
**CITY OF HIGHLAND HEIGHTS
MINUTES OF A COUNCIL MEETING
HELD: OCTOBER 13, 2009**

President of Council Mills presiding.

PRESENT: Mayor Coleman; Councilmen Anderson, Hargate, Legan, Lombardo, Mills, Murphy; Clerk of Council Buchak; Fire Captain Molnar; Police Chief Cook; Assistant Service Director Hess; 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 September 22, 2009 was dispensed with. Mr. Lombardo moved to accept the Minutes as written; seconded by Mrs. Murphy. Ayes all; abstain Anderson; motion carried.

DEPARTMENT HEAD REPORTS:

Fire Chief's Report: Fire Captain Molnar reported the Fire Department will be hosting their annual Open House on October 24th, following the City Halloween Party. Hours for the Open House are from 10:30 a.m. to 1:00 p.m. Captain Molnar stated this is a great opportunity for our residents to see the Fire Department.

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

- For the month of August the Police Department responded to 923 calls for service. They handled 9 motor vehicle accidents, 4 of which involved personal injury. Also they responded to 47 residential alarms. During August they held 15 prisoners for a total of 200 hours.
- For the month of September, the Police Department handled 865 calls for service. They handled 13 motor vehicle accidents, 2 involving injuries. They responded to 41 residential alarms. In the jail facility for September they held 24 prisoners for 135 hours.
- The Emergency 911 Mapping for the Police and Fire departments should be installed tomorrow and operational by the end of the week.

Service Director's Report: Assistant Service Director Hess reported as follows:

- The Household Hazardous Waste Roundup ended Saturday, October 3rd. Four pallets of material were collected during the program. The material has been delivered to the County Solid Waste District drop-off site for proper disposal.
- Sale of the recycling bins has picked up. Of the 500 bins that they had, approximately 70 to 75 have been sold. The bins can now be ordered via the Internet by downloading a form off the City web site and mailing in a check. Once the form and check are

received, the Service Department will deliver the bin to the resident. They thank Councilman Pilla for his suggestion to do that.

- Curbside Leaf Collection began yesterday. They made a loop of the City and are starting a second loop. They have one truck out this week. That will go to two trucks next week and most likely three the third week depending on how quickly the leaves come down.
- Street Tree Program. There was supposed to be an opening on Friday for bids but only one proposal was received. Apparently three of the four bidders didn't receive some of the information in the mail and there was some confusion on the date. So Mr. Evans has extended the date to October 16th for an opening. Service Director Evans is requesting a special meeting to consider awarding that contract after the Committee of the Whole Meeting on October 20th.
- Ridgebury Boulevard Resurfacing. The project is in its final stages and the surface course of paving is expected to take place beginning on October 15th.

Council President Mills announced that he would add a special meeting after the Committee of the Whole on October 20th to award the bid for the street tree planting.

Mrs. Murphy asked if the landscaping for the mound behind the salt building will be included as part of the fall street tree planting. Mr. Hess advised that is correct. He further advised that City Landscape Architect Doug Nemeckay was out looking at the mound.

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

- Two new occupancies were issued for the Shoppes of Alpha for The Interstate Battery and Naya Bistro. Interstate Battery opened today for business and Naya Bistro plans on opening on Monday, October 19th. That complex is almost 90% complete with only about 2300 square feet left and the developer is working with a tenant now.
- The furniture liquidation center has been closed. Sunday was their last day of operation. They are currently moving their inventory to other locations. During the next two weeks, people will be coming in to remove what they purchased. Osborne Capital Group has site approval for the parking lot and the renovation for the northern part of that project. The Drug Mart is to go in where the old SYMS store was and the liquidation center is. They are working on the plans now for construction documents to be submitted. Their goal is to start on the building phase of it on November 1st. An out parcel in the NW corner of the parking lot will be a 2-story building for either dentistry or an optical center.

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

- The contractor has completed the final punch list on the Highland Road Pedestrian Facility. It should be closed out with the State shortly.
- The 2009 Road Repair Program. The Esther Road pavement replacement started today. The contractor hopes to pave one half of it by Friday and then work on the other half the following week.

- The final asphalt on Kenbridge Drive has been delayed because of the weather. There is a fabric required and in wet weather they can not use the fabric. It is definitely on the list and will be done soon
- The detention-retention facilities study. There are still a few more to be checked and because of the weather it has not occurred but will shortly.
- The sidewalk evaluation again was held up because of the weather. That also will be completed shortly.

In response to Mrs. Murphy's inquiry regarding the Highland-Bishop Intersection Project, City Engineer Hovancsek reported the project is not closed out as yet. He reported some concerns have been expressed by a business owner there on the corner, Mr. Weert Ley, and apparently Mrs. Murphy had a meeting with him to address some of his concerns. Mr. Hovancsek further advised the contractor has been made aware of the fact that there are problems there. They will be requiring concrete there to be replaced. Mrs. Murphy then commented that the driveway aprons at 5607 and 5627 Highland are very high. Mr. Hovancsek will contact the home owners and will check the aprons.

In response to Mr. Mills' inquiry as to Mr. Hovancsek's winter schedule, Mr. Hovancsek reported he is going to be leaving with the family on November 30th and will return April 12th but he will be back each month for some Council Meetings. Mr. Hovancsek stated that in his absence Brian Mader, his assistant, will be available.

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

- He attended a meeting at the Lyndhurst Municipal Court on September 24th with Finance Directors of the court cities and Judge Bozza. They discussed revenue and expense projections of the court. For the last several years, the court has operated with a balanced budget and Highland Heights has not had to make any payments to supplement that. That should hold true again this year. There was some talk about a court annex, maybe remodeling some of the lower basement facilities of Lyndhurst Municipal Center to accommodate some of the extra traffic that is going on through the court. That would be at no cost to Highland Heights because that is a capital improvement and it is paid for by the host city which is the City of Lyndhurst.
- A series of three health insurance meetings with the new agent/broker, the Fedeli Group and employees were completed this week. About 30 employees attended.
- Item No. 1 on the agenda, the tax rate prepared by the County Budget Commission confirms what Council authorized earlier this year during the tax budget which was 4 mills total for the city. The same amount has been levied for a long time. The County has requested that be submitted by November 2nd. He requested passage next meeting under suspension of the rules.
- An invoice has been received from Northern Ohio Risk Management Agency Self-Insurance Pool, Inc. (NORMA) and a summary was provided over the weekend. The cost went up slightly which proves that NORMA has been an effective group for all the member cities as far as maintaining costs and maintaining quality insurance. He asked that legislation approving payment to NORMA be approved under suspension tonight.

- Two transfer ordinances are on the agenda, one is to complete the transfer to the pension funds for the rest of this year and they are budgeted amounts. The other one is the transfer from the recreation fund to the capital improvement fund and from capital improvement fund to bond retirement fund in the amount of \$50,000 which is accommodated every year and is authorized by this ordinance. Both transfer ordinances can be placed on first reading this evening.

COMMITTEE REPORTS:

Park and Recreation Commission: Mr. Anderson reported a meeting was held September 24th. Some recommendations regarding posting of rules for Whiteford Park were to be given to the Law Director. Codified Ordinance Chapter No. 921, refers to Highland Heights Community Park; there is no wording for Whiteford Park. The Commission did not know if they need to amend Chapter 921 and add Whiteford Park to it or if Whiteford Park would have its own separate rules because it is different. Mr. Anderson advised in Whiteford Park they do not have ball playing as they do in the Community Park where the park will stay open until 11 p.m. because of a ball game. They wrote up eight different rules that they felt were important for Whiteford Park. Mr. Anderson turned over to Law Director Paluf for his direction, a copy of Chapter 921 and recommendations regarding the rules and posting of a sign.

Mayfield Area Recreation Council (MARC): Mr. Anderson reported he attended a MARC Meeting held October 1st. Fall sign ups are going on but are coming in slowly, about the same numbers as last year. They feel it is because of the economy.

Planning and Zoning Commission: In Mr. Pilla's absence, Mr. Austin reported on the matters considered in a meeting held October 12th:

- Mike & Nada Melaragno, 421 Lassiter Drive. Approval was given for an accessory building.
- David Corrado, 362 Longspur Road. A variance of 48 square feet was granted for a driveway turnaround.
- Discount Drug Mart, the Shoppes at Alpha Place. Final site plan approval was granted.
- Alex Simkhayev, 5651 Wilson Mills Road. Request was for a variance for a structure on Wilson Mills Road. After discussion last night, the applicant withdrew that request. He has now been cited and will have to remove the remaining portion of that. The fenced in area will be used for a garden area which is permissible in the code. The roof and the piping for the roof system will be removed.
- Andrija Marick, Aberdeen Area "A". Request for approval as a builder in Aberdeen. Approval was given.
- Ivana Marick, 386 West Inverness Drive, S/L 19 and S/L 20, Aberdeen Area "A". Final Home approval was granted.

In response to questions from Mr. Mills regarding an out building in front of the Discount Drug Mart, Mr. Austin reported that the front of the Drug Mart building is being removed so it will be closer in line with the other stores in the shopping center. That 6000 square feet will be utilized in the out building.

Legislative & Finance Committee: No report.

Safety & Service Committee: No report. Mr. Hargate scheduled a meeting for Tuesday, October 20th, at 7:15 p.m., to consider a request from the Fire Department for purchase of notebook computers. Also, if a special meeting is scheduled, they may want to add that purchase to the special meeting.

Commission on Aging: Mr. Hargate reported the next meeting is scheduled for Monday, October 19, 2009 at 9:00 a.m.

Hillcrest Council of Councils: Mr. Hargate reported the next meeting is Saturday, October 24th, at 9:00 a.m. at Landerhaven Executive Caterers. The program is on the reorganization of the Cuyahoga County Government, Issues 5 and 6 on the ballot in November. They have several speakers. Those for the reorganization would be Bruce Akers, Mayor of Pepper Pike and Martin Zenotti, the Mayor of Parma Heights. He has asked Commissioner Peter Lawson Jones to speak in favor of Issue 5. Mayor Coleman and all Council Members were invited to attend.

Mayor Coleman asked if they will address what will happen if both Issues 5 and 6 pass. Mr. Hargate advised, yes, they will address that.

Drainage Committee: No report.

Law Director's Report: Law Director Paluf reported a couple items for the agenda next week or the week after:

- The first four phases of Area "J", The Legends of Aberdeen, have been completed and accepted by the engineer and the maintenance bond is in order. They are requesting acceptance of the streets and other improvements.
- An agreement has been worked out with R. L. Hill, the painting contractor for the Community Center; Council is asked to authorize by motion that agreement.

MAYOR'S REPORT:

Mayor Coleman reported NOPEC will be holding its 14th General Assembly Meeting on Tuesday, November 10th at 1:30 p.m. at the Independence Civic Center. It is their annual meeting and Law Director Paluf will be representing the City of Highland Heights at that meeting.

Council President's Report: Council President Mills reported on the Fall City Shredding. He expressed thank you to Al Hess and Bob Gorenz from the Service Department who were there all day helping out as well as himself. Mr. Hargate helped and Cathy Murphy brought lunch. They collected over 7000 pounds of shredding and had about 130 participants. This program was well received. They will try to do this twice a year, in early April and at the end of October. Tentative date of April 24, 2010 will be the spring one.

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

MEETING OPENED TO THE PUBLIC:

Mr. Al Hess, 5880 Highland Road, commented that a week ago Sunday, he and his wife attended the Spaghetti Dinner Fund Raiser for Boy Scout Troop 461 held at the Community Center. Mr. Hess advised Troop 461 is Highland Heights related; he commended these young men for an excellent job.

NEW BUSINESS:

FIRST READING PROPOSED RESOLUTION 43-2009: Council listened to the First Reading in title only of Proposed Resolution 43-2009 which description is: "A Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies to be placed on the 2009 Tax Duplicate of the City of Highland Heights, Ohio and certifying the same to the County Auditor, and declaring an emergency."

ADOPTION OF RESOLUTION 44-2009: Council listened to the First Reading in title only of Proposed Resolution 44-2009 which description is: "A Resolution authorizing payment in the amount of Sixty Two Thousand Four Hundred Fifteen Dollars and Sixty One Cents (\$62,415.61) to the Northern Ohio Risk Management Agency Self-Insurance Pool, Inc. (N.O.R.M.A.) and declaring an emergency." Mr. Anderson moved to suspend the Second and Third Readings; seconded by Mr. Lombardo. Ayes all; motion carried. Mr. Lombardo moved to enact; seconded by Mr. Legan. Ayes all; motion carried.

FIRST READING PROPOSED ORDINANCE 21-2009: Council listened to the First Reading in title only of Proposed Ordinance 21-2009 which description is: "An Ordinance authorizing transfers and declaring an emergency." (Park and Recreation Fund to Capital Improvement Fund to Bond Retirement Fund)

FIRST READING PROPOSED ORDINANCE 22-2009: Council listened to the First Reading in title only of Proposed Ordinance 22-2009 which description is: "An Ordinance authorizing transfers and declaring an emergency." (General Fund to Police Pension Fund and Fire Pension Fund)

ADOPTION OF RESOLUTION 42-2009: Council listened to the Second 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." Mr. Hargate moved to suspend the Third Reading; seconded by Mr. Anderson. Ayes all; motion carried. Mr. Lombardo moved to adopt; seconded by Mr. Hargate. Ayes all; motion carried.

ADOPTION OF RESOLUTION 41-2009: Council listened to the Third 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." Mr. Anderson moved to adopt; seconded by Mr. Lombardo. Ayes all; motion carried.

ENACTMENT OF ORDINANCE 18-2009: Council listened to the Third 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." Mr. Murphy moved to enact; seconded by Mr. Lombardo.

Mrs. Murphy commented that this is significant legislation. She stated it protects and preserves the property values of foreclosed homes, the neighborhood, the community and City as a whole. She thought that they have ensured that they will have proper implementation of this law through the Building Department and the Police Department. Mrs. Murphy noted that in the event there is a vacant foreclosed home that also needs to be reported to the Law Director because the County is offering a program for vacant, foreclosed homes. Mrs. Murphy thanked the Cities of South Euclid and Lyndhurst because networking with them was invaluable; they were very open to discussion on all their concerns, their solutions, their successes; and, she really appreciated that opportunity.

VOTE ON MOTION: Ayes all; motion carried.

ENACTMENT OF ORDINANCE 19-2009: Council listened to the Third Reading in title only of Proposed Ordinance 19-2009 which description is: "An Ordinance enacting Chapter 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." Mrs. Murphy moved to enact; seconded by Mr. Legan. Ayes all; motion carried.

AGENDA -- 10/20/09 COMMITTEE OF THE WHOLE MEETING:

1. Whiteford Park Rules
2. Park Pavilion
3. Cuyahoga County Airport Joint Statement from Noise Abatement Council
4. Sign from former Church Building – City Hall Complex
5. Solid Waste Contract – Fee Increase
6. Aberdeen Area "J" Acceptance
7. R. L. Hill Final payment
8. 2009 Fall Street Tree Program

Also a special meeting will be called to consider proposals received for the 2009 Fall Street Tree Program.

ADJOURNMENT: A motion was made by Mr. Anderson and seconded by Mr. Lombardo to adjourn the meeting. Said meeting adjourned at 8:35 p.m.

Clerk of Council

President of Council