
**CITY OF HIGHLAND HEIGHTS
MINUTES OF A COUNCIL MEETING
HELD: JUNE 26, 2007**

President of Council Murphy presiding.

PRESENT: 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; Law Director Paluf.

ABSENT: Mayor Coleman, out of town.

ACTION ON MINUTES: The reading of the Minutes of a Council Meeting held June 12, 2007 was dispensed with. Law Director Paluf asked that his report be amended to reflect that in his answer to Mr. Dolciato's question, his answer was, yes, a private party could be held at this facility and at this point and time they do not need a police officer present. Mr. Pilla moved to accept the Minutes as amended; seconded by Mr. Mills. Ayes all; abstain Pilla; motion carried.

The reading of the Minutes of a Special Meeting held June 19, 2007 was dispensed with. Mr. Legan moved to accept the Minutes as written; seconded by Mr. Mills. Ayes all; motion carried.

DEPARTMENT HEAD REPORTS:

Fire Chief's Report: Chief Bencin provided a recap of ambulance billing for 2007. They are averaging over \$17,000 a month. That is a 49% increase over the first year, 2005 and 23% over last year. If they maintain this average billing, they will collect around \$205,000 this year. Highland Heights has a high collection rate of about 73%; whereas other cities that have the same kind of billing are in the 60% range. Highland Heights' residents have a high percentage of insurance, not a lot of Medicaid and there are not a lot of non-insured residents in the city. The Fire Department has averaged 64 transports a month for the first five months of this year.

Police Chief's Report: Chief Cook reported as of July 1st they will be going forward with an animal control contract. He can provide council some of the basic details of the contract. They will have options to do additional service in emergency situations. The contract will be a six month contract and will run to January 1st, 2008.

Chief Cook also reported last week they conducted a jail training seminar in conjunction with the Bureau of Adult Detention. It was held at the Highland Heights Community Center. Approximately 100 police officers attended.

Mrs. Murphy requested details concerning the animal control contract and advised many residents contact council regarding animal complaints.

Mrs. Murphy then advised of a phone call she received from a resident who has twice now rented a pavilion at the park, paid the \$100 fee, went up to the park at the designated time to find others occupying the pavilion, entered into a discussion, asked them to leave, showed them their permit. They refused to leave. The resident is wondering what recourse they have.

Chief Cook suggested some type of posting on the actual pavilion that the pavilion is reserved on such and such a date and time. He advised, if that action was taken, his department would certainly go up there on any complaint to try to alleviate the situation.

Mr. Austin advised he will talk with the Recreation Director about this. They will look at Chief Cook's suggestion.

Service Director's Report: Service Director Evans reported

- The street lighting program on Brainard Road is underway. The Illuminating Company was there yesterday to remove the fixture heads. The city contractor moved in today and began taking down the poles. He expects the project to take less than a couple weeks to do.
- Regarding previous storm sewer maintenance discussion and having the county sanitary engineer help with storm sewer maintenance, a memo was distributed this evening providing additional information regarding possible rates. He suggested additional discussion in a future committee of the whole meeting. Any action on this would need to be before the County Commissioners for their September agenda.
- The rubbish collection contractor in general has improved their performance since last winter when some long discussions were held with them. However the Service Department is getting reports of collections running into the early evening hours. A meeting will be set up to discuss that.
- Next Wednesday is the fourth of July. The rubbish collection will be one day late on Wednesday and Thursday of next week.

In response to Mrs. Murphy's request for a map showing the location of the gas wells in the park, City Engineer advised a site plan showing the location of two wells within the park has been prepared as required by ODNR as part of the permit process. Mrs. Murphy requested a copy of that map.

Fire Chief Bencin asked City Engineer Blackley to locate on the map two abandoned wells. Mrs. Murphy asked Chief Bencin to work with the Engineer and Service Director on this.

Mr. Mills reported that, over the weekend he received a couple calls regarding spilled gravel on Wilson Mills Road coming out of the garden center. He was able to locate Mr. Hess of the Service Department who was able to get the sweeper out there. The police department identified it as a possible traffic issue. Mr. Mills thanked Mr. Hess and the Police Department.

Mr. Pilla thanked Mr. Evans for taking care of a situation with his resident who had trimmed some trees and they were too large to bundle. He knew the tree program was over but the Service Department was kind enough to assist that resident.

Building Commissioner's Report: Building Commissioner Stouffer provided a mid year report. Last year to this date they issued 14 single family permits and 6 condo permits. This year they issued 4 single family permits and 3 condo permits. This is a substantial drop; however, the houses that are getting built are rather expensive because the 4 single family houses totaled \$2,130,000 whereas all 14 last year totaled \$3,125,000. One house was valued at \$1,000,000. The commercial has picked up. There is of course Philips and there are other projects coming, they will offset all these numbers with the increase in commercial. To date they collected this

year \$130,000; last year as of this date they collected \$140,000; but, he sees over the next month that they will well surpass where they were last year.

In response to Mrs. Murphy's inquiry regarding the former Arabica property, Chief Bencin advised he is aware that studies are being done on that property because of the previous gas leak and they don't have final approval from the State Fire Marshall's office. They still need a cleanup before the banks will give loans on it. It was about three weeks ago when he received that information.

In response to Mrs. Murphy's inquiry regarding the former Catalano's property, Mr. Stouffer stated he has had no communication with anyone.

City Engineer's Report: City Engineer Blackley reported on on-going construction projects:

- The Colony-Eastlawn Project is proceeding relatively smoothly. They have started on Eastlawn.
- The Park Project also is on schedule. They have been pouring curbs for the parking lot. A progress meeting is scheduled for tomorrow morning. It is anticipated that they will be doing paving operations in there within the next two weeks.
- Regarding the Highland Road Pedestrian Pathway, on Friday, CT Consultants submitted the plans to ODOT. Mr. Blackley suggested the project will start later this year with construction ongoing next year.

Mrs. Murphy inquired about the Highland-Bishop Intersection plans. Mr. Blackley advised he expects to have the plans out to bid in July. Council may be asked to hold a special meeting in August to award the project. Mr. Blackley also advised the bids for street striping are due on Monday, July 9th.

Finance Director's Report: No report.

Mrs. Murphy noted Mr. Ianiro is attending a meeting this evening. She advised that Finance Director Ianiro has provided a memo regarding item No. 1 the motion authorizing payment to Ace Tennis.

COMMITTEE REPORTS:

Legislative & Finance Committee: Mr. Legan reported in a meeting held June 19, 2007 they reviewed Items 2, 3, 4 and 5 and recommended passage of all four of those items.

- Item No. 2 is authorizing transfers of \$100,000 each to both the Police and Fire Pension Fund. Basically this is something that happens twice a year; the next transfer will occur in October.
- Item No. 3 is adopting a tax budget for the city. They are required by law to pass one.
- Item No. 4 is regarding participation in the workers compensation rating program. Last year the city was in the 39% discount group and this year in the 54% discount group. The premium without the program would be \$188,000; with the new rating system, the premium is \$117,000 which is saving the city in excess of \$71,000 for 2008. Mr. Legan complimented Mr. Ianiro for pioneering this program and saving the city a tremendous amount of money.

- Item No. 5 is an ordinance amending the municipal income tax legislation and which would now hold corporate officers liable in the event that the company went bankrupt. If a company went bankrupt and they were to owe the city money in taxes, the city would now be able to go to a corporate officer of that company to seek the money that they would owe in taxes.
- Also they discussed briefly what to do when the Clerk of Council is on vacation or at a conference. There was consensus that if the Clerk was gone for a couple days that Mr. Ianiro would be able to perform the duties at their meetings and would then turn his notes and recordings over to the Clerk to do the minutes. But if it were a longer period of time they discussed hiring a replacement and the rate of pay.
- Mr. Ianiro provided a memo with information on Agenda Item No. 1 which is a payment to the person who is running the tennis program.

Mrs. Murphy added that Item 1 is payment for session 1 of the tennis program. It is a successful program again this year and the amount is in the budget. She recommended approval of that motion this evening.

Drainage Committee: Mr. Mills reported in a meeting held this evening, they considered the following:

- 5528 Highland Road, Louis Colombo, a side yard drainage issue. The City Engineer will look at the feasibility of repairing that.
- 336 Miner Road -- looking to putting a swale between two yards. They are waiting for comments back from the residents and their decisions.
- 5484 Roy Road -- Mr. Stouffer will revisit that property to double check on the drainage issue there.
- 5334 Brentwood, a broken pipe. It is Mr. Evans' opinion that the Service Department can handle that repair.
- Storm Sewer Maintenance. Information was received this evening. This will be discussed in the committee of the whole on July 17th. Service Director Evans will invite someone from the Cuyahoga County Engineer's office to attend that meeting.

Planning and Zoning Commission: Mr. Pilla reported in a meeting held June 25, 2007 they reviewed the following:

- Brian Himmel, 416 Medway Road. Variances to Side Yard and Garage Depth Requirements. After much discussion, Mr. Himmel has agreed to withdraw his proposal and look for other alternatives. He wanted to take it back to his architect and see if some of the other ideas fit his needs.
- CDT Custom Homes. S/L 26, 347 East Edinburgh Drive. Final home approval was granted.
- There was extensive discussion that this is on the golf course and that the P&Z Commission will strictly enforce the 25 foot setback for patios. They agreed that the final site plan for the resident also is to have a copy of the final site plan highlighted to the area in which they can put a patio. On their final plan that the builder gives them, they have to highlight how far they can go with a patio and where a patio can go. Discussion came up about a subsequent owner. They said as long as it is marked on this particular site plan and highlighted then it is the new owner's responsibility to get a copy of the site plan. There was an issue at Stonewater with golfers when a patio is

that close to the golf course, with golf balls flying over. P&Z is going to strictly enforce that from now on.

Law Director Paluf advised he has prepared a memo on this subject which he will copy to the P&Z Commission. Mr. Pilla further added that when the landscaper comes for a permit for a patio, they want this strictly enforced by the building department.

Council President's Report: Council President Murphy asked Council to add to the agenda tonight the reading of a resolution from 1977 when a time capsule was placed under the stone in the park. The legislation commands Council each year in the month of June to read a reminder that this time capsule will be opened on July 4, 2076.

Mayfield Area Recreation Council (MARC): Mr. Dolciato advised MARC does not meet in June.

Safety & Service Committee: No report.

Park and Recreation Commission: Mr. Austin reported Park & Recreation is having its one day event, the "Party in the Park" on Sunday, July 1, 2007 from 1:00 p.m. and ending with a movie in the park at night. He also reported Woodside Road is open in the park and that has really helped the flow of traffic in the park especially due to the construction on Wilson Mills Road.

Mr. Dolciato advised every day that he is in the park he receives complaints from the residents that light bulbs on the scoreboard are not working. Mr. Austin will check with Recreation Director David Ianiro about this.

Commission on Aging: No report.

Law Director's Report: Law Director Paluf reported H.B. 117 has passed. He is still in negotiations with AT&T regarding the cable TV video competition. Mr. Paluf noted that the city was concerned about 100% build out but the State only required 33%. He suggested discussion in the next Committee of the Whole Meeting.

Mrs. Murphy noted that the bill states that a cable company cannot opt out of their existing cable until the competition is there.

MAYOR'S REPORT: No report.

ITEMS TO BE ADDED TO THE AGENDA:

Reading of Resolution 22-1977, providing for a procedure to remind Council of the opening of the time capsule in the Year 2076.

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

MEETING OPENED TO THE PUBLIC: No one spoke.

NEW BUSINESS:

READING OF RESOLUTION 22-1977: Council listened to a Reading of Resolution 22-1977 providing a procedure to remind Council of the opening of the time capsule in the Year 2076.

"Know all men by these presents that the time capsule buried in Highland Heights Community Park by the Citizens of Highland Heights, Ohio, to celebrate the United States of America's Bicentennial in 1976 shall be opened on the date of July 4, 2076."

MOTION AUTHORIZING PAYMENT TO ACE TENNIS: A motion was made by Mr. Austin authorizing payment to Ace Tennis in the amount of \$11,151.00 for tennis lessons for the 2007 Tennis Session No. 1; seconded by Mr. Legan. Ayes all; motion carried.

SECOND READING PROPOSED ORDINANCE 6-2007: Council listened to the Second Reading in title only of Proposed Ordinance 6-2007 which description is: "An Ordinance authorizing transfers and declaring an emergency."

SECOND READING PROPOSED ORDINANCE 7-2007: Council listened to the Second Reading in title only of Proposed Ordinance 7-2007 which description is: "An Ordinance adopting a Tax Budget for the City of Highland Heights for the Year 2008 and declaring an emergency."

SECOND READING PROPOSED ORDINANCE 8-2007: Council listened to the Second Reading Proposed Ordinance 8-2007 authorizing participation in the Ohio Association of Public Treasurer's (OAPT) Workers Compensation Group Rating Program and declaring an emergency."

SECOND READING PROPOSED ORDINANCE 9-2007: Council listened to the Second Reading Proposed Ordinance 9-2007 amending Section 111.1302 and enacting Section 111.13021 of Chapter 111 of the Codified Ordinances of the City of Highland Heights pertaining to the imposition of the Municipal Income Tax, repealing all legislation inconsistent herewith, and declaring an emergency."

JULY SCHEDULE OF MEETINGS:

Council President Murphy noted there are five Tuesdays in July. Given that next Tuesday is July 3rd, the day before the holiday, the suggestion has been made to not schedule a Committee of the Whole for next week. Council members were in agreement. If necessary a Committee of the Whole will be scheduled before the Regular Meeting of July 10th.

ADJOURNMENT: A motion was made by Mr. Mills and seconded by Mr. Pilla to adjourn the meeting. Said meeting adjourned at 8:55 p.m.

Clerk of Council

President of Council