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**CITY OF HIGHLAND HEIGHTS  
MINUTES OF A COUNCIL MEETING  
HELD: JULY 22, 2008**

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President of Council Mills presiding.

PRESENT: Mayor Coleman; Councilmen Anderson, Hargate, Legan, Lombardo, Mills, Murphy, Pilla; Clerk of Council Buchak; Fire Chief Turner; 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 July 8, 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: Chief Turner reported for the month of June the department received a total of 98 calls. They are finishing the hydrant maintenance program for the year. As of now 322 of 740 hydrants have been painted. They look forward to completing that project next year.

Police Chief's Report: No report.

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

- The Computer Roundup will be conducted during the month of August. Residents can drop off their computers at the Service Department.
- The Household Hazardous Waste Roundup will run from August 25th through September 6th. There will be a one day Saturday collection on September 6th from 9:00 a.m. to 2:00 p.m.
- Both programs run Monday through Friday; 8:00 a.m. to 3:30 p.m.
- Item No. 2 on the agenda is a request to purchase lumber and sleeves for the street sign posts. Council was sent a memo on that. Approval was requested this evening.
- Items 3 and 4 on the agenda were discussed in the Committee of the Whole Meeting. Because Council is going into recess, adoption is recommended this evening.
- Item no. 8 on the agenda is the body equipment for the truck that they have on order. Again because of the Council recess, approval was requested this evening.

Mr. Mills noted that the Safety & Service Committee had recommended approval of Item No. 8.

Building Commissioner's Report: Assistant Building Commissioner Austin asked Council to schedule discussion on an ordinance to have the city landscape architect review landscape plans in the R&R development. Also, he suggested having landscapers register as contractors.

Mr. Austin reported Osborne received approval and has removed the Sunoco station building on Wilson Mills Road. They are in the process of removing the contaminated soil. Then they will start with the preliminary site work for Alpha Shoppes. The Building Department now has construction documents for Key Bank on Alpha Drive.

Mayor Coleman advised registration of landscapers was discussed at his last department head meeting. He would like to at some point propose an ordinance that would require that landscapers who cut grass on people's property be registered with the city and that they show proof of insurance. The Police Department thought that it was a good idea to know who is on site.

This subject will be discussed in the next Committee of the Whole.

City Engineer's Report: City Engineer Blackley reported most of the projects were covered in the Committee of the Whole preceding this meeting. He gave a brief report on the Highland-Bishop Intersection Project and advised Tri-Mor had some delays this week because of the rain. Mr. Blackley asked Council to pass Item 7, the resolution declaring the necessity to appropriate an easement for the corner of Highland and Bishop Road.

In response to Mr. Legan's inquiry regarding Fabrizi Trucking doing work on Colony, Mr. Blackley stated Fabrizi will start tomorrow.

Finance Director's Report: Finance Director Ianiro stated he had no report but commented on items on the agenda:

- Item No. 1 is the abatement of nuisance conditions for property owners who have not paid their invoices to the City. Council was asked to pass that so the assessments can be certified to the County.
- As discussed earlier in the Committee of the Whole Meeting, Council was requested to consider placing on the agenda the second payment to Ace Tennis for approval this evening.

In response to Mrs. Murphy's inquiry regarding an assessment for a builder times six for cutting noxious weeds, Mr. Ianiro advised the city has to take care of the lots that the builder owns and has not received payment. The amount will be certified to the County.

### **COMMITTEE REPORTS:**

Park and Recreation Commission: Mr. Anderson reported, as discussed previously in the Committee of the Whole, they did have an emergency meeting at Whiteford Park. The location of the playground equipment will be moved to the right instead of butting up to the woods. It would give the parks department more land so they could plan some programs there -- maybe t-ball, flag football or something.

Mayfield Area Recreation Council (MARC): No report.

Planning and Zoning Commission: No report.

Legislative & Finance Committee: No report.

Safety & Service Committee: No report. Mr. Hargate requested a meeting to be scheduled for an hour and a quarter prior to the Committee of the Whole next week. He requested that the City Engineer and the Service Director be present to discuss Items 4, 5 and 6 on this evening's agenda.

Commission on Aging: No report.

Drainage Committee: Mrs. Murphy reported as follows:

- In a meeting held this evening they addressed several residential property matters -- stream cleaning and creek erosion. They determined that it is important for the City to develop a prioritizing method or list whereby they can address these projects in an orderly fashion. In particular they would recommend looking at the stream along Bishop towards the airport. That has been identified as an area that is in somewhat critical need.
- They also did discuss breaking out the Roy, Renee and Esther project and developing plans for that. The Engineer will be working on that.
- The McCracken-Kristosik Drainage project is inching closer to resolution. They did receive two bids and the committee would recommend that the bid submitted by Frate be approved as the lowest and best. It was quoted at \$8,000. This money would come from the Drainage Fund in the budget. They are waiting for an easement from Mr. Kristosik. Mrs. Murphy deferred to the Law Director for an update on that. Once they acquire the easement they could be good to go. They would all be looking forward to a resolution of that.

In response to Mr. Anderson's inquiry on what work was to be done on the McCracken-Kristosik properties, Mrs. Murphy suggested he review the plans with City Engineer Blackley.

Home Days Committee: No report.

**Law Director's Report:** Law Director Paluf reported he talked with Mr. Kristosik last night and he believed that Mr. Kristosik talked with the Engineer today. Mr. Kristosik is willing to sign a temporary work area agreement as well if the McCracken's are satisfied with the work to be done. Mr. Kristosik has the agreement. Mr. Paluf then reported on items on the agenda:

- Item No. 1 on the agenda, appointment of the Fire Chief. Pursuant to Civil Service and the Charter, department heads are confirmed by Council.
- Item No. 7 on the agenda, appropriating land for the Bishop and Highland Intersection Improvement, approval was recommended this evening as requested by the City Engineer.
- Item No. 9 is a second version of submitting the petitions to the electors. Mrs. Murphy informed him that there were some concerns. When he talked with the board of elections, a week ago, they suggested he summarize the title. He tried to do that but it makes more sense the more they talked about it to put the entire proposed amendment to Section 1407 in there. If the Board of elections has questions they will bring them up with the committee. The new version is dated 7/22/08.

**MAYOR'S REPORT:** Mayor Coleman requested that Council pass Item No. 13, which refers to the payment of bonuses to certain service department employees who carry a valid CDL license. This was discussed in the budgeting process, in the Committee of the Whole and in Legislative & Finance and has been budgeted.

Mr. Lombardo confirmed that it was in the budget.

Mayor Coleman reported the Newsletter should be in the hands of residents this Thursday or Friday.

Mayor Coleman publicly commended D.J. Rapposelli and Tony Bondra who are the City's baseball and softball commissioners. He received a couple nice emails about the program that they put on for the play offs and the championship games. D.J.'s program was very patriotic and they were proud of the entire program. Tony Bondra asked the Mayor, Fire Chief and Police Chief to throw out the first pitches for the girl's softball games. Chief Turner got to do his first official act.

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

1. Motion authorizing a contract with Anderson Recreational Design in the amount of \$24,790.00 for the purchase and installation of playground equipment in accordance with their quotation dated July 21, 2008.

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

2. Motion authorizing payment to Ace Tennis in the amount of \$9,145 for the Second Session Tennis Lessons.

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

**MEETING OPENED TO THE PUBLIC:**

Pastor Rory Tate, Victory Baptist Church, 7777 Boyden Road, Northfield, OH, phone 216-732-5851, advised his congregation was interested in renting the former church property at 5775 Highland Road. They proposed to renovate the property and take possession of it. He asked what course of action would be in order to do that.

Council President Mills advised that the Council and administration have just started the process of looking at that building and a decision has not been made as yet. He suggested to Pastor Tate that he leave information with the clerk and the City will get back to him once they decide what to do with the building.

Mrs. Amy Feran, 5650 Hawthorne Drive, addressed Council. Mrs. Feran stated she is a member of the Highland Heights Community Group known as (LOGS) Love our Green Space. She learned today that Bass Energy has filed a lawsuit to force the City to go along with a lease to allow gas wells in the Community Park. She stated this illustrates the need to amend the

Charter to guarantee that residents will be informed and actively involved before any decisions are made regarding the City Park and City owned park land.

**NEW BUSINESS:**

**MOTION AUTHORIZING CONTRACT WITH ANDERSON RECREATIONAL DESIGN:** A motion was made by Mr. Anderson authorizing a contract with Anderson Recreational Design in the amount of \$24,790.00 for the purchase and installation of playground equipment in accordance with their quotation dated July 21, 2008; seconded by Mr. Pilla. Ayes all; motion carried.

**MOTION AUTHORIZING PAYMENT TO ACE TENNIS:** A motion was made by Mr. Pilla authorizing payment in the amount of \$9,145.00 to Ace Tennis for the Second Session Tennis Lessons; seconded by Mr. Anderson. Ayes all; motion carried.

**MOTION CONFIRMING MAYOR'S APPOINTMENT OF FIRE CHIEF:** A motion was made by Mr. Hargate confirming the Mayor's appointment of William R. Turner as Fire Chief on July 8, 2008; seconded by Mr. Anderson. Ayes all; motion carried.

**MOTION AUTHORIZING A PURCHASE FROM LAKELAND LUMBER, INC.:** A motion was made by Mr. Anderson authorizing a purchase from Lakeland Lumber, Inc., in an amount not to exceed \$10,500 for the purchase of Timber, PVC Sleeves and Post Caps for the Street Sign Project; seconded by Mr. Pilla. Ayes all; motion carried.

**ADOPTION OF RESOLUTION 37-2008:** Council listened to the First Reading in title only of Proposed Resolution 37-2008 which description is: "A Resolution declaring Promark Contracting LLC to be the lowest and best bidder for the Striping of Certain Streets within the Municipality, authorizing the Mayor to enter into a contract with said bidder not to exceed the sum of \$30,583.22, rejecting all other bids received and declaring an emergency." Service Director Evans requested approval this evening. Mr. Hargate moved to suspend the Second and Third Readings; seconded by Mr. Lombardo. Ayes all; motion carried. Mr. Lombardo moved to adopt; seconded by Mr. Hargate. Ayes all; motion carried.

**FIRST READING PROPOSED RESOLUTION 38-2008:** Council listened to the First Reading in title only of Proposed Resolution 38-2008 which description is: "A Resolution declaring Seitz Builders to be the lowest and best bidder for the construction of the Service Department Salt Storage Building, authorizing the Mayor to enter into a contract with said bidder, not to exceed the sum of \$243,900.00, rejecting all other bids received and declaring an emergency." Council President Mills referred Proposed Resolution 38-2008 to the Safety & Service Committee for review.

**FIRST READING PROPOSED RESOLUTION 39-2008:** Council listened to the First Reading in title only of Proposed Resolution 39-2008 which description is: "A Resolution declaring TC Construction Co., Inc. as the lowest and best bidder for the 2008 Miscellaneous Concrete Street Repair Program, authorizing the Mayor to enter into a contract with TC Construction Co., Inc. in an amount not to exceed the sum of \$59,953.92, rejecting all other bids received, and declaring

an emergency." Council President Mills referred Proposed Resolution 39-2008 to the Safety & Service Committee for review.

**FIRST READING PROPOSED RESOLUTION 40-2008:** Council listened to the First Reading in title only of Proposed Resolution 40-2008 which description is: "A Resolution declaring C. A. Agresta Construction Co. as the lowest and best bidder for the Highland Road Pedestrian Facility Project, authorizing the Mayor to enter into a contract with C. A. Agresta Construction Co. in an amount not to exceed the sum of \$634,210.70, rejecting all other bids received, and declaring an emergency." Council President Mills referred Proposed Resolution 40-2008 to the Safety & Service Committee for review.

**ADOPTION OF RESOLUTION 41-2008:** Council listened to the First Reading in title only of Proposed Resolution 41-2008 which description is: "A Resolution declaring the necessity of appropriating certain lands for the Bishop and Highland Road Intersection Improvement Project, declaring said appropriation to be a true emergency, and declaring an emergency." Mr. Anderson moved to suspend the Second and Third Readings; seconded by Mr. Pilla. Ayes all; motion carried. Mr. Pilla moved to adopt; seconded by Mr. Lombardo. Ayes all; motion carried.

**ADOPTION OF RESOLUTION 42-2008:** Council listened to the First Reading in title only of Proposed Resolution 42-2008 which description is: "A Resolution authorizing the Mayor to execute a contract with Concord Road Equipment Mfg., Inc. for the purchase of Dump Body, equipment, hydraulics, and snow plow package pursuant to the Ohio Department of Administrative Services Purchasing Act in an amount of Thirty Nine Thousand Eight Hundred Ten Dollars and Eighty Cents (\$39,810.80), and declaring an emergency." Service Director Evans recommended approval this evening to permit the equipment to be ordered. Mr. Hargate moved to suspend the Second and Third Readings; seconded by Mr. Legan. Ayes all; motion carried. Mr. Lombardo moved to adopt; seconded by Mr. Legan. Ayes all; motion carried.

**FIRST READING PROPOSED ORDINANCE 19-2008:** Council listened to the First Reading in title only of Proposed Ordinance 19-2008 which description is: "An Ordinance submitting a Charter Amendment to the Electors of the City of Highland Heights pursuant to Charter Section 12.01 and Article XVIII, Section 9 of the Ohio Constitution, and declaring an emergency."

**ENACTMENT OF ORDINANCE 20-2008:** Council listened to the First Reading in title only of Proposed Ordinance 20-2008 which description is: "An Ordinance levying assessments 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." Mr. Legan moved to suspend the Second and Third Readings; seconded by Mr. Lombardo. Ayes all; motion carried. Mr. Pilla moved to enact; seconded by Mr. Lombardo. Ayes all; motion carried.

**ENACTMENT OF ORDINANCE 21-2008:** Council listened to the First Reading in title only of Proposed Ordinance 21-2008 which description is: "An Ordinance assessing the cost of abating a certain nuisance, and declaring an emergency." Mr. Lombardo 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.

**ENACTMENT OF ORDINANCE 16-2008:** Council listened to the Third 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." Mr. Legan moved to enact; seconded by Mr. Anderson. Ayes all; motion carried.

**ENACTMENT OF ORDINANCE 17-2008:** Council listened to the Third 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." Mr. Lombardo moved to enact; seconded by Mr. Legan. Ayes all; motion carried.

**TABLED ORDINANCE 14-2008:** Council listened to the Third 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." Mr. Hargate moved to table; seconded by Mrs. Murphy. Ayes all; motion carried. Mrs. Murphy advised this Ordinance is being further researched by the Legislative & Finance Committee.

**MOTION TO ADJOURN INTO EXECUTIVE SESSION:** A motion was made by Mr. Legan to adjourn into Executive Session to discuss pending 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. Anderson. Roll call on the motion: Ayes all; motion carried. Council adjourned at 8:44 p.m. and reconvened at 9:20 p.m.

**MEETINGS FOR JULY 29, 2008:**

Council Members agreed on the following Schedule for Tuesday, 7/29/08

6:00 p.m. Safety & Service Committee  
7:15 p.m. Legislative & Finance Committee  
7:30 p.m. Committee of the Whole  
Special Meeting to follow

**ADJOURNMENT:** A motion was made by Mr. Pilla and seconded by Mr. Anderson to adjourn the meeting. Said meeting adjourned at 9:20 p.m.

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Clerk of Council

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President of Council