
**CITY OF HIGHLAND HEIGHTS
MINUTES OF A COUNCIL MEETING
HELD: OCTOBER 14, 2008**

President of Council Mills presiding.

PRESENT: Mayor Coleman, Councilmen Anderson, Hargate, Legan, Lombardo, Mills, Murphy; 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.

ABSENT: Councilman Pilla, excused.

ACTION ON MINUTES: The reading of the Minutes of a Council Meeting held September 23, 2008 was dispensed with. Mr. Legan 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 October 7, 2008 was dispensed with. Mr. Hargate moved to accept the Minutes as written; seconded by Mrs. Murphy. Ayes all; motion carried.

MAYOR'S APPOINTMENTS:

PROMOTIONAL APPOINTMENT: Firefighter John Zehe was promoted to Fire Lieutenant and was sworn in by Mayor Coleman.

APPOINTMENT: George Glasney was appointed as Firefighter-Paramedic and was sworn in by Mayor Coleman.

DEPARTMENT HEAD REPORTS:

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

- Tonight George Glasney was sworn in as a new Firefighter and John Zehe was promoted to Lieutenant. He is looking forward to working with them in the future. Chief Turner thanked Mayor Coleman and the Civil Service Commission for their help and support in the process advising this was a learning experience for him and their help was appreciated.
- During the month of September the Fire Department responded to a total of 150 calls for service including a structure fire. They responded to the serious motor vehicle accident on Wilson Mills Road in which drivers from both vehicles had to be extricated. The new rescue tools purchased this year were used; they were very much needed and worked extremely well; and expedited getting the victims out of the vehicles. Chief Turner thanked Council and the Mayor for purchasing the new tools.
- Two Fire Safety Classes were given to two classes of 40 children each, during the month of September.

- Two block parties were attended by the Fire Department -- one on Charles Place and one on West Mills Drive.
- Reminder the Fire Department open house is the 25th of October right after the Halloween Carnival.
- On November 8th, from 9 to 2 they are offering first aid class for residents 16 or over.
- This afternoon around 2:30 p.m. they received a phone call from J.D. Boyle, Inc. This company is in the process of setting up to drill behind Wellingtons . They are going to begin drilling tonight or tomorrow. Once they start to drill, it is a 6 to 7 day process, 24 hours a day. They will go down about 3500 feet for this well.

Mrs. Murphy asked Chief Turner to identify the location of the gas well. Chief Turner stated it is, based on his survey, about 100 feet due east of the back property of Wellington's, between Wellington's and I-271.

In response to Mr. Mills' inquiry regarding the severe accident two weeks ago, Chief Turner reported there was one fatality and the other person to the best of his knowledge did survive and is expected to make a full recovery.

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

- For the month of September, the Police Department responded to 920 calls for service, 16 motor vehicle accidents, 1 involving a fatality. Also they responded to 68 residential alarms. 21 prisoners were held for approximately 475 hours.
- It was a very serious accident; they just received the results of it today. They had a special team come in to reconstruct the accident. Chief Cook commended the Fire Department for their work on the scene that day stating they did do an excellent job. They had a tough job extricating people from the vehicles.
- Chief Cook reported last Friday the bid opening for the Police Department Jail Renovation Project with RWL Architects. The bids ranged from \$38,900 to \$52,500. The Architect, Ron Landig provided a letter recommending the low bidder. Chief Cook concurred with this and requested legislation to proceed to lock in the price. It is somewhat under what was appropriated.
- In a meeting with Safety & Service this evening they discussed replacing four video cameras; a recommendation will be coming from Mr. Hargate.

Mrs. Murphy advised she received calls from residents of Highland Woods who were concerned over a series of burglaries in their neighborhood and asked if Chief Cook could comment on that. Chief Cook reported they had two burglaries that they believe happened on Saturday night, one on Sandhurst and one on Lowell. They believe it was the same individual. Both houses were occupied while they went in; they entered through the garage door. The people had left the man door in the house unlocked and they went in through the man door. They stole a 2003 Honda from the House on Lowell and that Honda is in the police garage and they have two suspects in jail.

In response to Mr. Mills' inquiry as to whether the Police Department has openings to use the city facility for house alarms, Chief Cook advised, yes and suggested that everyone lock their

man door. Chief Cook also advised they do provide free security checks to residents; they have an officer do a free critique of the home regarding security and make some recommendations.

Service Director's Report: Service Director Evans reported

- Leaf Collection began yesterday. They just have one crew out now and are able to sweep the city in a few days.
- The salt dome is now substantially complete. An order will be placed for salt to fill the dome; this will need an adjustment to the budget.
- Request for Proposals were received on Friday for two projects: One is for the Miscellaneous Tree Planting Program for 2008 and the second one is the planting on the mound behind the Service Garage Site. A letter will be sent to Council later in the week making a recommendation to award those. Discussion in the Committee of the Whole next week was suggested.
- The two signs projects: The Gateway signs mostly are up. A few have not been installed because they don't want to be in conflict with other projects. They have begun the street name sign project and started with Wilson Mills at the Richmond Heights border working their way east along Wilson Mills. That project is coming along very well.

Mrs. Murphy reported she did drive to Whiteford Park and the playground equipment appears to be all installed and it looks tremendous. Regarding the landscaping behind the salt dome, Mrs. Murphy stated it is definitely Council's intention to complete that project this year.

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

- As Chief Turner said earlier, the gas well for Shoppes at Alpha will begin drilling tomorrow.
- Another gas well that he has been talking about with residents is going into the vicinity of 759 Miner Road. A company has rights for 20 acres there and is presenting plans to the state for identifying the well there. Residents have called him and talked to him about it.
- Kinder Care, a new day care facility for children has begun land clearing at 675 Miner Road. The construction drawings are in the office and are being reviewed.

Mrs. Murphy inquired about the location of the gas well on Miner and the approval process. Mr. Austin stated it is on the east side of Miner next to the bank and office building. The different property owners are pooling together to provide the required 20 acres. He is looking into the regulations regarding aesthetics of the battery and how that will look. He suggested it will be similar to the landscaping at Gold Gate in Mayfield Heights.

City Engineer's Report: City Engineer Blackley reported as follows:

- Highland Bishop Intersection Project. The contractor is doing restoration and landscaping this week and next week will do the asphalt paving. Tri-Mor should be substantially complete with their part of the project by the end of the month.
- Highland Road Pedestrian Project. This project is wrapped up for the year. They have completed the work they hadn't completed the other day.

- 2008 Miscellaneous Concrete Program. This project is also just about wrapped up. He expects them to be done next week. Starting tomorrow they will be installing the curb ramps on Aberdeen Boulevard as was requested.
- Community Center Waterproofing Project. The contractor has completed the installation of the under drain and will start working on some additional sidewalk replacement and the landscaping. That also is expected to be done by the end of the month.

Mayor Coleman advised a resident had a concern about the sidewalk program on Highland Road where the sidewalk takes a couple drastic turns. He asked that Mr. Austin and Mr. Blackley get together and talk about that.

Mrs. Murphy reported she continues to get phone calls from residents who are concerned about the grade of the pedestrian path that has already been put in. She suggested discussion in a future committee of the whole meeting to look at the grade variations. Mr. Blackley suggested that he have Jim Peters the design engineer also present for the discussion.

Finance Director's Report: Finance Director Ianiro commented on items on the agenda:

- Item No. 3, is a resolution that accepts the tax rates as determined by the County Budget Commission. As you may be aware, back in July when Council approved the tax budget, that set the tax rates. This resolution allows the county to actually apply those tax rates to the 2008 duplicate for the 2009 bills that are payable actually in 2009. The county has asked that that be submitted back to them by November 3rd. He requested that council pass this tonight under suspension of the rules so that can get that to them in a timely manner. It will not change. The total millage is 4 mills; it hasn't changed it has been that way for several years.
- Item no. 4, the contract for the County General Health District. There has not been an increase since 2007. The increase for 2009 is \$808 which is a little less than 3%. As the text of the resolution says, it is a deduct from our settlement, twice a year. If history holds true, that rate should probably stay for 2010. They can expect to see an increase in 2011.

Mr. Mills asked Mr. Ianiro to set a time for a meeting of the Economic Development Committee some time within the next week.

COMMITTEE REPORTS:

Park and Recreation Commission: Mr. Anderson reported in a meeting held at the end of September they talked about the five year plan for the park; they are still working on the plan. Hopefully by the end of November they will have that finalized and will bring it to council at that time.

Mr. Anderson also reported Whiteford Park looks really good and asked Mr. Evans about re-grading where the other equipment was? Mr. Evans reported the contractor doing the drainage work around the community center needed a place to put his soils. They found a place for probably 60 or 70 yards of material. The contract did it at his expense. The Service Department leveled it out. Mr. Evans stated he thought they could use a little bit more but they want to let it sit over the winter to settle.

Mayfield Area Recreation Council (MARC): Mr. Anderson reported MARC did meet. Various signups are on the way for the fall programs. MARC feels the signups are very slow this year. Their feeling is it is because of the economy. The junior engineer activity came in very large, they actually had to shut that program off.

Legislative & Finance Committee: Mr. Lombardo scheduled a meeting for Tuesday, October 21st at 6:30 p.m.

Safety & Service Committee: Mr. Hargate reported a meeting was held this evening with Chief Cook. There were two items,

- The Police Station Renovation Bids. Safety & Service recommended proceeding with the low bidder, Ed Kintz Construction Co. at \$38,900. They have \$55,000 budgeted so it came in less than expectations. Mr. Hargate requested legislation be prepared.
- A request from the Police Chief for replacement of four video cameras; it is really replacing a VHS system to a DVD system. It is a more automated system that will be able to archive all of the stops and have them properly indexed. The system is being used now in Mayfield Heights and the Chief is anxious to upgrade our system. The cost is \$23,114. That money is already budgeted. Mr. Hargate requested legislation be prepared for this purchase.

Commission on Aging: Mr. Hargate advised the next meeting is scheduled for Monday, October 20th at 9:00 a.m.

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

- Stream clean projects near the Swagelok property.
- Continued discussion on the Roy-Renee-Esther Project.
- Several miscellaneous residential concerns.

In addition Mrs. Murphy reported today she ran into Stacy O'Brien, from Tri-City Consortium who gave her flyers. Mrs. Murphy offered a flyer to anyone interested. Any 60 year old or disabled in our city and all the cities covered by Tri City Consortium are being offered a free yard cleanup for their leaves -- raking and things like that. It is a wonderful program. The volunteers come from our schools. If anyone wants a flyer come and see her after the meeting.

Law Director's Report: Law Director Paluf reported a meeting of the Records Commission was held today. The Commission approved the Record Retention Schedules and will be sent to the state for approval. The legislation providing for a public records policy was discussed. The Commission voted on that and recommended approval. That will be sent back to L&F.

Regarding Item 1 on the agenda, authorizing of a settlement and dismissal of pending litigation, Mr. Paluf stated the Exhibit A has not been prepared as yet. He advised negotiations are still continuing and the legislation could receive first reading or Council could remove it from the agenda.

Mayor Coleman thanked Chief Cook for taking the lead on the Records Retention policy.

MAYOR'S REPORT: Mayor Coleman reported the new web site is up and running. He wanted everyone to critique it. Some of the boards and commission were missing. That has been added. Also the calendar has been added. It is the same address: www.highlandhts.com. He advised it is user friendly and has a nice look and flow to it.

Mayor Coleman commended Mayor Ursu from Richmond Heights. He explained there was a business in the City of Highland Heights that was looking for new space or looking to stay in the city. They asked the neighboring communities whether or not they would offer incentives if they were to move out of the city and proposed a location in Richmond Heights. Mayor Ursu told them that of course they would like to have them in the community; however; they would not entertain incentives to a business in a neighboring community. Mayor Coleman stated he thought that was a great gesture on his part and he wanted to publicly thank him for that. And he has thanked him personally as well.

ITEMS TO BE ADDED OR REMOVED TO THE AGENDA:

A Motion was made by Mr. Legan to remove Item No. 1 from the agenda; seconded by Mr. Anderson. Ayes all; motion carried.

Mrs. Murphy asked Law Director Paluf if there was a time frame for when this item may be brought back. Mr. Paluf stated he did not know.

MEETING OPENED TO THE PUBLIC:

Ms. Judy Uram, 5660 Hawthorne Drive, read a prepare statement and stated she was opposed to any compromise about the drilling and Bass Energy in the park.

Mrs. Mary Lou Scudellari, 5659 Hawthorne Drive, read a prepared statement in which she also stated she was opposed to any compromise with drilling inside or outside of the City Park.

Mrs. Any Feran, 5650 Hawthorne Drive, read a prepared statement objecting to any settlement with Bass and accused City Engineer Blackley of conflict of interest for preparing the map that Bass Energy submitted to the State to obtain drilling permits.

Mr. Ken Messinger Rapport, 5600 Hawthorne Drive, stated he is the lead attorney for the interveners in the case of Bass v Highland Heights. Last week it was represented to him at the trial that Bass had a lease and a permit on property on Wilson Mills and that they might drill off that property and into the park. At that time he said he might be open to that kind of proposal. He stated that he is no longer in favor of anything that involves gas wells anywhere near their residences.

Mrs. Fran Hogg, 6011 Castlehill Drive, stated her concern that Highland Heights remain a residential community. She stated much of the park land was obtained with ODNR funding on the premise that they were protecting wetlands. Also builders and developers put up money for green space believed to be vital to the community. Would that money have to be returned? Mrs. Hogg warned that before they settle the lawsuit that they remember there are other dangers. She noted that the contract was contingent on site approval and approval of Planning and Zoning and stated, therefore, the contract was not valid.

NEW BUSINESS:

ADOPTION OF RESOLUTION 53-2008: Council listened to the First Reading in title only of Proposed Resolution 53-2008 which description is: "A Resolution providing for the observance of Halloween on October 31, 2008 and declaring an emergency." Mr. Anderson moved to suspend the second and third readings; seconded by Mr. Hargate. Ayes all; motion carried. Mr. Anderson moved to adopt; seconded by Mr. Legan. Ayes all; motion carried.

ADOPTION OF RESOLUITON 54-2008: Council listened to the First Reading in title only of Proposed Resolution 54-2008 which description is: "A Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies to be placed on the 2008 tax duplicate of the City of Highland Heights, Ohio and certifying the same to the County Auditor, and declaring an emergency." Mr. Anderson moved to suspend the Second and Third Readings; seconded by Mr. Hargate. Ayes all; motion carried. Mr. Legan moved to adopt; seconded by Mr. Lombardo. Ayes la; motion carried.

ADOPTION OF RESOLUTION 55-2008: Council listened to the First Reading in title only of Proposed Resolution 55-2008 which description is: "A Resolution authorizing a contract with the Cuyahoga County General Health District for the Public Health Services to be rendered during the Year 2009, to direct the Cuyahoga County Auditor to credit the consideration payable under said contract to the District Health Fund of Cuyahoga County, and to deduct equivalent sums from tax settlements due the City of Highland Heights and declaring an emergency." Mr. Lombardo moved to suspend the Second and Third Readings; seconded by Mr. Anderson. Ayes all; motion carried. Mr. Anderson moved to adopt; seconded by Mr. Legan. Ayes all; motion carried.

AGENDA FOR COMMITTEE OF THE WHOLE MEETING 10/21/08

1. Purchase of Trees for Mounding at Service Department
2. Purchase of Street Trees
3. Solicitation Ordinance; HHCO Chapter 717
4. Police Station Renovation -- Bids received 10/10/08
5. HHCO 521.10 Noxious Weeds
6. NORMA Bi-Laws
7. Ohio Division of Liquor Control - Transfer of Liquor License
Stone Water Golf Club

ADJOURNMENT: A motion was made by Mr. Anderson and seconded by Mr. Hargate to adjourn the meeting. Said meeting adjourned at 9:07 p.m.

President of Council