
**CITY OF HIGHLAND HEIGHTS
MINUTES OF A COUNCIL MEETING
HELD: JULY 14, 2009**

President of Council Mills presiding.

PRESENT: Mayor Coleman; Councilmen Anderson, Hargate, Legan, Lombardo, Mills, Murphy; Clerk of Council Buchak; Fire Chief Turner; Police Chief Cook; Service Director Evans; Assistant Building Commissioner Austin; City Engineer Hovancsek; Finance Director Ianiro; Law Director Paluf.

ABSENT: Councilman Pilla, excused.

ACTION ON MINUTES: The reading of the Minutes of a Council Meeting held June 23, 2009 was dispensed with. Mr. Legan moved to accept the Minutes as written; seconded by Mr. Lombardo. Ayes all; motion carried.

The reading of the Minutes of a Special Meeting held July 7, 2009 was dispensed with. Mr. Legan moved to accept the Minutes as written; seconded by Mr. Anderson. Ayes all; motion carried.

DEPARTMENT HEAD REPORTS:

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

- For the month of June, the Fire Department responded to a total of 201 calls.
- On June 24th a water main break occurred in Richmond Heights. This is the fourth time that main has had a break in the last 20 years. Cleveland Water is obviously aware of it and will attempt to make a plan to resolve the issue. It is a 48 inch main that ruptured so it is a significant pipe. A good portion of our city was without water that evening. Two tanker trucks were brought in from Geauga County for about four hours. So water was available if needed for a fire.
- A meeting was held today with local fire chiefs in the Hillcrest Area, representatives from Cleveland Water and members of CECOMS, the County Emergency Management Agency to critique the incident. There was a definite communication issue with Cleveland Water. Hopefully there will be better communications with them. Because of the break they did put out two Code Red messages one prior to the official boil alert and then one right after, notifying residents at about 8:30 p.m., on Thursday that a boil alert had been issued.
- Chief Turner spoke last week with building Commissioner Austin about some power failure issues in the Municipal Complex over the last several years. The Service Director was going to look into that. He also contacted CEI as well to hopefully resolve these issues.

Police Chief's Report: Chief Cook reported:

- For the month of June, the Police Department responded to 908 calls for services. They handled 9 motor vehicles accidents; 8 of those involving injuries. They held 16 prisoners in their jail facility for approximately 135 hours.
- Three new police vehicles have been delivered. They probably will not change the equipment over until after Home Days so they will not have any cars out of service.
- Approximately a month ago, they did have their 911 service go out. That was June 2nd and 3rd. Chief Cook talked today with AT&T regarding a bill they received; he thought an adjustment would be made on that maintenance.
- Code Red is on the agenda this evening for a renewal of their annual contract. It is \$7500 for approximately 18,000 minutes of service. They used approximately 10,000 of those minutes last year. The renewal is up and runs July to July.

In response to Mr. Legan's inquiries regarding unused minutes, Chief Cook advised the unused minutes do not roll over and the 18,000 minutes of service is the minimum.

Service Director's Report: Service Director Evans reported:

- Park Building Alteration. Plans for the old pool building renovation are moving forward. They have the final version from the architect; the city engineer is working on the drawings to take care of some of the exterior drainage issues. At this point, they have a tentative bid date of 8/21. It will be advertised in early August. Bids should be ready for Council review upon returning from recess. Mr. Evans will also be working on ancillary projects for home days' electric and expansion of the pole building. One change in language for this project. It has been referred to as "Old Pool Building Renovation". The Park and Recreation Commission and the architect referred to it as the park building alterations so in the bid it will be called the "Park Building Alterations".
- Ridgebury Boulevard Reconstruction. The County has given the contractor permission to continue that project to SOM Center Road. This project is scheduled for completion in November of this year. By the end of July everything in Highland Heights with the exception of Lander Road intersection should have one course of asphalt on it and be complete and ready for the final course of asphalt. They will do the final course of asphalt on the project from Richmond Road to SOM.
- Recycling bins were delivered and one is on display at the rear of the Council Chambers. They are currently working on plans to disseminate information to the residents. Basically, what they have so far is the Finance Department will set up a petty cash fund; residents can come to the service department in the mornings to pickup bins. The city's refuse contractor is required once a year as part of their contract to disseminate a flyer to residents about the whole program, rubbish, recycling, etc. This has been intentionally held up so information can be incorporated in there about the bins. That mailer should go out at the end of this month or beginning of August. When people come into the service department, they will have a hand out prepared for them so they know about the bins.

- Bids for 2009 Street Resurfacing. Bid opening is July 24th. Discussion was suggested in a committee of the whole meeting prior to the meeting on the 28th. Council may wish to award that project before the August recess.

Mr. Mills referred to a fuel system installed several years ago and asked how that is working and who does the auditing on that. Mr. Evans reported it works very well and the auditing is a finance function. He further explained that every vehicle in the city has its own unique key. When they put the key in the machine, the machine knows what vehicle and department it is to be charged to. Every time they order fuel, a report is given to the Finance Department so they know how to charge out fuel purchases by department. Mr. Evans also advised that every major piece of equipment has its own key. They do have a wild card key that they use to fuel lawn mowers and small pieces of equipment.

Mrs. Murphy asked Mr. Evans to clarify the resurfacing project. They are talking about an area of Kenbridge Drive and Esther Road. Mr. Evans advised Kenbridge will be resurfaced from Franklin west up and around the curve and then it will stop. From there to the Richmond Heights' border and from Franklin to Bishop, they will make the necessary concrete repairs in that section as well. On Esther Road, about 250 feet of that is being resurfaced. Also, all the miscellaneous concrete repairs were put in the contract with the exception of a few repairs that were put in as bid alternates. When the bids come in, they will be able to look at that and see how it affects the budget and whether or not to award the alternates.

Mrs. Murphy asked for a potential time line. Mr. Evans advised generally once the contract is awarded, the contractor has a month or so to get their contract documents together and insurance, etc. Then it is a question of when their schedule will allow it. They usually have a 120 day window during which the work is to be completed.

Building Commissioner's Report: Mr. Austin reported

- 2009 Sidewalk Repair Program. A report has been received and distributed to Council from the City Engineer's Office on Phase I of the sidewalk program. The City engineer is recommending at this time not to move forward with Phase 1 but to possibly evaluate Phase 2 and maybe make a combination program to be done early next year. Mr. Austin suggested discussion in a committee of the whole. He suggested the quantity came in so low they would not get a great value for a contract.

Mr. Mills asked if sidewalks on Ridgebury that were marked with orange x's are to be replaced. Mr. Austin advised, some were indicated for replacement, some for leveling and some for crack filling. In the replacement, the city has absorbed the cost if the problem was caused by tree roots. Also, the amount will be reduced by the number of home owners who will repair the sidewalks on their own.

- Alpha Park request for license agreement. Mr. Austin reported Alpha Park applied for a street opening permit to connect properties along both sides of Alpha Drive. It is for a license agreement to make two crossings in the right-of-way. License agreements are usually held for utilities. Mr. Austin is working with Law Director Paluf on this.

Mr. Austin further advised the City Engineer has reviewed the plan and has provided recommendations and comments on the plan. Some issues are to be clarified with

Alpha Park. When further information is received, Council will be asked to discuss this in a Committee of the Whole Meeting.

- 262 Miner Road. Discussion has been held with Tom Gerber of Forest City Land Group regarding this property. Mr. Gerber had asked Chief Turner about the possibility of having a burn exercise on that house. Chief Turner looked at it and because of the condition, decided the house should be boarded up and razed immediately. Mr. Gerber was notified and then entered into a contract to have the house razed immediately. The house will be razed in the next couple weeks.

Mr. Mills requested an overview of the evening inspector's performance.

Mr. Austin reported that Mr. Iliano has done a very nice job for the city. There are less of the high weeds that are not in compliance and the commercial vehicle complaints have dropped. Now they are exploring into the housing to make sure that the houses and properties are maintained, in both residential and commercial areas. Right now Mr. Iliano works on Monday or Tuesday for 2 to 3 hours and on Wednesday or Thursday for 2 to 3 hours, Saturday morning 4 to 6 hours and on Sunday morning, he does a follow up and a report. Mr. Austin stated he speaks with Mr. Iliano once a day, every day. Right now they are down from 24 hours to 16 hours a week because a lot of the violations occur in the spring time. In the fall that may increase because of the leaf program to make sure the leaves are out of the swales in the back yards. Over all it has been a successful program with the commercial vehicles.

City Engineer's Report: City Engineer Hovancsek reported:

- The Detention-Retention Study has begun in the City.
- The annual bridge inspection report is being prepared.
- Plans for 5860 Wilson Mills where the gas well is proposed to tie into the main in Wilson Mills Road have been reviewed twice and are still to be revised further.
- The gas well plan for 340 Alpha Drive is incomplete; it shows two street crossings with no detail of where it is coming from or where it is going. They wrote a letter and indicated the applicant has to submit considerably more information and it has to be done by a professional engineer or surveyor on a map as opposed to just preliminary drawing.

Mr. Mills asked the status of Tri Mor and the intersection project; he saw they are requesting another \$38,000. Mr. Hovancsek stated they don't feel that they merit that money. Also, they have sent them a letter that they need to get their maintenance bond in. They are behind on meeting their contractual commitment.

Law Director Paluf reported a letter has been received from their attorney and they are trying to put together a time line. Mr. Paluf stated we don't agree with the allegations in their letter.

Finance Director's Report: Finance Director Ianiro reported as follows:

- Correspondence was received a couple weeks ago from the engineer's office regarding the street lighting assessments. In working with the engineer's office to come up with the assessments, they actually lowered the amount of the assessments from prior year, from .7 mills for the ornamental lighting to .615 mills and the above ground lighting was lowered from .5 mills drops to .4394. On a \$300,000 dollar home the ornamental light assessment would drop by 9 dollars. The assessments were lowered in total about \$35,000 which is around 12% of the total.
- At the next council meeting, there will be an ordinance regarding nuisance abatement assessments that needs to be passed under suspension of the rules. Those are where the service department cuts lawns. They wait to the last minute because they try to get as many as they can and those need to be certified to the county before council meets again.

COMMITTEE REPORTS:

Park and Recreation Commission: Mr. Anderson reported the Commission is on recess right now. Mr. Evans has advised that the Whiteford Park sign did go up.

Mayfield Area Recreation Council (MARC): Mr. Anderson reported a meeting was held July 22nd at Mayfield Village Pool. The new Athletic Director is going to allow the Punt, Pass and Kick Contest to be held on the football field on September 12th at 12:00 noon. For the tennis program, they are using the Highland Heights Tennis Courts from 7:45 a.m. till 9 a.m. That is working out well; they have a group of 20 people.

Mr. Mills requested that a summer recap from Park & Recreation be provided in September.

Mayor Coleman advised he was going to suggest that and added that typically they have Recreation Director David Ianiro attend a meeting in September after the season is over to provide a report.

Planning and Zoning Commission: Assistant Building Commissioner Austin reported for Mr. Pilla on the action which occurred in a meeting held July 13th:

- **David Kovacs, 1021 Barkston Drive. Variance to Driveway Requirements.** A public hearing was held and approval was given.
- **Aberdeen Commons Assisted Living, 399 Bishop Road. Variance to Sign Requirements.** A public hearing was held and a variance of four feet was granted for the sign. They also received their occupancy permit yesterday and are now filing with the state for the assisted living facility.
- **St. Paschal Baylon, 5360 Wilson Mills Road. Variance to Fence and Sign Requirements.** A public hearing was held. They requested a five foot fence; the code only allows four feet. A variance was granted for the size of the fence. They also were granted a variance to signage inside the football field.
- **Robert Calabrese, 25 & 27 Alpha Park. Review Request for Conditional Use Permit to allow a Restaurant in a PCM District. Schedule Public Hearing.** More information

is needed regarding parking to be sure a variance is not needed for additional parking. This item was continued.

- **Brian Himmel, 416 Medway Road. Review Request for Variance to Driveway Requirements; Schedule Public Hearing.** The applicant was in two years ago and was granted the variance but the permit lapsed. He will be back in for his request.
- **Malley's, 6345 Wilson Mills Road. Review Request for Variance to Sign Requirements. Schedule Public Hearing.** They will return on the 27th for approval.
- **City of Highland Heights, 5905 Wilson Mills Road. Final Plan Approval of Park Building Alterations.** Service Director Evans brought in the park building alterations project. The plans will be presented to P&Z on the 27th for final approval

Legislative & Finance Committee: Mr. Lombardo reported L&F met this evening at 7:30 p.m. to review the amendment to the city income tax ordinance to cover oil and gas wells. They ended up with more questions than answers. Mr. Ianiro has been given the task of contacting RITA to get some answers to their questions so they can finalize that ordinance.

Safety & Service Committee: Mr. Hargate reported a meeting was held Tuesday, July 7th. They discussed the status of the three departments, Police, Fire and Service and specifically looked at any matters that Council may need to consider within the next six months. Mr. Hargate thanked each chief and the director for their efforts for that meeting. He asked that L&F look at allocating money for part time workers in the Service Department for leaf removal and snow removal for later this year.

Commission on Aging: Mr. Hargate advised the next meeting is scheduled for Monday, July 20, 2009 at 9:00 a.m.

Mayfield Union Cemetery: Mr. Hargate advised a meeting is scheduled for Friday morning at the cemetery. He will be there with two other representatives and will have a report at the next council meeting.

Drainage Committee: Mrs. Murphy reported a meeting was held this evening. A few items were covered:

- Stream Cleaning Project along Bishop Road near the Swagelok property. This project is slated for sometime in August and will be conducted by the Service Department. It is estimated to be an 8 to 10 day project and will involve minimal stream cleaning, addressing some silt build up as well as some brush removal in the stream. The Army Corps of Engineers needs to be notified of this project. The project will span less than 100 feet probably 50 feet upstream and 50 feet downstream.
- Drainage matter, 1010 Millridge. Mr. Evans indicated they have a new sewer casting for this property that he has purchased that will cost under \$200. At the last meeting, the cost for this drainage program was estimated at \$450.00.
- Citywide Detention-Retention Basin Study. As Mr. Hovancsek reported, the study is continuing.
- Condition of Water Main under Highland Road. Discussion was held on an overview of how to proceed to consider this project next year.

Home Days Committee: Mrs. Murphy, Chairman of the Parade Committee reported they are in full swing with the parade. She reminded council members to let her know if they will be in the parade. Everything is coming together nicely. The parade starts Sunday at 1:30 p.m. at Wilson Mills and Bishop.

Mr. Austin, Home Days Chairman, reported: The Home Days Schedule has been printed and was distributed to Council today and will be available in the City Hall Rotunda. Signs will be out Thursday to the local merchants. He reviewed the list of food vendors. Also, there is a swim meet Saturday morning from 7 a.m. to 11:30 a. m. and the Mayfield Run is coming through Sunday morning. Fireworks are at 10:30 p.m. on Saturday. Three bands are set up for the main tent, Jungle Terry will be there, Sparkles the Clown, there is quite an agenda for the Home Day's event. Mr. Austin advised he has a sign up sheet for volunteers for the home days. They have a 50-50 raffle this year and will need people to sell 50-50 raffle tickets and possibly walking around selling raffle tickets.

Law Director's Report: Law Director Paluf reported regarding Agenda Item No. 2, the easement from Legends for a storm sewer, that they have changed the language which he and the City Engineer have found as acceptable, so that can receive first reading. Mr. Paluf has forwarded that to the engineer to review the legal description.

Mr. Paluf reported he is working with the Service Director on the painting project inside the community center. He has a letter from their attorney.

Mr. Mills announced a Notice to Legislative Authority has been received from the Ohio Division of Liquor Control regarding the issuance of a C1 and C2 Liquor License to Discount Drug Mart, Inc. DBA Drug Mart, at 765 Alpha Drive, Highland Heights. The form requests that the form be completed and returned to the Division of Liquor Control advising whether or not a hearing is requested on the application. Mr. Austin advised Drug Mart is negotiating with Osborne for the tenant space of the old Syms building and would like a liquor license to sell beer and wine. He stated if they don't enter into an agreement for that address, the permit will be null and void. There were no objections from Council members. The Clerk will return the application, indicating that no hearing is requested.

Mrs. Murphy asked if the furniture liquidator business will be moving. Mr. Austin stated, yes.

Mr. Mills advised, at the drainage committee meeting, they discussed briefly the Issue I Funding received for the Miner Road Project and it was the Mayor's suggestion that Council needs to make a motion to defer the Issue I money or turn it down. Law Director Paluf advised, in talking with the Engineer and Service Director that Council should take some action. He suggested at the next meeting that a formal motion be considered stating the reason for turning it down at this time.

MAYOR'S REPORT: Mayor Coleman reported:

- Al Kerr who served on the Planning & Zoning Commission has asked to resign from that commission. Mayor Coleman reported he does have someone in mind to appoint; however he wanted to give Council an opportunity to submit names for consideration before contacting that person. The appointment will be made at the next meeting.
- Money Magazine has ranked Highland Heights as No. 18 on their list of best places to live in America in populations from 8,500 to 50,000. Two years ago Highland Heights was ranked No. 75. Money Magazine did not come to the city for information; they did this on their own. Mayor Coleman has a fact sheet on how they did their rating if anyone wants to see it.
- Statistics from the Recreation Program: Day Camp, pool, swim lessons and tennis all went up considerably. Receipts from day camp went up 10%; pool went up 20%, swim team 30%, tennis 30% and swim lessons up 50%. The year to date program total went from \$171,208 to \$201,000. The park is doing real well.

Council President's Report: Council President Mills provided an update on the property of the former Catalano's Store. He talked with the developer and learned that, basically some transfers occurred. Fisher foods owned it and Giant Eagle properties bought it. Giant Eagle does not want any competition from anyone in this area for their other two stores. The developer is still plugging away and claims he has already put \$200,000 in legal fees into it. Mr. Mills asked the administration to reach out and look at what they would allow in there to get that project off the ground.

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

MEETING OPENED TO THE PUBLIC:

Mr. Ken Messenger-Rapport, Esq., 5600 Hawthorne Drive, addressed Council. He previously provided copies of a letter, dated July 9, 2009, to Mayor Coleman and Members of Council. Attached to the letter was a review of two pieces of legislation proposing changes to the state law regarding gas and oil drilling; a copy of a letter dated June 30, 2009, from Mayfield Village's Mayor Rinker to Governor Strickland, a copy of a letter dated July 10, 2009 from the Lake County Planning Commission, a memo titled "Drilling Basics 101, and a draft of a letter from Mayor Coleman to Governor Strickland.

Mr. Messenger-Rapport congratulated everyone for achieving the ranking of No. 18 as one of the best places to live in America. He addressed two topics. One was the issue of oil and gas drillings in residential neighborhoods. Support was requested for the six steps for sensible reform which were developed by the Northeast Ohio Gas Accountability Project (NEOGAP) and endorsed by Senator Tim Grendell to revise Ohio Oil and Gas well permitting law. Also, regarding the litigation that just wrapped up, Mr. Messenger-Rapport asked for Council to continue to conclude that there are no acceptable locations in our Community Park for oil and gas wells without potentially endangering our residents or harming our natural environment.

NEW BUSINESS:

MOTION AUTHORIZING RENEWAL OF CodeRED®CONTRACT: A motion was made by Mr. Hargate authorizing renewal of a one year contract with CodeRED® (an Emergency Notification System) at a cost not to exceed \$7500.00; seconded by Mr. Lombardo. Ayes all; motion carried.

FIRST READING PROPOSED RESOLUTION 34-2009: Council listened to the First Reading in title only of Proposed Resolution 34-2009 which description is: "A Resolution accepting an easement from Legends Building Co., Ltd., for the construction, reconstruction, operation, maintenance, repair and replacement of a storm sewer service over and across said easement, in the Legends at Aberdeen and declaring an emergency."

FIRST READING PROPOSED ORDINANCE 13-2009: Council listened to the First Reading in title only of Proposed Ordinance 13-2009 which description is: "An Ordinance approving the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances of Highland Heights, Ohio and declaring an emergency." Law Director Paluf recommended first reading.

ENACTMENT OF ORDINANCE 12-2009: Council listened to the Third 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." Mr. Legan moved to enact; seconded by Mr. Anderson. Ayes all; motion carried.

SCHEDULE OF MEETINGS: Mayor Coleman and Council President Mills will be out of town next week. Council will meet in Committee of the Whole Meetings on 7/21/09 and on 7/28/09 at 7:00 p.m. before the Regular Meeting.

Mrs. Murphy requested discussion on two items in the 7/21/09 meeting:

1. Discussion and review of the letter regarding gas and oil well drilling
2. Vacant Foreclosed Homes.

Mrs. Murphy provided a quick summary of an incident which occurred on Charles Place. She advised the foreclosure action concluded and the title transferred to the bank in December of 2008. Within the past recent weeks, this home now vacant and owned by a bank, has been subject to house stripping. A group of folks came into the neighborhood, dismantled the deck at the rear of the house, removed the deck and drove it away in trucks. A board on board fence was destroyed, panels dismantled and loaded into the truck and driven away. Inside the home stripping has occurred -- cabinets, carpets, toilets and sinks were removed. Mrs. Murphy stressed the importance of discussing vacant foreclosed homes.

Service Director Evans asked Council to schedule discussion in a Committee of the Whole on July 28th, regarding bids to be received July 24th for the 2009 Street Repairs.

AGENDA FOR COMMITTEE OF WHOLE MEETING 7/21/09.

1. 2009 Sidewalk Repair Program
2. Vacant Foreclosed Homes
3. Letter in support of sensible reform to state laws regarding gas and oil well drilling.

MOTION TO ADJOURN INTO EXECUTIVE SESSION: A motion was made by Mr. Anderson to adjourn into Executive Session to discuss pending litigation, City of Highland Heights vs. Aberdeen LLC. 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. Lombardo. Roll call on the motion: Ayes all; motion carried. Council adjourned at 9:10 p.m. and reconvened at 9:19 p.m.

ADJOURNMENT: A motion was made by Mr. Lombardo and seconded by Mrs. Murphy to adjourn the meeting. Said meeting adjourned at 9:21 p.m.

Clerk of Council

President of Council