
**CITY OF HIGHLAND HEIGHTS
MINUTES OF A COUNCIL MEETING
HELD: APRIL 7, 2009**

President of Council Mills presiding.

PRESENT: Councilmen Anderson, Hargate, Legan, Mills, Murphy, Pilla; Temporary Clerk of Council Olson; Fire Chief Turner; Police Chief Cook; Service Director Evans; Assistant Building Commissioner Austin; City Engineer Blackley; Finance Director Ianiro; Law Director Paluf.

ABSENT: Mayor Coleman and Councilman Lombardo, excused.

ACTION ON MINUTES: The reading of the Minutes of a Council Meeting held March 24, 2009 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 139 calls during the month of March.
- The Fire Department recently added four part-time firefighter/paramedics that have completed their initial orientation and training. They all have firefighter and paramedic training and previous experience in other fire departments.
- Chief Turner recommended that the City approve the installation costs for the Multi-Agency Radio Communication System (MARCS) and recommended that Council support implementation of this project.

Police Chief's Report: Chief Cook reported:

- The City's jail facility was closed starting yesterday for a construction period of approximately eight weeks, during which time the City's prisoners will be incarcerated by Mayfield Heights and Bedford.
- The Police Department responded to 784 calls for service during the month of March. The department handled nine property damage and motor vehicle accidents of which two involved personal injuries. They responded to 50 residential alarms. The department held 20 prisoners during the month of March for a total of approximately 200 hours.
- Chief Cook recommended suspension of the 2nd and 3rd readings and approval this evening of agenda item no. 6, authorizing the Mayor and Chief of Police to apply to the United States Department of Justice for a Federal Grant for the hiring of one new Policeman. He said this is strictly an application for the grant and not approval of the

grant. He said the City would be notified in early September whether the grant is approved.

Service Director's Report: Service Director Evans reported:

- The City's brush collection program began yesterday and continues thru June 12th. Residents can stack brush of any length on their tree lawns for chipping by the Service Department.
- Computer round-up is being held during the month of April.
- The Household Hazardous Waste program, aka paint-roundup, runs April 20th thru May 2nd, Monday thru Friday from 8:00 a.m. to 3:30 p.m. and again on Saturday, May 2nd from 9:00 a.m. to 2:00 p.m.

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

- Mr. Austin, Fire Chief Turner, Fire Captain Molnar, Law Director Paluf and Councilwoman Murphy met with C. J. Cutter, representing Cutter Oil Company, Ohio Department of Natural Resources (ODNR) state inspector Norbert Louder and Jay Cheslock, ODNR Division of Management, to discuss the proposed access drive to the proposed gas well to be located on residential property owned by Richard Sovchen at 766 Miner Road. He said ODNR can supersede the State Fire Marshal code and can override the City's fire and local zoning code as far as the width of the drive and the materials used to build the drive, and that the City must follow their proceedings. He said that once the access drive is installed, the City has jurisdiction to inspect and monitor it for proper drainage on neighboring lots. He stated that the City requested that The Army Corps of Engineers be contacted to determine if there are any wetlands at the drill site. Mr. Austin said the City can mandate that Cutter Oil practice best management procedures to control erosion. He said the State has only three inspectors for 3,000 newly permitted wells. He stated that he received a letter from Amy Feran, resident of Highland Heights, expressing her concern that the City will be at a disadvantage because there are not enough state inspectors to maintain adequate supervision of the wells.

Mrs. Murphy noted that the proposed 14-foot width and the 3-foot sideyard setback of the proposed access drive do not comply with our Code. She also noted that the existing driveway at 766 Miner Road is gravel and explained that if any part of that driveway is used for the gas well access drive, then it must be upgraded to asphalt or concrete to comply with our Code. She inquired if it is necessary for Cutter Oil to apply for variances from the Planning and Zoning Commission on any of these issues. Mr. Austin replied that Cutter Oil is considering putting in a separate access drive that will not use any section of the existing driveway at 766 Miner Road so that they will not have to upgrade the existing driveway. He said he is waiting for clarification as to whether any variances are required.

Mrs. Murphy inquired into rumors of a proposed gas well at property owned by James Dasher on Wilson Mills Road near Millridge Road which has streams and woods nearby. Mr. Austin replied that Cutter Oil has accrued some of the required 20 acres for a lease agreement but that the City has not received notification. He said the State will notify the

City if a permit has been applied for, at which time the City's Building, Fire and Service Departments will visit the proposed drill site and advise the State inspector of any concerns.

Mrs. Murphy commended Chief Turner and Mr. Austin for advocating for the City during the meeting held with the ODNR. She expressed frustration that representatives from the ODNR were unresponsive to the welfare of the City.

- Mr. Austin received calls from residents who have been contacted by three different gas well companies to enter lease agreements for a proposed gas well to be located near Lander Road and Bellwood Road. He said that one of the companies will eventually prevail in attaining the 20 acres required for the well. He said that the State has not yet issued a permit for the well site nor has the area been slated for state inspection. He said he will keep Council advised of its progress.
- Qdoba Mexican Grill and the Mediterranean Bistro restaurant have submitted their build-out plans for The Shoppes at Alpha Place. He said that only 5,300 of the total 18,000 square feet remain to be leased. The asphalt paving at Key Bank has been delayed until the weather improves.
- Mr. Mills inquired as to the plans for the mounds of dirt located near the gas well behind The Shoppes at Alpha Place. Mr. Austin replied that some of the dirt will be used to fill in the concrete parking islands that will be installed in The Shoppes at Alpha Place parking lot and that any remaining dirt will have to be removed by the property owner, Osborne Capital. Mr. Austin said that the gas well is now functional and that it had been shut down temporarily when a concrete driveway was poured between Wellington's and the new Shoppes at Alpha Place building because there would have been no access for safety vehicles. In response to Mr. Mills' inquiry as to the PSI of that well, Mr. Austin replied he will find out.

City Engineer's Report: City Engineer Blackley reported:

- The Highland Road Pedestrian Walkway Project. This project is moving forward at a good pace. The East Ohio Gas Company was out at our request to relocate gas lines in advance of work on the underground storm sewers being performed by Camino Construction, who will also begin working soon on the hydrants. Agresta Construction may be out as soon as tomorrow, depending on the weather, to prep for sidewalk installation.
- Highland-Bishop Intersection Project. CEI will be out in the next few days to relocate the pole on Mr. Ley's property. The contractor, Tri Mor, will resume work on the Monday after Easter to complete all items on the City's punch list. The owner of Tri Mor called Mr. Blackley regarding a change order on this project. Mr. Blackley requested that the City evaluate this matter at its leisure. Mrs. Murphy replied that L&F will review this matter at its next meeting in two weeks.

Finance Director's Report: Finance Director Ianiro reported:

- Agenda item no. 3: TIRC and CRA Housing Council report. Mr. Ianiro recommended that the report be accepted.
- Agenda item no. 4: Payment to the Tri-City Consortium on Aging. Mr. Ianiro stated that the invoice amount is less than last year's amount and recommended approval.
- Agenda item no. 5: Payment for the Ridgebury Boulevard Resurfacing Project. Mr. Ianiro stated the amount of \$65,866.67 is less than originally projected at \$75,000 and recommended approval. He noted the amount is an estimate and may be changed, but is within the parameters of the original estimate.

COMMITTEE REPORTS:

Park and Recreation Commission: Mr. Anderson reported that the City's Easter party was held on April 4th. He read a letter prepared by City receptionist, Mary Velotta, thanking all parties involved in organizing the event. He said the party was a huge success with 188 children and parents in attendance, the largest crowd ever to attend.

Mr. Anderson stated that the Park and Recreation Commission members met at the old pool house yesterday and secured a new architect, Henry Piper, from Chagrin Falls, who is in the process of preparing specs and drawings to move forward on the new pool house.

Mayfield Area Recreation Council (MARC): No report.

Planning and Zoning Commission: No report.

Legislative & Finance Committee: Mrs. Murphy requested that a meeting be scheduled for April 21st at 7:30 p.m. to discuss a mailbox damage claim and overage charges for the Highland-Bishop Intersection project.

Safety & Service Committee: No report.

Commission on Aging: No report.

Drainage Committee: No report.

Home Days Committee: Mrs. Murphy advised they are seeking nominations for Grand Marshal of the Home Days parade. Mr. Austin reported they have hired a band for the Saturday evening entertainment, and that they are considering food vendors and soliciting sponsors for the fireworks display.

Economic Development Committee: No report.

Law Director's Report: Law Director Paluf recommended that an Executive Session be added to discuss disciplinary matters and to appoint a City Engineer. He recommended deleting agenda item no. 1 pertaining to the pool painting as discussed in the Committee of the

Whole. He noted that agenda item nos. 11 thru 14 must all be amended and are slated for third reading this evening.

Council President's Report: Council President Mills reported that All Ohio Security Shred provided shredding services on April 4th at the City-wide shredding program held at the Service Department. Approximately 100 residents brought approximately four tons of paper to be shredded. He thanked his son, Austin Mills, and Serviceman Bob Gorentz for their assistance. He said the program was a huge success and he recommended the service be provided again on the first Saturday in October and every six months thereafter. Mr. Mills recommended that the matter of gas well tax be added to the L&F agenda.

MAYOR'S REPORT: No report.

ITEMS TO BE ADDED AND DELETED FROM THE AGENDA:

Motion to adjourn into Executive Session to discuss appointment of the City Engineer.

A motion was made by Mr. Hargate to add the above item to the agenda as Item No. 16; seconded by Mr. Anderson. Ayes all; motion carried.

Mayor's Appointment of City Engineer.

A motion was made by Mrs. Murphy to add the above item to the agenda as Item No. 17; seconded by Mr. Hargate. Ayes all; motion carried.

Motion to delete from the agenda Item No. 1, authorizing a contract for Pool Painting.

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

MEETING OPENED TO THE PUBLIC: No one spoke.

NEW BUSINESS:

MOTION AUTHORIZING REPAIRS TO THE GEO-VAC STREET SWEEPER: A motion was made by Mr. Anderson authorizing repairs to the GEO-VAC Street Sweeper in an amount not to exceed \$11,000; seconded by Mr. Legan. Ayes all; motion carried.

MOTION ACCEPTING THE REPORT FROM THE TAX INCENTIVE REVIEW COUNCIL AND THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL: A motion was made by Mr. Legan accepting the report from the Tax Incentive Review Council and the Community Reinvestment Area Housing Council; seconded by Mrs. Murphy. Ayes all; motion carried.

MOTION AUTHORIZING PAYMENT IN THE MOUNT OF \$44,806.00 TO THE TRI-CITY CONSORTIUM ON AGING: A motion was made by Mr. Hargate authorizing payment in the amount of \$44,806.00 to the Tri-City Consortium on Aging which is one-half of the Highland Heights' share of the 2009 funding; seconded by Mr. Anderson. Mr. Mills stated that the

Executive Director of the Tri-City Consortium on Aging, Stacy O'Brien, spoke today at the Hillcrest Rotary meeting and announced they may lose some of their federal funding; therefore, the City may need to help more during the second half. Ayes all; motion carried.

MOTION AUTHORIZING PAYMENT TO THE CUYAHOGA COUNTY ENGINEER FOR THE RIDGEBURY BOULEVARD RESURFACING PROJECT: A motion was made by Mr. Anderson authorizing payment in the amount of \$65,866.67 to the Cuyahoga County Engineer, representing the Highland Heights share of the Ridgebury Boulevard Resurfacing Project; seconded by Mr. Pilla. Ayes all; motion carried.

ADOPTION OF RESOLUTION 19-2009: Council listened to the First Reading in title only of Proposed Resolution 19-2009 which description is: "A Resolution authorizing the Mayor and Chief of Police to apply to the United States Department of Justice for a Federal Grant for the hiring of one new Policeman in the City of Highland Heights, and declaring an emergency." Chief Cook requested approval this evening because of the deadline to apply. 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. Anderson. Ayes all; motion carried.

FIRST READING PROPOSED ORDINANCE 7-2009: Council listened to the First Reading in title only of Proposed Ordinance 7-2009 which description is: "An Ordinance establishing compensation for employees of the Recreation Department of the City of Highland Heights Ohio for 2009, repealing all ordinances inconsistent herewith and declaring an emergency." Council President Mills referred Proposed Ordinance 7-2009 to the L&F Committee for review.

FIRST READING PROPOSED ORDINANCE 8-2009: Council listened to the First Reading in title only of Proposed Ordinance 8-2009 which description is: "An Ordinance amending Section 509.08 (11) of Chapter 509 of the Codified Ordinances of the City of Highland Heights pertaining to Disorderly Conduct and Peace Disturbances, repealing all legislation inconsistent herewith, and declaring an emergency."

SECOND READING PROPOSED RESOLUTION 16-2009: Council listened to the Second Reading in title only of Proposed Resolution 16-2009 which description is: "A Resolution authorizing the Mayor to execute a lease agreement with Lake Business Products, Inc. for the lease of one (1) Canon Image Runner 5050 Digital Copier with an AD1 Finisher, Print and Scan Package and which includes a non-appropriation of funds addendum to the lease for the Police Department, and declaring an emergency."

SECOND READING PROPOSED RESOLUTION 17-2009: Council listened to the Second Reading in title only of Proposed Resolution 17-2009 which description is: "A Resolution authorizing the Mayor to execute a contract with TAC Computer, Inc. in an amount not to exceed \$23,171.00 for a maintenance and service contract for the Police Department computer network, hardware, software, computer aided dispatch/records system; municipal center firewalls; safety services mobile data terminal server, units, software and reports and declaring an emergency."

ENACTMENT OF RESOLUTION 14-2009: Council listened to the Third Reading in title only of Proposed Resolution 14-2009 which description is: "A Resolution declaring J & J Refuse, Inc. as lowest and best bidder for the solid waste collection, disposal and recycling materials collections and processing, authorizing the Mayor to enter into a contract with J & J Refuse, Inc., in the amount of One Million Six Hundred Fifty Four Thousand Nine Hundred Eighty Nine

Dollars and Thirty Six Cents (\$1,654,989.36) for a term of thirty six months, rejecting all other bids received, and declaring an emergency." Mr. Hargate moved to amend consistent with a document dated 3/25/09; seconded by Mrs. Murphy. Ayes all; motion carried. Mr. Legan moved to adopt as amended; seconded by Mr. Anderson. Ayes all; motion carried.

ENACTMENT OF ORDINANCE 3-2009: Council listened to the Third Reading in title only of Proposed Ordinance 3-2009 which description is: "An Ordinance amending Section 521.10(a) of Chapter 521 of the Codified Ordinances of the City of Highland Heights pertaining to notices to cut noxious weeds or remove litter; failure to comply; cost for city work, and repealing all legislation inconsistent herewith, and declaring an emergency." Mr. Hargate moved to amend consistent with a document dated 3/20/09; seconded by Mrs. Murphy. Ayes all; motion carried. Mr. Hargate moved to enact as amended; seconded by Mrs. Murphy. Ayes all; motion carried.

ENACTMENT OF ORDINANCE 4-2009: Council listened to the Third Reading in title only of Proposed Ordinance 4-2009 which description is: "An Ordinance enacting Chapter 729, et seq. of the Codified Ordinances of the City of Highland Heights pertaining to Landscape Contractors and repealing all legislation inconsistent herewith." Mrs. Murphy moved to amend consistent with a document dated 3/20/09; seconded by Mr. Anderson. Ayes all; motion carried. Mrs. Murphy moved to enact; seconded by Mr. Anderson. Ayes all; motion carried.

ENACTMENT OF ORDINANCE 5-2009: Council listened to the Third Reading in title only of Proposed Ordinance 5-2009 which description is: "An Ordinance enacting Section 919.03 of Chapter 919 of the Codified Ordinances of the City of Highland Heights pertaining to Tree Removal and repealing all legislation inconsistent herewith and declaring an emergency." Mr. Anderson moved to amend consistent with a document dated 3/20/09; seconded by Mr. Pilla. Ayes all; motion carried. Mr. Anderson moved to enact as amended; seconded by Mr. Pilla. Ayes all; motion carried.

ENACTMENT OF ORDINANCE 6-2009: Council listened to the Third Reading in title only of Proposed Ordinance 6-2009 which description is: "An Ordinance amending Section 1313.01 of Chapter 1313 of the Codified Ordinances of the City of Highland Heights pertaining to the Registration of contractors, repealing all legislation inconsistent herewith, and declaring an emergency." Mr. Anderson moved to enact; seconded by Mr. Pilla. Ayes all; motion carried.

MOTION TO ADJOURN INTO EXECUTIVE SESSION: A motion was made by Mr. Anderson to adjourn into Executive Session to discuss employee disciplinary matters and appointment of a City Engineer 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 Mrs. Murphy. Roll call on the motion. Ayes all; motion carried. Council adjourned at 8:45 p.m. and reconvened at 8:57 p.m.

ITEM TO BE DELETED FROM THE AGENDA:

Mayor's Appointment of City Engineer.

A motion was made by Mr. Pilla to delete Item No. 17 from the agenda due to the absence of the Mayor; seconded by Mr. Legan. Ayes all; motion carried.

Happy Birthday, Mr. Legan!: Mr. Mills announced it is Mr. Legan's birthday. Council wished him Happy Birthday!

NO MEETING APRIL 14, 2009: Council President Mills announced that there is no meeting scheduled for April 14, 2009.

ADJOURNMENT: A motion was made by Mr. Pilla and seconded by Mr. Anderson to adjourn the meeting. Said meeting adjourned at 9:00 p.m.

Temporary Clerk of Council

President of Council