
**CITY OF HIGHLAND HEIGHTS
MINUTES OF A COUNCIL MEETING
HELD: MARCH 27, 2007**

President of Council Murphy presiding.

PRESENT: Mayor Coleman, Councilmen Austin, Dolciato, Hargate, Legan, Mills, Murphy, Pilla; Clerk of Council Buchak; Fire Chief Bencin; Police Chief Cook; Service Director Evans; Building Commissioner Stouffer; City Engineer Blackley; Finance Director Ianiro; Law Director Paluf.

ACTION ON MINUTES: The reading of the Minutes of a Council Meeting held March 13, 2007 was dispensed with. Mr. Pilla moved to accept the Minutes as written; seconded by Mr. Legan. Ayes all; motion carried.

DEPARTMENT HEAD REPORTS:

Fire Chief's Report: No report.

Police Chief's Report: No report.

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

- The Cuyahoga County Board of Health is planning the same aggressive raccoon rabies program they have had for the last three years which involves aerial baiting in rural communities and ground baiting with an oral vaccine in populated areas. That program will begin in Cuyahoga County on April 25th. Within the next two weeks the Board of Health will have a new rabies page on their web site.
- April is Recycle your Computer Month
- Brush Collection Program begins on April 16th
- Household hazardous Waste Paint roundup begins on April 23rd.
- Item No. 3 on the agenda is a motion for an agreement with Electolite to replace 12 street light poles on Brainard. This will make all the poles on Brainard nearly new. In negotiating with Electolite, it was determined 12 poles are needed and they have offered a discount which has brought the price down to \$35,000. This is a great opportunity to replace that lighting at a good cost. Mr. Evans recommended approval this evening.

Mrs. Murphy thanked Mr. Evans and the Service Department for picking up the excess litter along Highland Road and on the vacant lot across the street from Charles Place. The residents noticed it and appreciated it.

Building Commissioner's Report: Building Commissioner Stouffer reported the annual Building Department Yearly Operational Report for Certified Building Departments for the Year 2006 has been completed and submitted to the Board of Building Standards.

Mr. Austin advised he has asked Mr. Stouffer to look at the ordinances regarding sale of vehicles and private property sales. He asked that this be placed for discussion on the next Committee of the Whole Meeting agenda and that Mr. Stouffer be present.

Mr. Dolciato thanked Mr. Stouffer and Building Inspector George Wilson for their assistance. He received complaints about parking trucks and carryalls in residential yards. They solved about four problems. In response to Mr. Dolciato's question regarding issuance of a citation, Chief Cook advised the Police Department traditionally has done the enforcement. Law Director Paluf added that it is cooperation between the Building and Police Departments; a warning letter is issued; if the problem continues it is turned over to the police and the prosecutor.

Mr. Austin advised when he had a problem in his ward with unlicensed vehicles, the police department did a nice job on it and followed up on the enforcement.

City Engineer's Report: City Engineer Blackley reported tomorrow a pre-construction meeting is scheduled with Martin Enterprises at 9:30 a.m. in the Service Department for the Park Safety Improvement Project.

Finance Director's Report: Finance Director Ianiro reported the Tax Incentive Review Council and the CRA Housing Council met on Thursday. The purpose of the meeting is to review the tax incentive programs to see if the companies are in compliance and fulfilling their obligations. When the report is completed, a motion will be needed by council to affirm, modify or deny the recommendations of the TIRC and CRA. The report may be ready by the next Council Meeting.

COMMITTEE REPORTS:

Legislative & Finance Committee: Mr. Legan reported on March 14th, L&F held their wrap-up meeting for the 2007 budget. The results were presented last week by Mr. Ianiro in the Committee of the Whole. L&F is recommending passage of the budget, Item No. 6, on the agenda. Mr. Legan gave special thanks to Mayor Coleman for his access and availability throughout the process, to Finance Director Ianiro, and to L&F members, Mrs. Murphy and Mr. Mills for their hard work. Also, the L&F Committee is recommending passage of Item No. 5 on the agenda, which is compensation for employees of the Recreation Department. They had to make provision to comply with the new minimum wage and as a result of that they eliminated a couple categories that no longer were relevant because of the new minimum wage. The increase, year over year, is approximately 3%.

Mayor Coleman recommended approval this evening of the compensation for the employees of the Recreation Department because the Recreation Director is in the process of hiring.

Drainage Committee: No report.

Planning and Zoning Commission: Mr. Pilla reported in a meeting held March 26th the following item was considered:

- **Philips Medical Systems, 595 Miner Road** Preliminary Site Plan Approval of Building Expansion Project

Mr. Pilla reported Philips proposed a new building. They provided pictures which Mr. Pilla displayed. It is an 8 million dollar investment, 188,500 SF, and will bring between 125 and 150 employees to the city.

Building Commissioner Stouffer reported that Philips has said they would have the building up by the end of the year.

In response to Mrs. Murphy's inquiry regarding the outdoor dining patio at Hacker's Pub, Mr. Pilla reported the owner advised the patio is still in the planning stages. Mr. Pilla also advised that P&Z has explained to the owners that there will be no music outdoors.

Commission on Aging: Mrs. Murphy reported there is a retirement reception on Friday, March 30th from 1 to 4 p.m. to honor Bernice Harel, Director of the Tri City Consortium on Aging.

The ninth Annual Health Fair is slated for Wednesday, May 9th at the Community Center from 1 to 3:30 p.m.

Council President's Report: Mrs. Murphy reported Council received information regarding Proposed Senate Bill 117, regulating cable and video service providers. AT&T representatives met with Council a few months ago and presented their Project Lightspeed. Council was waiting to see what was going to happen there. She advised this proposed bill usurps all municipal home rule as it holds to regulation of both cable and video service providers. According to the report it would allow Time Warner to opt out of the city's existing franchise agreement. There will be a state franchise agreement.

Mrs. Murphy also advised there is a coalition of opposition formulating and that involves cities, townships, and school districts because schools are also affected by this legislation in terms of their educational channels. She suggested discussion in a future Committee of the Whole Meeting.

Law Director Paluf reported legislation is also being considered on the Federal level. He advised one of the main things is that they cannot deny a cable company or a utility from coming in or require them to have a 100% build out. He suggested further discussion regarding AT&T and their Project Lightspeed.

Mayfield Area Recreation Council (MARC): No report.

Safety & Service Committee: Mr. Hargate reported in a meeting held March 20th, they discussed capital expenditures for the year with the Service Director. They considered purchase of a dump body for a 1994 Ford Truck as well as purchase of a pickup truck. Further discussion was held off until the budget is approved by city council. Another meeting was held this evening, March 27th, with the Service Director. Mr. Evans provided a specific quote from Carnegie Body Co. for the purchase and installation of the dump body and salt spreader. The cost would be \$26,700 and \$34,000 has been budgeted for that expenditure. The committee recommended proceeding with that purchase. Mr. Hargate asked the Law Director to prepare a resolution authorizing the purchase for consideration at next Council Meeting.

Park and Recreation Commission: Mr. Austin reported the Easter Party held Saturday, March 24th went very well. Special thanks to Dave Ianiro and his family for helping coordinate the party along with the members of Park & Rec. Scott Mills was in attendance and also helped.

Also, special thanks to four youths working service hours, Amanda, Heather, Kelly, and Michelle. The meeting with Martin Enterprises for the park project is scheduled for tomorrow morning. Summer program signups are going on.

Law Director's Report: Law Director Paluf recommended approval this evening of Agenda Item No.4, approving the 2007 update for the codified ordinances so the code books can be updated. Chief Cook also approved. Mr. Paluf reminded Council that the City of Cleveland representatives are to be present at the Committee of the Whole scheduled for April 17th.

A meeting was held with Darlene Johnson of the Illuminating Co. and Service Director Evans in attendance. They will meet with the home owner on Bishop tomorrow morning. The city has made it clear to the Illuminating Co that they cannot go onto private property as far as trimming trees without permission of the home owner. Discussion followed on ordinances and procedures affecting utility companies. HHCO Section 933 was mentioned.

Building Commissioner Stouffer advised that Section 933 applies to contractors working for someone who is building a house and who is making connections for gas, water, sewers with excavations in the right of way.

Council President Murphy advised City Engineer Blackley has brought a copy of the plans for the installation of the electric poles on Bishop Road and anyone can review the plans following the meeting.

Mayor's Report: Mayor Coleman reported he attended the meeting of the Tax Incentive Review Council. Council Members will be getting the report shortly and they will see that, by the book, Philips fell short of what they had committed to do on one of their incentives. He explained that one of the challenges that a company of Philips' size has is that they have several different types of operations in a facility that large; and, rather than getting an incentive for their entire piece of land, they tend to get it for smaller areas of what they do there. Like most businesses as the business grows, they may move that function from one area of the building or facility to another which may cause them to fall short on that one commitment but when you look at the company in aggregate they exceeded the expectations of their employment figures as a whole. The committee voted that they were not in compliance but to continue with the incentive which is what they should have done because while in black and white it didn't meet the commitment, it certainly is of value to the city. Mayor Coleman thanked Finance Director Ianiro for putting the information together for the meeting and to Diana Lydic his assistant for helping.

Mayor Coleman also thanked Mr. Legan and the L&F Committee for their assistance with the budget. He encouraged Council approval of that this evening.

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

MEETING OPENED TO THE PUBLIC:

Kathy Dabkunas, employee at the Highlander Tavern, Bishop Road, objected to a citation the tavern received regarding a video game considered a gambling device according to the opinion of the former Attorney General, Jim Petro. She stated these machines are not gambling they are a game of skill and that the ruling is being contested in court. Ms. Dabkunas advised all owners were sent a letter to remove the tic tac machine by April 1st. She asked that the

business owners be granted a continuance until the Attorney General makes a decision as to whether these machines are legal or otherwise.

Chief Cook reported the City Prosecutor forwarded a letter to the establishments in the city that have the machines to have them removed by April 1st in accordance with the opinion of the Attorney General. He will review the matter with Prosecutor Taylor and Law Director Paluf.

Joe Tomaro, 533 Bishop Road, referred to the electric poles being installed on Bishop Road and asked did the question come up as to why they are putting poles on the east side of the street when they were talking to the Illuminating Co.

Mayor Coleman advised, Mrs. Johnson, CEI Representative, told him that the plans would have called for the removal of a lot of trees had they done it on the west side.

Mr. Tomaro asked will the home owners association in Aberdeen and the golf course be affected by any of the trees that they trim.

Council President Murphy advised that City Engineer Blackley has the plans available for the Bishop Road Pole Project for inspection after the meeting.

NEW BUSINESS:

MOTION TO CHANGE ORDER OF AGENDA TO MOVE THE MAYOR'S APPOINTMENTS TO THE BEGINNING OF THE MEETING: A motion was made by Mr. Pilla to change the order of the agenda to move the Mayor's Appointments to the beginning of the meeting due to the large number of family members and friends present for the swearing in; seconded by Mr. Mills. Ayes all; motion carried.

MAYOR'S APPOINTMENTS:

Fire Captain Lee Molnar. Fire Captain Lee Molnar was sworn in by Mayor Coleman.

Fire Lieutenant Todd Ayres. Fire Lieutenant Todd Ayers was sworn in by Mayor Coleman.

Firefighter Paramedic Kevin Madger. Firefighter-Paramedic Kevin Madger was sworn in by Mayor Coleman.

Firefighter Paramedic Giovanni DeNigris. Firefighter-Paramedic Giovanni DeNigris was sworn in by Mayor Coleman

MOTION APPOINTING SUSAN OLSON AS TEMPORARY CLERK OF COUNCIL: A motion was made by Mr. Pilla appointing Susan Olson as Temporary Clerk of Council for the period from April 6, 2007 to April 11, 2007; seconded by Mr. Mills. Ayes all; motion carried.

MOTION AUTHORIZING CONTRACT WITH ELECTOLITE: A motion was made by Mr. Mills authorizing a contract with Electolite for replacement of 12 street lights on Brainard Road at a total cost not to exceed \$35,000 in accordance with their proposal dated 3/25/2007; seconded by Mr. Austin. Ayes all; motion carried.

ENACTMENT OF ORDINANCE 2-2007: Council listened to the Second Reading in title only of Proposed Ordinance 2-2007 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. Mills moved to suspend the Third Reading; seconded by Mr. Hargate. Ayes all; motion carried. Mr. Austin moved to enact; seconded by Mr. Mills. Ayes all; motion carried.

ENACTMENT OF ORDINANCE 3-2007: Council listened to the Second Reading in title only of Proposed Ordinance 3-2007 which description is: "An Ordinance establishing compensation for employees of the Recreation Department of the City of Highland Heights, Ohio for 2007, repealing all ordinances inconsistent herewith and declaring an emergency." Mr. Austin moved to suspend the Third Reading; seconded by Mr. Pilla. Ayes all; motion carried. Mr. Hargate moved to enact; seconded by Mr. Austin. Ayes all; motion carried.

ENACTMENT OF ORDINANCE 1-2007: Council listened to the Third Reading in title only of Proposed Ordinance 1-2007 which description is: "An Ordinance appropriating for current expenses and other expenditures of the City of Highland Heights, Ohio, for the period commencing January 1, 2007 and ending December 31, 2007, and declaring an emergency." Mr. Legan moved to enact; seconded by Mr. Mills. Ayes all; motion carried.

ANNOUNCEMENTS:

Council President Murphy noted that the deadline to submit articles for the Highland Highlights is April 13th. She encouraged council members submit an article and asked that they submit their topics to the clerk to be sure they are not duplicating subjects.

Committee of Whole Agenda for April 3rd:

1. Parking of vehicles for Sale
2. Personal Property Sales.
3. AT&T discussion.

Discussion followed on Council's schedule for the next two weeks. Three Council members and Mayor Coleman will be out of town the week of the regular meeting of April 10th. Council agreed to meet April 3rd in a Committee of the Whole and a special meeting to consider purchase of the dump body for the Service Department. A decision will need to be made concerning the regular meeting of April 10th.

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

Clerk of Council

President of Council