
**CITY OF HIGHLAND HEIGHTS
MINUTES OF A COUNCIL MEETING
HELD: JULY 28, 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 Lieutenant Visoky; Service Director Evans; Assistant Building Commissioner Austin; City Engineer Hovancsek; Assistant City Engineer Mader; Finance Director Ianiro; Law Director Paluf.

ACTION ON MINUTES: The reading of the Minutes of a Council Meeting held July 14, 2009 was dispensed with. Mr. Anderson moved to accept the Minutes as written; seconded by Mr. Legan. Ayes all; abstain Pilla; motion carried.

HOME DAYS COMMENDATION: Council President Mills thanked Jim Austin, his committee and the Department Heads for their hard work on Home Days and Cathy Murphy, Parade Chairman, for one of the best Parades we have had.

Council President Mills announced that Susan Ketchum, reporter for the Sun Messenger is leaving us; he thanked her for all the coverage she has provided for our city and wished her the best in her new career ventures.

DEPARTMENT HEAD REPORTS:

Fire Chief's Report: No report.

Police Chief's Report: Lieutenant Visoky reported as follows:

- The Police Department reviewed the revised June 2009 replacement pages for the Codified Ordinances, Part 3 Traffic Code and Part 5 General Offenses. All the changes are correct. Approval this evening is recommended.
- Agenda Item No. 9, amending the agreement with the City of Bedford Heights for the confinement of prisoners with extended lengths of stay. Currently the rate is \$85.00 per day and under the new contract the rate would be \$75.00 per day. Approval this evening is recommended.
- Agenda Item No. 12 is to pay for emergency room and hospital care for prisoners under the Medicaid rate. Approval was recommended this evening.

Mr. Mills advised he has been contacted by residents from Strumbly Drive who are having a block party this weekend and asked what the policy is on blocking Strumbly Drive from 3 to 5 p.m. Lieutenant Visoky advised the ordinances require that every resident on that particular street would have to agree to close the street down. They will look into that request and see what they can do. Mr. Mills also asked if they provide a police cruiser to protect them during a

parade. Lieutenant Visoky advised last year he met with the home owner and provided a police escort for the parade and he is more than willing to do that this year.

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

- Recycling Bins. The recycling bins have been delivered and are now on sale at the Service Department. Residents can stop by and pick them up during regular business hours at the service department.
- Ridgebury Boulevard. The contractor is proceeding into the second phase which is east of Lander Road. The phase that is in Highland Heights is winding down. Last word is they would try to get that open to two way traffic by the end of this month. There will still be the castings sticking up in the road because one more course of asphalt needs to be placed. At the end of the project they will go from Richmond Road to SOM to place the last course of asphalt down.
- Park Building Alterations. This project is scheduled for bid opening on August 21st. Hopefully they will have information for Council when they return from recess.
- Agenda Items. Four items on the agenda have some relation to the Service Department: Items Numbers 6 and 7 are resolutions. Since Council is going into recess, suspension of the rules and adoption this evening was requested.

Mr. Anderson thanked Mr. Evans and advised that the residents on West Mill are very happy that their street sign is up.

In response to Mr. Mills' inquiry regarding the sale of the recycling bins, Mr. Evans advised they are advertising that the bins will be available for sale during the morning hours; however in the afternoon if someone is in the office they will sell them. Also, they would like to limit the bins to one per household until they get a feel for how quickly they will go.

Building Commissioner's Report: Assistant Building Commissioner Austin reported

- The Architectural Review Board met this week. Two new homes were approved, one in Aberdeen and one on Miner Road.
- Shoppes at Alpha update. They have a new tenant, Interstate Batteries. They will take approximately 1400 SF. This will leave Mr. Osborne with 2400 SF remaining. Interstate Batteries sells batteries for cameras, cars, many various different size batteries.
- Agenda Item No. 4. Approval was requested to authorize the City Engineer to pick up phases 2 and 3 on the sidewalk program and to provide cost estimates so they can start that program, if council would like to, in the spring of next year.

In response to Mrs. Murphy's inquiry for an update on Drug Mart coming to the old Syms building, Mr. Austin advised there is no further information at this time.

City Engineer's Report: City Engineer Hovancsek reported

- A Detention and Retention Basin Report is being prepared.
- The Annual Bridge Inspection Report is also being worked on.

Finance Director's Report: Finance Director Ianiro reported

- Agenda Item No. 11, amending the pay ordinance for the Recreation Department. This ordinance will amend the rates for three positions in order to accommodate the minimum wage. It will be \$480.00 that they will owe. Council was asked to suspend the rules and pass that ordinance.
- Agenda Item No. 14. This ordinance assesses the cost of abating nuisance conditions. That amount is \$2,462.00 and is for cutting lawns. He asked that Council suspend the rules and approve that this evening. This has to be filed with the County by September 7th and there is no Council Meeting scheduled between now and then.
- Ace Tennis payment. This is the second payment to Ace Tennis. Council was asked to add that to the agenda seeing as they will not meet until September. Also, one more payment may be due which would typically be a couple hundred dollars for adjustments that come through.

COMMITTEE REPORTS:

Park and Recreation Commission: No report. Park & Recreation is on recess.

Mayfield Area Recreation Council (MARC): No report.

Planning and Zoning Commission: Mr. Pilla reported the action which occurred in a meeting held July 27, 2009 as follows:

- **Brian Himmel, 416 Medway Road. Variance to Driveway Requirements.** This was re-issuance of a permit that was approved over a year ago for a seven foot variance. Approval was granted.
- **Malley's, 6339 Wilson Mills Road. Variance to Sign Requirements.** The variance was requested because the letter "M" is 36 inches and the rest of the letters are a normal 24". That variance was granted. Final sign approval of the corporate logo was also granted.
- **Robert Calabrese, 25 & 27 Alpha Park. Request for Conditional Use Permit to allow a Restaurant in a PCM District.** They still have an issue on verifying parking spots. This item was postponed to the August 24th meeting.
- **City of Highland Heights, 5905 Wilson Mills Road. Final Plan Approval – Park Building Alterations.** Revised prints of July 27, 2009. Final approval was given. The plans are available for review. One suggestion by the Board was that they look into putting a security system in that facility because it is in the back of the park.

Mayor Coleman advised that Chief Cook and he have been looking into not only that but some security cameras around the pool facility to cut down on vandalism.

Mr. Pilla continued his report:

- **The Shoppes at Alpha Place, 6345 Wilson Mills Road. Proposed Pylon Signs.** They did approve the signs. The square footage will be the same on the pylon signs however the bottom two signs will be cut in half so the names will be smaller. If there are six boxes on one of the pylon signs, the last two might be divided into two so they can put ten signs on it but not exceed the square footage of the original sign.
- **Faina Rozenfeld, 1014 Belwood Drive. Variance to Driveway Requirements.** This matter was reviewed and set for public hearing on August 24th.
- **St. Paschal Baylon, 5360 Wilson Mills Road. Variance to Sign Requirements.** This matter was reviewed. Previously approval was given for signs inside the football field. This particular sign is for signs that will go on pole signs on Wilson Mills Road. St. Paschal Baylon is the recipient of a Blue Ribbon Award from Washington D.C. It is a very prestigious award and they will get it in September. They would like to hang banners on Wilson Mills Road. A public hearing was scheduled for August 24th.
- **EHC Homes, Contractor Approval.** Contractor approval was given.
- **359 East Edinburgh Drive.** New home design approval was given.

In response to Mr. Mills' request for information regarding the proposed restaurant in the PCM District, Mr. Austin advised the restaurant will serve Italian style lunch and dinners and will have a breakfast. He also advised Suites 24 and 27 Alpha Park are in the furthest north of the Alpha Park Buildings against the Progressive Property near the curve on Alpha Drive.

Legislative & Finance Committee: No report. Mr. Lombardo mentioned that Item No. 8, the 911 Crime & Incident Mapping System, is in the budget and is within the budgeted amount.

Safety & Service Committee: Mr. Hargate asked that Agenda Item No. 8, the Emergency 9-1-1 Crime and Incident Mapping System, be referred to Safety & Service so they can discuss that with the Police Department.

Commission on Aging: Mr. Hargate reported a meeting was held on July 20th. One matter of interest is that the senior's picnic will be held on September 2nd starting at noon in the city park. There will be lunch and prizes. Cost is \$3.00.

Mayfield Union Cemetery: Mr. Hargate reported a meeting was held July 17th. They awarded a contract to Hi Point Tree Service for removal of dead trees in the cemetery. The communities' service departments will be working some time in August to do some renovation and cleanup work in the cemetery.

Drainage Committee: No report.

Law Director's Report: Law Director Paluf reported on agenda items:

- Agenda Item No. 5 supporting legislation introduced by Senator Grendell and NEOGAP. Approval was recommended this evening so that can be forward that on to state legislators.
- Agenda Item No. 13 regarding levy of assessments for street lights. Approval was recommended this evening so the assessments can be filed with the Auditor.
- Agenda Item No. 16 accepting the update for the Codified Ordinances. Approval this evening was recommended as well. The Police Department and City Prosecutor were OK with it and he has reviewed it.

MAYOR'S REPORT: Mayor Coleman reported on two items:

- With respect to Agenda Item No. 1, his appointment to the Planning and Zoning Commission is Vince Adamus. Vince is here and if the appointment is approved, he will give him the oath of office. Information regarding Mr. Adamus has been provided to Council. He has served on some of the city boards and commission; currently he is the CEO of the Beachwood Chamber of Commerce; and, he holds a master's degree in Public Administration. Mayor Coleman thanked Mr. Mills for suggesting Mr. Adamus. Mayor Coleman stated he thought Mr. Adamus was an excellent choice.
- Chief Cook has been named the Honorary Co-Chairman of the NAMI Walks Cleveland to benefit NAMI, National Alliance on Mental Health. The walk will be held at Voinovich Park on Saturday, August 29th. The Chief is putting together a team that will be called, Chief Cook Cruisers. He invites any member of Council or a member of the audience or anyone they know to be part of his team. If anyone is interested, let him know and he will let you know how to sign up for that. Also Chief Cook will be interviewed on August 5th on Channel 5 with Monica Robbins to tell everyone about the event

Mr. Mills requested that information be provided in the Council packets.

In response to Mr. Mills' inquiry as to the status of the health care, Mayor Coleman advised he has concluded the interviews and Council will be getting a letter from him in a week to ten days.

ITEMS TO BE ADDED TO THE AGENDA:

1. Motion authorizing the city engineer to prepare a cost estimate to install sidewalks on Strumbly Drive, in an amount not to exceed \$3000.00.

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

2. Motion authorizing payment to Ace Tennis in the amount of \$7,375.00 for the second session of tennis lessons.

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

MEETING OPENED TO THE PUBLIC:

Ms. Amy Feran, 5650 Hawthorne Drive, thanked and commended Council for considering and passing Item No. 5 this evening. She stated it was really important to communicate with Columbus that this community is concerned about the current gas well laws. She also thought it was an important message to the community as to how they officially feel about these gas wells that are trying to get into our residential neighborhoods. Mrs. Feran cautioned about property owners approaching the city to get licenses or easements to use public roads and they have to understand that if they give that license they could potentially say in Alpha Park they could be creating a whole oil field in the Alpha Park area. They tend to connect that license up to other property. One of the important things that the City can do to try to minimize drilling in the city is to not give licenses or easements to use roads for drilling purposes.

NEW BUSINESS:

MOTION AUTHORIZING CITY ENGINEER TO PREPARE A COST ESTIMATE TO INSTALL SIDEWALKS ON STRUMBLY DRIVE: A motion was made by Mr. Legan authorizing the City Engineer to prepare a cost estimate study to install sidewalks on Strumbly Drive at a cost not to exceed \$3000.00; seconded by Mr. Anderson. Ayes all; motion carried.

MOTION AUTHORIZING PAYMENT TO ACE TENNIS: A motion was made by Mr. Pilla authorizing a payment to Ace Tennis in the amount of \$7,375.00 for the second session tennis lessons; seconded by Mr. Anderson. Ayes all; motion carried.

MAYOR'S APPOINTMENT: Planning & Zoning Commission. Vincent A. Adamus. A motion was made by Mr. Lombardo to confirm the Mayor's appointment of Vincent A. Adamus to the Planning and Zoning Commission for the unexpired term of Al Kerr, expiring 12/31/2010; seconded by Mr. Anderson. Ayes all; motion carried.

Mr. Adamus was then sworn in by Mayor Coleman.

MOTION REJECTING ISSUE I FUNDING FOR MINER ROAD RECONSTRUCTION PROJECT: A motion was made by Mr. Pilla rejecting Issue I Funding for the Miner Road Reconstruction Project due to fact Federal Funding will not be available until 2010; seconded by Mr. Anderson. Ayes all; motion carried.

MOTION AUTHORIZING CONTRACT WITH DJL MATERIAL & SUPPLY CO.: A motion was made by Mr. Anderson authorizing a contract with DJL Material & Supply Co. in an amount not to exceed \$12,000.00 to furnish equipment and materials for the 2009 Crack Sealing Program; seconded by Mr. Hargate. Ayes all; motion carried.

MOTION AUTHORIZING CITY ENGINEER TO EXTEND 2009 SIDEWALK REPAIR PROGRAM: A motion was made by Mr. Legan authorizing the City Engineer to extend the 2009 Sidewalk Repair Program and to inspect and make a survey of all sidewalks and aprons needing repairs citywide; seconded by Mr. Anderson. Ayes all; motion carried.

ADOPTION OF RESOLUTION 35-2009: Council listened to a reading in title only of Proposed Resolution 35-2009 which description is: "A Resolution supporting the legislation currently being endorsed by State Senator Timothy Grendell and the Northeast Ohio Gas Accountability Project (NEOGAP)." Mr. Hargate moved to suspend the Second and Third Readings; seconded by Mrs. Murphy. Ayes all; motion carried. Mr. Anderson moved to adopt; seconded by Mr. Legan. Mrs. Murphy stated she thought it is important for our city to stand with Senator Grendell and NEOGAP. She was also pleased that they are doing this before break as she

believed that Columbus will begin to consider this legislation early in September. Ayes all; motion carried.

ADOPTION OF RESOLUTION 36-2009: Council listened to the First Reading in title only of Proposed Resolution 36-2009 which description is: "A Resolution authorizing and directing the Mayor to approve a Change Order to the contract with C. A. Agresta Construction Co. in the amount of One Hundred Five Thousand Five Hundred Forty One Dollars and Eleven Cents (\$105,541.11), and declaring an emergency." Mr. Lombardo moved to suspend the Second and Third Readings; seconded by Mr. Hargate. Ayes all; motion carried. Mr. Lombardo moved to adopt; seconded by Mr. Hargate. Ayes all; motion carried.

ADOPTION OF RESOLUTION 37-2009: Council listened to the First Reading in title only of Proposed Resolution 37-2009 which description is: "A Resolution declaring The C. A. Agresta Construction Co. as the lowest and best bidder for the 2009 Street Resurfacing and Miscellaneous Concrete Repair Project, authorizing the Mayor to enter into a contract with said bidder, rejecting all other bids received, and declaring an emergency." Mr. Legan moved to suspend the Second and Third Readings; seconded by Mr. Anderson. Ayes all; motion carried. Mr. Evans noted that this contract, in the amount of \$257,610.00 includes the alternate bid as well as the base bid. Mr. Pilla moved to adopt; seconded by Mr. Hargate. Ayes all; motion carried.

FIRST READING PROPOSED RESOLUTION 38-2009: Council listened to the First Reading in title only of Proposed Resolution 38-2009 which description is: "A Resolution authorizing the Mayor to execute an agreement with TAC Computer for the purchase of an Emergency 9-1-1 Crime and Incident Mapping System for Safety & Service Communications to include two (2) Dispatch Stations; eleven (11) GPS receivers and Mobile Maps for Police and Fire vehicles in an amount not to exceed Fifteen Thousand Nine Hundred Dollars (\$15,900.00), and declaring an emergency." Council President Mills referred this legislation to the Safety & Service Committee for review.

ADOPTION OF RESOLUTION 39-2009: Council listened to the First Reading in title only of Proposed Resolution 39-2009 which description is: "A Resolution authorizing the Mayor to enter into a contract with the City of Bedford Heights for the confinement of prisoners with extended lengths of stay, at the Bedford Heights City Jail, and declaring an emergency." Mr. Legan moved to suspend the Second and Third Readings; seconded by Mr. Lombardo. Ayes all; motion carried. Mr. Legan moved to adopt; seconded by Mr. Hargate. Ayes all; motion carried.

FIRST READING RESOLUTION 40-2009: Council listened to the First Reading in title only of Proposed Resolution 40-2009 which description is: "A Resolution authorizing settlement and dismissal of pending litigation and declaring an emergency."

ENACTMENT OF ORDINANCE 14-2009: Council listened to the First Reading in title only of Proposed Ordinance 14-2009 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." Finance Director Ianiro requested approval this evening. Mr. Pilla moved to suspend the Second and Third Readings; seconded by Mr. Anderson. Ayes all; motion carried. Mr. Anderson moved to enact; seconded by Mr. Pilla. Ayes all; motion carried.

ENACTMENT OF ORDINANCE 15-2009: Council listened to the First Reading in title only of Proposed Ordinance 15-2009 which description is: "An Ordinance enacting Section 131.11 of Chapter 131 of the Codified Ordinances of the City of Highland Heights pertaining to the Police

Department, repealing all repealing all legislation inconsistent herewith and declaring an emergency.” Mr. Pilla moved to suspend the Second and Third Readings; seconded by Mr. Anderson. Ayes all; motion carried. Mr. Hargate moved to enact; seconded by Mr. Legan. Ayes all; motion carried.

ENACTMENT OF ORDINANCE 16-2009: Council listened to the First Reading in title only of Proposed Ordinance 16-2009 which description is: “An Ordinance levying assessments for the payment of street lighting and the improvement or installation of additional lighting by special assessment of all parcels benefited and declaring an emergency.” Mr. Lombardo moved to suspend the Second and Third Readings; seconded by Mr. Anderson. Ayes all; motion carried. Mr. Lombardo moved to enact; seconded by Mr. Anderson. Ayes all; motion carried.

ENACTMENT OF ORDINANCE 17-2009: Council listened to the First Reading in title only of Proposed Ordinance 17-2009 which description is: “An Ordinance assessing the cost of abating a certain nuisance, and declaring an emergency.” Mr. Pilla moved to suspend the Second and Third Readings; seconded by Mr. Hargate. Ayes all; motion carried. Mr. Pilla moved to enact; seconded by Mr. Anderson. Ayes all; motion carried.

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

ENACTMENT OF ORDINANCE 13-2009: Council listened to the Second 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.” Mr. Lombardo moved to suspend the Third Reading; seconded by Mr. Anderson. Ayes all; motion carried. Mrs. Murphy moved to enact; seconded by Mr. Hargate. Ayes all; motion carried.

COUNCIL RECESS: Council is in recess for the month of August. The next scheduled meeting of Council is a Committee of the Whole on September 1, 2009 at 7:30 p.m. Any items for the agenda, contact the Council President or Council Clerk.

Mr. Lombardo scheduled an L&F Meeting for 7:00 p.m. on 9/1/09 to discuss part time help for the Service Department and proposed legislation regarding oil and gas wells. Mrs. Murphy requested a draft of the Notice of Foreclosure legislation for discussion in that meeting.

ADJOURNMENT: A motion was made by Mr. Anderson and seconded by Mr. Legan to adjourn the meeting. Said meeting adjourned at 8:40 p.m.

Clerk of Council

President of Council