

CITY OF HIGHLAND HEIGHTS
MINUTES OF A SPECIAL COUNCIL MEETING
HELD: JULY 29, 2008

President of Council Mills presiding.

PRESENT: Mayor Coleman, Councilmen Anderson, Hargate, Legan, Lombardo, Mills, Murphy, Clerk of Council Buchak; Service Director Evans; Assistant Building Commissioner; City Engineer Blackley; Law Director Paluf.

ABSENT: Councilman Pilla, excused.

This special meeting has been called for consideration of the following:

1. Proposed Resolution authorizing the Mayor to execute a Memorandum of Understanding on behalf of the City as a member of the Euclid Creek Watershed Council with the Cuyahoga Soil and Water Conservation District. (Mayor and Council)
2. Proposed Resolution in support of the Drug Abuse Resistance Education (D.A.R.E.) Program for the 2008-2009 School Year. (Mayor and Council)
3. Proposed Resolution authorizing the Mayor to make application to the Office of the Attorney General for Drug Abuse Resistance Education (D.A.R.E.) Funds, and declaring an emergency. (Mayor and Council)
4. Second Reading Proposed Resolution 38-2008 awarding a contract to Seitz Builders for a Salt Storage Building. (Mayor and Council)
5. Second Reading Proposed Resolution 39-2008 awarding a contract to T C Construction Co., Inc. for the 2008 Miscellaneous Concrete Street Repair program. (Mayor and Council)
6. Second Reading Proposed Resolution 40-2008 awarding a contract to C. A. Agresta Construction Co. for the Highland Road Pedestrian Facility. (Mayor and Council)
7. Second Reading Proposed Ordinance 19-2008 submitting a Charter Amendment to the Electors of the City of Highland Heights. (Mayor and Council)

ITEMS TO BE ADDED TO THE AGENDA:

1. Motion authorizing a contract with Frate Landscaping, Inc. to perform Drainage Improvement at 336 and 342 Miner Road, in an amount not to exceed \$8,000.00; said contract to be contingent upon receipt of signed easements.

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

2. Motion calling a Special Meeting to be held August 19th at 7:00 p.m. for the purpose of adjourning into Executive Session to discuss pending and imminent litigation.

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

3. Tabled Ordinance 14-2008, amending Section 1327.03 of Chapter 1327 of the Codified Ordinances of the City of Highland Heights pertaining to General Business (G-B) and Local Business (L-B) Districts Maintenance, Inspection, Notice and Compliance; repealing all legislation inconsistent herewith, and declaring an emergency.

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

4. Motion to adjourn into Executive Session to discuss imminent and pending litigation.

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

NEW BUSINESS:

MOTION AUTHORIZING A CONTRACT WITH FRATE LANDSCAPING, INC.: A motion was made by Mr. Anderson authorizing a contract with Frate Landscaping, Inc. to perform Drainage Improvement at 336 and 342 Miner Road, in an amount not to exceed \$8,000.00; said contract to be contingent upon receipt of signed easements; seconded by Mr. Legan. Ayes all; motion carried. Mrs. Murphy added that the work is not to commence until August 11th because the McCracken's are out of town.

MOTION CALLING A SPECIAL MEETING: A motion was made by Mr. Hargate calling a Special Meeting to be held August 19th at 7:00 p.m. for the purpose of adjourning into Executive Session to discuss pending and imminent litigation; seconded by Mr. Lombardo. Ayes all; motion carried.

ENACTMENT OF ORDINANCE 14-2008: Council considered Tabled Ordinance 14-2008 which description is: "An Ordinance amending Section 1327.03 of Chapter 1327 of the Codified Ordinances of the City of Highland Heights pertaining to General Business (G-B) and Local Business (L-B) Districts Maintenance, Inspection, Notice and Compliance, repealing all legislation inconsistent herewith, and declaring an emergency." Mr. Anderson moved to remove Proposed Ordinance 14-2008 from the table; seconded by Mrs. Murphy. Ayes all; motion carried. Mr. Anderson moved to amend consistent with a document dated 7/29/08; seconded by Mrs. Murphy. Ayes all; motion carried. Mr. Lombardo moved to enact; seconded by Mrs. Murphy. Mrs. Murphy commented that this is very important legislation; Council has been studying it; L&F has reviewed it for several weeks and the Law Director has given his approval. Ayes all; motion carried.

ADOPTION OF RESOLUTION 43-2008: Council listened to the First Reading in title only of Proposed Resolution 43-2008 which description is: "A Resolution authorizing the Mayor to execute a Memorandum of Understanding on behalf of the City as a member of the Euclid Creek Watershed Council with the Cuyahoga Soil and Water Conservation District." Mr. Anderson moved to suspend the Second and Third Readings; seconded by Mr. Legan. Ayes all; motion carried. Mr. Legan moved to adopt; seconded by Mrs. Murphy. Mrs. Murphy noted that the City's relationship with the Euclid Creek Water Shed District has being on-going for five years. She added that this is a renewal of a contract that involves nine participating communities and it is an important relationship for the City to enter into and maintain. Much of the funds are expended for community education, outreach and assisting local governments. L&F has approved the expenditure of the funds of \$5500 per year for the next four years; the Drainage Committee has approved the Memorandum of Understanding; and the Law Director has advised that the Memorandum of Understanding is appropriate. Ayes all; motion carried.

ADOPTION OF RESOLUTION 44-2008: Council listened to the First Reading in title only of Proposed Resolution 44-2008 which description is: "A Resolution in support of the Drug Abuse Resistance Education (D.A.R.E.) Program for the 2008-2009 School Year." Mr. Legan moved to suspend the Second and Third Readings; seconded by Mr. Anderson. Ayes all; motion carried. Mr. Legan moved to adopt; seconded by Mr. Anderson. Ayes all; motion carried.

ADOPTION OF RESOLUTION 45-2008: Council listened to the First Reading in title only of Proposed Resolution 45-2008 which description is: "A Resolution authorizing the Mayor to make application to the Office of the Attorney General for Drug Abuse Resistance Education (D.A.R.E.) Funds, and declaring an emergency." Mr. Legan moved to suspend the Second and Third Readings; seconded by Mr. Anderson. Ayes all; motion carried. Mr. Anderson moved to adopt; seconded by Mr. Hargate. Ayes all; motion carried.

ADOPTION OF RESOLUTION 38-2008: Council listened to the Second Reading in title only of Proposed Resolution 38-2008 which description is: "A Resolution declaring Seitz Builders to be the lowest and best bidder for the construction of the Service Department Salt Storage Building, authorizing the Mayor to enter into a contract with said bidder not to exceed the sum of Two Hundred Forty Three Thousand Nine Hundred Dollars (\$243,900.00), rejecting all other bids received and declaring an emergency." Mr. Lombardo moved to suspend the Third Reading; seconded by Mr. Hargate. Ayes all; motion carried. Mr. Hargate moved to adopt; seconded by Mr. Lombardo. Ayes all; motion carried.

ADOPTION OF RESOLUTION 39-2008: Council listened to the Second Reading in title only of Proposed Resolution 39-2008 which description is: "A Resolution declaring TC Construction Co., Inc. as the lowest and best bidder for Miscellaneous Concrete Street Repair Program, authorizing the Mayor to enter into a contract with TC Construction Co., Inc. in an amount not to exceed the sum of Fifty Nine Thousand Nine Hundred Fifty Three Dollars and Ninety Two Cents (\$59,953.92), rejecting all other bids received, and declaring an emergency." Mr. Anderson moved to suspend the Second and Third Readings; seconded by Mr. Legan. Ayes all; motion carried. Mr. Legan moved to adopt; seconded by Mr. Anderson. Ayes all; motion carried.

ADOPTION OF RESOLUTION 40-2008: Council listened to the Second Reading in title only of Proposed Resolution 40-2008 which description is: "A Resolution declaring C. A. Agresta Construction Co. as the lowest and best bidder for the Highland Road Pedestrian Facility Project, authorizing the Mayor to enter into a contract with C. A. Agresta Construction Co., in an amount not to exceed the sum of Six Hundred Thirty Four Thousand Two Hundred Ten Dollars and Seventy Cents (\$634,210.70), rejecting all other bids received, and declaring an emergency." Mr. Legan moved to suspend the Second and Third Readings; seconded by Mr. Anderson. Ayes all; motion carried. Mr. Hargate moved to adopt; seconded by Mr. Lombardo. Ayes all; motion carried.

ENACTMENT OF ORDINANCE 19-2008: Council listened to the Second Reading in title only of Proposed Ordinance 19-2008 which description is: "An Ordinance submitting a Charter Amendment to the Electors of the City of Highland Heights pursuant to Charter Section 12.01 and Article XVIII, Section 9 of the Ohio Constitution, and declaring an emergency." Mrs. Murphy moved to suspend the Third Reading; seconded by Mr. Hargate. Ayes all; motion carried. Mr. Lombardo moved to enact; seconded by Mrs. Murphy. Ayes all; motion carried.

MOTION TO ADJOURN INTO EXECUTIVE SESSION: A motion was made by Mr. Anderson to adjourn into Executive Session to discuss imminent and pending litigation 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. Hargate. Roll call on the motion: Ayes all; motion carried. Council adjourned at 8:15 p.m. and reconvened at 8:38 p.m.

ADJOURNMENT: A motion was made by Mr. Anderson and seconded by Mr. Legan to adjourn the meeting. Said meeting adjourned at 8:39 p.m.

Clerk of Council

President of Council