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**CITY OF HIGHLAND HEIGHTS  
MINUTES OF A COUNCIL MEETING  
HELD: APRIL 28, 2009**

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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 April 7, 2009 was dispensed with. Mr. Legan moved to accept the Minutes as written; seconded by Mr. Pilla. Ayes all; abstain Lombardo; motion carried.

The reading of the Minutes of a Special Meeting held April 21, 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 requested approval of Agenda Item No. 6 which is a motion authorizing a contract with Motorola for installation of the MARCS radios.

Police Chief's Report: Chief Cook reported on the status of the Jail Renovation Project: The jail is currently closed but they anticipate it will be opened within the next ten to fourteen days. The construction company, Ed Kintz Construction, Inc. has been doing an outstanding job and will be finished by Friday. Next week they will have the State Jail Inspection.

Service Director's Report: Service Director Evans reported on several items:

- Computer Roundup. This program has been going very well and winds up at the end of April.
- Household Hazardous Waste Roundup. This program runs through Saturday May 2nd. On May 2nd they will have a one time Saturday drop off from 9 am to 2 pm at the Service Department. There has been heavy participation in both programs.
- Ridgebury Boulevard Resurfacing Project. This project is under way and they are doing the section between Richmond Road and just short of Lander. Traffic is currently on the north side of the street eastbound only. During the project traffic will always be eastbound only. The project appears to be running smoothly.
- Board of Health Meeting regarding Rabies. Last Friday Mr. Evans attended a meeting at the Board of Health where they provided an update on their raccoon strain rabies efforts. Last year there were three rabid cases of bats that had raccoon strain rabies in Cuyahoga County. The Board of Health is going to provide their oral rabies vaccination which is ground baiting. They throw the packets into the woods and catch basins where

the raccoons will eat them and be inoculated. The County will be doing that the week of May 12th in the eastern portion of Cuyahoga County.

In response to Mr. Pilla's inquiry as to whether they take used motor oil, Mr. Evans stated, yes, but generally just during the round up.

In response to Mrs. Murphy's request for an update on the pool painting and caulking, Mr. Evans reported they have hired a contractor to do the caulking and have been doing research on paint products, vendors, etc. and are currently working on a paint supplier. The pool has already been cleaned once. They had to drain the pool early this year to make some modifications to the pool drains in order to comply with new state regulations. They are waiting for acquisition of paint and some good weather.

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

- A letter from ODNR advised of a new gas well going in at 340 Alpha Drive. Tomorrow there will be a site location. Chief Turner and Service Director Evans are invited to meet there at 11:30 a.m. tomorrow morning for the designation of the well site.
- A citation was written for residential maintenance at 615 Bishop Road. There has been on-going communication with the resident there about dumping in the back yard. The court date is May 13th at 1 p.m. in Lyndhurst Municipal Court.
- A representative of the MACE group called today asking if he would be able to speak before Council at the next Committee of the Whole Meeting about possibly amending the ordinance of the P-C-M District to include churches and community centers.
- Panera Bread opened at 6:30 a.m. this morning. Everything is doing well there.
- Malley's is now coming in next to the Verizon space. The original 18,000 SF is now down to only 4400 SF available for rent.

Mr. Mills advised he stopped at Panera's this morning and found it to be a really nice place and well run.

Mr. Mills then asked about a roller on Bishop Road that has returned. Mr. Austin reported that Mr. Iliano inspected the property today and advised the owner has been given seven days to remove the roller.

Mr. Lombardo asked if there was anything they can do with all those yellow signs that are all over the city advertising the liquidation center. Mr. Austin advised yesterday he requested that the Service Department collect them because they are not permitted. Any advertising has to be on the property of that parcel.

In response to Mrs. Murphy's inquiry about the liquidation company, Mr. Austin reported the liquidation company is selling furniture only and that this is a different company than the one that came in a month ago. That company did not have an occupancy permit. Mr. Austin advised this is a day to day agreement that can be terminated at any time; it is solely for furniture; no electronic products are allowed.

Mrs. Murphy advised she heard they are charging an admission and suggested there may be an admission tax. Mr. Austin will follow up on that.

City Engineer's Report: City Engineer Blackley reported updates on the following projects:

- The Highland-Bishop Intersection Project. The contractor, TriMor Corporation, was out last week working on punch list items. They still have to do finish landscaping work. Council was asked to approve Agenda Item No. 5, approving a change order for that project, in an amount not to exceed \$15,000.
- The Highland Pedestrian Pathway project. This project is moving along very quickly. They have two excellent contractors, C. A. Agresta and Camino Construction. They have been working closely with the engineer to almost redesign it in places to give it the best possible fit they can with the existing terrain. The project is expected to be completed before the end of May.
- The I&I Study in the Williamsburg Area. A memo was sent to the City regarding a meeting the Service Director and he had this morning with the County Sanitary Engineer, Mr. Klaiber, concerning their I&I study in the Williamsburg Area. Some good news today is that they have found the source of the storm water inflow into the sewer system that was causing basement flooding on Highland Road. The County is proposing a solution to reline the storm and sanitary service laterals in that neighborhood and would like to do that project in August. They are offering to do it at no cost to the city.

Mrs. Murphy suggested the I&I Study in the Williamsburg Area be added as a committee of the whole item for more detailed discussion.

Mr. Mills stated that grass is not growing on the old road area in the park. Mr. Blackley advised the city is still holding a retainer and he will advise the contractor to reseed it.

Finance Director's Report: Finance Director Ianiro reported:

- A larger than expected estate distribution of \$235,000 was received earlier in the year. They will have one more distribution this year but they are already ahead of their estimate. That is good news for the 401 Capital Improvement Fund
- The Finance department website has been updated to incorporate the 2009 Budget in it.
- Agenda Item No. 8 is a transfer ordinance and provides transfers to the pension funds and to the capital improvement fund. Council was requested to suspend the rules and pass the ordinance this evening.

Economic Development Committee: Finance Director Ianiro reported a meeting was held last Thursday. They had discussion with Dr. Fratantonio about zoning. Minutes will be prepared and distributed.

Mrs. Murphy noted that the property values for Highland Heights are going down approximately 6% and suggested discussion in an L&F Meeting.

Finance Director Ianiro stated the 6% decrease will be for next year and will be incorporated in the tax budget for 2009 which they will do in July. He advised the city collects somewhere in the area of \$900,000 in property tax so 6% of that is between \$50,000 and \$60,000. Mr. Ianiro added that everyone will not see a 6% decrease in their property values; some property values will decrease less and some will decrease more. He advised school district taxes will get

adjusted accordingly and the city's 7% of the collections in the property tax will see a direct decrease because the city is not subject to HB920 which is based on valuation times tax rate.

### **COMMITTEE REPORTS:**

Park and Recreation Commission: Mr. Anderson reported in a meeting held Thursday April 23rd, they discussed the renovation of the old pool building. Mr. Anderson urged Council to approve Agenda Item No. 3 which is a motion to hire an architect for the renovation of the old pool building.

Mr. Mills advised, while at the park a couple residents asked about a foul ball net on Diamond 1 to the east side because they lose a lot of balls there. Also he asked if a portable toilet could be put on Diamond 1 for seniors who watch their grandchildren play.

Mayfield Area Recreation Council (MARC): Mr. Anderson reported MARC will meet this Thursday.

Planning and Zoning Commission: Mr. Pilla reported the following action was taken in a meeting held April 27, 2009:

- **Qdoba Mexican Grill, 6319 Wilson Mills Road;** Variances to Sign Requirements; and Final Approval of Building Wall Signs. The Commission approved three of the signs. The Q in Qdoba is 36"; the rest of the letters are 24". The Commission granted a variance of 2.3 SF. They agreed to the south and west signs with their variances; however, an east side sign was requested and that was tabled because the consensus was they would not receive a passing vote.
- **Swagelok Company, 328 Bishop Road;** Variance to Side yard Setback Requirements; and Final Site Plan Approval of Proposed Parking Lot Expansion. The Commission did grant the variance of ten feet to the side yard setback requirements for parking because this property butts up to the airport and nobody is behind them. The Commission also gave final site plan approval for the parking lot.
- 4. **Highlander Tavern, 795 Bishop Road;** Review Request for Outdoor Dining. They are requesting approval to put a deck behind the facility. There was a lot of discussion and many questions remain. This was tabled for further information.

P&Z put out a general information statement for City Council because they are getting feedback that people are showing up at P&Z that should come to Council.

Council President Mills set the information from P&Z on the agenda of the next Committee of the Whole Meeting.

Legislative & Finance Committee: no report.

Safety & Service Committee: No report.

Commission on Aging: Mr. Hargate invited everyone to attend the Highland Heights Commission on Aging 11th Annual Senior Health and Wellness Fair which will be held

Wednesday, May 13th from 1:00 p.m. to 3:00 p.m. at the Community Center. There will be quite a few free health screenings available.

Hillcrest Council of Councils: Mr. Hargate reported the next meeting is scheduled for Saturday, May 30th at 10:00 a.m. at Executive Caterers at Landerhaven. The speaker is Jane Platen, Director of the Cuyahoga County Board of Elections. If anyone wished to attend, whether elected or appointed officials, let him know.

Drainage Committee: Mrs. Murphy reported in a meeting held this evening they discussed two residential property drainage matters, one at 1010 Millridge Road and one at 957 Millridge. They are still evaluating those matters and do not have a firm recommendation at this time.

As Mr. Blackley recommended Mrs. Murphy asked that Council place on the agenda of the next Committee of Whole Meeting the County proposal for the Williamsburg project.

Home Days Committee: Mrs. Murphy reported, for the parade, the committee has selected Skipper of the Lake County Captains as the Grand Marshall for this year's parade.

Law Director's Report: Law Director Paluf reported yesterday Mr. Blackley and he met with several representatives from Forest City regarding the dedication of streets. They have reviewed plats and maps over the last several months and there seems to be only a couple areas in Areas "I" and "J" that are in question. Mr. Blackley is reviewing a punch list on some of these streets.

Mr. Paluf also reported that he and the Finance Director met with the new owners of Stonewater today trying to hammer out some things. He will have a written report for Council on that.

**MAYOR'S REPORT:** Mayor Coleman reported with respect to Item No. 1, his appointment of the City Engineer, that he intends to appoint Stephen Hovancsek and Associates, Inc. as the City Engineer. Mayor Coleman advised Steve Hovancsek has agreed to come back and represent the firm at our meetings and be our point person on engineering projects.

Mayor Coleman also reported yesterday they submitted and this was discussed previously in an L&F meeting and a Committee of the Whole, applying for federal funds that may be available for the Miner Road Project. An application was submitted to Congressman LaTourette's office on Monday. The City's request is for approximately 1.1 million dollars for that project. Mayor Coleman advised he thought they had a good chance to get all or substantially a good part of that sum to help with that project.

Mayor Coleman extended a heartfelt thanks to Mayfield High School National Honor Society members who sent 30 volunteers to our city park to clean out debris and all kinds of things that were in the park. They went deep in the woods and pulled out all kinds of trash, old refrigerators and old metal things that they didn't know what they were. They mounded them up on the sidewalk. Also thanks to Thom Evan's crew who came in at 4:00 p.m. on Saturday and removed the trash. One person was scheduled and they had to call for help because there were literally tons of things they extracted from the park. Thanks to the Honor Society. Mayor Coleman will honor them in the newsletter.

Mr. Mills seconded that and passed around a picture of the debris. He thanked the Mayor for providing nourishment and beverages.

Mrs. Murphy inquired about airport meetings that are coming up and advised one is scheduled for Monday, May 4th at 7:30 p.m. in Willoughby Hills, which will involve brainstorming amongst the three communities of Highland Heights, Richmond Heights and Willoughby Hills. Also there is a Noise Abatement Council Meeting on Wednesday, May 13th.

Mayor Coleman stated he will attend the meeting on Monday. He was not sure he could attend the meeting on Wednesday and asked Mrs. Murphy to attend. Additionally, Mayor Coleman reported that on May 14th and 15th he will be in Washington. He will meet with the FAA on Friday along with the Willoughby Hills Mayor and members of council to discuss the airport issue.

Council President Mills asked that a proclamation be prepared prior to June 21st for Father Michael Arkins who is retiring after ten years of service at St. Paschal Baylon Church.

Council President's Report: Council President Mills noted one correction from the Sun Messenger, dated 4/9/09 in the Pats and Pans. The article read: "Pans to Highland Heights for leaning toward permitting a gas well that doesn't conform to the city codes". Mr. Mills stated that is incorrect; Highland Heights has never and will never lean toward approving any gas well that doesn't conform to state code.

Note: Council President Mills provided a list of Mayfield High School National Honor Society Members who volunteered to clean the city park (copy of list attached).

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

**MEETING OPENED TO THE PUBLIC:**

Mrs. Amy Feran, 5650 Hawthorne Drive, addressed Council and stated she is a member of LOGS. Mrs. Feran requested Council discuss at its next Committee of the Whole Meeting an item to have the city launch a "Just say No" Campaign aimed at informing residents about the financial and health and safety issues associated with urban gas wells and encouraging them to "just say no" to residential gas drilling leases. She also advised that real estate companies are now canvassing residents to obtain leases for gas wells. Mrs. Feran also stated her objections to Council hiring Stephen Hovancsek & Associates as the City Engineer.

Mr. David Lees, 782 Kennelwood Drive, stated he also is a member of LOGS and he would like to pitch his support for assistance in launching a "Just Say No" campaign. Mr. Lees stated he attended the ODNR meeting two weeks ago in Bainbridge and stated it was terrifying to hear the plight of those poor residents.

Council President Mills advised that he and Mr. Austin also attended the meeting. Mr. Mills then set the matter of gas wells on the agenda of the next Committee of the Whole Meeting for discussion.

Dr. Fratantonio, 6151 Wilson Mills Road, Highland Dental Professionals stated he was here to request City Council allow a proposal to rezone property located at 1076 Ford Road to be put on the November ballot.

Mrs. Kathy Gould, 958 Colony Drive, teacher at Millridge School, and member of the Park & Recreation Commission advised she was once the director of the camp for Highland Heights. She stated Park & Recreation has been working hard on the renovation of the former pool building so it could be used for camp. She stated it is OK to call at 9:00 a.m. to go to Millridge but what do they do at 10 or 11 o'clock when it starts to rain with thunder and lightening and they have 100 kids there with no place for them to go. They huddle under that one pavilion that covers them but with nothing on the sides and wait for their parents to pick them up. Mrs. Gould stated she hopes that council would take that into consideration because the children are the most important. Mrs. Gould asked Council, for the safety of the children in our community to give that some consideration.

**NEW BUSINESS:**

**MAYOR'S APPOINTMENT** -- City Engineer. A motion was made by Mr. Legan to confirm the Mayor's Appointment of Stephen Hovancsek & Associates, Inc. as City Engineer for the City of Highland Heights; seconded Mr. Hargate.

Discussion:

Mr. Hargate stated he had the opportunity to serve with Steve Hovancsek for a long time as City Engineer in Highland Heights. He worked with him on numerous projects, with developers and other who may not have had the best interest of the community at heart. Mr. Hargate stated, in his opinion, Stephen Hovancsek is the best municipal engineer in Northeast Ohio; and, of all the choices, and they interviewed quite a few, his choice would be to have him return as City Engineer. It would clearly be in the community's best interests. Mr. Hargate stated he supported the appointment to have Steve Hovancsek return as City Engineer.

Mr. Mills stated they all have great respect for Mr. Hovancsek but he will not be supporting Mr. Hovancsek's appointment because he is retired and will not be available for several months out of the year; and, Mr. Blackley is still the President of the firm. Mr. Mills stated, with all due respect to Mr. Hovancsek, he thought he was a fine engineer, but he has retired and he will not be supporting that confirmation.

Mrs. Murphy noted that it is an appointment of the firm of Stephen Hovancsek & Associates and not a person.

Roll call on the motion: Ayes Anderson, Hargate, Legan, Pilla; nay Lombardo, Mills, Murphy. Motion carried.

**MOTION AUTHORIZING COUNCIL RECESS FOR MONTH OF AUGUST:** A motion was made by Mr. Anderson authorizing Council Recess for the month of August; seconded by Mr. Lombardo. Ayes all; motion carried. Council President Mills stated they are in recess for the month of August but still may have special meetings

**MOTION TO HIRE ARCHITECT TO PREPARE PLANS FOR RENOVATION OF OLD POOL BUILDING:** A motion was made by Mr. Anderson authorizing a contract to hire Henry Piper, Architect, to prepare plans for renovation of the old pool building at a cost not to exceed \$6900; contingent upon the inclusion of plans and specifications for bidding and contingent upon the structural engineering being approved; seconded by Mr. Legan. Ayes all; motion carried.

**MOTION AUTHORIZING PAYMENT TO 2009 HOME DAYS COMMITTEE:** A motion was made by Mr. Pilla authorizing payment of \$35,000 to the Highland Heights Home Days Committee for the 2009 Home Days; seconded by Mr. Anderson. Ayes all; motion carried.

**MOTION AUTHORIZING CHANGE ORDER FOR HIGHLAND-BISHOP INTERSECTION IMPROVEMENT PROJECT:** A motion was made by Mr. Lombardo approving a change order for the Highland-Bishop Intersection Improvement Project in an amount not to exceed \$15,000; seconded by Mr. Legan. Mr. Mills advised, this was discussed earlier and Mr. Blackley assured us that this had nothing to do with the extra money that the contractor wanted; this change order is for items that had to be changed. Mrs. Murphy added that this was reviewed by L&F. Ayes all; motion carried.

**MOTION AUTHORIZING EXPENDITURE TO MOTOROLA, INC. FOR MARCS RADIO SYSTEM:** A motion was made by Mr. Lombardo authorizing expenditure of \$14,537.00 to Motorola, Inc. for the installation costs associated with the MARCS Radio System; seconded by Mr. Pilla. Ayes all; motion carried.

**FIRST READING PROPOSED RESOLUTION NO. 20-2009:** Council listened to the First Reading in title only of Proposed Resolution 20-2009 which description is: "A Resolution authorizing the Mayor to enter into a contract with the Walter H. Drane Company for the quarterly updating of the Codified Ordinances of the City of Highland Heights, Ohio and declaring an emergency."

**ENACTMENT OF ORDINANCE 9-2009:** Council listened to the First Reading in title only of Proposed Ordinance 9-2009 which description is: "An Ordinance authorizing transfers and declaring an emergency." Finance Director Ianiro requested Council approval this evening. 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. Lombardo. Ayes all; motion carried.

**ADOPTION OF RESOLUTION 16-2009:** Council listened to the Third 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." Mr. Anderson moved to adopt; seconded by Mr. Lombardo. Ayes all; motion carried.

**ADOPTION OF RESOLUTION 17-2009:** Council listened to the Third 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 Twenty-Three Thousand One Hundred Seventy-One Dollars (\$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 Service Mobile Data Terminal Server, Units, Software and Reports and declaring an emergency." Mr. Pilla moved to adopt; seconded by Mr. Anderson. Ayes all; motion carried.

**SECOND READING PROPOSED ORDINANCE 7-2009:** Council listened to the Second 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." Mr. Lombardo advised this was reviewed by the L&F Committee and they recommended approval this evening. Mr. Lombardo moved to suspend the Third Reading; seconded by Mr. Legan. Ayes all; motion carried. Mr. Legan moved to enact; seconded by Mr. Lombardo. Ayes all; motion carried.

**SECOND READING PROPOSED ORDINANCE 8-2009:** Council listened to the Second 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."

**AGENDA -- COMMITTEE OF THE WHOLE 05-05-09 -- 7:00 P.M.**

Municipal Complex --Former Church Property  
Rezoning for drive thru window service  
Zoning for classification in PCM district  
Discussion of I&I study.  
P&Z Discussion  
Gas wells  
Rezoning for Ford Road

Mr. Evans requested discussion in a future committee of the whole meeting on recycling bins.

Mrs. Murphy requested discussion in a future Committee of the Whole, on a proposal from the Garden Club for a community garden as a use for the green space of the old church area for a potential project next year.

**ADJOURNMENT:** A motion was made by Mr. Pilla and seconded by Mr. Anderson to adjourn the meeting. Said meeting adjourned at 9:03 p.m.

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Clerk of Council

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Council President