

**CITY OF HIGHLAND HEIGHTS
MINUTES OF A COUNCIL MEETING
AS A COMMITTEE OF THE WHOLE
HELD: JANUARY 14, 2020
7:30 PM**

PRESENT: Mayor Brunello; Council Representatives D'Amico, DeLisio, DiLalla, Ganser, Milroy, Stickan; Clerk of Council Cahill; Fire Chief Turner; Service Director Evans; City Engineer Mader; Finance Director Filippo; Law Director Paluf

EXCUSED: Council Representative Hargate

AGENDA

Discussion of legislation for a H.H.C.O. Chapter on Rental Properties
2019 Concrete Program Change Order

APPROVAL OF MINUTES: The reading of the Minutes of the Committee of the Whole Meeting held December 10, 2019 was dispensed with. A motion was made by Mr. Milroy to accept Minutes; seconded by Ms. D'Amico.

Ayes: D'Amico, Milroy, Stickan.

Abstain: DeLisio, DiLalla, Ganser

Motion carried.

Discussion of legislation for a H.H.C.O. Chapter on Rental Properties
Mayor Brunello stated that he has had numerous discussions with the Building Commissioner regarding rental properties. Currently the Codified Ordinances do not address rental properties. Also, rental properties in Highland Heights were not previously identified. The proposed legislation has been drafted by the Building Commissioner and reviewed by the Law Director. Most surrounding cities have similar rental property legislation and adding a Chapter to the codified ordinances will enhance our community. The draft chapter was distributed to Council for their review and discussion.

Commissioner Grabfelder stated the new Chapter on Rental Properties will also be beneficial to the Finance Department as R.I.T.A. is interested in knowing the rental properties in the city for tax purposes.

Commissioner Grabfelder reviewed four surrounding municipalities that have rental property ordinances: Richmond Heights, Mayfield Heights, Lyndhurst and Euclid. The proposed legislation was reviewed by the Mayor, Police Chief, Fire Chief and Law Director. The part-time inspector researched the Auditor's records and identified 239 rental properties within the city.

The ordinance will be enforced annually. Notices will be sent out in November to register with the City by January 1st. The registration fee is \$100. There will be a penalty for registrations after January 31st. After February 1st, the late registration will be referred to the Court for compliance. Each rental property will have the exterior inspected upon registration. Upon compliance with exterior inspection a Certificate of Rental Occupancy will be issued for the year.

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Interior inspections will be done upon consent from the property owner. Currently there is a lawsuit pending in southern Ohio which relates to interior point of sale inspections by building departments. Most municipal building departments have initiated a form granting consent for an interior inspection which is signed by the property owner. However, if the Fire Department or Police Department enter a residence and notice concerns, the Building Department can obtain entrance by obtaining an administrative search warrant through the Court. A process is available to inspect if there was a concern about a property.

When a property owner does consent to an interior inspection, the Fire Chief recommends inspecting for: working smoke detectors; fire extinguishers; carbon monoxide detector and properly working electrical system.

The exterior will be inspected initially including; driveway, aprons, detached structures to ensure compliance to property maintenance codes. Exteriors will be inspected annually.

Mayor Brunello stated the impetus for this legislation is to maintain a high-quality housing stock in the city. Mayor Brunello recommends enacting the legislation after Council's thorough review so that the identified properties can be inspected on a timely basis.

Mrs. Ganser questioned if the interior inspections will be limited to smoke detectors, c.o. detectors and fire extinguishers; or, will other structural issues be addressed. Mr. Grabfelder stated obvious structural and electrical issues will be addressed. Mr. Grabfelder responded to Mrs. Ganser's question that a time frame for compliance would be determined per the type of violation. Painting violations would require 90 days and window replacement would be two weeks. Mrs. Ganser questioned if there would be fines applied for noncompliance. Mayor Brunello stated noncompliance fines have not been determined. Mr. Grabfelder stated the Court may revoke the occupancy permit to evict the tenants as stated in the ordinance for noncompliance.

Chairperson Stickman questioned if the rental inspection form gathers information on the property owner or the renter. Also, does violations under Section 1341.08 (1-8) apply to the property owner or renter. Mr. Grabfelder stated the property owner will be cited. Mr. Grabfelder stated tenant information will also be helpful to address School Board concerns. The tenant information will also be provided to the Finance Director for R.I.T.A.

Mr. Milroy questioned the last portion of Section 1341.02 (c) which defines "Owner". Director Paluf stated the section will be reviewed and amended as necessary to provide clarity. Mr. Milroy agrees that an ordinance is necessary as over two hundred properties have been identified.

Mr. DiLalla questioned how the \$100 fee compares to other municipalities. Mr. Grabfelder stated Richmond Heights and Euclid fees are higher; whereas, Lyndhurst is \$100 and Mayfield Heights is \$50. Mr. DiLalla questioned the feasibility of inspecting over two hundred properties annually. Mr. Grabfelder stated yes, he will be inspecting along with another inspector.

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Director Paluf stated the ordinance will be reviewed to reflect some of the issues raised. President Stickan stated the ordinance may be placed as First Reading at the next Council meeting. Mayor Brunello agreed with that time schedule to begin the new chapter adoption process.

2019 Concrete Program Change Order

Mr. Mader stated a memo was distributed to Council dated January 12th explaining the request for the change order. The contractor did not submit the final invoice until after the last Council meeting in December. The cost overrun for the Concrete Program is \$23,758.70. The overrun is due to a typographical error in the bid documents for the overall quantity of the pavement replaced on Wilson Mills. There was an additional 400 square yards of additional pavement that was anticipated to be replaced; however, the quantities were incorrect in the bid document.

The lanes replaced on Wilson Mills were available for 50/50 funds from the County. The application has the correct amount; therefore, the reimbursement of the 50% from the County will be the correct amount. The \$23,758.70 is an additional amount of the awarded amount for the 2019 Concrete Program.

ADJOURNMENT: A motion was made by Mr. DiLalla and seconded by Mr. Milroy to adjourn the meeting at 7:50 p.m. Ayes all; motion carried.