
**CITY OF HIGHLAND HEIGHTS
MINUTES OF A COUNCIL MEETING
HELD: SEPTEMBER 8, 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 January 28, 2009 was dispensed with. Mr. Lombardo requested a correction on Page 2, in the Building Commissioner's Report, change Evans to Austin. Mr. Legan moved to accept the Minutes as corrected; seconded by Mr. Pilla. Ayes all; motion carried.

DEPARTMENT HEAD REPORTS:

Fire Chief's Report: Fire Chief Turner reported

- The Fire Department responded to 172 calls in July and 175 calls in August.
- As reported last week in the Sun Press, the Fire Fighter Bill Bernhard was selected to attend a week long hands-on training course for EMS personnel responding to what was called mass destruction. This class was held at the Noble Training Facility in Alabama and it was paid for by FEMA. He will be able to take that information and hopefully bring it back and train other members of the department.
- The installation of the MARCS Radio system is complete. Training is continuing for both the fire and dispatch personnel and they are working out some of the bugs. In addition, they are working on a policy for use of the radio system and if everything goes well by October 1st that system will be up and running. Before the end of the year the entire Hillcrest area should be up and running on it and that will include Richmond Heights, Pepper Pike and Beachwood.

Police Chief's Report: Chief Cook reported.

- The three police cruisers purchased this year have been delivered, converted and put in service; and, the old cruisers were traded in.
- Regarding the 800 MHz radios, the company did an excellent job in putting the equipment in the console. It was kind of seamless and they are in the process of training.
- Chief Turner and Chief Cook are going to ask for a meeting with Mr. Hargate and the Safety & Service Committee regarding the emergency 911 system and CAD system for the police and fire vehicles.

- For the month of July the Police Department responded to 1033 calls for service, for the month of August they responded to 923 calls for service. During July they handled 11 motor vehicle accidents, 4 with injuries and in August they handled 13 motor vehicle accidents, 4 with injuries. They held 19 prisoners in July for approximately 693 hours and 15 prisoners were held in August for approximately 185 hours.
- Chief Cook thanked the Mayor, Council President, Council and residents of Highland Heights for the support he received while being the Co-chairman of the NAMI Walk this year. The support he received from the community was overwhelming.

Council President Mills reported he received several emails from a resident on Kenbridge regarding a vicious dog. Chief Cook advised that he was very familiar with that situation and he will get back to Mr. Mills on that.

Service Director's Report: Service Director Evans reported:

- The Computer Roundup Program that was held during the month of August is now completed. They transported 9 pallets full of computers and peripherals down to the RET-3 Recycling Center. The Solid Waste District has contracted with them to recycle some of them. That Roundup was very successful.
- The Household Hazardous Waste Roundup, otherwise known as paint roundup, will begin on September 21st and go through October 2nd, Monday through Friday, 8 am to 3:30 pm at the Service Department. They will also have a one day Saturday drop off on October 3rd from 9 a.m. to 2 p.m.
- City Engineer Hovancsek will report on the street resurfacing and repairs program but Mr. Evans advised of a change of location for some of the repairs. Repairs were planned on Brainard Road; however, because of the timing of the contracting and getting the work out there, there was going to be a conflict with school buses and such so the Brainard Road repairs are going to be delayed and they have moved that work over to Aberdeen Boulevard. They will be making repairs to the west end of Aberdeen and the Bishop Road intersection to take care of open joints there. The east end also needs some repair and they are talking about maybe working that into a Miner Road project in a year or two. They will probably target Brainard Road next year. In the meantime they will continue to maintain it with hot asphalt and cold patch as needed.
- The Board of Health has reported they will conduct another round of ground baiting for raccoon rabies in our area. Mr. Evans is working with the Ohio Department of Health, the Department of Natural Resources and the U.S Department of Wild Life. Aerial bating is taking place right now and ground baiting is being scheduled for our city and the cities around us this Thursday. Notification was too late to put the information in the newsletter but they do have it on the front page of the web site with links to other information.

In response to Mr. Legan's inquiry regarding sale of the recycling bins, Mr. Evans reported the response is very low, they sold around 20 bins. An article will be in the Newsletter.

Mr. Mills asked that Mr. Evans make a note to change the information boards sometime around the week of the 15th to remind everyone of the October 3rd shredding which will coincide with the Service Department's one day Saturday drop off of household hazardous waste.

Mrs. Murphy requested an update on the additional landscaping measures for the mound behind the salt dome. Mr. Evans reported that Mr. Nemekay, our landscape architect, did make some recommendations on the project and copies were forwarded to Council. The recommendations were for some additional landscaping on the mound, there are three more large caliper trees that will go in on the mound; at least a half dozen pine trees that were planted last fall that were questionable as far as survival. If they don't survive they are under warranty and at least a half dozen will be replaced this fall under the warranty with the original contractor. Mr. Nemekay will reevaluate those in a few weeks as they get closer to planting season. The new trees will be included in the Fall Street Tree program.

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

- As discussed earlier, plans have been received for moving the driveway at the former SYMS location. That will be reviewed by the Fire Department, Police Department and City Engineer and will go to the Planning & Zoning Commission.
- Tomorrow, they will receive plans for the restructuring of the former SYMS building.
- Bass Energy has started the drilling process for the well owned by Alpha Park at 340 Alpha Drive.
- One new home started at 322 Miner Road.

Mayor Coleman commented on the gas well. Sunday he was driving down Alpha and he smelled an odor of gas so he called Chief Turner who dispatched the firefighters out to take a look at it. It wasn't gas. Chief Turner reported, they had excess water that they store there and the water is used throughout the process. That water had a very strong sulphur - gas odor to it. Chief Turner stated, that is not uncommon and as the well starts producing, they will get calls regarding the odor. They had numerous calls with the Dasher well.

City Engineer's Report: City Engineer Hovancsek reported:

- The channel cleaning operation for the Bishop Road Culvert has been submitted to the Corps of Engineers.
- The proposed gas well connection plans for 755 Miner Road have been reviewed and approved as noted.
- Regarding the road program status, the partial repair on Kenbridge has been completed and now this week, the contractor will be doing the full depth repair on Kenbridge Road.
- The detention-retention basin study will be completed this month.
- Plans have been received for the driveway relocation for the Shoppes at Alpha and they are reviewing those plans at this time.

Mrs. Murphy reported regarding the driveway relocation at Alpha that she has had some residents concerned overall about the traffic there. She asked if Mr. Hovancsek works with the police in terms of traffic. City Engineer Hovancsek advised they all coordinate pretty much together and this driveway is being relocated because of traffic. He added that the fire, police and engineering departments will look at it together. Mrs. Murphy asked if any traffic signals

might be recommended. Assistant Building Commissioner Austin reported the study indicates that there is no light needed there.

Finance Director's Report: Finance Director Ianiro reported:

- Item No. 2 on the agenda is the second half payment due to Tri City. Council previously approved the first half payment earlier this year. That amount was budgeted.
- Notice has been received from the Cuyahoga County Auditors Tax Department that as of September 3rd they are holding almost \$49,000 in estate tax revenues which will be distributed later this year. They collected \$282,000 earlier this year so it looks like the City should received \$331,000 of estate tax this year which all goes into the Capital Improvements Fund. \$150,000 was estimated.
- On October 21st Chief Cook and Mr. Ianiro met with representatives from Cuyahoga County to go through a juvenile diversion audit. An audit is conducted on an annual basis to make sure that the funds given to Highland Heights are property recorded and property expended. They passed that audit again.
- The City is on a bi-annual audit schedule. The last audit was completed for the years 2006 and 2007. The auditors came in today to do some preliminary field work. They will be in and out between now and the end of the year to do the audits for the years 2008 and 2009. That audit won't be released until some time mid next year

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COMMITTEE REPORTS:

Park and Recreation Commission: Mr. Anderson reported a meeting is scheduled for Thursday, September 17th.

Mayfield Area Recreation Council (MARC): Mr. Anderson reported a meeting was held last Thursday, September 3rd. Phil Weinberg who runs it is very happy with Highland Heights. He thanked Council and the Recreation Department for letting them use the tennis courts. The Punt Pass and Kick contest is going to take place this Saturday at 12:00 at the high school football field. Fall classes are signing up right now.

For information, Mr. Anderson reported that Biagio's Delicatessen on Wilson Mills Road is closing his business because his children do not want the business and he feels it is too much work for him to do it anymore. Last Saturday was his last day after 20 years. Mr. Anderson stated he will miss him because he was a great gentlemen and he did a great job there.

Planning and Zoning Commission: No report.

Legislative & Finance Committee: No report. Mr. Lombardo noted two ordinances are on the agenda this evening, the foreclosure one and the ordinance for the income taxes for royalties on gas and oil wells.

Safety & Service Committee: Mr. Hargate requested a meeting be scheduled for September 22nd for 7:15 p.m.

Commission on Aging: Mr. Hargate reported the next meeting is scheduled for September 21st.

Drainage Committee: Mrs. Murphy scheduled a meeting for September 22nd at 7:00 p.m. They do have a pending application from a resident and she wanted to catch up on other items of their business.

Strumbly Sidewalk Meeting: Mrs. Murphy reported a Strumbly Drive Sidewalk meeting was held this evening at City Hall with several residents in attendance. It was requested that an attendance list be attached to these minutes (see attachment). As an outcome of the meeting, Council is asked to add to the agenda tonight a motion to authorize the engineer to prepare plans for Issue I Funding for a sidewalk program for Strumbly. Mrs. Murphy reported also, in terms of Plan B, they are looking at having the engineer draw up some plans to determine what the cost would be, instead of going with a sidewalk, to go with a pathway type of project on one side of the street on Strumbly Drive. This would be something for the residents to consider.

Law Director's Report: Law Director Paluf reported, as discussed in the Committee of the Whole, a hearing was requested regarding a new liquor permit on Alpha Drive because the address listed is the address of an existing permit. He is trying to get more information on that. If the information is not obtained, the hearing is next Monday at 1:45 p.m. and Mr. Paluf will attend.

Regarding Agenda Item No. 1, there had been some questions regarding rejecting the bids. Mr. Paluf advised, as stated in last week's meeting, the City has the right to reject any bids for no reason at all and that wording is in the bid documents. He advised they had determined there were some other reasons and other issues here but certainly the city has the right to reject any and all bids.

Mr. Paluf reported he attended, as well as Mrs. Murphy, the Airport Noise Abatement Procedure Meeting. Mrs. Murphy is on the committee. He thought very few complaints were generated out of our airport.

Mrs. Murphy reported that they are working on a joint mission statement with all the cities in terms of finding efficient ways to reduce noise of the airplanes. They had councilmen from all the cities there, the operators and someone from the airport. Some of it is quite technical in terms of how fast do they take off and at what altitude and when they land. The new chairman is from Willoughby Hills. He has suggested they meet more often; they used to meet twice a year; now they are going to meet four times a year. Mrs. Murphy advised they have an opportunity to make a significant reduction in noise complaints from residents.

MAYOR'S REPORT: Mayor Coleman reported that the newsletter did go to the printer this past Friday. They need 4 to 5 days to format and print the document. Residents should have it in their houses as early as next Saturday or as late as Monday or Tuesday.

Mayor Coleman also reported that he requested the Law Director to prepare legislation declaring October 31st which is on a Saturday as the day they will be observing Halloween.

Council President's Report: Council President Mills thanked the Mayor for working a long diligent process in obtaining a new broker for our employees' health care. He advised the Fidelity group is a well respected company in our area so it is a good choice. Mr. Mills asked if they are staying with United Health Care. Mayor Coleman advised the City is under contract with United Health Care until April.

Mr. Mills reported, effective now, Jean Buchak, Clerk of Council, will be going part time. He asked that if anyone had things that need to be done that they be aware of her time and suggested they run requests through him.

Mr. Mills announced that the Hillcrest Rotary Club's "Taste of Hillcrest" is October 11th at Landerhaven.

ITEMS TO BE ADDED TO THE AGENDA:

Motion authorizing the City Engineer to prepare an application for Issue I Funding for Strumbly Drive Sidewalks.

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:

Mr. Ed Bencin, 5964 Whiteford Drive, spoke on the Whiteford Park lighting. He attended a committee meeting a couple months ago and learned that some people were asking for lighting of Whiteford Park. Since he lived two doors from Whiteford Park that concerned him. He talked with Mr. Mills who told him there were some people demanding to have lights down there and if he didn't want lights down there he should object. He talked with his neighbors and they went out with a petition objecting to any lighting. Mr. Bencin asked that the petition be made part of the record. (see attachment) If need be, he can get more signatures. Mr. Bencin asked that Council consider the needs of the people down there.

Mr. Bencin also spoke on gas wells. He has been reading Mrs. Feran's Log a little bit. He stated gas wells were kept out of Highland Heights for a very long time until they changed the state law. As Fire Chief for Highland heights, about 15 years ago he did a lot of research on gas wells. He reported they have around 60 gas wells that are capped, uncapped, and in different states of condition in this city. Benement Trees owned all the gas wells and the leases and the mineral rights in the City of Highland Heights back in the 40's and 50's. They sold all of that to a company called Kermagee who bought all their mineral rights, equipment, everything. In 50 years, they probably don't even know what is going on but the people around here may be selling mineral rights that they don't own. The only way to check that would be to check with Kermagee to see if they own some of these mineral rights. Mr. Bencin stated that in Alpha Park there was a well that was capped many years ago so there had to be mineral rights given away when it was originally drilled. Mr. Bencin suggested it might be a nice project for someone to call Kermagee and see if they own these rights. He suggested that might put everything in abeyance for awhile until the state laws are changed to help the City out.

NEW BUSINESS:

MOTION AUTHORIZING CITY ENGINEER TO PREPARE ISSUE I APPLICATION: A motion was made by Mr. Lombardo authorizing the City Engineer to prepare an application for Issue I Funding for Strumbly Drive sidewalks; seconded by Mr. Legan. Ayes all; motion carried.

MOTION TO REJECT ALL BIDS RECEIVED FOR THE PARK BUILDING ALTERATION

PROJECT: A motion was made by Mr. Anderson to reject all bids received August 21, 2009 for the Park Building Alteration Project; seconded by Mr. Hargate. Ayes all; motion carried.

MOTION AUTHORIZING PAYMENT TO THE TRI-CITY CONSORTIUM ON AGING:

A motion was made by Mr. Pilla authorizing payment in the amount of \$44,806.00 to the Tri-City Consortium on Aging which is one-half of the Highland Heights share of the 2009 funding; seconded by Mr. Anderson. Ayes all; motion carried.

FIRST READING PROPOSED RESOLUTION 41-2009:

Council listened to the First Reading in title only of Proposed Resolution 41-2009 which description is: "A Resolution in support of the 2009 Year of the River, promoting stewardship of our watershed and encouraging residents, institutions and businesses to become partners in conservation, restoration and protection of our natural resources."

FIRST READING PROPOSED ORDINANCE 18-2009:

Council listened to the First Reading in title only of Proposed Ordinance 18-2009 which description is: "An Ordinance enacting Chapter 1326 of the Codified Ordinances of the City of Highland Heights pertaining to notification of foreclosure filing and repealing all legislation inconsistent herewith and declaring an emergency."

FIRST READING PROPOSED ORDINANCE 19-2009:

Council listened to the First Reading in title only of Proposed Ordinance 19-2009 which description is: "An Ordinance enacting Section 111.0501 (f) of Chapter 111 of the Codified Ordinances of the City of Highland Heights pertaining to the imposition of income tax on oil and gas well royalties, repealing all legislation inconsistent herewith, and declaring an emergency."

SECOND READING PROPOSED RESOLUTION 38-2009:

Council listened to the Second 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."

SECOND READING PROPOSED RESOLUTION 40-2009:

Council listened to the Second 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."

ADOPTION OF RESOLUTION 34-2009:

Council listened to the Third 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 and appurtenances for the purpose of supplying sewer service over and across said easement in the Legends at Aberdeen and declaring an emergency." Mr. Anderson moved to adopt; seconded by Mr. Legan. Ayes all; motion carried.

MOTION TO ADJOURN INTO EXECUTIVE SESSION: A motion was made by Mr. Pilla to adjourn into Executive Session to discuss personnel matters in the Fire Department and other employee issues 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. Anderson. Roll call on the motion: Ayes all; motion carried. Council adjourned at 8:35 p.m. and reconvened at 9:00 p.m.

ADJOURNMENT: A motion was made by Mr. Pilla and seconded by Mr. Legan to adjourn the meeting. Said meeting adjourned at 9:01 p.m.

Clerk of Council

President of Council