

**CITY OF MAPLE HEIGHTS
COUNCIL MEETING AGENDA**

Maple Heights Senior Center - 7:00 PM

October 16, 2024

1. Caucus:	6:30 pm	All Members of Council
2. Call to Order:		Council President Ron Jackson
3. Invocation/Pledge of Allegiance:		Councilman Tim Tatum, District 3
4. Roll Call:		Council Clerk Leonette Cicarella Johnson
5. Addendum:		
6. Approval of Minutes:		October 2, 2024 Regular Meeting of Council
7. Communications:		
8. Council Committee Reports:		
9. Department Reports:		
10. Comments from City Residents:		Per Council Rule 220.01(c)(9)
11. Legislation:		

**2024-82 AN ORDINANCE SETTING THE SALARIES OF COUNCIL MEMBERS
EFFECTIVE SEPTEMBER 1, 2024, AND DECLARING AN EMERGENCY.**

Reading 3 (Blackwell)

**2024-83 AN ORDINANCE FIXING THE SALARY OF THE SAFETY DIRECTOR
EFFECTIVE SEPTEMBER 1, 2024, AND DECLARING AN EMERGENCY.**

Reading 3 (Finance Committee)

**2024-85 AN ORDINANCE APPROVING THE PLAN OF OPERATION AND
GOVERNANCE FOR THE NOPEC OPT-IN GAS AGGREGATION
PROGRAM FOR THE PURPOSE OF JOINTLY ESTABLISHING AND
IMPLEMENTING AN OPT-IN GAS AGGREGATION PROGRAM AS
A NOPEC MEMBER, AND DECLARING AN EMERGENCY.**

Reading 3 (Blackwell)

**2024-89 A RESOLUTION PROCLAIMING OCTOBER 31, 2024 FROM 6:00 P.M.
TO 8:00 P.M. AS HALLOWEEN OBSERVANCE IN THE CITY OF
MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.**

Reading 1 (Blackwell)

**2024-90 AN ORDINANCE AUTHORIZING THE MAYOR AND PLANNING AND
DEVELOPMENT DIRECTOR TO PROVIDE A FORGIVABLE LOAN
THROUGH THE MAPLE HEIGHTS - SBA SMALL BUSINESS
PERFORMANCE GRANT PROGRAM TO BNK HEATING & COOLING,
LLC ("THE COMPANY") IN THE AMOUNT OF \$6,250.00 FROM THE CITY
AND A MATCHING AMOUNT OF \$18,750.00 FROM THE COUNTY, FOR
A TOTAL LOAN AMOUNT OF \$25,000.00 TO ALLOW THE COMPANY
TO MAKE EXTERIOR ENHANCEMENTS AT 16300 BROADWAY
AVENUE, MAPLE HEIGHTS, OHIO, AND DECLARING AN
EMERGENCY.**

Reading 1 (Blackwell)

2024-91 A RESOLUTON AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BNK HEATING AND COOLING, LLC FOR THE SALE OF TWO (2) PARCELS OF VACANT PROPERTY, OWNED BY THE CITY THROUGH ITS LAND REUTILIZATION PROGRAM, LOCATED ON MORGAN STREET, PERMANENT PARCELS NOS.: 784-08-047 AND 784-08-048, FOR A TOTAL PURCHASE PRICE OF \$32,800.00, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2024-92 AN ORDINANCE AUTHORIZING THE MAYOR AND SAFETY DIRECTOR TO MAKE APPLICATION FOR, AND ACCEPT, WITH MATCHING 25% FUNDS, A SAFETY INTERVENTION GRANT FROM THE BUREAU OF WORKERS' COMPENSATION FOR THE PURCHASE OF A BANDIT 12" CHIPPER IN AN AMOUNT NOT TO EXCEED \$40,000.00, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2024-93 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT TO PROVIDE FOR THE 2024 CONCRETE ROADWAY REPAIR PROGRAM IN THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2024-94 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR DIAL ELECTRIC, LTD., INCREASING THE CONTRACT BY \$23,908.50, FOR THE MAPLE HEIGHTS SENIOR CENTER EMERGENCY GENERATOR INSTALLATION PROJECT IN THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2024-95 AN ORDINANCE AMENDING SECTION 1486.02 OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS CONCERNING RENEWAL OF RENTAL REGISTRATIONS AND ESTABLISHING FEES, AND DECLARING AN EMERGENCY.

Reading 1 (Stafford Marbury)

- 12. Expenditures over \$25,000.00:
- 13. Mayor's Report:
- 14. Council/Council President's Reports:
- 15. Adjournment:

ORDINANCE NO.: 2024-82

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

**AN ORDINANCE SETTING THE SALARIES OF COUNCIL MEMBERS
EFFECTIVE SEPTEMBER 1, 2024, AND DECLARING AN EMERGENCY.**

WHEREAS, the Charter Review Commission (CRC) at its April 22, 2021 meeting recommended revising and amending Article IV of the Charter to remove the requirements that the salary of all elected officials be fixed at least one hundred twenty (120) days prior to the date set for the municipal election for the terms beginning on the next succeeding first day of January and that such salary cannot be changed during such term; and

WHEREAS, pursuant to Article XX, Section 2 of the Charter, Council was required to submit the CRC's recommended revisions and amendments to the qualified electors of the City; and

WHEREAS, pursuant to **Ordinance No. 2021-61**, the Council directed the Cuyahoga County Board of Elections to submit to a vote of the qualified electors of the City, at the general election to be held on Tuesday, the 2nd day of November, 2021, as prescribed by general law, the question of the amendment of the Charter of the City of Maple Heights at Article IV, so that, as amended, it shall read as follows, with the deletions struck through:

“ARTICLE IV – SALARIES”

The Council shall have the power to fix the salaries of all employees of the Municipality whether elected or appointed. ~~The salaries of all elected officials shall be fixed at least one hundred twenty (120) days prior to the date set for the Municipal election for the terms beginning on the next succeeding first day of January, and shall not thereafter be changed in respect to any such term or terms or any part thereof.~~ The Council may authorize the payment or reimbursement of expenses incurred by any official, employee, or member of any department, board or commission of the Municipality for travel or expenses incidental thereto incurred in the furtherance of the interests of the Municipality.”; and

WHEREAS, the Cuyahoga County Board of Elections provided for the voting upon said Amendment and the ballots for said election shall, at the top thereof, were entitled “Proposed Charter Amendment City of Maple Heights”, and the question to be submitted on said ballot was:

“Shall Article IV, of the Maple Heights Charter be amended in order to eliminate the requirements that the salary of all elected officials be fixed at least one hundred twenty (120) days prior to the date set for the municipal election for the terms beginning on the next succeeding first day of January and that such salary cannot be changed during such term?”; and

WHEREAS, said Amendment was placed on the ballot as Issue 42 and at the election held on November 2, 2021, a majority of the votes cast were in favor of the amendment to

eliminate the requirements that the salary of all elected officials be fixed at least one hundred twenty (120) days prior to the date set for the municipal election for the terms beginning on the next succeeding first day of January and that such salary cannot be changed during such term, which result was certified by the Board of Elections on November 22, 2021; and

WHEREAS, the Council has requested and has relied on in considering this Ordinance, the December 17, 2021 Memorandum of its Director of Law, a copy of which is attached hereto and incorporated as if fully rewritten herein, for an opinion as to whether Council may increase the pay for the Council President and all Councilpersons, regardless of whether such pay increase occurs before or during their term of office, without violating the laws of the State of Ohio, including Ohio Ethics laws and R.C. 102.03; and

WHEREAS, the Director of Law, in his December 17, 2021 Memorandum, opined that pursuant to the recently voter approved amendment to Charter Article IV, Council may increase the pay for the Council President and all Councilpersons, regardless of whether such pay increase occurs before or during their term of office, without violating the laws of the State of Ohio, including R.C. 731.07 and Ohio Ethics laws as set forth in R.C. 102.03, citing the decision of the Fifth Appellate District Court in *Coleman v. City of Canton*, Case No. 1997CA00303, 1998 Ohio App. LEXIS 2503, at *8 (5th App. Dist. 1998) which held that “the act of voting a pay raise, even for the benefit of oneself, cannot be considered the acceptance of something of value that will influence one's public actions, substantially, improperly or otherwise. It is the act of a pay raise and the potentially self-serving nature of it that may be found to be offensive but not pursuant to [R.C. 102.03]. The voters will have the ultimate say as to the propriety of the timing of the pay raise” and the decision of the Third Appellate District Court in *Hubbard v. City of Defiance*, 2013-Ohio-2144, ¶¶ 75-77 (3rd App. Dist. 2013) which held that determining the salaries of municipal officers is a matter within the powers of local self-government and if a portion of a municipal charter expressly conflicts with parallel state law, such as R.C. 731.07, in a matter of local self-government, the charter provision prevails; and

WHEREAS, it would be inequitable for one set of Councilpersons to be paid a different salary than another set of Councilpersons just because their terms of office begin at different times even though they are all performing the same work and services for the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, that:

Section 1. Pursuant to Charter Article IV, effective September 1, 2024, the salaries for all Council members shall be fixed at Eighteen Thousand Dollars and Zero Cents (\$18,000.00) per annum and the salary of the Council President shall be fixed at Twenty-One Thousand Seventy Hundred Fifty Dollars and No Cents (\$21,750.00) per annum.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting on the date indicated below, and that all deliberations of this Council and of any of its Committees that

resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code

Section 3. This Ordinance constitutes an emergency measure necessary for the public peace, safety and general welfare of the City and for the further reason that the changes in the salaries are effective September 1, 2024, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2024

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____

Leonette Cicirella Johnson, Clerk of Council

I, Leonette Cicirella Johnson, Clerk of Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that the same has been and will remain duly posted as required by law.

Date: _____

Leonette Cicirella Johnson, Clerk of Council

ORDINANCE NO. 2024-83

INTRODUCED BY: Finance Committee
MOTION FOR ADOPTION BY:
CO-SPONSORED BY:

**AN ORDINANCE FIXING THE SALARY OF THE SAFETY DIRECTOR
EFFECTIVE SEPTEMBER 1, 2024, AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Article IV of the City Charter the Council shall have the power to fix the salaries of all employees of the Municipality whether elected or appointed; and

WHEREAS, the Finance Committee has recommended that, effective September 1, 2024, the salary of the Safety Director shall be fixed at Thirty Thousand Dollars and Zero Cents (\$30,000.00).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, that:

Section 1. Effective September 1, 2024, the salary of the Safety Director shall be fixed at Thirty Thousand Dollars and Zero Cents (\$30,000.00).

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting on the date indicated below, and that all deliberations of this Council and of any of its Committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure necessary for the public safety, health and welfare and for the further reason that the new pay rates take effect January 1, 2025, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2024

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette Cicirella Johnson, Clerk of Council

I, Leonette Cicirella Johnson, Clerk of Council of the City of Maple Heights, County of Cuyahoga and State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that the same has been and will remain duly posted as required by law.

Date: _____ Leonette Cicirella Johnson, Clerk of Council

ORDINANCE NO.: 2024-85

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

AN ORDINANCE APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE NOPEC OPT-IN GAS AGGREGATION PROGRAM FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING AN OPT-IN GAS AGGREGATION PROGRAM AS A NOPEC MEMBER, AND DECLARING AN EMERGENCY

WHEREAS, this Council previously enacted legislation authorizing the City of Maple Heights (the “City”) to establish an “opt-out” Gas Aggregation Program pursuant to Section 4929.26, Ohio Revised Code (the “Opt-Out Gas Aggregation Program”), for the eligible residents, businesses and other gas consumers in the City, and for that purpose, to act jointly with any other municipal corporation, city, county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, this Council previously enacted legislation authorizing the City to join the Northeast Ohio Public Energy Council (NOPEC), to execute a Natural Gas Program Agreement and adopt the NOPEC Gas Aggregation Program Plan of Operation and Governance, so that the City would be able to act jointly with other member political subdivisions and thereby maximize the potential benefits of gas deregulation through group purchasing efforts; and

WHEREAS, this Council has enacted legislation establishing an “opt-in” natural gas aggregation program pursuant to Section 4927(A)(1), Ohio Revised Code, (the “Opt-In Natural Gas Aggregation Program”) for the eligible residents, business and other consumers located within the City, and to conduct the Opt-In Natural Gas Aggregation Program jointly through NOPEC as a NOPEC member; and

WHEREAS, on behalf of this Council pursuant to Section 4929.27(B), Ohio Revised Code, two (2) public hearings have been held on the Plan of Operation and Governance for the NOPEC Opt-In Natural Gas Aggregation Program.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, that:

Section 1. This Council finds and determines that it is in the best interest of the City, including the gas consumers located within the City, to adopt the Plan of Operation and Governance of the NOPEC Opt-In Natural Gas Aggregation Program, for the purpose of establishing and implementing the NOPEC Opt-In Natural Gas Aggregation Program in the City.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting on the date indicated below, and that all deliberations of this Council and of any of its Committees that

resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason to maximize the potential benefits of gas deregulation through the NOPEC Opt-In Natural Gas Aggregation Program of NOPEC, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2024

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____

Leonette Cicirella Johnson, Clerk of Council

I, Leonette Cicirella Johnson, Clerk of Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that the same has been and will remain duly posted as required by law.

Date: _____

Leonette Cicirella Johnson, Clerk of Council

Ordinance No. 2024-85

Page Two

RESOLUTION NO. 2024-89

INTRODUCED BY: Mayor Annette M. Blackwell
MOTION FOR ADOPTION BY:
CO-SPONSORED BY:

**A RESOLUTION PROCLAMING OCTOBER 31, 2024 FROM 6:00 P.M.
TO 8:00 P.M. AS HALLOWEEN OBSERVANCE IN THE CITY OF
MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.**

WHEREAS, the Mayor of the City of Maple Heights recommends that Halloween be observed in the City of Maple Heights on October 31, 2024 from 6:00 p.m. to 8:00 p.m.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Maple Heights, County of Cuyahoga, State of Ohio that:

Section 1. The Council of the City of Maple Heights hereby authorizes that Halloween be observed in the City of Maple Heights on October 31, 2024 from 6:00 p.m. to 8:00 p.m.

Section 2. The Council further authorizes that the original of this Resolution shall be filed in the Journal of the proceedings of this Council, and that the Clerk of Council shall transmit a certified copy of same to the Chief of Police and the Maple Heights Board of Education.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting on the date indicated below, and that all deliberations of this Council and of any of its Committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution constitutes an emergency measure necessary for the health and welfare of our residents, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2024

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST

Leonette Cicirella Johnson, Clerk of Council

I, Leonette Cicirella Johnson, Clerk of Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that the same has been and will remain duly posted as required by law.

Date: _____

Leonette Cicirella Johnson, Clerk of Council

Resolution No. 2024-89

Page Two

ORDINANCE NO.: 2024-90

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

AN ORDINANCE AUTHORIZING THE MAYOR AND PLANNING AND DEVELOPMENT DIRECTOR TO PROVIDE A FORGIVABLE LOAN THROUGH THE MAPLE HEIGHTS-SBA SMALL BUSINESS PERFORMANCE GRANT PROGRAM TO BNK HEATING & COOLING, LLC (“THE COMPANY”) IN THE AMOUNT OF \$6,250.00 FROM THE CITY AND A MATCHING AMOUNT OF \$18,750.00 FROM THE COUNTY, FOR A TOTAL LOAN AMOUNT OF \$25,000.00 TO ALLOW THE COMPANY TO MAKE EXTERIOR ENHANCEMENTS AT 16300 BROADWAY AVENUE, MAPLE HEIGHTS, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, on January 8, 2018, the City entered into an agreement with Cuyahoga County to establish and jointly fund the Maple Heights-SBA Small Business Performance Grant Program (“Program”), pursuant to the authorization of **Ordinance No. 2017-112**, enacted November 1, 2017, by which the County would provide funding in an amount not to exceed \$150,000, and through which the City would contribute an additional \$50,000; and

WHEREAS, upon recommendation of the Mayor and Planning and Development Director, Council has determined that the City should provide a forgivable loan through the Program to BNK Heating & Cooling, LLC (“the Company”) in the amount of \$6,250.00 from the City and a matching amount of \$18,750.00 from County-contributed funds, for a total loan amount of \$25,000.00, to allow the Company to make exterior enhancements at 16300 Broadway Avenue, Maple Heights, Ohio.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, that:

Section 1. The Mayor and Planning and Development Director are hereby authorized to enter into an agreement to provide a forgivable loan through the Maple Heights-SBA Small Business Performance Grant Program to BNK Heating & Cooling, LLC (“the Company”) in the amount of \$6,250.00 from the City and a matching amount of \$18,750.00 from County-contributed funds, for a total loan amount of \$25,000.00, to allow the Company to make exterior enhancements at 16300 Broadway Avenue, Maple Heights, Ohio, a copy of which agreement shall be on file in the Office of the Planning and Development Director.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting on the date indicated below, and that all deliberations of this Council and of any of its Committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure necessary for the public peace, safety and general welfare of the City and for the further reason that the Company needs to timely construct enhancements, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2024

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette Cicirella Johnson, Clerk of Council

I, Leonette Cicirella Johnson, Clerk of Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that the same has been and will remain duly posted as required by law.

Date: _____

Leonette Cicirella Johnson, Clerk of Council

Ordinance No. 2024-90

Page Two

RESOLUTION NO.: 2024-91

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BNK HEATING AND COOLING, LLC FOR THE SALE OF TWO (2) PARCELS OF VACANT PROPERTY, OWNED BY THE CITY THROUGH ITS LAND REUTILIZATION PROGRAM, LOCATED ON MORGAN STREET, PERMANENT PARCELS NOS.: 784-08-047 AND 784-08-048, FOR A TOTAL PURCHASE PRICE OF \$32,800.00, AND DECLARING AN EMERGENCY.

WHEREAS, the City, through the Maple Heights Land Reutilization Program, owns the following two (2) parcels of vacant property located on Morgan Street in the General Commercial Zoning District: 1) **V/L Morgan Street, Permanent Parcel No.: 784-08-047**; and 2) **5493 Morgan Street, Permanent Parcel No.: 784-08-048** (collectively referred to as “the Property”); and

WHEREAS, BNK Heating and Cooling LLC desires to purchase the Property from the City for the future expansion of their business, located at 16300 Broadway Rd. Maple Heights, OH 44137; and

WHEREAS, pursuant to R.C. 5722.07, the fair market value of the Property, as determined by the Cuyahoga County Fiscal Officer, is Thirty-Two Thousand Eight Hundred Dollars and Zero Cents (\$32,800.00); and

WHEREAS, the City, upon the recommendation of the Mayor and the Planning and Development Director, desires to sell and transfer the Property from the Maple Heights Land Reutilization Program, pursuant to R.C. 5722.07, for the total sum of Thirty-Two Thousand Eight Hundred Dollars and Zero Cents (\$32,800.00) to BNK Heating and Cooling LLC for future expansion.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Maple Heights, County of Cuyahoga, State of Ohio that:

Section 1. The Mayor is hereby authorized to enter into an Agreement with BNK Heating and Cooling LLC to sell the Property, owned by the Maple Heights Land Reutilization Program for the total sum of Thirty-Two Thousand Eight Hundred Dollars and Zero Cents (\$32,800.00).

Section 2. Pursuant to R.C. 5722.07, the fair market value of the Property, as determined by the Cuyahoga County Fiscal Officer, is Thirty-Two Thousand Eight Hundred Dollars (\$32,800.00). Pursuant to R.C. 5722.08 all of the proceeds from the sale of the Property shall be used to maintain the remaining parcels of real property held by the City in its Land Reutilization Program.

Section 3. The Mayor, Planning and Development Director and the Law Director are authorized to prepare, sign and file with the County Recorder and Fiscal Officer all documents and tender any closing fees necessary as the Seller to affect the transfer of the Property from the City to BNK Heating and Cooling LLC.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting on the date indicated below, and that all deliberations of this Council and of any of its Committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. This Resolution constitutes an emergency measure necessary for the public peace, safety and general welfare of the City and for the further reason to allow BNK Heating and Cooling LLC to prepare for expansion of its business, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2024

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette Cicirella Johnson, Clerk of Council

I, Leonette Cicirella Johnson, Clerk of Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that the same has been and will remain duly posted as required by law.

Date: _____

Leonette Cicirella Johnson, Clerk of Council

ORDINANCE NO. 2024-92

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

**AN ORDINANCE AUTHORIZING THE MAYOR AND SAFETY DIRECTOR
TO MAKE APPLICATION FOR, AND ACCEPT, WITH MATCHING 25%
FUND, A SAFETY INTERVENTION GRANT FROM THE BUREAU OF
WORKERS' COMPENSATION FOR THE PURCHASE OF A BANDIT 12"
CHIPPER IN AN AMOUNT NOT TO EXCEED \$40,000, AND DECLARING AN
EMERGENCY.**

WHEREAS, the Ohio Bureau of Workers' Compensation ("BWC") sponsors a Safety Intervention Grant Program to help public employers purchase equipment to substantially reduce or eliminate workplace injuries associated with a particular task or operation by offering a 3-to-1 matching grant up to a maximum grant award of \$40,000, which means the BWC gives \$3 for every \$1 the public employer contributes; and

WHEREAS, the Mayor and Service Director desire to apply for a BWC Safety Intervention Grant to purchase a Bandit 12" Chipper to enhance the safety and prevent injury of Service Department workers, thereby reducing BWC costs to the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, that:

Section 1. Council hereby authorizes the Mayor and Service Director to apply for a BWC Safety Intervention Grant to purchase a Bandit 12" Chipper in the total amount not to exceed \$40,000, and accept the grant if awarded, with the City paying an amount not to exceed \$13,333.00 of the cost as a 25% match.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its Committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the City's Charter and Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the residents of the City and for the further reason that the BWC grant timelines must be met and priority is given to early applicants. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval by the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

PASSED: _____

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette Cicirella Johnson, Clerk of Council

I, Leonette Cicirella Johnson, Clerk of Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that the same has been and will remain duly posted as required by law.

Date: _____

Leonette Cicirella Johnson, Clerk of Council

RESOLUTION NO.: 2024-93

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT TO PROVIDE FOR THE 2024 CONCRETE ROADWAY REPAIR PROGRAM IN THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.

WHEREAS, the Service Director had informed the Mayor and the Engineer that the pavement conditions on various streets located within the City of Maple Heights makes it necessary to perform repairs, reconstruction and preventative maintenance on various streets within the City; and

WHEREAS, Council deemed it necessary and in the best interests of the health, safety and welfare of all of the City residents to perform routine repairs and preventative maintenance on various streets within the City of Maple Heights; and

WHEREAS, on March 16, 2022, by **Resolution No. 2022-26**, Council authorized the City Engineer to coordinate with the Service Director to update the street inventory which rates pavement conditions for streets based on ODOT's PCR Manual for the Mayor and Council's use in developing and authorizing a road repair program in the City of Maple Heights; and

WHEREAS, on March 6, 2023, the Cuyahoga County Department of Public Works informed the Mayor that the Department will reimburse the City for up to \$92,400.00 in material costs expended on County Routes included under a road repair program in the City of Maple Heights; and

WHEREAS, the City Engineer had updated the street inventory which rates pavement conditions, including preliminary estimate of cost for pavement repairs, and made a recommendation for the streets, which were determined to be in greatest need of repair, for consideration by the Mayor and Council in authorizing a road repair program; and

WHEREAS, on January 31, 2024, the Cuyahoga County Executive informed the Mayor that the Cuyahoga County Department of Public Works will reimburse the City for up to \$141,600.00 in material costs expended on County Routes included under a road repair program in the City of Maple Heights; and

WHEREAS, on May 15, 2024, by **Resolution No. 2024-45**, Council authorized the City Engineer to begin the preparation of plans and specifications and to provide advertising for bids for the 2024 Pavement Repair Program in the City of Maple Heights; and

WHEREAS, on September 12, 2024, the bids for the 2024 Concrete Roadway Repair Program were opened and inspected by the City Engineer to determine the lowest and best bid; and

WHEREAS, on September 18, 2024, the City Engineer rejected all bids for the 2024 Concrete Roadway Repair Program because all of the submitted bid proposals exceeded the Engineer's estimate by ten percent (10%); and

WHEREAS, the 2024 Concrete Roadway Repair Program was rebid on October 10, 2024 and the bids for the 2024 Concrete Roadway Repair Program were opened and inspected by the City Engineer to determine the lowest and best bid.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Maple Heights, County of Cuyahoga, State of Ohio that:

Section 1. The Council of the City of Maple Heights hereby authorizes the Mayor to enter into a contract with C A Agresta Construction Company for the 2024 Concrete Roadway Repair Program, for a cost not to exceed One Hundred Thirty-Four Thousand One Hundred Fifty Dollars and Zero Cents (\$134,150.00), as more fully described in the bid record on file in the Office of the Finance Director in the City of Maple Heights.

Section 2. The Council of the City of Maple Heights hereby authorizes the Finance Director to amend the appropriations as required for the expenditures outlined within this Resolution.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting on the date indicated below, and that all deliberations of this Council and of any of its Committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution constitutes an emergency measure necessary for the health and general welfare of the residents of the City, and to complete the project in a timely manner in compliance with the grant requirements, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2024

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____

Leonette Cicirella Johnson, Clerk of Council

I, Leonette Cicirella Johnson, Clerk of Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that the same has been and will remain duly posted as required by law.

Date: _____

Leonette Cicirella Johnson, Clerk of Council

RESOLUTION NO.: 2024-94

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR DIAL ELECTRIC LTD., INCREASING THE CONTRACT BY \$23,908.50, FOR THE MAPLE HEIGHTS SENIOR CENTER EMERGENCY GENERATOR INSTALLATION PROJECT IN THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.

WHEREAS, Cuyahoga County, per Resolution No. R2022-0272, has awarded the City of Maple Heights \$140,000.00 from the District 8 ARPA Community Grant Fund to be used for the Maple Heights Senior Center Emergency Generator Project; and

WHEREAS, on November 2, 2022, by **Resolution No. 2022-99**, Council authorized the Finance Director to accept and deposit funding from the District 8 ARPA Community Grant Fund in the amount of \$140,000.00 into the Local Fiscal Recovery Fund, to be used for the Maple Heights Senior Center Emergency Generator Project; and

WHEREAS, on December 7, 2022, by **Resolution No. 2022-117**, Council authorized the City Engineer to begin the preparation of plans and specifications and to provide advertising for bids for the Maple Heights Senior Center Emergency Generator Project; and

WHEREAS, on October 18, 2023, by **Resolution No. 2023-91**, Council authorized the Mayor, Director of Planning and Development and Engineer to make application, sign and file all necessary contracts and documents with the Cuyahoga County Department of Development for funding through the 2024 Municipal Community Development Block Grant (CDBG) program for the Maple Heights Senior Center Emergency Generator Project; and

WHEREAS, on March 6, 2024, by **Resolution No. 2024-24**, Council authorized the Mayor to enter into a contract with Cummins Sales and Service, in an amount not to exceed Thirty-Five Thousand Six Hundred Eighty Dollars and Zero Cents (\$35,680.00), to purchase an emergency generator for installation at the Maple Heights Senior Center; and

WHEREAS, the Cuyahoga County Department of Development has advised the Mayor, Director of Planning and Development and Engineer that the City of Maple Heights had been awarded \$150,000.00 in funding through the 2024 Municipal Community Development Block Grant (CDBG) program for the Maple Heights Senior Center Emergency Generator Project; and

WHEREAS, on May 16, 2024, the bids for the Maple Heights Senior Center Emergency Generator Installation Project were opened and inspected by the City Engineer to determine the lowest and best bid; and

WHEREAS, on June 10, 2024, the City Engineer rejected all bids for the Maple Heights Senior Center Emergency Generator Installation Project because three of the four submitted bid proposals had been improperly completed; and

WHEREAS, the Maple Heights Senior Center Emergency Generator Installation Project was rebid and on June 27, 2024, the bids for the Maple Heights Senior Center Emergency Generator Installation Project were opened and inspected by the City Engineer to determine the lowest and best bid; and

WHEREAS, on August 7, 2024, by **Resolution No. 2024-68**, Council authorized the Mayor to enter into a contract with Dial Electric LTD. for the Maple Heights Senior Center Emergency Generator Installation Project, for a cost not to exceed One Hundred Sixty-Three Thousand Six Hundred Forty-Eight Dollars and Forty Cents (\$163,648.40); and

WHEREAS, the City Engineer, after consulting with the Service Director, has recommended for the replacement of a deficient segment of the Maple Heights Senior Center storm and sanitary sewer laterals which lie below the new electrical conduit and gas main that will serve the new emergency generator, with such work increasing the contract cost for the Maple Heights Senior Center Emergency Generator Installation Project in the amount of Twenty-Three Thousand Nine Hundred Eight Dollars and Fifty Cents (\$23,908.50).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Maple Heights, County of Cuyahoga, and State of Ohio that:

Section 1. The Council of the City of Maple Heights hereby authorizes Change Order No. 1 for Dial Electric LTD. to increase the contract for the Maple Heights Senior Center Emergency Generator Installation Project, in the amount of Twenty-Three Thousand Nine Hundred Eight Dollars and Fifty Cents (\$23,908.50).

Section 2. The Council of the City of Maple Heights hereby authorizes the Finance Director to amend the appropriations as required for the expenditures outlined within this Resolution.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting on the date indicated below, and that all deliberations of this Council and of any of its Committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution constitutes an emergency measure necessary for the health, safety and general welfare of the residents of the City, and to timely complete the Project in the 2024 construction season, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2024

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette Cicirella Johnson, Clerk of Council

I, Leonette Cicirella Johnson, Clerk of Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that the same has been and will remain duly posted as required by law.

Date: _____

Leonette Cicirella Johnson, Clerk of Council

ORDINANCE NO.: 2024-95

INTRODUCED BY: Councilwoman Tina Stafford Marbury

MOTION FOR ADOPTION BY:

CO-SPONSORED BY: Councilwoman Toni Jones; Councilwoman Tanglyn Madden

AN ORDINANCE AMENDING SECTION 1486.02 OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS CONCERNING RENEWAL OF RENTAL REGISTRATIONS AND ESTABLISHING FEES, AND DECLARING AN EMERGENCY.

WHEREAS, the Building and Housing Department have recommended to Council that Section 1486.02 of the City's Codified Ordinances concerning rental registrations be amended to provide that owners of rental property register all of their properties on an annual basis based upon the type of property (residential rental properties or commercial rental properties) under a scaled approach based upon the number of units a given landlord entity, such as an LLC, owns and manages in the City and establishing the fees for this revised rental registration program.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maple Heights, County of Cuyahoga, State of Ohio that:

Section 1. Section 1486.02 of the City's Codified Ordinances is hereby amended to read as follows with deletions struck through and additions underlined:

(a)(1) Effective January 1, 2025, each owner of a residential property ~~both residential and commercial~~, as defined in Section 1486.01(f), or the agent in charge as defined in Section 1486.01(a), of a rental unit within the City shall register all such rental units on a rental registration form, per owner or agent in charge, with the Building Department on an annual basis, no later than March 31 of each calendar year according to the following fee schedule based upon the number of living units: a non-refundable rental registration fee of \$75 per single-family property and \$75 per unit for all other residential types per owner or agent in charge. If the owner or agent in charge acquires additional rental units during the calendar year then, within thirty days after the date of acquiring ownership or transfer of the title, and while the unit is still vacant, the owner or agent in charge shall file an updated rental registration with the Building Department for a non-refundable fee of \$35. The form to be used by the owner or agent in charge to register all their rental units shall be contained in a "rental registration packet" available from the Maple Heights Building Department. A separate rental registration packet shall be required for each owner or agent in charge.

(a)(2) Effective January 1, 2025, each owner of a commercial property, as defined in Section 1486.01(f), or the agent in charge as defined in Section 1486.01(a), of a rental unit within the City shall register all such rental units on a rental registration form, per owner or agent in charge, with the Building Department on an annual basis, no later than March 31 of each calendar year for a flat rate fee of \$225.00 per building.

Section 2. The Clerk of Council is authorized to forward a certified copy of this Ordinance to the publisher of the Codified Ordinances of the City for immediate inclusion of amended Sections 1486.02 in the current print and electronic editions of the City's Codified Ordinances.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting on the date indicated below, and that all deliberations of this Council and of any of its Committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance constitutes an emergency measure necessary for the public peace, safety and general welfare of the City and for the further reason that notice of this change must be provided to landlords prior to the March 31st rental registration deadline, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2024

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____

Leonette Cicirella Johnson, Clerk of Council

I, Leonette Cicirella Johnson, Clerk of Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that the same has been and will remain duly posted as required by law.

Date: _____

Leonette Cicirella Johnson, Clerk of Council

Ordinance No. 2024-95

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