
**CITY OF HIGHLAND HEIGHTS
MINUTES OF A COUNCIL MEETING
HELD: MAY 11, 2010**

President of Council Mills presiding.

PRESENT: Mayor Coleman; Councilmen Hargate, Legan, Lombardo, Mastrangelo, Mills, Murphy, Stickan; Clerk of Council Buchak; Fire Chief Turner; Police Lieutenant Visoky; Service Director Evans; Building Commissioner Grabfelder; City Engineer Hovancsek; Finance Director Ianiro; Law Director Paluf.

ACTION ON MINUTES: The reading of the Minutes of a Council Meeting held April 27, 2010 was dispensed with. Miss Stickan moved to accept the Minutes as written; seconded by Mr. Lombardo. Ayes all; motion carried.

DEPARTMENT HEAD REPORTS:

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

- Early in 2009 the Fire Department together with Mayfield Village, Mayfield Heights, Lyndhurst, Willoughby Hills and Richmond Heights submitted a regional grant request to FEMA for a computer based training system to help meet new state requirements. Chief Turner advised they did receive the grant. The Federal portion is \$143,000 and the local share is \$36,000 which would be divided among the six cities. A few cities are experiencing financial constraints so he thought their goal is to possibly table this until next year. They have a year to spend the money. Chief Turner will meet with the other chiefs this week to discuss the grant.
- On the 19th of this month Chief Turner as well as some other members of the department will be going to Columbus for a ceremony at the State of Ohio, Department of Public Safety. They were nominated for an award and they received word that they did receive the award for the EMS Service Provider of the Year in the state of Ohio. Chief Turner thanked Firefighter Bernhard of the department who actually nominated them and all the members of the department for their hard work and dedication.

Council President Mills congratulated Chief Turner.

Mayor Coleman commended Chief Turner and his men for a well deserved award. Mayor Coleman explained this is a self-nominating award which basically says, if you think you are deserving of it, tell us why. Firefighter Bernhard gave a very comprehensive summary of the department, what they do and the services they offer the city. Firefighter Bernhard did an outstanding job.

Police Chief's Report: Lieutenant Visoky reported for the month of April the department responded to 875 calls for service and they handled 7 property damage accidents with 1 involving personal injury. Also they held 18 prisoners for 574 hours.

Mayor Coleman noted that on Friday May 7th they had a significant storm in the area. He was actually not at his house when it happened but when he came home he called the dispatcher and was impressed with the information they had. They knew where the issues were in the city, where the flooding was, they informed him there were no power outages, right down the line. Mayor Coleman stated it gave him comfort to know that the safety and service forces had the situation well in hand. He complimented them and asked Lieutenant Visoky to pass that along to the dispatchers.

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

- The Computer Roundup held during the month of April was quite successful. Approximately 6000 lbs. of computers and peripherals were rounded up and delivered to the County's recycling center.
- The Household Hazardous Waste Roundup was held for a two week period that extended from the end of April into May. About 3000 lbs of materials were collected which included household pesticides and chemicals and things like that. The material has all been dropped off. Both programs worked very well.
- The Brush Collection Program is currently under way. This is very timely because of the storm this past week. Calls are about typical for the last few years. Last year they addressed over 1000 stops. The program is very successful and very well received by the residents.
- Caulking at the City Pool has been completed. They need about seven good dry days for that material to cure.
- Items 1 and 2 on the agenda are Service Department capital related. Mr. Evans offered to answer any questions. Mr. Evans requested suspension of the rules and approval of item No. 2 so the contractor for the resurfacing program will be mobilized while school is in recess.

Mr. Mills offered a thank you to the chipping guys and advised they were at his house before he had time to call.

Mayor Coleman offered his appreciation to three individuals in the Service Department, Mark Mazzarino, Joe Catalano and Al Hess who had to leave their homes to come out during the storm and assist with flooding areas.

Building Commissioner's Report: Building Commissioner Grabfelder reported:

- For the month of April, his department issued 50 permits, 38 being residential and 12 being commercial.
- Drug Mart is now open for business; it opened Saturday.
- Friday, May 14th, at noon, proposals will be received for asbestos inspection and removal. He and the engineer will review those on Monday.

- A couple P&Z Items: There are no regulations for commercial “for sale” and “for lease” signs in the sign ordinance. P&Z is studying that. A draft proposal was presented in last night’s meeting and hopefully they will recommend a revision in the meeting of May 24th. Then the revision will be presented to Law Director Paluf for his review and then to Council.
- The Osborne Company has come before the Commission for a Conditional Use Permit to put a tent, approximately 1200 SF, on the NW corner of their property on Alpha Drive, to temporarily house a produce market. This matter was tabled by P&Z because of lack of information and will be further considered in the meeting of May 24th.

Council President Mills requested an update on any wells being drilled or in the process of being drilled in the City.

Mr. Grabfelder reported the only well being drilled since he has been here is at 1000 Ford Road, the Lutheran Church. They were replacing a culvert pipe in the rear yard and will start drilling as soon as possible. Another well proposed on Lander Road has not started to the best of his knowledge.

Mr. Mills asked if Mr. Grabfelder has gotten into the former Catalano building to do an inspection. Mr. Grabfelder stated, no, but a date has been set up. He also advised the wall in the back will be replaced some time around the first of July.

Mr. Mills noted regarding the grass situation, that a house on Kenbridge at Bishop and now one on Cheriton have been cited. Mr. Grabfelder explained that letters have been sent and they have seven days to cut the grass. If the grass is not cut then the Service Department is notified and will cut the grass. Following that, in accordance with the ordinance, information will be sent to the Finance Director for the City to collect the money.

Mrs. Murphy noted that regarding gas wells, in the past Council received copies of the survey and information from ODNR or the gas well drillers so they could see exactly where the well head was going and the properties involved. Mr. Grabfelder advised he was not aware Council was to be copied and he will make sure they will receive copies.

Mrs. Murphy asked if there is information regarding a gas well going in near the Woodie property? She advised there is concern because of a stream there. Mr. Grabfelder advised he has not received information.

Miss Stickan advised that every week she seems to get another email and she contacts Mr. Grabfelder about homes, whether a lawn not cut or some other possible violation. She stated he is on top of it that day so the residents appreciate it and she does also.

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

- The 2010 Road Repair Program was bid May 7th. The low bidder was Specialized Construction in the amount of \$237,011.00. The Engineer recommends that Council award the contract to Specialized Construction.
- The 2010 Sidewalk Repair Program. All forms have been turned into the City and the Engineer will mark off blocks once the notices have gone out.
- EPA Phase II Storm Water Annual Report. The report was completed May 10th and was turned in for the City to sign and forward to the Ohio EPA.
- Highland Road Water Main Report. The report was completed and submitted to the City.
- Northeast Ohio Regional Sewer District Title IV Fee Manual. Comments were forwarded to the regional sewer district.
- Wilson Mills Sanitary Sewer Report. Report and cost estimates were completed and submitted to the City.

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

- Agenda Items Nos. 3, 4, and 5, and 6 are placed on the agenda for first reading. These items are authorizing payments in conjunction with tax incentive programs, economic development grants, or tax arrangement with the school district regarding CRA's and EZA's. These items can receive three readings.
- City Bond Rating. They were a AA 3 rated community and now have a AA 2 rating. Moody's investment services has gone through a global recalibration of their rating schedule. It used to be that the U.S. municipal market was rated differently than everyone else and now they have tried to bring that together to have municipal issuers more closely aligned to everyone else that are tax exempt or taxable. There is only two grades higher than that. What it means to the City presently is actually not a lot. What it means for the future is not sure. Credit markets can be finicky. Some may view this as an actual upgrade. Mr. Ianiro will provide copies of the rating methodology that Moody's uses to Council in the packets this week.

COMMITTEE REPORTS:

Safety & Service Committee: No report.

Home Days Committee: Miss Stickan reported Community Day will be August 7th. Chairman Brunello is working hard at booking some acts to make sure it is a fun filled day. They hope to have a committee meeting shortly.

Park and Recreation Commission: no report.

Mayfield Area Recreation Council (MARC): No report.

Drainage Committee: Mrs. Murphy reported a meeting was held this evening. They discussed and reviewed the annual Phase II EPA report that Mr. Hovancsek alluded to. They voted

unanimously to recommend that report and that report is something that the Mayor will review, sign and send in.

They reviewed a draft of a retention basins inspection check list form that was prepared by the Engineer with input from the Service Director and Building Commissioner. This form is based on the criteria identified in the inspection study performed last year. It is hoped that the check list for each basin will be prepared and submitted to drainage some time in July and then back to Council. It is their hope to have the check list notices mailed out to the basin owners sometime in August. The compliance time line will be flexible. It is not their intention to put burdensome requirements on basin owners unless it is required because of the functionality of the basin itself.

Legislative & Finance Committee: No report. Mr. Lombardo scheduled a meeting 15 minutes before the next Council meeting (7:45 p.m. on May 25th) for the purpose of signing off on invoices.

Hillcrest Council of Councils: No report.

Planning and Zoning Commission: Mr. Mastrangelo reported the following items were considered in a meeting held April 10, 2010:

- Woodie, 295 Bishop Road. Variance to Real Estate Sign Requirements.
- Alpha Plaza Investments, The Shoppes at Alpha Place. Request for Conditional Use Permit to operate produce stand.

Mr. Mastrangelo reported regarding the produce tent that it is to be used from May 1st to September 1st. The gentlemen who will run this are looking to lease potentially 25,000 SF of space in the Shoppes at Alpha for a gourmet type shop with produce, food, vegetable, wine, etc.; they have done this in Strongsville and it is quite successful. Mr. Mastrangelo suggested this is to test the market here. The Commission is looking at this and have talked to the Law Director. There are some site plan issues to be worked out. The tent is proposed to be located at the NW corner of this property basically where the out building will go.

Commission on Aging: Mr. Mills reported the annual Health Fair was held Wednesday the 5th. It was a huge success with new vendors. This Friday they are having their volunteer appreciation luncheon at the Community Center. The next meeting is scheduled for Monday, May 17th at 9:00 a.m.

Law Director's Report: Law Director Paluf reported he has been asked to look into the application before the Planning & Zoning Commission for a Conditional Use Permit for a produce stand.

MAYOR'S REPORT: Mayor Coleman reported he was approached by a gentleman who was a member of a social organization, an Italian American Club, who is very interested in the church property. They would like to either purchase the property or engage in rehabilitation for it. They would like the opportunity to talk to Council to share their ideas. They did walk thru the church. Members of their organization are involved from roof to floor in the construction trade and they could use this facility.

Council President Mills scheduled this matter for discussion in the Committee of the Whole Meeting next week.

Council President's Report: Council President Mills read the following statement for the record:

"Recently Council learned that two appointed public officials have been doing business with the city for several years.

I want to state for the record that Council was previously unaware of these business transactions and did not approve of them as required by Highland Heights Ordinance 117.04(b) (1).

Because appointed city officials are involved, I think we should look outside the city for help. I would like to seek the help and advice of independent, objective experts before council takes any formal action or amends current city laws.

I would like to add a motion to the agenda tonight and I ask for council's unanimous support in passing that motion.

The motion authorizes asking the State Auditor's office and the State Ethics Commission to review the financial and ethical issues raised by these business transactions, to make any necessary findings, and most importantly, to give council recommendations as to how our laws and procedures can be changed and improved.

With regard to the financial review, I note that the State Auditor will be looking at our books anyway, since this is a regular audit year for the city. The Auditor can simply add this matter to its regular financial review.

I hope that these agencies find that there was nothing wrong or improper about the business transactions. But whatever they decide, I think it is important for council, for residents and for the involved public officials to hear what these independent and objective outside experts have to say and to receive whatever good advice they might give.

Only then will we be able to properly and appropriately put this matter to rest?"

ITEMS TO BE ADDED TO THE AGENDA:

Motion authorizing asking the State Auditor's Office and the State Ethics Commission to review the financial and ethical issues raised by business transactions, to make any necessary findings, and most importantly, to give Council recommendations as to how our laws and procedures can be changed and improved.

A motion was made by Mr. Lombardo to add the above item to the agenda; seconded by Mr. Mastrangelo. Roll call on the motion: Ayes all; motion carried.

MEETING OPENED TO THE PUBLIC:

Mrs. Patsy Mills and Mr. Al Muhle, representing the Mayfield Township Historical Society addressed Council, encouraging donations and support. Mrs. Mills advised the township consists of Mayfield Village, Mayfield Heights, Highland Heights and Gates Mills. She provided information and advised they have not been before this Council since 1996. They will have an open hours in June and encouraged all to attend.

Mr. Al Muhle, President of the Mayfield Historical Society, addressed Council and reviewed their expenses and their need for donations. He encouraged Council to consider a donation to the Society.

Mrs. Sherri Feuer, 4051 Sturbridge, stated her concern with the traffic speed on her street and the death of her dog.

NEW BUSINESS:

MOTION AUTHORIZING REVIEW OF FINANCIAL AND ETHICAL ISSUES: A motion was made by Mrs. Murphy authorizing asking the State Auditor's office and the State Ethics Commission to review the financial and ethical issues raised by these business transactions, to make any necessary findings, and most importantly, to give Council recommendations as to how our laws and procedures can be changed and improved; seconded by Mr. Lombardo. Mr. Hargate asked why this was not discussed with Council in a Committee of the Whole before asking that it be added to the agenda this evening? Mr. Mills stated he thought it would be best served this way. Mr. Legan stated that he would feel more comfortable about it if they had a discussion prior to voting instead of just having it added and voted on right now. Roll call on the motion: Ayes all; motion carried.

MOTION AUTHORIZING CITY ENGINEER TO PREPARE PLANS AND SPECIFICATION FOR 2010 STREET STRIPING PROGRAM AND AUTHORIZING CLERK TO ADVERTISE FOR BIDS: A motion was made by Mrs. Murphy authorizing the City Engineer to prepare plans and specifications for the 2010 Street Striping Program and authorizing the Clerk to advertise for bids; seconded by Miss Stickan. Ayes all; motion carried.

ADOPTION OF RESOLUTION 19-2010: Council listened to the First Reading in title only of Proposed Resolution 19-2010 which description is: "A Resolution declaring Specialized Construction, Inc., as the lowest and best bidder for the 2010 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." Council was asked to approve this resolution this evening in order for the project to be completed this summer. Miss Stickan moved to suspend the Second and Third Readings; seconded by Mrs. Murphy. Ayes all; motion carried. Miss Stickan moved to adopt; seconded by Mrs. Murphy. Ayes all; motion carried.

FIRST READING PROPOSED RESOLUTION 20-2010: Council listened to the First Reading in title only of Proposed Resolution 20-2010 which description is: A Resolution authorizing the Finance Director to make a payment to Swagelok Company from nontax revenues in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) pursuant to the Economic Development Grant Agreement dated June 30, 2005 and declaring an emergency."

FIRST READING PROPOSED RESOLUTION 21-2010: Council listened to the First Reading in title only of Proposed Resolution 21-2010 which description is: “A Resolution authorizing the Finance Director to make a payment to Stanley Air Tools from nontax revenues in the amount of Fifty Six Thousand Dollars (\$56,000) pursuant to the Economic Development Grant Agreement dated June 28, 2002 and declaring an emergency.”

FIRST READING PROPOSED RESOLUTION 22-2010: Council listened to the First Reading in title only of Proposed Resolution 22-2010 which description is: “A Resolution authorizing the Finance Director to make a payment to Philips Medical Systems (Cleveland), Inc. from nontax revenues in the amount of Twenty Thousand Dollars (\$20,000) pursuant to the Economic Development Grant Agreement dated November 27, 2007 and declaring an emergency.”

FIRST READING PROPOSED ORDINANCE 7-2010: Council listened to the First Reading in title only of Proposed Ordinance 7-2010 which description is: “An Ordinance approving a payment to the Mayfield City School District pursuant to the requirements of Ohio Revised Code Section 5709.82 and in connection with the City’s Community Reinvestment Area and Urban Jobs and Enterprise Zone Programs, and declaring an emergency.”

ENACTMENT OF ORDINANCE 4-2010: Council listened to the Third Reading in title only of Proposed Ordinance 4-2010 which description is: “An Ordinance authorizing transfers and declaring an emergency. (General Fund to Capital Improvement Fund)” Mr. Lombardo moved to enact; seconded by Mrs. Mastrangelo. Ayes all; motion carried.

ENACTMENT OF ORDINANCE 5-2010: Council listened to the Third Reading in title only of Proposed Ordinance 5-2010 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. Legan moved to enact; seconded by Mr. Lombardo. Ayes all; motion carried.

ADJOURNMENT: A motion was made by Miss Stickan and seconded by Mrs. Murphy to adjourn the meeting. Said meeting adjourned at 8:45 p.m.

Clerk of Council

President of Council