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**CITY OF HIGHLAND HEIGHTS  
MINUTES OF A COUNCIL MEETING  
HELD: SEPTEMBER 9, 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; 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 July 22, 2008 was dispensed with. Mrs. Murphy moved to accept the Minutes as written; seconded by Mr. Pilla. Ayes all; motion carried.

The reading of the Minutes of a Special Meeting held July 29, 2008 was dispensed with. Mr. Legan moved to accept the Minutes as written; seconded by Mr. Anderson. Ayes all; abstain Pilla; motion carried.

The reading of the Minutes of a Special Meeting held August 19, 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 August 26, 2008 was dispensed with. Mr. Lombardo moved to accept the Minutes as written; seconded by Mr. Pilla. Ayes all; abstain Hargate, Legan; motion carried

The reading of the Minutes of a Special Meeting held September 2, 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 the Fire Department responded to 117 calls during July and 113 calls during August. They are just about completed with the promotional process for Lieutenant and the appointment of a new full time firefighter. His goal is, in the first Regular Council meeting in October, to promote a Lieutenant and appoint a firefighter. On August 14th Police Chief Cook did a Code Red test. That was very successful. Chief Turner advised that he along with Captain Molnar and Assistant Building Commissioner Austin will be going to Columbus for a meeting of the Board of Building Standards to go over an issue they are having with Aberdeen Commons.

Police Chief's Report: Chief Cook reported

- For the month of July the Police Department responded to 1018 calls for service; 15 property damage accidents, 3 involving injuries; and, responded to 65 residential alarms. They held 36 prisoners for a total of 500 hours.

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- For the month of August the Police Department responded to 1016 calls for service; 12 property damage accidents with 5 involving personal injuries; and, responded to 72 residential alarms. They held 26 prisoners for a total of 825 hours.
- The 2008 Jail Inspection was conducted on July 17th by the State of Ohio and the Highland Heights Jail passed all 14 standards.
- Jail Renovation. They are working with RWL Architects, Inc. on the jail renovation. Bid opening is scheduled for October 3rd.
- Code Red System. A test was conducted on the Code Red System and it seemed to work very well. They received a couple calls from residents who did not seem to understand the message. Also they received some calls to see if they could add additional cell phone numbers. From the initial test, it seemed to be working very well.

In response to Mr. Mills' inquiries, Chief Cook reported 3300 minutes were used on the test call. The test call was 59 seconds. Out of approximately 5000 residents, they reached roughly 3400 within 9 1/2 minutes. Chief Cook advised they can make changes to the phone numbers and can add cell phones. The police department authorizes the changes on a weekly basis.

In response to Mrs. Murphy's inquiry regarding the status of establishing a crossing for Aberdeen Boulevard residents, Chief Cook reported he and Lieutenant Visoky met with Mr. Barnett, representative for the home owners in July and Service Director Evans has also worked with him. They wanted to make sure their definition of a crosswalk was the same. Mr. Barnett was more interested in curb cutting so if someone was going down one side of the street with a stroller or something they did not have to walk in the street. Chief Cook stated Mr. Barnett wanted a curb cut and not a crosswalk. Chief Cook also stated that his main message to Mr. Barnett was that the residents have to know that they have to yield to traffic. They are to meet with Mr. Barnett again.

Mayor Coleman added that he and Mrs. Murphy also met with Mr. Barnett last week and Mrs. Murphy mentioned to him about an existing crosswalk at Greenway Court that really shouldn't be there and he was agreeable to having that removed.

Service Director's Report: Service Director Evans reported

- The Computer Roundup. That was conducted during the month of August.
- Household Waste Roundup. This was conducted during the last week of August and the first week of September in cooperation with the County Solid Waste District. Both programs very successful and very well received.
- 2008 Crack Sealing Program. The department is in the process of completing their crack sealing program for 2008. This is a program they do in-house with the use of rented equipment.
- Update on the various sign programs. They have three sign projects: 1) The Municipal Complex signs. That is complete. 2) The Municipal gateway signs were delivered and received and some have been installed. The rest of the signs will be installed in the next few weeks with the exception of the one on Highland Road by the freeway. They may hold off on the Highland Road sign because of the Pedestrian Project. The contractor has been working there doing some tree removal. 3) Street name signs are on order.

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They expect some delivery and hope to get a start on that program before the leaf season.

- Leaf season will begin Monday, October 13th.
- The salt dome is well under way. The contractor is down to shingling and staining the exterior and a concrete apron needs to be placed in front of the building. It is moving along well.
- Community Center projects. One project was discussed this evening in the committee of the whole meeting. Mr. Evans recommended Council award that contract this evening. Bid opening for the other project which is tuck pointing and interior work is September 12th. He asked that that bid be discussed in the committee of the whole next week for possible award of the bid.
- Ridgebury Boulevard Resurfacing Project. Notice has been received from the County Engineer's office that the Ridgebury Project is on schedule. The entire project will go from Richmond Road to SOM. It will be built in two phases. Highland Heights' section will be done in Phase I, which is from Richmond Road to just short of Lander next year. In the following year, Phase II will be worked on. They are phasing this project to work around the Mayfield Road project. Phase I is expected to be bid in October and awarded in late October for construction in early spring of 2009.

In response to Mrs. Murphy's inquiry regarding the Whiteford Park playground equipment, Service Director Evans reported they took delivery of the equipment today. His conversation with Recreation Director Ianiro is that it will be a couple weeks before the installation.

In response to Mr. Anderson's inquiry regarding the layout, Mr. Evans advised he did not do the layout; however, he understood that it is going north of the previous location. He also advised that when the contractor removes the soil to put the safety surface in, they are going to put that soil in the existing holes from the old equipment. Then the Service Department will need to follow up with leveling and seeding.

Building Commissioner's Report: Assistant Building Commissioner Austin reported Alpha Shoppes has begun their process of building the Shoppes of Alpha, the retail stores. His department is still receiving plans as they work through the project. Also, Key Bank has submitted some plans and some construction documents.

Mr. Austin reported they do have an adjudication order in place against Aberdeen Commons for a sprinkler system in the attic. They will be going to a hearing at the District 3 office on Friday. This was reviewed by RWL Architects the firm that is doing the jail currently and they agreed with the City's findings. That letter also was submitted.

City Engineer's Report: City Engineer Blackley reported

- The swale work at 336 Miner Road has been completed.
- The Colony Road Project. Emil Frabrizi, President of Frabrizi Trucking has assured that they will be back later this week to complete restoration work along the sidewalks. Also they removed the porta potty that was sitting there.
- Highland Bishop Intersection Improvement. The contractor is now working on the northeast quadrant. A meeting was held last week to discuss the work in the center

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lanes which is scheduled to begin the week of September 22nd. Right now they have been working on the four quadrants leaving the center pavement for last. When they do this they will maintain two way traffic at all times but it will be alternating and it will be down to one lane. They will have a flagman and if necessary a police officer posted in the intersection with a flagman at each end. That process will take probably two to three weeks to complete. During that time there will be long delays in that intersection.

- Highland Road Pedestrian Project. The clearing work is to start next week. The Illuminating Co. has been in on the east end of the project, starting to move some power poles out of the way but the City contractor is not really going to work on that part of the job until next year. Mr. Blackley received a letter today from ODOT District 12 that they have officially sent the project funding package to Columbus to secure the official encumbrance of the funds.

Mr. Mills asked that the contractor for the park return and reseed where they took the old parking lot out.

In response to Mr. Anderson's inquiry regarding aprons to be repaired on Eastlawn, Mr. Blackley advised there are three aprons on Eastlawn to be done.

In response to Mr. Hargate's inquiry regarding notices to the Highland Road residences regarding the Pedestrian project, Mr. Blackley stated they were mailed.

Finance Director's Report: Finance Director Ianiro reported

- The biannual audit report for the years ending December 31, 2006 and December 31, 2007 was released by the State Auditor's Office last month. Copies of the pertinent information have been distributed to all of Council. Basically, an unqualified opinion was received which states the financial statements are fairly presented; there were no citations; no findings. That information is available on the website under the Finance Department and the entire report is available on the State Auditor's Web site.
- On August 12th Mr. Ianiro and Chief Cook participated in another audit for the Juvenile Diversion Program with the folks representing Cuyahoga County. The City's program was found to be in compliance. This happens annually.
- Today the Finance Department finished a draft of their annual information filing report which is their annual disclosure document and which is based on debt that has been issued in the past which has to be filed with a depository. That is completed in conjunction with Squire, Sanders and Dempsey. When available copies will be made for Council. That has to be filed by September 26th.
- Income tax collections through August are up over 17% from last year. Employer withholding is up 20%, individual withholding is up around 60% and net profits are down 25%. The city is actually doing very well in its income tax collections this year.
- Item 4 on the agenda is an ordinance regarding transfers to each of the pension funds. Council is asked to pass that under suspension of the rules tonight because the payments have to be made by the end of this month.

**COMMITTEE REPORTS:**

Park and Recreation Commission: No report. A meeting is scheduled for September 18th.

Mayfield Area Recreation Council (MARC): Mr. Anderson reported MARC met last Thursday. The MARC Art Show will be held at the Mayfield Library from September 21st through October 18th. The Punt, Pass and Kick Program is coming up on September 21st at the high school at 12:00 noon. Fly fishing is coming up on September 20th.

Mr. Mills asked when the Commission reviews the fees for the summer programs. Mayor Coleman advised usually prior to the Sizzler going out, at the end of the year or the first part of the year.

Planning and Zoning Commission: Mr. Pilla reported in a meeting held Monday, September 8th the following items were considered.

- **Wilson Mills Properties Co., LLC, 5612 Wilson Mills Road,** was granted a variance for the square footage of the building.
- **Bodycote Thermal Processing, 5475 Avion Park Drive,** was granted a variance to the setback requirements to extend their building.
- **Duane & Barbara Bookshar, 1036 Ford Road.** Request is for a variance to the Accessory Building and Garage Requirements. This request was tabled; the applicant will revise the variance request.

Mayor Coleman commented that he received a call from a resident today upset about the meeting last evening. He had forwarded to the committee emails and memos and had encouraged the residents to attend the Planning & Zoning Commission Meeting to express their concerns because that is the only opportunity for the residents to express their thoughts before a vote was taken on the issue because Council has no say or vote on this issue. He knew Chairman Mastrangelo should not allow comments about anything that doesn't have to do with the agenda but he believed this was on point.

Mr. Pilla advised P&Z had an opinion from the Law Director expressing that they are singling out the variance requested on the size of the building and that is what P&Z was doing, not voting on the tenant. Some of the comments were allowed. Again it was made clear that they were only voting on the building variance and not the tenant.

Mrs. Murphy advised she attended the meeting as well. She stated this is an example of the need to have the Law Director attend some of these meetings.

Mr. Mills added that he was also at the meeting and that he thought the P&Z Commission should be commended because they did the right thing for the city even though they may not have agreed with the projected use.

Legislative & Finance Committee: Mr. Lombardo reported a meeting was held this evening at 7:00 p.m. to discuss the renewal of health insurance for city employees. They have selected three brokers to solicit quotes from for the upcoming year. Also on the agenda this evening is a

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resolution to award a contract for improvements to the community center. L&F recommended approval this evening so that project can proceed.

Safety & Service Committee: No report.

Commission on Aging: No report.

Hillcrest Council of Councils: Mr. Hargate reported a meeting was held Saturday to develop a slate of officers for the coming year. The first meeting will be held toward the end of October.

Drainage Committee: No report. Mrs. Murphy scheduled a meeting for September 23rd at 7:00 p.m.

Law Director's Report: Law Director Paluf reported Item No. 3 regarding a video service provider fee was discussed previously in the Committee of the Whole. Since all agreed that it has to be done and the percentage, he asked that Council suspend the readings on that.

Mr. Paluf also reported he did receive from the Board of Elections a reconfigured question regarding the issue on the ballot and that was forwarded on to the LOGS petitioners. It is his understanding that they were satisfied with it.

Mr. Mills advised he did contact one of the petitioners and she will contact the Board of Elections. He advised the absentee ballots will be out on October 1st and they want to be sure that the City's notice to the residents will be out prior to that.

**MAYOR'S REPORT:** Mayor Coleman reported regarding Item one on the agenda. Carol Thomas who was a member of Board of Building and Zoning Appeals has resigned and he would like to appoint David Corrado to that Commission. He advised David is a 15 year resident, a self employed attorney, has served on a Charter Review Committee, and has been active in the city sports programs, coaching both girls and boys baseball. Yesterday he received a call from Charlie Kerr, Chairman of that committee who heard that Carol resigned and asking that an attorney be appointed to that board. Mr. Kerr was pleased that Mr. Corrado was nominated.

Mayor Coleman stated he was glad that Mr. Zanella was here this evening; this will save him a phone call. At a previous meeting he had mentioned something that Mr. Zanella brought to his attention and that had to do with the changing of the bus routes for Mayfield School District. He had asked Council to look into expanding the sidewalk program as a result of that with additional equipment and manpower. Mayor Coleman advised he spoke to the Superintendent who assured him that was not necessary because on the days that the snow would be at the point where the kids can not walk on the sidewalk, they will go back to the old route where they stop at every house. So he did not think there was any need to expand that program right now.

In response to Mr. Mills' inquiry as to the status of the update of the website, Mayor Coleman advised within a month.

Council President's Report: Council President Mills provided some information regarding the proposed tenant, MARC's, in the former Catalano store at 5612 Wilson Mills Road. This is an average size store for them; most are 45,000 to 50,000 SF. In this store, they will put in 1.5 million dollars for building improvements in the roof, parking lot, etc; 1.5 million dollars for

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equipment inside; and, 1.5 dollars in inventory before they open. That is 4.5 million dollars they will put into that building before they open. Also they will create about 125 jobs with an annual payroll of 1.75 to 2 million dollars. They have recently purchased their own produce terminal.

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

**MEETING OPENED TO THE PUBLIC:**

Mrs. Maria Fantozzi, 5627 Wilson Mills Road, objected to a MARC's store being located in the former Catalano building. She stated her problem is with traffic, getting in and out of her driveway. She lives right across the street from the former Catalano building.

Mr. David Viga, 477 Longspur Road, objected to a MARC's store going in and stated he wished the voters had a chance to vote on it.

Mrs. Francine Basile, 5635 Wilson Mills Road, objected to a MARC's store, stated she was afraid of thefts; questioned if they would be selling 70% groceries because they are known as a discount drug store. She stated her concern is with the traffic, trucks, noise, thefts, and the cleanliness of the store.

Mr. Pilla advised the hours of operation they have given are Monday through Saturday 8 a.m. to 9 p.m. and Sunday from 8 a.m. to 7 p.m. He advised the tenant will return to P&Z for approval.

Chief Cook advised they did check with South Euclid and Mayfield Heights and he had seen a report on MARC's which was similar to Catalano's. He advised Catalano's also had a lot of thefts and bad check problems.

**NEW BUSINESS:**

**Mayor's Appointment Board of Building and Zoning Appeals:** David Corrado.

A motion was made by Mr. Hargate confirming the Mayor's appointment of David Corrado to the Board of Building and Zoning Appeals to fill the unexpired term of Carol Thomas, expiring 12/31/2009; seconded by Mr. Lombardo. Ayes all; motion carried.

**ADOPTION OF RESOLUTION 48-2008:** Council listened to the First Reading in title only of Proposed Resolution 48-2008 which description is: "A Resolution declaring Landscape By Design as the lowest and best bidder for the Community Center Waterproofing and Landscaping Project, authorizing the Mayor to enter into a contract with said bidder not to exceed the sum of \$56,471.46), rejecting all other bids received and declaring an emergency." Mr. Anderson moved to suspend the Second and Third Readings; seconded by Mr. Pilla. Ayes all; motion carried. Mr. Hargate moved to adopt; seconded by Mr. Pilla. Ayes all; motion carried.

**FIRST READING PROPOSED ORDINANCE 22-2008:** Council listened to the First Reading in title only of Proposed Ordinance 22-2008 which description is: "An Ordinance establishing a video service provider fee to be paid by any video service provider offering video service in the City of Highland Heights, authorizing the Mayor to give notice to the video service provider of the video service provider fee, and declaring an emergency." Mr. Anderson moved to suspend

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the Second and Third Readings; seconded by Mr. Hargate. Ayes all; motion carried. Mr. Pilla moved to enact; seconded by Mr. Anderson. Ayes all; motion carried.

**ENACTMENT OF ORDINANCE 23-2008:** Council listened to the First Reading in title only of Proposed Ordinance 23-2008 which description is: "An Ordinance authorizing transfers and declaring an emergency." Mr. Hargate 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.

**ATTENDANCE AT 9/16/08 COMMITTEE OF WHOLE MEETING:** Mayor Coleman and Councilman Pilla advised they would not be present on September 16, 2008.

**MOTION TO ADJOURN INTO EXECUTIVE SESSION:** A motion was made by Mr. Hargate to adjourn into Executive Session to discuss imminent and 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 8:59 p.m. and reconvened at 9:12 p.m.

**ADJOURNMENT:** A motion was made by Mr. Pilla and seconded by Mr. Anderson to adjourn the meeting. Said meeting adjourned at 9:15 p.m.

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Clerk of Council

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President of Council