
**CITY OF HIGHLAND HEIGHTS
MINUTES OF A COUNCIL MEETING
HELD: MAY 12, 2009**

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 Hovancsek; Finance Director Ianiro; Law Director Paluf.

ACTION ON MINUTES: The reading of the Minutes of a Council Meeting held April 28, 2009 was dispensed with. Mr. Legan moved to accept the Minutes as written; seconded by Mr. Lombardo. Ayes all; motion carried.

DEPARTMENT HEAD REPORTS:

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

- During the month of April the Fire Department responded to 140 calls, including the plane crash in Mayfield Village and a structure fire in Richmond Heights.
- During April, the Fire Department gave two fire prevention presentations to Mayfield Coop and began their basic training for the fourth grade at Millridge School.
- The Fire Department is participating in the senior search project at Mayfield High School. They have a Mayfield senior, Mike Studar who is participating. He will be with the Fire Department for about three weeks and will be working side by side with personnel learning about the fire service. Chief Turner stated this program meant a lot to him as this is how he began his career in the fire service many years ago as a senior at Mayfield.
- The air compressor came in on Monday; it is installed; and, is working very well.

In response to Mr. Mills' inquiry regarding the use of a fire hydrant on Miner Road for gas well drilling, Chief Turner advised Mr. Cutter from Cutter Oil came in about a week ago and requested a permit to use that hydrant. Their past practice has been when anyone comes in to use a hydrant they issue a permit and the applicant then goes to Cleveland Water for a permit. When Cleveland Water issues a permit then they are allowed to use that particular hydrant. Chief Turner further advised they did have some specific requirements of Mr. Cutter, one was a back flow preventer and one was how the system was to be used. Basically water from the hydrant goes to a tank, the water is stored in that tank and is used for their operation. The City's stipulation was that under no circumstance would a hydrant be connected directly to the drill operation itself. So Mr. Cutter does have a permit for that hydrant and he pays Cleveland directly for the use of that hydrant.

Police Chief's Report: Chief Cook reported the jail renovation project was completed last week. The State Inspector from Columbus completed their inspection and the jail has been approved to be reopened. They anticipate reopening the facility next Monday. Chief Cook also commented on the contractor and the architect. He advised they used Ed Kintz Construction out of Akron who did an exceptional job. The project was completed well before it was thought they would. Mr. Ron Landig, Architect, with RWL Architects oversaw the project. He also did an excellent job.

Chief Cook then reported, for the month of April, the Police Department responded to 756 calls for service, handled eleven property damage accidents with one involving an injury and responded to 48 residential alarms.

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

- The Service Department has a senior search student also, Cody Hayes, from Mayfield. He is working with the Service Department for the next three weeks under the tutelage of Mr. Hess who is taking him around and showing him the operations of public works.
- The Computer Roundup and the Household Waste hazardous Paint Roundup are complete now. Both programs were hugely participated in and many truckloads of material were taken to the drop off sites.
- Brush collection is going resoundingly well again. They are up to around 450 stops today. That program will run through the middle of June.
- Pool Painting. They have had the pool caulked. This evening the L&F Committee approved the paint purchase so they will order the paint tomorrow. They expect to begin washing and painting beginning next week.
- Update on Raccoon Rabies Vaccine. The County recently held an update on the Raccoon strain rabies. The ground baiting which is throwing out the fish meal packets will take place in Highland Heights on Monday, May 18th. The County Board of Health has been letting the news media know. The County does this annually. In addition they trapped some 4200 raccoons and vaccinated them last year.
- Old Pool Building. As requested Mr. Evans did have a company do a structural assessment to make sure the building was suitable for use. He used the company that Chief Cook referred to, RWL Architects, who did the renovation of the jail. They also provided a second opinion on the structural work on the Community Center. Mr. Anderson was there, along with Mr. Piffer, the architect on board to do the design for that. It was good that they were all able to talk back and forth and get a good working conversation going. Mr. Landig did not see anything that scared him about that building. He did point out some issues that he thought should be addressed during the remodeling and brought that directly to Mr. Piffer's attention. That will be followed up with a letter. Mr. Landig will be sending a letter to the city probably later this week with specific recommendations in his review. That will be forwarded to Council when received.
- Community Center HVAC. There is a need to do some Community Center HVAC work. There are seven different heating and air conditioning units at the Community Center. One of the air conditioning units has failed. It is one of a bank of three units; one was replaced last year; one has now failed; and, they propose to replace the third one as well. We will realize \$500 savings by having that done at one time. Proposals

were solicited from three companies. The lowest and best proposal was from Northeast Refrigeration at a cost of \$8,780.00. Council was asked to add that to the agenda this evening for approval.

- Agenda Items 4 and 5 are service department related. Mr. Evans offered to answer any questions.

Mr. Austin requested when doing the punch list for the Highland Road Pedestrian pathway, that there be a ten foot clearance back from the sidewalk so there would be no obstructions for pedestrians using the pathway. Mr. Evans advised the Engineer is aware of that

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

- Shoppes at Alpha Place. Malley's has entered into a lease agreement with Osborne and has their permits. Approximately 3500 SF of retail space is still available.
- Osborne Capital Group is power washing and then will paint the existing SYMS-Wellington Building to match the new color scheme with the Shoppes at Alpha Place
- Swagelok obtained permits for a small addition to their hanger at 328 Bishop Road.
- 675 Miner Road (former proposed site for Kindercare Learning Center). The owner, Mr. Seelig, has been contacted and he is in contract negotiations with two or three landscapers receiving bids to reseed that property. Kindercare has backed out of building there. One problem is that they have a permit issued 11/8/2008 and that is good for one year.
- Gas Well at 5663 Wilson Mills Road (Called Dasher Unit 1). A new well has received a permit from the state. There was supposed to be a well site location meeting tomorrow morning at 10:30 but that was postponed because the building department didn't have all the paper work that they normally receive. The well site location meeting will happen on Friday.

In response to Mrs. Murphy's inquiry regarding Malley's, Mr. Austin advised they will not serve ice cream. She then asked when the furniture liquidation business will be vacating the former SYM's building. Mr. Austin advised Osborne Capital is working with different tenants trying to get a solid anchor for that facility; and the liquidation business is on a month to month lease with Osborne. He advised the Building and Fire Departments watch that business closely and visit it three or four times a week. Mr. Austin also advised that the signs for the Liquidation Center have been removed from the tree lawns in Highland Heights. He thanked the Service Department for their help.

In response to Mr. Mills' inquiry regarding the rear of the Osborne building that faces I-271, Mr. Austin reported the landscaping is not finalized. He has talked with Mr. Osborne regarding this.

City Engineer's Report: City Engineer Hovancsek reported

- Highland-Bishop Intersection Project. The contractor, Tri-Mor, was contacted and they will be finishing that work next week, most of the work they have to do is landscaping.
- Highland Road Pedestrian Project. This project is moving along quite well. The C.A. Agresta Construction Co. will try to complete the area at the Veterans Memorial in front of the City Complex before Memorial Day and should have all the work done in early

June. The balance of the concrete work should be done by the end of this week. Mr. Hovancsek noted that there were several additional inlets added for drainage that were not on the original plans; and also, that there were several hundred feet of faulty pipe discovered during construction that had to be replaced. There will be a punch list and an estimate on that coming in before the next meeting.

- The Aberdeen Dedication. A meeting was held with the developer and Tri Mor the contractor for the developer. There are areas in "I" and "J" where the punch list was given to the contractor, Tri-Mor of what has to be replaced on the concrete pavement. Once that is done they will be ready to be accepted officially.
- The Community Park. The contractor was contacted and he re-seeded areas on Thursday. The contractor was told that if the seed doesn't work out then the city will get someone else to make it work.

Mr. Pilla referred to the corner of Highland and Bishop Roads where the sidewalks meet in front of Mulligan's, and advised there is a gap between the two sidewalks. He asked if that is going to stay. City Engineer Hovancsek will check that out.

Mr. Mills referred to the pedestrian pathway in front of City Hall and asked if the curbing is wide enough for the snow plow. Service Director Evans will check this out.

Mrs. Murphy reported she has received inquiries from residents in the area of the Highland-Bishop Intersection project advising the grass is sparse and asking if reseeding will be done. City Engineer Hovancsek reported yes and it is scheduled to be done next week.

Finance Director's Report: Finance Director Ianiro reported on Agenda Items No. 1, 2 and 3.

- Agenda Item No. 1 is from the Recreation Department and is for the purchase of Funbrellas at the pool. Basically they provide pool shading. Anderson Recreation provided playground equipment for both the City Park and Whiteford Park. The Park & Recreation Commission recommended approval.
- Agenda tem No. 2 is for the purchase of a Sanpro 3040 -- equipment specifically used for ball park grooming and mainly the infields. Items 1 and 2 are part of the appropriations in the 202 Fund for Park & Recreation.
- Item No. 3 is authorizing payment to Reminger and Reminger for legal services.
- Comments on financials thru April. Receipt of Income tax through April is where they had estimated; they did estimate flat over 2008 revenues. Property taxes are right where estimated too, actually a little bit more than anticipated. The general fund through April is at 35% collected. Through four months they want to be at 33% so they are right on target. Expenditures in the general fund are running at 35% through April. 33% is where they want to be but they did authorize \$950,000 worth of appropriations last month so that hit right away. If they pull those appropriations out and look at true expenditures they are at 27% so they are on target. There are a couple line items that have floated into the negative but that is nothing they can't accommodate with existing appropriations and make adjustments. Overall through April they have gotten through the first third of the year with no major surprises.

COMMITTEE REPORTS:

Park and Recreation Commission: Mr. Anderson advised a meeting is scheduled for May 21st. They will be doing their annual walk-thru of the park to see what things need to be addressed.

Mayfield Area Recreation Council (MARC): Mr. Anderson reported MARC met last Thursday. Spring session is over. They are gearing up for the summer sessions for tennis and soft ball. MARC may be using the City's tennis courts. Recreation Director Ianiro may be issuing them a permit to use the City's tennis courts in the morning to 7:45 a.m. before the city's program starts. Mr. Weinberg isn't sure yet if they will need them.

Planning and Zoning Commission: Mr. Pilla reported the following matters were considered in a meeting held May 11th:

- **Qdoba Mexican Grille, 6319 Wilson Mills Road.** Motion to Grant Variance to Sign Requirements to permit building sign on East Elevation. The applicant did not appear. The Commission was not pleased with the number of signs requested and did approve two of three signs requested. They had been told that they probably would not receive approval.
- **The Legends at Aberdeen, Aberdeen Area "J".** Alternate Home Design. Final approval was granted. This unit is smaller than the current units.
- **Sam & Janice LoPiccolo, 857 Rose Boulevard.** Review request for a three foot variance from the Front Yard Setback Requirements. The request is to permit a deck on the front of their house at ground level. That was set for Public Hearing.
- **Louis DiSantis & Allan Johnson, 318-A West Legend Court.** Review request to install a deck over existing concrete patio. Stonewater Golf Course Hole No. 15 has four units that currently have concrete pads. They want to raise those pads up five feet so they can come out of their house onto a slab platform. A lot of discussion on this. The applicant had an agreement with the golf course with approval that they could do this. Presently when they come out of their door and they are elderly individuals, they have to go down 5 or 6 steps to use the concrete pad in the back yard. They want to raise it and put a deck on this spot not to go any farther than 25 feet off the house. The Commission referred this to the Law Director because of the Tri-Party Agreement and other agreements. They also discussed safety issues because of the golf course.

Law Director Paluf advised he had already discussed this with Mr. Mastrangelo, Chairman of the Planning and Zoning Commission and will be working further with him on this.

Legislative & Finance Committee: Mr. Lombardo reported a meeting was held this evening at 7:30 p.m. to discuss a claim against the City for property damage and to review the requisition for the air conditioners for the Community Center. Those air conditioners were included in the budget because they anticipated that before the end of the year they would have to replace them. They were anticipated, they are within the budgeted amount and recommended for passage this evening. Also Agenda Items 1 and 2, the umbrellas and Sand Pro also were included in the budget and are within the budgeted amounts. L&F recommended approval this evening.

Safety & Service Committee: No report.

Commission on Aging: Mr. Hargate invited everyone to attend the 11th annual Senior Health and Wellness Fair which will be held tomorrow, Wednesday, May 13th, from 1:00 p.m. to 3 p.m. at the Community Center. Quite a few free health screenings are available. Mr. Hargate encouraged everyone to attend.

Hillcrest Council of Councils: Mr. Hargate also announced that the Hillcrest Council of Councils has its next meeting on Saturday, May 30th at 10:00 a.m. at Executive Caterers at Lander haven. The speaker is Jane Platten, Director of the Cuyahoga County Board of Elections. Any elected or appointed official, who would like to attend, please let him know.

Drainage Committee: Mrs. Murphy reported a meeting was held this evening. They discussed two ongoing residential property drainage concerns. The investigations there do continue. They also discussed creating a retention basin inspection program. The function of that program would be to inspect and report on the condition of the 31 retention basins in our city. This sort of report would dovetail nicely into the city's obligations under the storm water management program. An estimated quote has been received from Hovancsek and Associates for \$4,500 to conduct that inspection and compile a report. Drainage does recommend this program be adopted this year and feel it should be funded through the drainage fund where \$25,000.00 is allocated.

Also Mrs. Murphy reported that she has a senior search student who is shadowing her and various department heads and officials with our City. His name is Michael Barille and he is studying local government -- all the departments and committees and how they all interrelate and correlate together to function administratively. It is also a wonderful opportunity.

Home Days Committee: No report.

Economic Development Committee: No report.

Law Director's Report: Law Director Paluf requested Council add to the agenda a motion to adjourn into Executive Session to discuss pending litigation, the City of Highland vs. Stonewater Golf Course as well as personnel matters in the police and fire departments.

MAYOR'S REPORT: Mayor Coleman reported as follows:

- At previous meetings they discussed trying to get stimulus money through Congressman LaTourette's office. An application was submitted. The City Engineer will be asked to also submit an application to NOACA for that project because in the event the City does receive the stimulus money and does accept it, it takes quite awhile to get projects like this through NOACA. NOACA is the conduit that the Federal money goes thru so that could save several months to get that available now.
- Mayor Coleman had the pleasure of joining the people at Key Bank for their ribbon cutting this past Saturday. He found out one of the people who works at this particular branch has a very interesting relationship to our city's history and will feature him in the next newsletter.
- Chief Cook has received an award through the Cuyahoga County Community Mental Health Board. He was nominated for the 13th annual Helping Hand Award in the

community involvement category. Chief Cook was nominated by Catherine Gambatese, Chairperson for that board. The award is given to an outstanding individual, Chief Cook being this year's recipient, and it was developed to recognize outstanding individuals and organizations that positively impacted the lives of consumers and help to eliminate the stigma of mental illness in Cuyahoga County. Chief Cook will receive this award a week from tomorrow at the Hilton Garden Inn in downtown Cleveland. Congratulations to Chief Cook.

COUNCIL PRESIDENT'S REPORT: Mr. Mills reported the City will be sponsoring a meeting Monday, June 1st in the Community Center at 7:30 p.m. Senator Grendell will speak regarding gas wells and pending legislation in the state. Mr. Mills will reach out to NEOGAP which is also a gas well group that provides education on gas wells.

Mrs. Murphy suggested trying to get some publicity so the residents know. Mr. Mills asked that Mr. Evans have that information displayed on the city's electronic signs

ITEMS TO BE ADDED TO THE AGENDA:

Motion approving a contract with Northeastern Refrigeration in the amount of \$8,780.00 for replacement and installation of two heating/air conditioning units at the Community Center.

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

Motion to adjourn into Executive Session to discuss pending litigation; City of Highland Heights vs. Stonewater Golf Course and personnel issues in the Police and Fire Departments.

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

MEETING OPENED TO THE PUBLIC:

Sherry Ianiro, 1010 Millridge Road, advised she attended the Drainage Committee meeting this evening in regard to her property and a flooding problem she has. She understood that the Hillcrest Baptist Church will be cleaning up the debris that has caused blight and flooding on her property. Mrs. Ianiro asked that she be advised in writing when the property will be cleaned and that Jim Austin or someone from the City be there to supervise to make sure that they do not cut live trees and that they do not put anything on her property like they did before.

Council President Mills referred this to Mr. Austin.

Mr. Thomas A. Hughes, 975 Millridge Road, stated that the \$35,000 allocated for Home Days was a tremendous amount of money especially in these times. He suggested the City hire a couple part time people to solicit contributions and sponsors, etc. He then asked for an update on the vacant property formerly occupied by Catalano's, at Wilson Mills and Bishop, and stated the property is not being maintained.

Council President Mills advised the property is still in litigation, waiting for a judge to make a decision.

Mr. Hughes also advised he was at KeyBank for their celebration. He stated their tent was not anchored properly and a windstorm came up. Mr. Hughes suggested inspection for those kinds of events.

NEW BUSINESS:

MOTION APPROVING A CONTRACT WITH NORTHEASTERN REFRIGERATION: A motion was made by Mr. Legan approving a contract with Northeastern Refrigeration in the amount of \$8,780.00 for replacement and installation of two heating/air conditioning units at the Community Center; seconded by Mr. Lombardo. Ayes all; motion carried.

MOTION AUTHORIZING PURCHASE OF FUNBRELLAS FROM ANDERSON RECREATION: A motion was made by Mr. Anderson authorizing purchase of 2 (two) 20' Funbrellas with covers, including installation, from Anderson Recreation in an amount not to exceed \$10,000; seconded by Mr. Hargate. Ayes all; motion carried.

MOTION AUTHORIZING PURCHASE OF SAN PRO GROOMER FROM CENTURY EQUIPMENT: A motion was made by Mr. Anderson to authorize purchase of 1 (one) Sand Pro 3040 with groomer attachment from Century Equipment in an amount not to exceed \$13,423.80; seconded by Mr. Hargate. Ayes all; motion carried.

MOTION RE PAYMENT TO REMINGER & REMINGER (referred to committee): Council President Mills referred this motion to the L&F Committee for review.

MOTION AUTHORIZING THE CITY ENGINEER TO PREPARE PLANS AND SPECIFICATIONS FOR THE 2009 STREET STRIPING PROGRAM AND AUTHORIZING THE CLERK TO ADVERTISE FOR BIDS: A motion was made by Mr. Hargate authorizing the City Engineer to prepare plans and specifications for the 2009 Street Striping Program and authorizing the Clerk to advertise for bids; seconded by Mr. Lombardo. Ayes all; motion carried.

MOTION AUTHORIZING THE CITY ENGINEER TO PREPARE PLANS AND SPECIFICATIONS FOR THE 2009 PROGRAM FOR STREET RESURFACING AND MISCELLANEOUS CONCRETE REPAIRS AND AUTHORIZING THE CLERK TO ADVERTISE FOR BIDS: A motion was made by Mr. Hargate authorizing the City Engineer to prepare plans and specifications for the 2009 Program for Street Resurfacing and Miscellaneous Concrete Repairs and authorizing the Clerk to advertise for bids; seconded by Mr. Legan. Ayes all; motion carried.

FIRST READING PROPOSED RESOLUTION 21-2009: Council listened to the First Reading in title only of Proposed Resolution 21-2009 which description is: "A Resolution providing for the employment of an engineer for the City of Highland Heights and establishing the compensation of the City Engineer for 2009, repealing all legislation inconsistent herewith and declaring an emergency." Council President Mills referred Proposed Resolution 21-2009 to the L&F Committee for review.

SECOND READING PROPOSED RESOLUTION 20-2009: Council listened to the Second 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 8-2009: Council listened to the Third 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." Mr. Hargate 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 a pending legal matter, City of Highland vs. Stonewater Golf Course and Personnel Matters in the Fire and Police Departments 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. Pilla. Roll call on the motion: Ayes all; motion carried. Council adjourned at 8:53 p.m. and reconvened at 9:10 p.m.

ADJOURNMENT: A motion was made by Mr. Hargate and seconded by Mr. Anderson to adjourn the meeting. Said meeting adjourned at 9:11 p.m.

Clerk of Council

President of Council