
**CITY OF HIGHLAND HEIGHTS
MINUTES OF A COUNCIL MEETING
HELD: SEPTEMBER 22, 2009**

President of Council Mills presiding.

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

ABSENT: Councilman Anderson, excused.

ACTION ON MINUTES: The reading of the Minutes of a Council Meeting held September 8, 2009 was dispensed with. Mr. Lombardo requested a correction on page 2, to correct a typo in the title of the City Engineer. Mr. Pilla moved to accept the Minutes as corrected; seconded by Mr. Lombardo. Ayes all; motion carried.

DEPARTMENT HEAD REPORTS:

Fire Chief's Report: No report. Chief Turner had been present but was called away to a house fire.

Police Chief's Report: Chief Cook reported as follows:

- In a meeting with Safety & Service this evening he proposed moving forward on the Emergency 9-1-1 Crime and Incident Mapping System for their dispatch center and police and fire vehicles. This system would provide the ability to identify the type of call, whether cellular, hard line or mobile and where the call is coming from. The system would provide GPS capability in their vehicles which would give the dispatch center the ability to dispatch the closest vehicle to the call thereby increasing response time.
- Chief Cook reported he also discussed with Safety & Service a proposal to increase part time hours for the year 2010 which would give them the ability to put more police cars on the road in the evening. This would be more cost effective than adding additional full time officers.
- On Saturday, September 26th, the fitness exam for their Civil Service Test will be given. Ninety-seven individuals took the written test. Hopefully they will have a list within the next 30 to 40 days and will be able to hire a full time officer before the end of the year to replace an officer who left in June of this year.
- The Police Department has applied to the Commission for Accreditation for Law Enforcement Agencies, Inc. (CALEA) for recognition to be nationally accredited. That assessment is scheduled for December 6th, 7th and 8th.

Chief Cook further reported that on September 15th at approximately 5:45 p.m. a call was received from a woman who stated an attempt was made to entice her child into a vehicle. The police responded immediately. This case was investigated for two or three days. Upon further investigation, the officers found that this was not the case. The child really did not understand what the gentleman was saying to him. The three officers who responded are all residents, all have children in this city and all take this type of call very seriously. They stopped three vehicles in the area and talked to three people who had similar vehicles in that area. Chief Cook stated the reason he brought this up is because this particular incident has been magnified and there is a lot of information going out that is totally not true. The individual did not ever ask the child to get into the vehicle; he did not exit his vehicle and the child does not even remember exactly what the individual said to him. Chief Cook also stated the police received some criticism on this because they did not place a CodeRed call out on this. He advised if there was a child enticement which is an attempt to lure a child into the vehicle he and their detectives would have been notified immediately. Detective Sergeant McKee is present this evening. They would immediately come into work. They would place a CodeRed and immediately notify the community. With the information they had, they did not have credible and sufficient information to do that. Chief Cook stated, in his judgment, it would have been inappropriate on their part to place a CodeRed to 5000 residents to say that someone is trying to lure children into vehicles when they didn't even know what the individual said.

In response to Mr. Lombardo's inquiry as to whether or not they would receive a partial subsidy from the government for the new police officer, Chief Cook stated, no, they did not receive the government grant.

In response to Mr. Mills' inquiry regarding the physical fitness exam, Chief Cook explained it is the Cooper Aerobic Fitness Test, and it is held at Mayfield High School. The test will be given by his department. Chief Cook added that he and Sergeant Hoehnen are trained; they are instructors in this program; and are capable of giving the exam.

In response to Mr. Mills' inquiry regarding vicious dogs, Chief Cook explained Prosecutor Taylor and he just handled a case in which a Great Dane attacked a dog in our city. Chief Cook declared the dog vicious. The dog did not live in the city but the lady did and her boyfriend brought the dog into the city. He advised that within 30 days they have a right to appeal his ruling. This is a new law within the last 18 to 24 months. Other than a pit bull terrier, a dog would have to do something to be declared vicious. They did appeal; a hearing was held and the dog was declared a vicious dog. At that time they would take the appropriate action to say, the dog must be confined on their property, muzzled if going beyond the premises, and they must maintain insurance.

Mr. Mills asked to be updated on a dog incident on Kenbridge Drive.

Chief Cook reported they had a complaint regarding dogs at 717 Kenbridge; a Michael Young is the resident there. Mr. Young was cited a couple times regarding dogs. Mr. Young has two Rotweillers and a dog that was identified as a pit bull terrier or Staffordshire terrier. This would automatically place it in a vicious dog category. They went to the residence and found the dog was not a pit bull; it was an American bull dog which does not define it automatically as a vicious dog. Mr. Young at times does some uncomfortable things with these dogs. There was some innuendoes that he may be training them to fight. There was no information or credible evidence to that. They are watching the residence. They did just today inform Mr. Young that he has seven days to put plates on a vehicle in his driveway. Chief Cook also reported he

talked with Mrs. Fatica who is here this evening. He met with her for approximately an hour concerning some of her concerns. He stated she had some legitimate concerns regarding this residence. Prosecutor Taylor and he are going to follow up with Mrs. Fatica next week.

Mr. Legan asked if the incident with the child is closed. Chief Cook stated the matter is closed. His detectives investigated it fully for two or three days. Chief Cook again stated their procedures are, for certain calls like an enticement or abduction, they would have to be notified immediately and they would notify the community if they felt someone was in danger. If there wasn't sufficient evidence to prove the danger they would not put out a CodeRed. Apparently Channel 19 and 5 picked this up. There were some things he read in the paper that were totally wrong. They are talking about a van that attempted to lure two boys in the community. That never happened. Chief Cook stated he did not know where they got their information.

Service Director's Report: Service Director Evans reported

- Paint roundup is going on through October 2nd, Monday through Friday, 8 a.m. to 3:30 p.m. at the Service Department with a one day Saturday collection on October 3rd, 9 a.m. to 2 p.m. -- this will coincide with the shredding day.
- Leaf Collection. They have taken delivery on their new leaf machine and all other equipment is getting geared up. Leaf collection will begin the week of October 12th. They are looking to a successful season this year.
- Crack Sealing Program. Their street by street crack sealing program is under way by the Service Department staff with rented equipment. They are about half way finished with that program.

Solid Waste Contract – Fee Increase. A request has been received from J & J Refuse, Inc., the City's rubbish contractor to pass through some governmental fees. In previous discussion the Law Director and Service Director were asked to look deeper into that. Mr. Evans spoke with Diane Bickett, Executive Director of the Cuyahoga County Solid Waste District and asked what was going on in other communities. She looked over the City's contract and the contractor's request for those fees. With the exception that there are some discrepancies in dollar value, she felt it was reasonable that the fees be passed through. The Solid Waste District is telling us that the State imposed \$1.25 per ton fee on all tonnage and the contractor is requesting \$1.60. Mr. Evans reported he called J&J and asked for an explanation for the difference from the \$1.25 and their request of \$1.60, an additional 35 cents per ton and found that is a fee levied by Twinsburg Township which is where their transfer station is. So the \$1.25 state fee and the 35 cents local fee (a host fee) is what the contractor is requesting. Mr. Evans advised J&J is billing at the new rate now in the most recent invoice. He deducted that request and let them know. He and Law Director Paluf will continue to work on this.

Mayor Coleman noted that when this was discussed at a recent meeting he asked that they consider the fee but not necessarily grant it. The Ohio State tipping fee he thought is something that they discussed that they would consider; the host fee is something that they never contemplated and in his opinion should be imposed on the hauler.

Council President Mills set this for discussion in the next Committee of the Whole Meeting.

Mr. Mills asked for an update on road salt. Service Director Evans reported they have approximately 2000 tons in the bins and the bins will hold a little over 3000 tons. They stopped

buying last year because they ran out of their allotted quantity with the State. They are now under the State's new contract. Last year the State couldn't get bids for all 88 counties; this year they did get a bid for all 88 counties. The cost is up somewhat. He believed it is \$43.00; last year it was \$38. Before the season starts they will fill up the dome. They have a commitment for 4200 tons this year. Mr. Evans stated he shared in the newsletter an article that a lot of communities in Cuyahoga County adopted a plan that was championed by the Mayor and City Managers Association and that is to be more frugal with salt using sensible salting practices. It is their intent to try to continue with that program from an environmental point. From a cost point; budgeting salt is very expensive. They will do the best they can to be frugal with the City's dollars, understanding the safety factor as well. They will be doing less salting at night during heavy storms and then going back and doing a more thorough job when the road is clear.

Building Commissioner's Report: Assistant Building Commissioner Austin reported permits have been issued for three new residential homes.

Mrs. Murphy reported they are having an ongoing problem with trash containers out for the garbage pickup days in advance of garbage pickup. One address is 5632 Turnberry. She asked how to follow up on that, what is the neighbor to do, who would they contact, and how can they get some enforcement of that ordinance that is under general offenses? Chief Cook suggested they notify the Police Department and the dispatcher will send an officer to notify the resident that their trash is out early.

Mr. Mills asked, what is Mr. Iliano's status? Mr. Austin reported right now they have scaled back his hours. He will start coming in roughly about six hours a week and he will be under budget at the end of the year. As the weather gets bad he will start doing more filing, cleaning up and generating letters to go out in the early part of the spring next year to residents who are constant problems.

Mr. Mills asked about a report from the Finance Department that there is unemployment in the Building Department. Finance Director Ianiro reported Mrs. Murphy called him about that. He advised there is a reclassification to be done. There was \$2200 that was charged off to the Building Department that should not have been. He stated that was a prior Building Commissioner who did not start collecting unemployment until probably a year after he left. Mr. Ianiro then explained how unemployment works; the City is not responsible for the whole thing, he had a job, lost that job, and the City pays a portion of the unemployment benefits when he is entitled to those benefits. They will be making a journal entry correcting that for the month of September. Mrs. Murphy noted there is \$6700 for the year. Mr. Ianiro offered to put a report together on this.

City Engineer's Report: City Engineer Hovancsek reported

- Two thirds of the retention basins have been inspected; the balance should be completed within the next two weeks.
- Three quarters of the sidewalks have been checked; the balance will be done by the middle of October.
- The 2009 Road Program is 60% completed. 70% of the full depth concrete has been done. The asphalt intermediate course on Kenbridge is scheduled to be done next

week. The asphalt was removed from the north portion of Esther and it was determined that the deterioration of the base was much more severe than anticipated. Because of that the Service Director and their office is looking into various alternate ways of correcting that situation depending on the cost.

In response to Mr. Mills' inquiry regarding Kenbridge Drive construction, Assistant City Engineer Mader advised that Kenbridge Drive from Franklin Boulevard through the bend will have an asphalt overlay. Mr. Mills asked if they usually send out a letter advising the residents of the road repair. Service Director Evans advised information was put in the newsletter in the spring.

Mr. Mills asked for the status of the Ridgebury Boulevard resurfacing project. Service Director Evans reported at the last project meeting on Ridgebury, they were on schedule to be completed by the end of October. The only thing remaining in Highland Heights is the surface course of asphalt. The next process will be to start at Richmond Road and take the asphalt all the way to SOM and finish it off with a leveling course.

Mrs. Murphy asked Mr. Hovancsek to elaborate on the Esther section. Mr. Hovancsek reported they are talking with the contractor and the Service Director and trying to see what alternate ways there are to correct that area. Ideally it would be better to put it in all new concrete. That way it would have a much longer life and they would spend a lot less money on it over a period of years. But now they are trying to look at it and see money wise what is the best thing to do. They will be reporting back to Council.

Finance Director's Report: Finance Director Ianiro reported they have arranged for a new health insurance broker/agent, The Fedeli Group. A meeting of the Employees Health Committee was called on September 10th. Mr. Fedeli brought representatives from his organization which is basically the team that will be working with the city. In a couple weeks they are going to schedule informational meetings with the employees regarding the current health care plan and seeing which direction they may want to go.

COMMITTEE REPORTS:

Park and Recreation Commission: No report

Mayfield Area Recreation Council (MARC): No report.

Planning and Zoning Commission: No report.

Legislative & Finance Committee: No report.

Safety & Service Committee: Mr. Hargate reported a meeting was held this evening with Chief Cook and Chief Turner. They discussed two items with Chief Cook:

First of all Item they discussed Item No.5 on this evening's agenda, Resolution No. 38-2009, which is an agreement with TAC Computer for the purchase of an Emergency 9-1-1 Crime and Incident Mapping System. The important issue with that is the GPS system where they will be able to locate any police or fire vehicle at a moment's notice which will help in dispatching a unit for any incident, obviously improving response time. They will also be able to locate immediately any phone call from a hard line or cell phone. Anyone making a call while walking

a dog or at home will instantly appear on the Police Department Dispatch computer as well as on the computers that the police officers will have in their vehicles, once again improving response time. The committee was unanimous in their recommendation to go forward with this agreement this evening. The purchase is \$15,900 and that money is currently in the Chief's budget.

Secondly they discussed increasing hours for part time officers which would be at the beginning of the year in January. The Safety & Service Committee asked that L&F take a look at appropriating an additional \$25,000 to \$35,000 in next year's budget for this item. He thought the Chief's intent was to hire and train some additional part time officers for use any time during the week, increasing their availability and response time and increasing their presence in the community. The committee was also in favor of proceeding with that. Safety & Service asked that Legislative & Finance take a look at that to provide additional funding.

They also discussed with the Fire Chief the Emergency Operations Management Plan. There are some needed changes and some unfinished issues that need to be addressed. The Chief will report back to Safety & Service by the end of the year regarding some of those issues.

The final issue with the Fire Chief was some discussion of part time hours and his budget regarding that.

Commission on Aging: Mr. Hargate reported a meeting was held September 21, 2009. Flu shots will be given October 21, 2009 from 1:00 p.m. to 3:00 p.m. Any senior in Highland Heights can call Mary Velotta at City Hall from October 5th through 9th to schedule an appointment for a flu shot.

Drainage Committee: Mrs. Murphy reported a meeting was held this evening: A resident from Barkston Drive was in attendance to discuss his drainage problem and potential resolution based on the recommendation of the City Engineer. They also had an update, as Mr. Hovancsek indicated, of the retention basin survey which is almost complete. They look forward to that in a couple weeks.

Law Director's Report: Law Director Paluf reported he attended the hearing for the Department of Liquor Control last Monday, September 14th, concerning the application for a liquor permit submitted by Hibachi Steak House to be located at 783 Alpha Drive. Mr. Paluf gave the position that the City is trying to figure out exactly why they used that address. It was brought forth at that meeting that it looks like the bar and restaurant portion of Wellington's Restaurant would be closed and the Hibachi Steak House would replace it there. The hearing officer basically said they would not issue that liquor license until such time as they have a lease agreement in place. Mr. Paluf noted that there was a gentleman present that represented the restaurant that was trying to go into Alpha Park who gave his situation that he was waiting until he had the lease in place before applying for the liquor license. They took that under consideration. Mr. Paluf has not heard anything further.

Regarding Agenda Item No. 6, once this legislation is approved, they will be able to sign the settlement agreement. The agreement will be the document distributed on September 4th which has a change in paragraph 4 regarding cart fees and giving the City the right, if they didn't feel they are collecting enough, to add cart fees in the future.

MAYOR'S REPORT: No report. Mayor Coleman shared a story, recognizing Sergeant McKee, who was present, for an effort he spearheaded recently in the City. Within the past couple weeks there was a car stolen. The circumstances were that the car was unlocked and the keys were in the car. Sergeant McKee realizing that this vehicle has UnStar contacted UnStar and asked them for the location of the vehicle which was somewhere in Cleveland near E 130th St. Sergeant McKee was led to believe that the City of Cleveland was holding the car so he went down to retrieve the car. The reason he did that was to spare our resident the expense of having the car towed to the Cleveland Impound lot. He was going to arrange for Ken's Auto Body to tow the car and the resident could pick it up there. When he went down to retrieve the vehicle, he found the car wasn't at the location and what he understood that the City of Cleveland was holding the car was not the case, it was just located in Cleveland. He called UnStar again and found out that the car was maybe a block away from where he was. So he went to that location and saw the individual who stole the car in the car. Sergeant McKee's version is much more colorful than mine. He confronted the individual; the individual fled the car; he gave chase for some time but gave up the chase, secured the vehicle and got it back to the owner. Mayor Coleman stated this is above and beyond the call of duty and he thanked Sergeant McKee.

Council President's Report: Council President Mills reported the Taste of Hillcrest is coming up on October 15th. If anyone would like tickets, he does have those available for the Hillcrest Rotary.

ITEMS TO BE ADDED TO THE AGENDA:

Proposed Ordinance authorizing participation in the Ohio Association of Public Treasurers (OAPT) Workers Compensation Group Rating Program and declaring an emergency.

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

MEETING OPENED TO THE PUBLIC:

Mrs. Olivia Fatica, 723 Kenbridge Drive, stated her first concern is with dogs at large. She has cut her lawn while two Rottweilers lunged, growled and barked at her. She has had to shield her beagles from a pit bull, two Rottweilers and a Chihuahua. She has been trapped in her vehicle in her driveway by a Rottweiler; she has called the police yet the incidents continue to occur. Her second concern is the threatening behavior of the dog owner. In Cleveland Heights they called it an issue of civility. She has told Chief Cook she would be happy to work on a welcome to Highland Heights packet that would stress a philosophy of appropriate and acceptable norms and expectations. Mrs. Fatica stated her neighbors and she have made the leaders in Highland Heights all aware of what is getting to be a volatile situation.

NEW BUSINESS:

ENACTMENT OF ORDINANCE 20-2009: Council listened to the First Reading in title only of Proposed Ordinance 20-2009 which description is: "An Ordinance authorizing participation in the Ohio Association of Public Treasurers (OAPT) Workers Compensation Group Rating Program and declaring an emergency." Mr. Lombardo moved to suspend the Second and Third Readings; seconded by Mr. Pilla. Ayes all; motion carried. Mr. Pilla moved to enact; seconded by Mr. Lombardo. Ayes all; motion carried.

FIRST READING PROPOSED RESOLUTION 42-2009: Council listened to the First Reading in title only of Proposed Resolution 42-2009 which description is: "A Resolution providing for the observance of Halloween on October 31, 2009 and declaring an emergency."

SECOND READING PROPOSED RESOLUTION 41-2009: Council listened to the Second 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."

SECOND READING PROPOSED ORDINANCE 18-2009: Council listened to the Second 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."

SECOND READING PROPOSED ORDINANCE 19-2009: Council listened to the Second 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."

ADOPTION OF RESOLUTION 38-2009: Council listened to the Third 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." Mr. Pilla moved to adopt; seconded by Mr. Hargate. Ayes all; motion carried.

ADOPTION OF RESOLUTION 40-2009: Council listened to the Third 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." Mr. Lombardo moved to adopt; seconded by Mr. Legan. Ayes all; motion carried.

MOTION TO ADJOURN INTO EXECUTIVE SESSION: A motion was made by Mr. Hargate to adjourn into Executive Session to discuss disciplinary matters in the Fire Department, pending and imminent litigation, part time personnel matters, hours and wages 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 8:50 p.m. and reconvened at 9:10 p.m.

ADJOURNMENT: A motion was made by Mr. Pilla and seconded by Mr. Lombardo to adjourn the meeting. Said meeting adjourned at 9:10 p.m.

Clerk of Council

President of Council