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**CITY OF HIGHLAND HEIGHTS  
MINUTES OF A COUNCIL MEETING  
HELD: JUNE 23, 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 Hovancsek; Finance Director Ianiro; Law Director Paluf.

ACTION ON MINUTES: The reading of the Minutes of a Council Meeting held June 9, 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 as follows:

- The new Fire Department vehicle arrived today and the changeover of equipment will begin tomorrow. Hopefully it will be in service by the end of the week.
- The Fire Department is hosting a CPR-First Aid Class this Saturday from 10 to 1.
- 2009 Hydrant Painting Program. The department is finishing up this year's program. If time permits, they will try to do a few extra streets this year. This process began last year and it is a three year process to change all the hydrants to all red. This year to date, they have done 260 hydrants which is just over 1/3 of the hydrants in the city.
- Dave Betori, PT Firefighter decided to retire after 20 years service with the city. Dave is here tonight and he is to receive a proclamation from the Mayor. David started in 1981 as a part time firefighter so he has seen the department grow and change over the years. On behalf of the Fire Department, Chief Turner wished Dave a happy and healthy retirement.

In response to Mr. Mills' inquiry regarding the inspection of the fire hydrants, Chief Turner reported a complete maintenance is done twice a year -- in the spring prior to painting and a secondary inspection in the fall.

Police Chief's Report: No report. Chief Cook advised the Mayor is to swear in Cody Hayes as an Auxiliary Police Officer this evening. Cody Hayes is a resident of the city.

Mr. Legan reported he has received more calls from residents about traffic on Ridgebury during the construction being heavier than normal and speeding. He promised he would bring this to the Chief's attention. Also, one of the people calling suggested providing decals to the residents to designate local traffic. Chief Cook will look into that.

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

- Brush Collection Program. This program ended June 12<sup>th</sup>, however they are still assisting residents who didn't get the word on that. They are trying to wind that program down. In total they made over 1000 stops this year. Again the program was very well received by residents.
- Trash Cans along Pedestrian Path. Information has been received; discussion in a future committee of the whole was suggested.
- Street Striping Pre-Con was held last week with the contractor, Mr. Flowers. The contractor may have already begun. Most of the work will be performed at night.
- Highland Road Pedestrian Path Final Costs. Last week the engineer briefed Council on the Highland Pedestrian Path and costs associated with that. Discussion is requested in a future Council Meeting for direction on how to proceed with preparing a change order for that project.
- Item No. 1 is authorization to bid the Old Pool House Remodeling. Mr. Evans offered to answer any questions on that.

In response to Mr. Mills' inquiry regarding the turnaround time on the recycle bins, Mr. Evans reported a purchase order has been issued; he will check on the time.

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

- Malley's Chocolates in the Shoppes at Alpha have picked up their permits. They will begin construction on the interior of that building.
- Quodoba located in the Shoppes at Alpha. They plan on opening July 20<sup>th</sup>.
- Naya Bistro in the Shoppes at Alpha is planning on opening the second week of August.

Mr. Mills questioned the number of signs permitted in residential areas and what can be on them. He advised that property on Wilson Mills and Lander Extension had two signs for a fitness place and a resident further west on Wilson Mills had three signs for Tom's roofing.

Mr. Austin will look into that.

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

- Highland Road Pedestrian Facility. Estimate No. 3 which includes change order No. 1 has been submitted to the city. Future invoicing has to be done by change order
- 2009 Street Repair Project. This project will be ready for bidding next week.
- Highland Road Water Main Report. The report has not been completed because they are waiting for data from the City of Cleveland Water Department.
- Miner Road Reconstruction Project. Notice of the OPWC award was received yesterday. The City did receive this award and copies were given to Council yesterday.
- Old Pool Building Topography Study. This will be completed this week.
- Bishop - Wilson Mills Traffic Study. The report will be available early next week.

Mr. Legan thanked City Engineer Hovancsek for the report regarding Strumbly Drive sidewalks, stating obviously a lot of time went into the report. Mr. Legan noted that there are more challenges than originally thought.

Finance Director's Report: No report.

### **COMMITTEE REPORTS:**

Park and Recreation Commission: Mr. Anderson reported a meeting was held June 18, 2009. The new shade canopies are up at the pool and they have received a lot of good feedback. Residents are looking for a couple more to go up. It does enhance the pool area.

Mr. Anderson advised Mr. Evans that the Commission was asking if it was possible for a cleanup of the islands from the parking lot going towards the ball fields. They have received calls regarding this.

Mr. Evans said he would discuss that with Recreation Director David Ianiro because it is his crew in there.

Mr. Anderson also reported David Ianiro is looking for 2010 to upgrade Diamond No. 1. He advised the backstop and field are in bad shape.

In response to Mr. Mills' inquiry as to whether the umbrellas would be taken down or just covered for the winter, Mr. Evans stated it is his understanding they will be covered.

Mayfield Area Recreation Council (MARC): No report.

Planning and Zoning Commission: Mr. Pilla reported the action taken by the Commission in a meeting held June 22, 2009: He also advised he has the plans if anyone wished to see them.

- **Louis DiSantis & Allan Johnson, 318-A West Legend Court**
- **Margaret Iler, 316-B West Legend Court**
- **Robert & Dorothy Valerian, 318-B West Legend Court**
- **Bhagwant & Surindar Singh, 322-B West Legend Court**

Four individuals on the same street, all were granted the opportunity to place a deck on top of their concrete pad. They came with all the approvals.

- **Vladimir Goldenberg, 5395 West Mill Dr.:** Request was for a variance of five feet for the driveway. The variance was granted.
- **Darryl Sharnas, 619 Sturbridge Drive:** A variance was granted for a board on board fence, six feet in height, for a maximum of 26 feet.
- **David Knacs, 1021 Barkston Drive.** The Commission reviewed this request for a driveway variance and set this matter for public hearing.

- **St. Paschal Baylon, 5360 Wilson Mills Road.** Request for a variance to the fence requirements to replace the fence around the football field and add some footage to go into the woods. They are asking for a six foot fence. A public hearing was scheduled.
- **Aberdeen Commons Assisted Living, 399 Bishop Road.** The Commission reviewed this request for a variance to the sign requirements. A public hearing was scheduled.
- **Robert Calabrese, 25 Alpha Drive.** The Commission reviewed a request for a Conditional Use Permit to allow a restaurant in a PCM District. Additional information was requested. The applicant will return at the next meeting.
- **City of Highland Heights, 5905 Wilson Mills Road.**  
Informational Review of Proposed Addition to Park Building

In response to questions regarding a restaurant in a PMC District, Law Director Paluf stated that a restaurant is permitted under a conditional use permit. He also advised this was approved by the voters in 2005. Mr. Pilla advised a well is located in their parking lot so the Commission had many questions. Mr. Austin advised they are also applying for a liquor permit.

Legislative & Finance Committee: Mr. Lombardo reported a meeting was held June 16, 2009 to review the tax budget and the Highland Road Pedestrian Path overcharges.

They reviewed the tax budget with Mr. Ianiro and it was in order. That legislation can receive three readings.

Also they reviewed the Highland Road overcharges. Half of the amount is due to things that the Council had already ordered when they moved to have the path have less slope and problems and things. The other half is due to conditions that were not obvious at the time the quotes were made; there were some missed items in the original quote; and, the fact that the driveways were originally going to be patched where the sewer and the sidewalk went across the apron. A significant number of the driveways were in such bad condition that they just went through and put new aprons in. That also added to the cost. As far as L&F can tell the costs were justified; it is unfortunate some of them weren't covered up front.

They were also supposed to review the ordinance on tax on gas wells but just got that in today's packet.

Mr. Lombardo scheduled another L&F Meeting for 7:30 p.m. on July 14<sup>th</sup>.

Safety & Service Committee: No report. Mr. Hargate scheduled a meeting for 7:00 p.m. on July 14<sup>th</sup>. (later rescheduled for Tuesday, July 7, 2009, at 7:00 p.m.) He requested that the three safety and service department heads attend that meeting.

Commission on Aging: No report.

Drainage Committee: Mrs. Murphy reported a meeting was held June 23, 2009 this evening. They have been working with the home owner at 1010 Millridge and 957 Millridge. Both of

these property owners have some drainage problems in their rear yards. The engineer has consulted with the property owners; topo studies were prepared and recommendations were made. The suggestions essentially suggested regrading by the property owners and the recommendation was also made that the catch basins in an easement at the rear property of 1010 Millridge be lowered and that that work be performed by the city. That cost is estimated at \$450.

Home Days Committee: No report.

**Law Director's Report:** Law Director Paluf reported he has started working with Legends on a storm sewer easement as well as with the building department. The easement will need to be accepted by legislation. Hopefully that will be ready for the next meeting. There is some language they are trying to tweak to make sure the city will not be responsible if anything is built there.

Law Director Paluf had requested a motion to adjourn into Executive Session this evening.

Items 2 and 4 on the agenda were requesting Issue I funding. City Engineer Hovancsek and Law Director Paluf concurred that these items be deleted from the agenda because the city has received notice of an award of funding.

**MAYOR'S REPORT:** Mayor Coleman reported:

- Issue I Funding - Miner Road Reconstruction Project. Agenda Items 2 and 4 can be deleted because notice has been received that the city has received Issue I Funding from an application filed last September. Also the city will receive a grant from the federal government through the Transportation Committee. In addition they expect to receive about \$250,000.00 from the County for the asphalt for that project. Their biggest challenge is to make sure that the project gets started timely so they are in a position to accept the funding. Mayor Coleman suggested discussion in July about the contracting for that project. He asked Service Director Evans to lay out a time line for this project, anticipating that the Transportation Bill is going to pass sometime in September.
- Agenda Item No. 3. Mayor Coleman publicly thanked Swagelok Company for the donation of \$4,000 to the City -- \$2,000 towards Home Days and \$1,000 each for the Police and Fire Departments for equipment they requested. He stated Swagelok is a wonderful corporate citizen and they do this annually.
- Proclamation Declaring 2009 as the Year of the River. Mayor Coleman signed a Proclamation yesterday declaring 2009 as the Year of the River. He provided a brief summary of the proclamation: "Tuesday, June 22, 2009 marked the fortieth anniversary of the Cuyahoga River catching fire. The fire focused our country's attention on the need to take a serious look at pollution and water quality issues. Many believe that the fire and the attention was one of the leading catalysts behind passage of the Clean Water Act and the creation of the Environmental Protection Agency. The Cuyahoga River Community Planning Organization is a group responsible for management of the Cuyahoga River Remedial Action Plan. As a City we work regularly with many environmental partners including the Euclid Creek Water Shed Council, Friends of Euclid Creek, The County Board of Health and the Soil and Water Conservation. As a member of the watershed council, I am pleased to join many of my fellow Mayors and

environmental partners in proclaiming 2009 as the Year of the River.” Mayor Coleman also asked that Council memorialize this with a resolution in the near future.

- A letter was received from a Coldstream Drive couple thanking the police department for Highland Heights ranking No. 5 in Safety by the Cleveland Magazine. He thanked the Police Chief for all he does and thanked Chief Turner as well.
- Proclamation for PT Firefighter David Betori. Mayor Coleman read a proclamation for David Betori and presented it to him. Mayor Coleman advised he has known Dave since he was three years old. Dave’s Grandparents lived next door and he was a great friend for 40 plus years. Mayor Coleman then read the Proclamation.

A Proclamation in appreciation of Dave Betori’s retirement. “Dave Betori was hired by the City of Highland Heights as a part time firefighter on March 2, 1981. David Betori completed and maintained certification as an emergency medical technician and firefighter. David Betori served on the Ohio Volunteer Firefighters Dependents Board as Fire Department representative. David Betori attended numerous fire department activities and charitable events. David Betori has received numerous letters of appreciation. Now therefore we have resolved that in recognition of his significant service to the City of Highland Heights and its residents, the City of Highland Heights does hereby extend its sincere appreciation to Dave Betori for his 28 years of service and dedication as a part time Firefighter for the City of Highland Heights and wishes him a very happy retirement.”

Dave Betori thanked the City for giving him 28 years of service and letting him take these memorable moments with him and stated it is the best part time job he ever had. Dave added that he has seen the job change a lot but he knows it is in good hands with Bill Turner. Thank you.

Mayor Coleman referred to the Governor’s Budget part of which included a 50% reduction in the funding for libraries. The budget is to be passed on June 30<sup>th</sup>. He does have a copy of an email which he will pass out to Council giving some of the details. If individuals would like to state opposition to that they can. In addition in the budget was a proposed reduction in the State matching of PERS retirement. He believed it went from 14 to 8 %.

Finance Director Ianiro advised that is what the Governor has proposed; he didn’t think that language has worked itself into any current legislation.

Mr. Hargate requested a resolution on that issue from the Law Director.

COUNCIL PRESIDENT’S REPORT: Council President Mills announced for the first Committee in July, 7/7/09, due to the Fourth of July Holiday, the deadline for agenda items will be July 1, 2009.

**ITEMS TO BE ADDED TO THE AGENDA:**

Motion authorizing payment to ACE Tennis in the amount of \$13,924 for the First Session Tennis Lessons.

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

**ITEMS TO BE DELETED FROM THE AGENDA:**

Agenda Items 2 and 4 dealing with application for Issue I Funding for Miner Road.

A motion was made by Mr. Pilla to delete Items 2 and 4 from the agenda; seconded by Mr. Anderson. Ayes all; motion carried.

**MEETING OPENED TO THE PUBLIC:** No one spoke.

**NEW BUSINESS:**

**MAYOR'S APPOINTMENT:** Auxiliary Police Officer. Cody Hayes. Mayor stated Cody Hayes did a senior search project in the service department and Cody was honored by the Plain Dealer for his fine football career in 2008. He was also named the Division 2 Defensive Player of the Year for the State of Ohio. Mayor Coleman then swore in Cody Hayes. Chief Cook mentioned that Cody was one of the top Division II wrestlers in the State of Ohio, ranked probably in the top 3 or 4 and stated, we are pleased to have him.

**MOTION AUTHORIZING PAYMENT TO ACE TENNIS:** A motion was made by Mr. Anderson authorizing payment to Ace Tennis in the amount of \$13,924 for the First Session Tennis Lessons; seconded by Mr. Pilla. Ayes all; motion carried.

**MOTION AUTHORIZING SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS FOR THE OLD POOL BUILDING RENOVATION AND AUTHORIZING THE CLERK TO ADVERTISE FOR BIDS:** A motion was made by Mr. Anderson authorizing the Service Director to prepare plans and specifications for the Old Pool Building Renovation and authorizing the Clerk to advertise for bids; seconded by Mr. Legan. Ayes all; motion carried.

**ADOPTION OF RESOLUTION 31-2009:** Council listened to the First Reading in title only of Proposed Resolution 31-2009 which description is: "A Resolution accepting the donation of Four Thousand Dollars (\$4,000.00) from the Swagelok Company and declaring an emergency." Mayor Coleman recommended approval this evening because some of the money is for Home Days. Mr. Hargate moved to suspend the second and third readings; seconded by Mr. Lombardo. Ayes all; motion carried. Mr. Hargate moved to adopt; seconded by Mr. Lombardo. Ayes all; motion carried.

**READING OF RESOLUTION 22-1977:** Council listened to a Reading of Resolution 22-1977, which description is: "A Resolution providing for a procedure to remind Council of the opening of the time capsule in the Year 2076". "Section 1. That the Clerk of Council be and is hereby directed to read the following statement at each Council Meeting held in the month of June in

the years following the passage of this resolution, up to and including the year 2076. 'Know all Men By These Presents that the time capsule buried in Highland Heights Community Park by the citizens of Highland Heights, Ohio, to celebrate the United States of America's Bicentennial in 1976 shall be opened by the date of July 4, 2076'.

**ADOPTION OF RESOLUTION 33-2009:** Council listened to the First Reading in title only of Proposed Resolution 33-2009 which description is: "A Resolution in support of the Drug Abuse Resistance Education (D.A.R.E.) Program for the 2009-2010 School Year." Chief Cook recommended approval this evening and stated the money funds the DARE program. Mr. Hargate moved to suspend the Second and Third Readings; seconded by Mr. Lombardo. Ayes all; motion carried. Mr. Hargate moved to adopt; seconded by Mr. Anderson. Ayes all; motion carried.

**ADOPTION OF PROPOSED RESOLUTION 34-2009:** Council listened to the First Reading in title only of Proposed Resolution 34-2009 which description is: "A Resolution authorizing the Mayor to make application to the Office of the Attorney General for Drug Abuse Resistance Education (D.A.R.E.) Funds, and declaring an emergency." Mr. Hargate moved to suspend the Second and Third Readings; seconded by Mr. Lombardo. Ayes all; motion carried. Mr. Lombardo moved to adopt; seconded by Mr. Anderson. Ayes all; motion carried.

**SECOND READING PROPOSED ORDINANCE 12-2009:** Council listened to the Second Reading in title only of Proposed Ordinance 12-2009 which description is: "An Ordinance adopting a Tax Budget for the City of Highland Heights, for the Year 2010 and declaring an emergency."

**ADOPTION OF RESOLUTION 23-2009:** Council listened to the Third Reading in title only of Proposed Resolution 23-2009 which description is: "A Resolution authorizing the Finance Director to make a payment to Diskcopy, LLC from nontax revenues in the amount of \$2,349.00 pursuant to the Economic Development Grant Agreement dated November 27, 2007, and declaring an emergency." Mr. Legan moved to adopt; seconded by Mr. Lombardo. Ayes all; motion carried.

**ADOPTION OF RESOLUTION 24-2009:** Council listened to the Third Reading in title only of Proposed Resolution 24-2009 which description is: "A Resolution authorizing the Finance Director to make a payment to Philips Medical Systems (Cleveland), Inc. from nontax revenues in the amount of \$20,000 pursuant to the Economic Development Grant Agreement dated November 27, 2007 and declaring an emergency." Mr. Hargate moved to adopt; seconded by Mr. Lombardo. Ayes all; motion carried.

**ADOPTION OF RESOLUTION 25-2009:** Council listened to the Third Reading in title only of Proposed Resolution 25-2009 which description is: "A Resolution authorizing the Finance Director to make a payment to Stanley Air Tools from nontax revenues in the amount of \$56,000.00 pursuant to the Economic Development Grant Agreement dated June 28, 2002 and declaring an emergency." Mr. Anderson moved to adopt; seconded by Mr. Pilla. Ayes all; motion carried.

**ADOPTION OF RESOLUTION 26-2009:** Council listened to the Third Reading in title only of Proposed Resolution 26-2009 which description is: "A Resolution authorizing the Finance Director to make a payment to Swagelok Company from nontax revenues in the amount of \$250,000.00, pursuant to the Economic Development Grant Agreement dated June 30, 2005, and declaring an emergency." Mr. Legan moved to adopt; seconded by Mr. Pilla. Ayes all; motion carried.

**ADOPTION OF RESOLUTION 27-2009:** Council listened to the Third Reading in title only of Proposed Resolution 27-2009 which description is: "A Resolution authorizing the Finance Director to make a payment to WLS Stamping Company from nontax revenues in the amount of \$21,737.00 pursuant to the Economic Development Grant Agreement dated April 11, 2006, and declaring an emergency." Mr. Lombardo moved to adopt; seconded by Mr. Hargate. Ayes all; motion carried.

**ENACTMENT OF ORDINANCE 10-2009:** Council listened to the Third Reading in title only of Proposed Ordinance 10-1009 which description is: "An Ordinance approving a payment to the Mayfield City School District pursuant to the requirements of Ohio Revised Code Section 5709.82 and in connection with the City's Community Reinvestment Area and Urban Jobs and Enterprise Zone Programs, and declaring an emergency." Mr. Legan moved to enact; seconded by Mr. Anderson. Ayes all; motion carried.

**AGENDA FOR 7/7/09 COMMITTEE OF THE WHOLE MEETING:**

1. Council Meeting Times.
2. Wilson Mills / Bishop Road Traffic Study.
3. Highland Road Pedestrian Path Costs
4. Highland Road Pedestrian Path – Trash Containers.

Council President Mills advised everyone that the deadline for items for the meeting of 7/7/09 is Wednesday, July 1<sup>st</sup>. He also provided a reminder that there is no meeting on Tuesday, June 30<sup>th</sup> because it is a fifth Tuesday.

**MOTION TO ADJOURN INTO EXECUTIVE SESSION:** A motion was made by Mr. Anderson to adjourn into Executive Session to discuss pending employee compensation and imminent litigation 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 8:45 p.m. and reconvened at 9:15 p.m.

**ADJOURNMENT:** A motion was made by Mr. Anderson and seconded by Mr. Pilla to adjourn the meeting. Said meeting adjourned at 8:46 p.m.

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Clerk of Council

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President of Council