
**CITY OF HIGHLAND HEIGHTS
MINUTES OF A COUNCIL MEETING
HELD: SEPTEMBER 23, 2008**

President of Council Mills presiding.

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

ABSENT: Councilman Anderson excused.

CONDOLENCES: Council President Mills on behalf of Council and the entire City expressed condolences to the Ted Anderson family on the recent death of his Mother.

ACTION ON MINUTES: The reading of the Minutes of a Council Meeting held September 9, 2008 was dispensed with. Mr. Pilla moved to accept the Minutes as written; seconded by Mr. Lombardo. Ayes all; motion carried.

The reading of the Minutes of a Special Meeting held September 16, 2008 was dispensed with. Mr. Legan moved to accept the Minutes as written; seconded by Mrs. Murphy. Ayes all; abstain Pilla; motion carried.

DEPARTMENT HEAD REPORTS:

Fire Chief's Report: Chief Turner reported as follows:

- On September 11th the Police and Fire Departments participated in a Patriot Day with Philips' employees and paid tribute to those who lost their lives on September 11th. The police and fire assisted with raising the flag and then lowering it to half staff. He thanked Philips for giving them the opportunity to help with that event.
- The Fire Department did respond to three separate incidents resulting from the wind storm September 14th, all were fairly minor in nature. They did have two serious storm related calls after the fact. One was a C.O. poisoning and one was a structure fire. Both incidents were on Barkston, one on the 16th and one on the 17th.
- A CodeRed message sent out to residents was very successful. Connections were made to 3400 out of 4416 which is remarkable. Chief Cook, the Code Red people and he look at 60% as a good number to receive; 74% of the community received the message.
- Fire Prevention Week is October 5th to the 11th. The Fire Department will have its open house on October 25th following the Halloween Party.

Mr. Pilla advised KinderCare Learning Center, 669 Miner Road, came to the P&Z Meeting last evening. Their application was referred to the City Engineer and also to the Fire Department because there was a question about a fire hydrant.

Police Chief's Report: No report.

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

- Request for Proposals are going out this week for two tree projects, one for planting on the mound behind the Salt Dome and the other is for the 2008 Street Tree Program. The proposals are to be returned by October 10th. Possibly Council could look at awarding something by mid October.
- Items 1 and 2 on the agenda are items for the Community Center building. Award of the contracts is requested this evening. The building is scheduled to be closed November 5th.
- The Service Department has spent the last two weeks working on a large unexpected brush collection resulting from the wind storm on September 14th. Council was thanked again for approving purchase of the chipper last year.
- The Leaf Collection Program begins October 13th.
- The weather station on the roof of the Service Department recorded a wind speed on Saturday night September 13th between 6:30 and 7:00 p.m. of 42 mph.

Building Commissioner's Report: Assistant Building Commissioner Austin reported regarding Aberdeen Commons Assisted Living, 399 Bishop Road, that the adjudication order was upheld as a result of a hearing held Friday, September 12th when they went to the District 3 office in Ashland. The assisted living center will suppress the system throughout which means in the attic. That allows the Fire Department more time in case of a fire.

Mr. Austin also reported they have a total of 209 violations on the books since May of this year and as of today, 90 of those have been corrected and are in compliance now. The violations vary from commercial vehicles, property maintenance, commercial maintenance and the tall weeds. These violations come with varying degrees of time allowed to correct. Some home owners are working with contractors so they have extended time. Mr. Austin stated, in driving through the city he noticed that some areas have been taken care of and are now well maintained.

Mayor Coleman asked if that May date coincided with when Michael Iliano came on Board. Mr. Austin advised Mr. Iliano came on board a little bit after that and has handled 137 violations and 67 are corrected. The violations are in the computer so they know if there is a repeat offender. Mr. Austin also advised he fields phone calls during the day and leaves the messages for Mr. Iliano who comes in between 4:30 and 8:30 p.m., 3 days a week and on Saturday and Sunday. Mr. Iliano reviews his notes and then goes to the residences. With the recent storm, Mr. Iliano has been out to seven properties because of tree damage.

In response to Mr. Mills' inquiry regarding a problem on West Mill, Mr. Austin stated they were out there yesterday and talked with the home owner. One of the violations was garbage cans in the front of the property. The ordinance states garbage cans have to be covered receptacles,

out of sight from the residents. He talked with the resident who has corrected that and is now looking for a tree contractor.

Mr. Mills requested an update on the Bishop and Wilson Mills property. Mr. Austin stated the owner has been cited and has been given 30 days to comply.

City Engineer's Report: City Engineer Blackley provided an update on ongoing projects:

- Frabrizi, the contractor on Colony and Eastlawn was back this week. He replaced the drive aprons today. The restoration work should be completed by the end of the week.
- Highland and Bishop Intersection Project. There is ongoing work there. The "no left turn" signs were posted late this afternoon. He expects the center lane removal work to begin in the next couple days.
- The salt dome facility is substantially complete at this point.
- The waterproofing contractor for the Community Center will begin later this week.
- Agresta and his subcontractor, Camino, have started on the Highland Road Pedestrian Facility this week.
- Issue I Applications. Two drafts of the DOPWIC applications were passed out this evening. These are the objects of Items 3 and 4 on the agenda. These were prepared based on the funding scenarios discussed last evening with the Finance Committee. A quick rundown is: On the Miner Road project, page 3, 40% local match and 60% loan. Total project amount is 2.2 million dollars. On the Roy, Esther, Renee project, page 3, 40% local match and a 60% loan. Total project cost is 1.1 million dollars. Page 4 of the application lists some details of the scope of the project. Mr. Blackley asked that Items 3 and 4 on the agenda be approved this evening because the applications are due Friday.

Mr. Pilla asked City Engineer Blackley to check the Bishop Road sidewalk where it seems to be only 18 or 20 inches from the street. Mr. Blackley will check that. Mr. Pilla also noted that as they were digging under the old sidewalk some of the fill is coming out. Mr. Blackley advised the contractor has pointed that out.

Mrs. Murphy suggested the sidewalk be moved back a little. Mr. Blackley advised, it is close but it is within ODOT specifications.

In response to inquiries from Council regarding the Highland-Bishop Intersection Project, City Engineer Blackley advised the intersection will be posted for local traffic only with no left turns for two to three weeks. Also, an exception will be made for school buses and emergency vehicles. He and the contractor have contacted the transportation manager of Mayfield Schools.

Finance Director's Report: Finance Director Ianiro reported a copy of the Finance Department Information Report was distributed to Council this evening. The report was completed and sent to all the regulatory agencies as required by law. Any questions or comments, please contact him.

COMMITTEE REPORTS:

Park and Recreation Commission: No report.

Mayfield Area Recreation Council (MARC): No report.

Planning and Zoning Commission: Mr. Pilla reported items were considered at the meeting of September 22, 2008 as follows:

- **Miodrag Zivic, 5679 Hawthorne Drive.** Motion to Grant Variances to Fence Requirements. Approval was given for a 6 ft. board-on-board fence.
- **DERF Limited, 340 Alpha Park.** Review Request for Variance to Storm Water Management Requirements; Schedule Public Hearing. They currently have two entrances for their facility. It is going down to one so they will have one way into their building. And they are erecting a canopy over the one so they will end up with less square footage for the canopy. The Commission specified that there be no writing on the canopy.
- **KinderCare Learning Center, 669 Miner Road.** Improvement and Final Plan Approvals. That was sent for the Engineer's approval.
- **Mulligan's Tavern, 6131 Highland Road.** Review Request to Construct Outdoor Patio Mulligans requested approval for an outside patio in the parking lot. This item was tabled for drawings. Basically they proposed taking out four parking spots on the Miner Road side, near the entrance door, and getting rid of the drive exit, close to Miner Road and the intersection light. They would have the same amount of parking spots. The Commission asked them to take five parking spots, losing one, for the reason they want them to build a side walk around the patio if this is approved. Instead of 27 feet they brought it back to about 23 or 24 feet so they would put the sidewalk all the way around. They are not looking to do this until spring.

Mr. Austin added that regarding Alpha Park, they are eliminating two single doors and putting one double door in the middle. They will still have the same amount of exit space for that building.

Legislative & Finance Committee: Mr. Lombardo reported a meeting was held Monday, September 22nd with the Mayor, Finance Director, and Service Director. They reviewed the Issue 1 projects which were previously discussed. On the Miner Road Project, they recommended funding type No. 2, a loan of 1.3 million dollars, total project cost 2.2 million. On the Roy, Renee and Esther Project, they recommended Case No. 2 with a loan of \$686,420.00, total project cost \$1,144,200.00. Both requests for funding are on the agenda tonight and passage is recommended by the L&F Committee.

Safety & Service Committee: Mr. Hargate reported a meeting was held this evening with some community representatives as well as with Lieutenant Visoky of the Police Department to discuss locations for curb ramps for Aberdeen Boulevard. The committee recommends proceeding with four curb ramps on Aberdeen Boulevard, three being new ones. Three new ones are to be located at Muirfield, North Stonehaven and West Glen Eagle and the one existing curb ramp is at Greenway Court (the crosswalk will be removed). It was a recommendation that the signs and markings for the crosswalk be deleted so there will be just four curb ramps without signage or markings. The committee recommends proceeding with this work and having it added to the 2008 miscellaneous replacement program that is in place. He

asked Council to add this to the agenda this evening authorizing that change to the program. Each member of Council received a city map with the four locations marked in yellow. Mr. Hargate thanked City Engineer Blackley, Service Director Evans, Chief Cook and Lt. Visoky for their efforts to resolve this matter this week.

Commission on Aging: No report.

Drainage Committee: Mrs. Murphy reported a meeting was held this evening to consider several agenda items:

- Stream cleaning of a channel area off Bishop Road near the airport.
- Roy, Renee and Esther and how they might break that project out incrementally into two or three projects.
- Various residential property concerns.
- Another meeting was scheduled for October 14th at 7 p.m.

Law Director's Report: No report.

MAYOR'S REPORT: Mayor Coleman reported in his department head meeting today they discussed among other things the 2009 budgeting process. He is in the process of meeting with department heads to go over their capital needs and requirements. He has also asked the Finance Director to have a document to L&F before the end of year so they can start the budgeting process earlier this year -- potentially in December.

ITEMS TO BE ADDED TO THE AGENDA:

Motion authorizing the City Engineer to add installation of three curb ramps on Aberdeen Boulevard to the 2008 Miscellaneous Street Repair Program.

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

MEETING OPENED TO THE PUBLIC:

Mr. Joe Tomaro, 533 Bishop Road, addressed three issues:

- Drainage. A swale needs to be cut between his property and the adjoining Aberdeen property. He and his neighbor Terry Scott cannot do anything with their drainage problems until that swale is cut. This has been an ongoing problem.
- People cutting across his property. People are cutting through his and Terry Scott's back yards, cutting from Aberdeen to DisStefano's and Harry Buffalo's on Highland Road. Who should bear the expense of putting a fence up?
- Noise from Harry Buffalo restaurant. He hears a band playing and loud conversation late at night.

Mr. Austin will discuss the swale problem with City Engineer Blackley and then present it to the Drainage Committee Meeting.

Mr. Pilla advised when P&Z approved the patio at Harry Buffalo's they were very explicit about the time deadline for playing music. He encouraged Mr. Tomaro to call the police

Mr. Jim Dague, 5836 Lynford Circle, shared a story regarding the recent wind storm when his electricity was out. He obtained a generator from his brother in law and brought it home but could not lift it from his vehicle. After checking with Service Director Evans, someone from the Service Department helped him lift the generator. Also he advised someone walking the power lines found a tree down; about five hours later Lynford Circle had power again. Mr. Dague commended Al Hess and the Service Department for their help.

Mayor Coleman added that also this week, Al Hess helped save an endangered Red Tail Hawk that was found in someone's back yard. It was wounded so Al covered it with a blanket, put it in his car and drove it to a shelter.

NEW BUSINESS:

MOTION AUTHORIZING CITY ENGINEER TO ADD TO 2008 MISCELLANEOUS STREET REPAIR PROGRAM: A motion was made by Mr. Hargate authorizing the City Engineer to add installation of three curb ramps on Aberdeen Boulevard to the 2008 Miscellaneous Street Repair Program; seconded by Mrs. Murphy. Ayes all; motion carried.

ADOPTION OF RESOLUTION 49-2008: Council listened to the First Reading in title only of Proposed Resolution 49-2008 which description is: "A Resolution declaring R. L. Hill Management, Inc. as the lowest and best bidder for the Community Center Interior Finishes Improvements, authorizing the Mayor to enter into a contract with said bidder, not to exceed the sum of One Hundred Twenty Three Thousand Four Hundred and Ninety Dollars (\$123,490.00) rejecting all other bids received and declaring an emergency." A motion was made by Mr. Lombardo 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 50-2008: Council listened to the First Reading in title only of Proposed Resolution 50-2008 which description is: "A Resolution declaring H.M.H. Restoration, Ltd. as the lowest and best bidder for the Community Center Exterior Masonry Improvements, authorizing the Mayor to enter into a contract with said bidder not to exceed the sum of Fifty One Thousand Two Hundred Fifteen Dollars (\$51,215.00), rejecting all other bids received and declaring an emergency." A motion was made by Mr. Lombardo to suspend the Second and Third Readings; seconded by Mr. Pilla. Ayes all; motion carried. Mr. Hargate moved to adopt; seconded by Mrs. Murphy. Ayes all; motion carried.

ADOPTION OF RESOLUTION 51-2008: Council listened to the First Reading in title only of Proposed Resolution 51-2008 which description is: "A Resolution designating the Mayor of the City of Highland Heights, Ohio, as the certifying representative to submit an application for, and to certify compliance with the Issue I Financial Assistance Program for a Capital Improvement Program (Miner Road Reconstruction Project) for the City of Highland Heights, Ohio, and declaring an emergency." Mr. Pilla moved to suspend the Second and Third Readings; seconded by Mr. Lombardo. Ayes all; motion carried. Mr. Legan moved to adopt; seconded by Mr. Pilla. Ayes all; motion carried.

ADOPTION OF RESOLUTION 52-2008: Council listened to the First Reading in title only of Proposed Resolution 52-2008 which description is: "A Resolution designating the Mayor of the

City of Highland Heights, Ohio, as the certifying representative to submit an application for, and to certify compliance with the Issue I Financial Assistance Program for a Capital Improvement Program (Esther, Roy, Renee Project) for the City of Highland Heights, Ohio, and declaring an emergency." Mr. Hargate moved to suspend the Second and Third Readings; seconded by Mrs. Murphy. Ayes all; motion carried. Mr. Hargate moved to adopt; seconded by Mrs. Murphy. Ayes all; motion carried.

Committee of the Whole Meetings: Council President Mills noted that Council will not be meeting next Tuesday because it is a fifth Tuesday. The next Committee of the Whole Meeting is scheduled for October 7th. Mayor Coleman requested Council discuss the door-to-door solicitation ordinance in a future meeting.

Mrs. Murphy reminded Law Director Paluf that the notice on the Charter Amendment is to be sent out this week.

ADJOURNMENT: A motion was made by Mr. Pilla and seconded by Mr. Hargate to adjourn the meeting. Said meeting adjourned at 8:55 p.m.

Clerk of Council

President of Council