is in the process of obtaining block watch information and will then set up a meeting with Mr. Pilla and the Mayor. Mr. Pilla advised that the residents in Williamsburg were thinking that they might want to put a block watch together so he asked Chief Cook to obtain information.

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

- On Friday July 11th, there will be bid openings for 1) street striping and 2) miscellaneous repair program.
- On Friday, July 18th, there will be bid openings for the 1) salt building and 2) Highland Road Pedestrian Facility Project.
- The Service Department will be working once again with the Solid Waste District in conducting a computer roundup that will be the entire month of August. Folks can drop off their computers and peripherals at the Service Department will get those recycled.
- Hazardous Waste will be coming up towards the later part of August.
- The playground equipment at Whiteford Park has been razed and removed and they are working on the restoration of those areas over there now as well as doing some of the clearing into the woods and thinning out some of the brush in that area. That project is coming along fine.

Mayor Coleman asked Mr Thom would you confirm the plans for the Highland Road Pedestrian Path are in stages. That we discussed that we didn't want it to be partially under construction over the winter, the plans would call for the west side to go first and then the east side being dissected by Bishop Road. Evans, differ to city engineer on that

Mr. Anderson thanked Mr. Evans and the Service Department for moving so fast on Whiteford Park. He asked if Mr. Evans looked into an additional light on that cul-de-sac? Mr. Evans advised he has been working with the Illuminating Company on two projects, the Mayor requested that we move into that whole neighborhood there and see if we could address the street lighting. It needs cleaned up, straightened and painted. As well as adding a couple of additional lights in the Whiteford Park area. I have had conversations with our area representative about that. I will be meeting with her either later this week or early next week to kind of look at the lay of the land and then there is a process where we submit an application a request to them and then they get into their engineer project. My thought looking at that it might be simple to pull a line there. There are one or two lights on the cul-de-sac right now. Tap off of it and pull back farther in there, set one or two new lights. It might be a project that the service department can partner with the Illuminating Co. The Illuminating Co. does not do any of their own trenching. We may be able to do the trenching. They will look at partnering at something like that.

Building Commissioner's Report: Assistant Building Commissioner Austin reported they visited Crostadas today, talked to Mr. Quagiatta. They plan on opening in mid August. It kind of works well with the schedule of the Bishop Road project with that section of his property being done right now so they can finish their paving once that is done. The plan with Bishop Road hasn't hampered him it actually has helped him in his process.

Construction on the assisted living facility on Bishop Road. The underground, the plumbing is almost done, probably 90% completed. They started the underground electrical in the back. They have gained some ground on it after all the rain we have had.

Shoppes at Alpha. Key Bank coming in there. They should have plans for P&Z for the next meeting. A set of construction documents here. That will be submitted so they can go ahead with that parcel of land. The Sunoco station is still being held up by HUSTR. There is some litigation problem there. I am told that it is close to being completed. Again that permit has been issued for the demolition so once they get the release from HUSTR, Lance Osborne and Osborne Companies will go ahead with that project also.

City Engineer's Report: City Engineer Blackley reported

- Highland Bishop Intersection Project. The contractor is making steady progress working under difficult conditions. He thanked the police department for their cooperation on that. They are making good steady progress on that. He expects the contractor to be pretty much done with the intersection in August as originally planned. The difficult part of that project is still the replacement of the center lanes which are in concrete in the intersection. Right now they are working on the four corners. That is yet to come
- Colony Road Project Update. The Service Director and I met with the contractor, Fabrizi and the concrete supplier on June 17th in a somewhat fractious meeting. He reported tonight, after speaking with both Osborne and the president of Fabrizi today, that they

will be back on the job on the 21st of July to replace the aprons and sidewalks as they have directed.

Mayor Coleman regarding the Colony Road Project, we had talked about that being completed by the 3rd week in August which would be prior to the start of St. Paschal's School; is that still possible. Blackley, I am going to say yes, he will impress for them to do the sidewalks first and that is the main issue with pedestrians is the sidewalks. If we have to we will follow up with the aprons but we will try to schedule their work so that the work that they do will proceed from St. Paschal's and up Colony, that will be the top priority first. Mayor are we going to send a letter out to the residents in that area letting them know.

Finance Director's Report: Finance Director Ianiro reported they received from Regional Income Tax Agency (RITA) at the beginning of the month a refund on our retainer for expenses for income tax in the amount of \$139,000. That is in excess of last year's which was \$85,000. We should have gotten a larger amount because our income tax collections are even more. But more important is that the cost of collections is going down each and every year from RITA. This represents their cost of collections as being 1.42% meaning every dollar we collect it just costs them \$1.42 to do that. So our cost for last year is around \$130,000. I would be hard pressed to have an income tax department here that can collect 9 million dollars for \$130,000. Just to let you know that they are doing their job. We got a refund back and the cost of collections is going down and RITA is working for everyone.

COMMITTEE REPORTS:

Park and Recreation Commission: No report.

Mayfield Area Recreation Council (MARC): No report.

Mills I was asked over the weekend, what was the reason they are not doing the movie in the park this year? Mr. Anderson, I really don't know. He will ask why.

Planning and Zoning Commission: No report.

Legislative & Finance Committee: Mr. Lombardo reported no formal report but he had a few comments on this evening's agenda, Item No. 2 motion to pay Ace Tennis. Those are funds that will come out of Park & Rec and will be partially returned through the fees for the lessons.

Item No. 8 payment to Mayfield Schools System. That is within the budget allocation. So that is OK. Item No. 9, the tax budget of the city was reviewed by L&F and that is recommended also. He scheduled a meeting for the 15th. At 7:00 p.m. to discuss the vacant lot. I think we had questions about the enforcement authority on that. Law Director Paluf, Mrs. Murphy and I had a few other questions. We will try to meet to work on that.

Safety & Service Committee: Mr. Hargate reported a meeting was held this evening with the Service Director regarding a proposal from Concord Road Equipment for \$39,810.00. They recently authorized the purchase of a 2 1/2 ton truck chassis. This proposal was for the tail gate spreader, box as well as a cloud for that piece of equipment. It is the recommendation of S&S

to proceed with this proposal from Concord Road Equipment for \$39,810.00. Mr. Law Director if you could have an appropriate piece of legislation ready for our last meeting this month.

Lombardo , is that within the allocation in the budget?

Hargate, Yes, the total cost for the vehicle will be about \$65,000. This proposal was \$39,000. Yes it will be within the budget figure we approved earlier this year.

Commission on Aging: NO report.

Drainage Committee: Mrs. Murphy called a meeting in two weeks 7/22/08 6:30 p.m. to cover several items.

Home Days Committee: Austin advised a Home Days Meeting has been scheduled for July 21, 2008 at 7:00 p.m.

Law Director's Report: Law Director Paluf reported as you are aware we acquired all the right of ways and easements for our project except for one. He recommended Council go forward we have to get this project going forward. He will prepare legislation for imminent domain proceedings for this little corner.

MAYOR'S REPORT: Mayor Coleman reported the News Letter should go to the printer tomorrow.

Mr. Mills asked if there is something in the Newsletter regarding Code Red. Mayor what will likely happen there will be a test prior to the residents receiving the newsletter. In the Newsletter they will describe what Code Red is. Mills and on the Web site. Mayor yes.

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

MEETING OPENED TO THE PUBLIC:

Mrs. Amy Feran, Hawthorne Drive, representing Highland Heights Citizen's Group known as Love our Green Space or LOGS presented Initiative Petitions regarding a proposed Charter Amendment and read a prepared statement.

They came here last March to let you know that LOGS had decided to undertake a petition drive to put a charter amendment on the ballot to protect the Highland Heights Community Park and the city's parkland. I am here tonight to present that petition to you. Our reasons for launching the petition drive are just as valid today as they were last March. Although on January 16th of this year Council unanimously directed the City's Law Director to rescind the contract with Bass Energy, that has not yet occurred. As recently as last Saturday city officials told the press that putting gas wells in city park was on the back burner. Ladies and gentlemen putting the issue on the back burner is not good enough. It is not taking the issue off the table. The LOGS Charter Amendment will take the issue of putting gas wells in the community park off the table. Many of us were present last January when City Council unanimously decided that the Bass Energy Contract should be rescinded. Ladies and Gentlemen we hold you to that promise and that unanimous decision The LOGS Charter position is

One council member even asked me if it was legal. It not only is legal it is a process under the Charter and the Ohio Copnstitution itself. Our constitution and laws protect the right of citizens to be directly involve in the government of their city. Ladies and gentlemen this is democracy in actin. We shared a memo with you last weekend describing the charter amendment process. There were just a few points I wanted to touch on briefly before formally presenting the Charter Amendment Petitions to you. You were given a copy of the charter amendment petition that LOGS used. If you notice in the top left hand corner it indicates that this form was prescribed by the Ohio Secretary of State for using a Charter Amendment Petition. You will notice that the petition also contains a warning in red that the charter petition requires that the full proposed charter amendment appears on the front page and that the last page contains the necessary circulator's certification. I wanted to emphasize again that LOGs members did not go out randomly and start knocking on doors They used the list of registered voters provided by the Cuyahoga County Board of Elections and focused their efforts on colleciotn signatures from individuals on that list. By law LOGS must have the signatures of 196 registered highland heights voters in order to have this charter amendment place don the ballot. The petition they presnt contains 954 signatures, almost 5 times more than the require amount. This petition represnt almost 1000 residents who want and expect to be heard. As you know the law contains that the signatures are valid. It is within Council to pass a resolution placing the petitionon the ballot. I feel it is only fair to let you know that we encountered a lot of anger out there. Residents were angry that you did not discuss this issue before authorizing the mayor to enter a lease with Bass Energy. They were angry that the competitive bidding process was not used. They were angry that you would think it acceptable to put as wells in our city park, endangering our children and the green space that this city is fortunate to have and enjoy. Bottom line if this was such a good idea and such a wonderful benefit to the community, you should have been able to look usin the eyes and discuss the issue. That you chose not to do so spoke to your constitutents. As you know council has a very limited role to play in this proposed charter amendment. It has tow duties: 1. To make sure the petition is valid. 2) to make sure the petition contains the required minimum number of valid signatures. You might wonder why council is not allowed to consider the language itself.

NEW BUSINESS:

Mayor's Appointment: *Fire Chief William R. Turner.*

A motion was made by Mr. confirming the appointment of William R. Turner as Fire Chief; seconded by Mr. Ayes all; motion carried. Mayor Coleman then swore in William R. Turner as Fire Chief.

MOTION AUTHORIZING PAYMENT TO ACE TENNIS: A motion was made by Mr. authorizing payment to Ace Tennis in the amount of \$10,089 for First Session Tennis Lessons; seconded by Mr. Ayes all; motion carried.

ENACTMENT OF ORDINANCE 18-2008: Council listened to the First Reading in title only of Proposed Ordinance 18-2008 which description is: "An Ordinance partially suspending the Rules and Regulations regarding the sale and possession of beer and wine at the Municipal Park during Highland Heights Home Days for 2008 and declaring an emergency." Mr. moved to suspend the Second and Third Readings; seconded by Mr. Ayes all; motion carried. Mr. moved to enact; seconded by Mr. Ayes all; motion carried.

ADOPTION OF RESOLUTION 35-2008: Council listened to the Second 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." Chief Cook requested approval this evening. Mr. moved to suspend the Third Reading; seconded by Mr. Ayes all; motion carried. Mr. moved to adopt; seconded by Mr. Ayes all; motion carried.

MOTION AUTHORIZING CLERK TO ADVERTISE FOR BIDS FOR POLICE DEPARTMENT JAIL IMPROVEMENT: A motion was made by Mr. authorizing the Clerk to advertise for bids for the Police Department Jail Improvement; seconded by Mr. Ayes all; motion carried.

SECOND READING PROPOSED ORDINANCE 16-2008: Council listened to the Second 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."

SECOND READING PROPOSED ORDINANCE 17-2008: Council listened to the Second 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."

ENACTMENT OF ORDINANCE 12-2008: Council listened to the Third 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." Mr. moved to enact; seconded by Mr. Ayes all; motion carried.

ENACTMENT OF ORDINANCE 13-2008: Council listened to the Third 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." Mr. moved to enact; seconded by Mr. Ayes all; motion carried.

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

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

President of Council