

**CITY OF MAPLE HEIGHTS
COUNCIL MEETING AGENDA**

Maple Heights Senior Center

August 1, 2018

- | | | |
|-----|---|---|
| 1. | Caucus: | All members of Council |
| 2. | Call to Order: | Council President Ron Jackson |
| 3. | Invocation/Pledge of Allegiance: | Councilwoman Tanglyn Madden |
| 4. | Roll Call: | Council Clerk Leonette Cicirella |
| 5. | Special Presentation: | Mayor Annette Blackwell |
| 6. | Addendum: | |
| 7. | Approval of Minutes: | June 6, July 5, 2018 (Regular Meetings of Council) |
| 8. | Council Committee Reports: | |
| 9. | Department Reports: | |
| 10. | Citizen's Comments: | 3-minute limitation |
| 11. | Legislation: | |

2018-43 AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF MAPLE HEIGHTS THE QUESTION OF AMENDING THE CHARTER AT ARTICLE V, SECTION 4 TO PROVIDE THAT COUNCIL MUST APPROVE THE MAYOR'S APPOINTMENT AND REMOVAL OF THE DIRECTOR OF LAW; AND DECLARING AN EMERGENCY.

Reading 3 (Shenett)

2018-44 AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF MAPLE HEIGHTS THE QUESTION OF AMENDING THE CHARTER AT ARTICLE IX, SECTION 1 TO REQUIRE THAT THE DIRECTOR OF LAW SHALL HAVE AT LEAST FIVE (5) YEARS' EXPERIENCE IN MUNICIPAL LAW; AND DECLARING AN EMERGENCY.

Reading 3 (Shenett)

2018-51 A RESOLUTION DESIGNATING SEPTEMBER 2018 AS "PROSTATE CANCER AWARENESS MONTH" IN THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.

Reading 1 (Jackson)

2018-52 AN ORDINANCE AMENDING AND RESTATING CHAPTER 210 OF THE CITY'S CODIFIED ORDINANCES TO PROVIDE REGULATIONS FOR CITY CONTRACTS, EXPENDITURES AND SALE OF PERSONAL PROPERTY AND REPEALING SECTION 240.05, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2018-53 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO THE RESIDENTIAL CURBSIDE REFUSE COLLECTION AND DISPOSAL SERVICE AGREEMENT WITH WASTE MANAGEMENT OF OHIO, INC., AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2018-54 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A FUEL SUPPLY AGREEMENT WITH THE MAPLE HEIGHTS CITY SCHOOL DISTRICT TO PERMIT THE SCHOOL DISTRICT TO PURCHASE FUEL FROM THE CITY, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2018-55 A RESOLUTION DETERMINING THAT CERTAIN UNIMPROVED RESIDENTIAL LOTS OWNED BY THE CITY ARE NOT NEEDED FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2018-56 A RESOLUTION AUTHORIZING THE MAYOR AND HOUSING MANAGER TO ACCEPT A DONATION OF THE UNIMPROVED REAL PROPERTY LOCATED AT 5106 JOSEPH STREET, MAPLE HEIGHTS, OHIO, INTO THE MAPLE HEIGHTS LAND REUTILIZATION PROGRAM, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2018-57 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH DOBBS LANDSCAPING FOR LANDSCAPING WORK ON CITY-OWNED LOTS FOR THE YEARS 2018-2019, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2018-58 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT TO PROVIDE FOR THE LEE ROAD SOUTH PAVEMENT REPAIR PROJECT IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

12. Expenditures over \$1,000.00
13. Mayor's Report
14. Council & Council President's Report
15. Adjournment

ORDINANCE NO.: 2018-44

INTRODUCED BY: Councilman Stafford L. Shenett, Sr.

MOTION FOR ADOPTION BY:

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF MAPLE HEIGHTS THE QUESTION OF AMENDING THE CHARTER AT ARTICLE IX, SECTION 1 TO REQUIRE THAT THE DIRECTOR OF LAW SHALL HAVE AT LEAST FIVE (5) YEARS' EXPERIENCE IN MUNICIPAL LAW; AND DECLARING AN EMERGENCY.

WHEREAS, the Council has recommended to place the issue of amending the Charter at Article IX, Section 1, before the electorate on November 6, 2018, in order to require that the Director of Law shall have at least five (5) years' experience in municipal law; and

WHEREAS, pursuant to Charter, Article XX, Section 1, Council has the authority to submit this proposed amendment to the electorate by vote of two-thirds (2/3) of the members of the Council.

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

SECTION 1: There shall be submitted to a vote of the qualified electors of the City, at the general election to be held on Tuesday, the 6th day of November, 2018, as prescribed by general law, the question of the amendment of the Charter of the City of Maple Heights at Article IX, Section 1, "DEPARTMENT OF LAW", so that, as amended, it shall read as follows (deleted items struck through and added items underlined):

"ARTICLE IX
DEPARTMENT OF LAW

SECTION 1. QUALIFICATIONS OF DIRECTOR AND ASSISTANT PROSECUTOR.

The Director of Law shall be an attorney admitted to practice in the State of Ohio and shall have ~~been engaged in the active, full-time practice of law for a period of five (5) years or more~~ experience in municipal law, next preceding the appointment. The municipal law requirement may only be waived by the affirmative vote of two-thirds (2/3) of the members of the Council."

SECTION 2: The Board of Elections of Cuyahoga County be, and it is hereby, directed to provide for the voting upon said Amendment and the ballots for said election shall, at the top thereof, be entitled "Proposed Charter Amendment City of Maple Heights", and the question to be submitted on said ballot shall be substantially in the following words:

"Shall Article IX, Section 1, of the Maple Heights Charter be amended in order to require that the Director of Law shall have at least five (5) years' experience in municipal law?"

SECTION 3: The Clerk of Council is directed to give notice of the above proposed Charter Amendment to the electors of the City in accordance with general law, and as soon as possible to certify a copy of this Ordinance to the Board of Elections of Cuyahoga County, Ohio, as provided by law.

SECTION 4: The Director of Finance is authorized and directed to appropriate from the general fund a sum sufficient to pay the cost of publishing said notice referred to in Section 3.

SECTION 5. 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 6. This Ordinance constitutes an emergency measure necessary for the public peace, safety and general welfare of the City and for the further reason that it is necessary to timely submit the proposed Charter Amendment to the Board of Elections by September 7, 2018 for placement upon the ballot for the general election to be held on November 6, 2018, 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: _____, 2018

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette F. Cicirella, Clerk of Council

I, Leonette F. Cicirella, 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 F. Cicirella, Clerk of Council

ORDINANCE NO.: 2018-52

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

AN ORDINANCE AMENDING AND RESTATING CHAPTER 210 OF THE CITY'S CODIFIED ORDINANCES TO PROVIDE REGULATIONS FOR CITY CONTRACTS, EXPENDITURES AND SALE OF PERSONAL PROPERTY AND REPEALING SECTION 240.05, AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 210 of the City's Codified Ordinances addresses purchasing procedures, bidding, advertising, expenditures pursuant to contract and Section 240.05 addresses expenditures needing Council approval; and

WHEREAS, since 2011 the State of Ohio has made significant changes to the general law regarding purchasing procedures, bidding, advertising, and expenditures by contracts by public bodies and expenditures needing Council approval; and

WHEREAS, the Mayor, Department Heads and Chiefs have recommended to Council that it amend Chapter 210 and repeal Section 240.05 related to purchasing procedures, bidding, advertising, expenditures pursuant to contract and expenditures needing Council approval to incorporate certain changes in the state law or choose a different procedure than that which is dictated by state law; and

WHEREAS, Council possesses the authority to provide for such procedures pursuant to the City's home rule powers set forth in Article II of the City's Charter; and

WHEREAS, the Mayor and Department Heads and Chiefs have also recommended that Council incorporate sale of personal property regulations into Chapter 210 for clarity and convenience.

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

Section 1. The Council hereby amends and restates Chapter 210 of the Codified Ordinances to read as follows and repeals Section 240.05 of the Codified Ordinances:

"CHAPTER 210 – CONTRACTS, EXPENDITURES AND SALE OF PERSONAL PROPERTY

210.01 CONTRACT PROCEDURES.

(a) Finance Director Shall Act As Purchasing Agent. The Director of Finance shall act as the purchasing agent of the City and shall maintain the day-to-day procedures for purchasing the needs of the City, according to the Ohio Revised Code and the Codified Ordinances of the City of Maple Heights.

(b) Authorization to Investigate Costs. The Mayor and Finance Director shall have the authority to investigate costs relative to any proposed public improvement or any proposed purchase or lease of equipment, supplies, services or materials.

(c) Authorization for Purchase, Lease, Design, Provision of Services. In the event the investigation or a good faith estimate by the Mayor or Finance Director indicates that a proposed project, purchase, lease or provision of services will exceed Fifteen Thousand Dollars (\$15,000), the approval of Council by a motion and majority vote is necessary to authorize the expenditure of such funds.

(d) Public Bidding. Except as provided in subsection (e), any contract which: (i) provides for an expenditure in excess of Fifty Thousand Dollars (\$50,000); and, (ii) is for the construction of a public improvement or the purchase or lease of equipment, supplies or materials, or the provision of a service to the City shall be authorized only upon a motion, adopted by a majority vote of the members of Council, to award the contract to the lowest and best bidder after advertising for not less than two (2) nor more than four (4) consecutive weeks in a newspaper of general circulation in the City.

(e) Exceptions to Public Bidding. Contracts estimated to exceed Fifty Thousand Dollars (\$50,000) and that meet the following conditions are not subject to competitive bidding and may be approved by Council by motion and a majority vote of its members:

(1) Personal or Professional Services. Contracts that involve personal services requiring unique and special skills, as determined by Council in its discretion, or professional services;

(2) Cooperative Programs. Contracts authorized pursuant to the Ohio Department of Administrative Services Cooperative Purchasing Program, or any other similar program ("cooperative program"), or goods, materials or equipment which are available under a cooperative program but are available to the City upon equivalent or better conditions and specifications, but at a lower price than is available, under a cooperative program;

(3) Design Build. The proposed purchase is a Design-Build Construction project. The procurement process shall be based on the needs of the City and the nature of the specific project and shall not be required to comply with Chapter 153 of the Ohio Revised Code. Procedures for procurement shall be developed by the City Engineer. The Design-Builder shall be required to provide a performance and payment bond in the same form as that set forth in Section 153.571 of the Ohio Revised Code. The standard of award for Design-Build projects shall be a "best value" standard;

(4) Construction Manager-at-Risk. The proposed purchase is a Construction Manager-at-Risk project. The procurement process shall be based on the needs of the City and the nature of the specific project and shall not be required to comply with Chapter 153 of the Ohio Revised Code. Procedures for procurement shall be developed by the City Engineer. The Construction Manager-at-Risk shall be required to provide a performance and payment bond in the same form as that set forth in Section 153.571 of the Ohio Revised Code. The standard of award for Construction Manager-at-Risk projects shall be a "best value" standard;

(5) Single source. The proposed purchase is for something that, as determined by the Mayor or Finance Director, is only available from a single source;

(6) No Bids/Rejected Bids. If no bids are received after the advertisements or other solicitations required by this Ordinance, or if all bids are rejected, the Mayor, City Engineer or Service Director shall either seek new, competitive bids, or seek to obtain the goods and/or services for which funds have been appropriated without re-bidding, whichever is deemed to be in the best interest of the City as determined by the Mayor, City Engineer or Service Director;

(7) Used Equipment. The proposed purchase is for used equipment;

(8) Utility. The proposed purchase is for utilities such as gas, water, electricity, or telephone service for which funds have been appropriated; notwithstanding other provisions of this section, Council shall authorize such purchases pursuant to an ordinance;

(9) Intergovernmental Purchases. The proposed purchase is from or with another political subdivision, the Ohio State Government, or the United States Government;

(10) Reverse Auction. The proposed purchase is obtained through Reverse Auction;

(11) Best Interest Waiver. The Mayor, with the approval of Council, may waive the public bidding requirement if the Mayor determines that doing so is in the best interests of the City.

(f) Real Estate. The Mayor may purchase, sell or lease real property valued at or below Fifteen Thousand Dollars (\$15,000), provided that a current appropriation supports any such purchase or lease of real estate and provided that Council is notified of such purchase, sale or lease at the time of the next Council meeting. The Council may, by ordinance, provide for the purchase, sale or lease of real property, valued in excess of Fifteen Thousand Dollars (\$15,000), with or without public bidding, on such terms and for such value as Council may deem reasonable and in the best interests of the City.

(g) Time Between Notice of Public Bidding and Bid Opening. There shall be no minimum time requirement between the publishing of the notice of public bidding and the opening of the bids.

(h) Estimate of Cost. The City shall disclose the estimated cost of the project when it determines that doing so is in its best interests.

(i) Time for Award of Bids. In the notice of public bidding required for the bid solicitation, the City shall establish the time limit for awarding a contract. Submitted bids may not be withdrawn during this period. The City's failure to award and execute the contract within this period invalidates the entire bid proceedings and all bids submitted, unless the time for awarding and executing the contract is extended by mutual consent of the City and the bidder whose bid the City accepts and with respect to whom the City subsequently awards and executes a contract. Such an agreed extension shall not entitle the contractor to delay costs.

(j) Withdrawal of Bids. Bidders may withdraw bids pursuant Section 9.31 of the Ohio Revised Code; such a withdrawal shall not modify the City's right to award to the next lowest and best bidder.

(k) Bids in Excess of Estimate. The City may award contracts regardless of the value of the bid as compared to the value of the estimated cost.

(l) Notice to Proceed. The contractor is not entitled to a notice to proceed with the work by the City or its representative upon execution of the contract. The City shall either issue the notice to proceed at a time that it determines is in its best interests, or it shall terminate the contract for its convenience.

(m) Retainage. Retainage shall be withheld from payments to the contractor at the rate set forth in the Owner/Contractor agreement. Retainage shall not be held in an escrow account. Retainage shall be released at such times and in such amounts as the City determines to be equitable.

(n) General Contractor Permitted. The City may advertise and award a single contract for constructing and managing an entire public improvement project.

(o) Extension of Bid Opening. The City may issue an addendum or addenda modifying the plans and specifications for the project or the time for the bid opening at any time prior to the bid opening. If an addendum is issued within forty-eight (48) hours before the bid opening, the bid opening shall be extended by at least three (3) days.

(p) Combined Statement of Material and Labor. The City at its discretion may accept a combined statement of labor and materials from bidders.

(q) Bonus and Liquidated Damages for Time. The City may offer a bonus for completion of a contract prior to a specified date or may exact liquidated damages for each day of delay beyond a specified date, or both. The amounts of the bonus and liquidated damages may be different.

210.02 SALE OF PERSONAL PROPERTY.

(a) Personal property owned by the City that is determined by the Mayor, and the Department Head or Chief having control of the personal property, to have an estimated value of Twenty-Five Thousand Dollars (\$25,000) or less, and to be no longer needed for municipal purposes, may be sold or disposed of, without Council approval, by any of the following methods:

(1) By sale by sealed bid to the highest and best bidder, following notice by publication in a newspaper of general circulation in the City and posting on the City website at least ten (10) business days prior to the opening of bids.

(2) By live public auction. Notice of live public action will be by publication in a newspaper of general circulation in the City and by posting on the City website at least ten (10) business days prior to auction.

(3) By internet auction. Notice of internet auction will be by posting on the City website at least ten (10) business days prior to commencement of bidding.

(4) By sale to another government entity.

(5) By trade-in for credit at the time of the purchase of replacement property, provided that trade-in value is established separately from the purchase price of the replacement property, and can be verified to represent fair market value for the traded property.

(6) By sale for scrap value or by discarding, if the property can be shown to have minimal or no residual market value in its current form.

(7) By destruction upon the determination by the Mayor/Director of Safety that the property must be destroyed for public safety reasons.

(8) By donation to an appropriate charitable organization.

(b) Any City-owned personal property that has been determined by the Mayor, and the Department Head or Chief having control of the personal property, to no longer be needed for municipal purposes and to have an estimated value of greater than Twenty-Five Thousand Dollars (\$25,000) may be sold or disposed of by any of the above methods with the prior approval of Council.

(c) The Finance Director shall record the sale or donation of any property disposed of pursuant to this Section.

(d) Any property donated to a charity or sold to another government entity shall be done so by written agreement, as approved by the Director of Law, that includes the proper release language and the acceptance of the property in an "as is" condition.

(e) If no bid is obtained where required for the sale of personal property, and the procedures provided herein have been followed, the Mayor or the Department Head or Chief may sell such property at public or private sale for the best price obtainable."

Section 2. The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the publisher of the Codified Ordinances of the City of Maple Heights for immediate inclusion of "Chapter 210-Contracts, Expenditures And Sale Of Personal Property" 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 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 4. This Ordinance constitutes an emergency measure necessary for the public safety, health and welfare and for the further reason to allow the City to implement and follow current contract and expenditure procedures allowed by State law 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: _____, 2018

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette F. Cicirella, Clerk of Council

I, Leonette F. Cicirella, 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 F. Cicirella, Clerk of Council

RESOLUTION NO. 2018-51

INTRODUCED BY: Council President Ron Jackson

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION DESIGNATING SEPTEMBER 2018 AS “PROSTATE CANCER AWARENESS MONTH” IN THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.

WHEREAS, this year approximately 164,690 men will be diagnosed with prostate cancer in the United States which is one (1) man every 3.2 minutes and approximately 29,430 men will die from the disease which is one (1) man every 19 minutes; and

WHEREAS, in Ohio an estimated 5,810 new cases of prostate cancer will be diagnosed and an estimated 1,110 deaths will occur in 2018; and

WHEREAS, men with a family history of prostate cancer are twice as likely to develop the disease; and

WHEREAS, prostate cancer is the most commonly diagnosed cancer in American men and is the third leading cause of cancer behind lung and colon cancer; and

WHEREAS, 1 in 9 men will be diagnosed with prostate cancer in his lifetime and 1 in 6 African American men will develop prostate cancer in his lifetime; and

WHEREAS, African American men are 1.7 more times more likely to be diagnosed with prostate cancer and 2.3 times more likely to die from the disease; and

WHEREAS, education regarding prostate cancer and early detection strategies is critical to save lives and preserve and protect families; and

WHEREAS, since all men are at risk for prostate cancer we encourage increased awareness of the importance of prostate screenings.

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

Section 1. Council of the City of Maple Heights hereby designates September, 2018 as Prostate Cancer Awareness Month in the City to raise public awareness of prostate cancer, to encourage education of this disease, promote early detection strategies and support individuals with prostate cancer and their families.

Section 2. 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 safety, health and welfare of the City, and to educate the public about prostate cancer 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: _____, 2018

Ron Jackson, President of Council

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette F. Cicirella, Clerk of Council

I, Leonette F. Cicirella, 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 F. Cicirella, Clerk of Council

RESOLUTION NO.: 2018-53

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO THE RESIDENTIAL CURBSIDE REFUSE COLLECTION AND DISPOSAL SERVICE AGREEMENT WITH WASTE MANGEMENT OF OHIO, INC., AND DECLARING AN EMERGENCY.

WHEREAS, Waste Management of Ohio, Inc. has advised the Mayor pursuant to a letter dated January 17, 2018, which is attached hereto as Exhibit A and incorporated as if fully rewritten herein, that due to a dramatic increase in global recycling costs resulting from the recent decision of China to cease accepting certain recycling materials, it needs to amend its November 2, 2016 Agreement with the City to provide for a price increase; and

WHEREAS, the Amendment Agreement, which is attached hereto as Exhibit B and incorporated as if fully rewritten herein, provides for a price increase of twenty-four cents (\$0.24) per City household for the period July 1, 2018 through June 30, 2019 resulting in an annual increase of \$27,514.68; and

WHEREAS, the Mayor and Finance Director have determined that the cost increase can be sufficiently covered by the current balance in the Solid Waste Fund (Fund 251).

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 authorized to enter into the Amendment Agreement, which is attached hereto as Exhibit B and incorporated as if fully rewritten herein, providing for a price increase of twenty-four cents (\$0.24) per City household for the period July 1, 2018 through June 30, 2019 resulting in an annual increase of \$27,514.68 to be covered by the Solid Waste Fund (Fund 251).

Section 2. 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 public peace, safety and general welfare of the City and for the further reason that the City's refuse and recycling program must continue uninterrupted, 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: _____, 2018

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette F. Cicirella, Clerk of Council

I, Leonette F. Cicirella, 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 F. Cicirella, Clerk of Council

RESOLUTION NO.: 2018-54

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A FUEL SUPPLY AGREEMENT WITH THE MAPLE HEIGHTS CITY SCHOOL DISTRICT TO PERMIT THE SCHOOL DISTRICT TO PURCHASE FUEL FROM THE CITY, AND DECLARING AN EMERGENCY.

WHEREAS, the Maple Heights City School District ("District") desires to enter into an agreement with the City of Maple Heights ("City") whereby the District will purchase diesel and unleaded fuel ("fuel") from the City for the District's official vehicles; and

WHEREAS, the Mayor and Service Director have recommended that the City permit the District to purchase fuel for the District's official vehicles at a price that is six (6) cents per gallon more than the price the City pays for fuel; and

WHEREAS, both the City and the District have determined that it is in the best interests of the residents of the City that a Fuel Supply Agreement ("Agreement") be entered into allowing the District to purchase fuel from the City for its official vehicles, which Agreement is attached hereto as Exhibit A and incorporated as if fully rewritten herein.

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 authorized to enter into a Fuel Supply Agreement with the District permitting the District to purchase fuel from the City for its official vehicles, which Agreement is attached hereto as Exhibit A and incorporated as if fully rewritten herein

Section 2. 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 public peace, safety and general welfare of the City and for the further reason that the District needs to immediately procure fuel before the start of the 2018-2019 school year, 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: _____, 2018

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette F. Cicirella, Clerk of Council

I, Leonette F. Cicirella, 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 F. Cicirella, Clerk of Council

RESOLUTION NO. 2018-55

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

A RESOLUTION DETERMINING THAT CERTAIN UNIMPROVED RESIDENTIAL LOTS OWNED BY THE CITY ARE NOT NEEDED FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.

WHEREAS, the City's Land Reutilization Program, as established in Chapter 1226 of the City's Codified Ordinances, has acquired many unimproved residential lots deemed to be of value to adjacent homeowners and whose purchase of said lots would benefit residents of the immediate neighborhood; and

WHEREAS, Section 1226.02 of the City's codified ordinances requires that the Mayor and the Council first determine that the unimproved residential lots owned by the City are not needed for a municipal purpose prior to selling said lots; and

WHEREAS, the Mayor and Housing Manager have determined that the following unimproved residential lots owned by the City are not needed for a municipal purpose:

- 19008 Watercrest Avenue (Permanent Parcel No. 783-09-021)
- Stefanik Road Parcel (Permanent Parcel No. 782-05-065)
- Stefanik Road (Permanent Parcel No. 782-05-067)
- 16000 Raymond Street (Permanent Parcel No. 781-06-034)
- 14009 Maple Avenue (Permanent Parcel No. 784-28-001)

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

Section 1. The following unimproved residential lots owned by the City are hereby declared as not needed for a municipal purpose:

- 19008 Watercrest Avenue (Permanent Parcel No. 783-09-021)
- Stefanik Road Parcel (Permanent Parcel No. 782-05-065)
- Stefanik Road (Permanent Parcel No. 782-05-067)
- 16000 Raymond Street (Permanent Parcel No. 781-06-034)
- 14009 Maple Avenue (Permanent Parcel No. 784-28-001)

Section 2. 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, safety and general welfare of the residents of the City, and to immediately allow the sale of these

unimproved residential lots to adjacent homeowners to improve City neighborhoods 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: _____, 2018

Ron Jackson, President of Council

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette F. Cicirella, Clerk of Council

I, Leonette F. Cicirella, 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 F. Cicirella, Clerk of Council

ORDINANCE NO.: 2018-43

INTRODUCED BY: Councilman Stafford L. Shenett, Sr.

MOTION FOR ADOPTION BY:

CO-SPONSORED BY: Councilman Terry Woody, Sr.; Councilwoman Sharri Thomas;
Councilwoman Edwina Agee

**AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF
MAPLE HEIGHTS THE QUESTION OF AMENDING THE CHARTER AT
ARTICLE V, SECTION 4 TO PROVIDE THAT COUNCIL MUST APPROVE
THE MAYOR'S APPOINTMENT AND REMOVAL OF THE DIRECTOR OF LAW;
AND DECLARING AN EMERGENCY.**

WHEREAS, the Council has recommended to place the issue of amending the Charter at Article V, Section 4, before the electorate on November 6, 2018, in order to provide that Council must approve the Mayor's appointment and removal of the Director of Law; and

WHEREAS, pursuant to Charter, Article XX, Section 1, Council has the authority to submit this proposed amendment to the electorate by vote of two-thirds (2/3) of the members of the Council.

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

SECTION 1: There shall be submitted to a vote of the qualified electors of the City, at the general election to be held on Tuesday, the 6th day of November, 2018, as prescribed by general law, the question of the amendment of the Charter of the City of Maple Heights at Article V, Section 4, "MAYOR'S APPOINTING POWERS", so that, as amended, it shall read as follows (deleted items struck through and added items underlined):

**"ARTICLE V
THE EXECUTIVE**

*** * ***

SECTION 4. The Mayor shall have power to appoint and remove or suspend the Director of Service, and the Director of Finance, and Director of Law. The Director of Law shall be appointed annually by the Mayor with approval by the Council and may be removed only by affirmative vote of two-thirds (2/3) of the members of Council at any time during that period; provided that such removal shall not impair any contract rights which the Director of Law may possess. All other officers or employees whose appointment is not herein otherwise specifically provided for, and not otherwise provided for by law or ordinance, shall be appointed by the Mayor, and they shall serve until removed by the Mayor or until their respective successors are appointed and qualified. The appointment of directors of departments must have the approval of Council."

SECTION 2: The Board of Elections of Cuyahoga County be, and it is hereby, directed to provide for the voting upon said Amendment and the ballots for said election shall, at the top thereof, be entitled "Proposed Charter Amendment City of Maple Heights", and the question to be submitted on said ballot shall be substantially in the following words:

“Shall Article V, Section 4, of the Maple Heights Charter be amended in order to provide that Council must approve the Mayor’s appointment and removal of the Director of Law?”

SECTION 3: The Clerk of Council is directed to give notice of the above proposed Charter Amendment to the electors of the City in accordance with general law, and as soon as possible to certify a copy of this Ordinance to the Board of Elections of Cuyahoga County, Ohio, as provided by law.

SECTION 4: The Director of Finance is authorized and directed to appropriate from the general fund a sum sufficient to pay the cost of publishing said notice referred to in Section 3.

SECTION 5. 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 6. This Ordinance constitutes an emergency measure necessary for the public peace, safety and general welfare of the City and for the further reason that it is necessary to timely submit the proposed Charter Amendment to the Board of Elections by September 7, 2018 for placement upon the ballot for the general election to be held on November 6, 2018, 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: _____, 2018

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette F. Cicirella, Clerk of Council

I, Leonette F. Cicirella, 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 F. Cicirella, Clerk of Council

RESOLUTION NO. 2018-56

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

A RESOLUTION AUTHORIZING THE MAYOR AND HOUSING MANAGER TO ACCEPT A DONATION OF THE UNIMPROVED REAL PROPERTY LOCATED AT 5106 JOSEPH STREET, MAPLE HEIGHTS, OHIO, INTO THE MAPLE HEIGHTS LAND REUTILIZATION PROGRAM, AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and the City's Housing Manager have advised Council that Theresa Graves desires to donate the unimproved real property she owns located at 5106 Joseph Street, Maple Heights, Ohio, Permanent Parcel No. 782-02-044 to the Maple Heights Land Reutilization Program.

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 and Housing Manager are authorized to accept from Theresa Graves a donation of the unimproved real property she owns located at 5106 Joseph Street, Maple Heights, Ohio, Permanent Parcel No. 782-02-044, into the Maple Heights Land Reutilization Program.

Section 2. The Mayor and the Law Director are authorized to prepare, sign and file with the County Recorder and Fiscal Officer all documents and tender any fees necessary to effect the transfer of the real property into the Maple Heights Land Reutilization Program.

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 immediately place this unimproved real property into the City's Land Reutilization Program for return to productive tax paying status, 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: _____, 2018

Ron Jackson, President of Council

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette F. Cicirella, Clerk of Council

I, Leonette F. Cicirella, 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 F. Cicirella, Clerk of Council

RESOLUTION NO. 2018-57

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH DOBBS LANDSCAPING FOR LANDSCAPE WORK ON CITY-OWNED LOTS FOR THE YEARS 2018-2019, AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and the City's Housing Manager have advised Council that it is necessary to retain a landscape contractor to assist the Service Department with the mowing and landscaping of City-owned lots; and

WHEREAS, the Mayor and Housing Manager have recommended that a contract be entered into with Dobbs Landscaping to perform landscape work on City-owned lots at a rate of \$45.00 per single, double and triple lots and \$50.00 per quad lots for the years 2018 and 2019.

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 authorized to enter into a contract with Dobbs Landscaping in the form attached hereto as Exhibit A to perform landscape work on City-owned lots at a rate of \$45.00 per single, double and triple lots and \$50.00 per quad lots for the years 2018 and 2019.

Section 2. 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, safety and general welfare of the residents of the City, and to immediately abate nuisance grass conditions on City-owned lots during the grass growing 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: _____, 2018

Ron Jackson, President of Council

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette F. Cicirella, Clerk of Council

I, Leonette F. Cicirella, 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 F. Cicirella, Clerk of Council

RESOLUTION NO. 2018-58

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT TO PROVIDE FOR THE LEE ROAD SOUTH PAVEMENT REPAIR PROJECT IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY.

WHEREAS, on June 15, 2018 the Mayor and the City Engineer filed an application for funding to the Cuyahoga County Department of Development for the Lee Road South Pavement Repair Project under the 2018 Community Development Block Grant Program; and

WHEREAS, the Cuyahoga County Department of Development recommended to the Cuyahoga County Council that the City of Maple Heights be awarded \$150,000.00 for the Lee Road South Pavement Repair Project under the 2018 Competitive Municipal Block Grant Program; and

WHEREAS, on July 5, 2018, by Resolution 2018-46, Council authorized the Mayor to make application, sign and file all necessary documents and contracts with the Cuyahoga County Department of Development for the 2018 Community Development Block Grant Program; and

WHEREAS, on July 5, 2018, also by Resolution 2018-46, Council authorized the City Engineer to begin the preparation of plans and specifications and to provide advertising for bids for the Lee Road South Pavement Repair Project in the City of Maple Heights ; and

WHEREAS, the City of Maple Heights has been awarded \$150,000.00 by the Cuyahoga County Department of Development under the 2018 Competitive Municipal Block Grant Program for the Lee Road South Pavement Repair Project which will include the repairs to the asphalt pavement on Lee Road South between Rockside Road and Turney Road and the repair/sealing of joints in the concrete pavement on Lee Road South between Turney Road and Woodbrook Avenue; and

WHEREAS, on July 27, 2018, the bids for the Lee Road South Pavement Repair Project 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 XXXXXXXXXXXXXXXXXX for the Lee Road South Pavement Repair Project for a cost not to exceed XXXXXXXXXXXXXXXXXX Dollars and XXXXXXX Cents (\$XXX,XXX.XX), 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 and directs 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 general welfare of the residents of the City and to ensure safe road conditions for the public, 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: _____, 2018

Ron Jackson, President of Council

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST:

Leonette F. Cicirella, Clerk of Council

I, Leonette F. Cicirella, 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 F. Cicirella, Clerk of Council



January 17, 2017

Mayor Annette Blackwell
City of Maple Heights
5353 Lee Rd
Maple Heights, OH 44137

Dear Mayor Blackwell,

As we had discussed the global issues in the recycling industry brought on by contaminants the following outline provides an over of the market issues along with a breakdown of the additional cost associated to the service provided in Maple Heights. We thank you for your consideration in partnering with Waste Management to continue the recycling program in Maple Heights as we battle thru these difficult times.

Summary – Recycle Sustainability Price Increase Request

Market Disruption: On July 18, 2017, China notified the World Trade Organization of its intent to ban the import of certain scrap materials by the end of 2017, including certain paper and plastic products generated by the global recycling industry. Through 2017, over 25% of the world's recyclables were imported by China, including over 50% of the paper and plastics recycled across the globe. China's new import policies banning materials and limiting contamination means that China is no longer a viable export market for recyclables. This has resulted in an oversupply of commodities across the globe, which has led to depressed commodity pricing. Supply is high and commodity pricing is low for the material that cannot achieve China's 0.5% contamination limits.



Market Impact: This request is the result of the changes implemented by the Chinese Government. Waste Management is respectfully seeking a rate increase to recover the increased costs of recycling driven by this unprecedented change. The increase is outlined in the table below.

Current Recycle Process Cost/Ton	\$	57.35	
Expected Recycle Process Cost/Ton at time of contract	\$	29.50	
Increased Recycle Cost/Ton due to Global impact of China Ban	\$	27.85	
Monthly Recycle Tons		82.33	x
Cost increase per month	\$	2,292.89	
Billable Home Count		9500	/
Increase per home per month	\$	0.24	
Annual cost increase =	\$	2,292.89	
		12	
		\$27,514.68	

Price increase covers the period from inception to 12/31/2019. Review for +/- recalculation at end of increase period and every 12 months thereafter.

If you have any questions please let me know.

Sincerely,

Vince Crawford
Public Sector Representative
VCrawford@WM.com
10237 Cutts Rd
Chardon OH 44024

**SECOND AMENDMENT TO
Residential Curbside Refuse Collection and Disposal Service**

This Amendment ("Amendment") is made and entered into this ____ day of _____, 2018 by and between the CITY OF MAPLE HEIGHTS, an Ohio municipal corporation ("City") and WASTE MANAGEMENT OF OHIO, INC., an Ohio corporation ("WMM").

WHEREAS, the City and WMM executed a contract on November 2, 2016; (collectively the "Contract").

WHEREAS, the current term of the Contract, as amended, extends through 12/31/2021

THEREFORE, the parties agree to amend the Contract as follows:

Price Adjustment: The Contract residential unit rate for monthly service shall be adjusted upward as of 7/1/2018 according to the Authorized Increase/Home/Month ("Price Increase") listed in the following table:

Community	Contract Exp Date	Current Recycle Process Cost/Ton	Expected Recycle Process Cost/Ton	Increased Recycle Cost/Ton	Monthly Recycle Tons	Home Count	Requested Increase/Ho me/Month
City of Maple Heights	12/31/2021	57.35	\$29.05	\$27.85	82.33	9500	\$0.24

Price Increase covers the period from 7/1/2018 until 6/30/2019 ("PI Period") and the parties agree to review Price Increase for increase/decrease recalculation at end of PI Period and every 12 months thereafter.

Other Provisions: Unless otherwise amended herein, the terms and conditions of the Contract shall remain in full force and effect.

In Witness Whereof, the parties have executed this Amendment on the date and year first above written.

WITNESSES:

[insert community name]

By: _____

By: _____

WITNESS:

WASTE MANAGEMENT OF [insert entity name]

By: _____

FUEL SUPPLY AGREEMENT
BETWEEN
THE CITY OF MAPLE HEIGHTS
AND
THE MAPLE HEIGHTS CITY SCHOOL DISTRICT

This FUEL SUPPLY AGREEMENT ("Agreement") is entered into this ____ day of _____, 20__ by and between the City of Maple Heights ("City") and The Maple Heights City School District ("District"), 5740 Lawn Avenue, Maple Heights, Ohio 44137.

WHEREAS, the District desires to enter into an agreement with the City whereby the District will purchase diesel and unleaded fuel ("fuel") from the City for the District's official vehicles; and

WHEREAS, the City has agreed to permit the District to purchase fuel for the District's official vehicles; and

WHEREAS both the City and the District have determined that it is in the best interests of the residents of the City that this Agreement be entered into allowing the District to purchase fuel from the City for its official vehicles;

NOW, THEREFORE, in consideration of the mutual promises and covenants hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, it is agreed by and between the City and the District as follows:

1. The District shall be permitted to fuel its vehicles utilizing the facilities maintained by the City.
2. The District will have twenty-four hour access to the fueling facilities by special key furnished by the City to the District. City employees should make every effort to avoid the School District filling station during bus deployment and return times.
3. The City shall procure fuel from its suppliers and make it available to the District.
4. The District shall pay the City \$0.06 per gallon of fuel in addition to the price the City paid to its suppliers (the "agreed price").
5. The City shall bill the District for fuel supplied on a monthly basis, based on the amount of fuel supplied to the District at the agreed price. The District agrees to remit payment to the City within thirty (30) days of being invoiced.
6. The City agrees to provide to the District a monthly statement showing an accounting of fuel supplied.
7. The term of this agreement shall be effective June 1, 2018 and shall continue in effect until June 30, 2019 unless terminated sooner in accordance with the terms of this Agreement.

8. Either party may terminate this Agreement with or without cause at any time by providing the other party with a written notice of termination at least sixty (60) days in advance of the termination date.

9. The City shall be named as an additional insured party on a General Liability Policy with coverage limits of not less than \$1,000,000 to be furnished by the District and kept on file with the City's Human Services Department prior to any entry onto City property by the District to obtain fuel.

10. The District and each of its participants agrees to indemnify, defend, and hold harmless the City, its officers, employees and agents from and against all liability, loss, expense (including reasonable attorney's fees), or claims for death or injury to persons or damage to property arising out of the performance of this Agreement to the extent such liability, loss, expense, attorney's fees, or claims for injuries or damages are caused by or result from the negligent or intentional acts or omissions of Indemnitor, Indemnitor's officers, employees, agents, or participants.

11. The District hereby guarantees and assumes full and exclusive responsibility for damage to or loss of personal property, fixtures, and equipment on the premises which belong to the City during the term hereof which are caused by the District or its respective members, officers, employees, representatives or agents, each who are participating in the clean-up and beautification. The City is not responsible for any lost, stolen, or misplaced personal items or equipment of the District.

12. The District releases and waives any claim or cause of action against the City, including, but not limited to, injuries occurring to the District, the District's members, agents, employees, and representatives.

I further represent that I have the authority to act in behalf of the above-named organization and accept and agree to this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed by their respective authorized representatives as of the date first above written.

THE MAPLE HEIGHTS
CITY SCHOOL DISTRICT

CITY OF MAPLE HEIGHTS

CHARLES KEENAN
SUPERINTENDENT

ANNETTE BLACKWELL
MAYOR

ANNETTE M. BLACKWELL
Mayor



DWAYNE FORD
Building Official

Contract for Landscape Work On City-Owned Property for the Years 2018-2019

This Contract is entered into between The City of Maple Heights (“City”) and Dobbs Landscaping (“Contractor”) effective August 1, 2018, on the terms set forth below:

1. The Contractor shall perform landscape work on City-owned lots as directed by the Housing Manager. Landscape work shall consist of mowing, including as necessary, mowing front yard, backyard, and tree lawn; trimming flower beds, fence line and around building structures; removal of clippings, weeds and debris; removal of phone books and newspapers. All services are to be performed in a professional manner. The Contractor is a reflection of the City and must be professional in conduct, attire and work performed.
2. The Contractor shall provide all personnel, equipment, tools, supervision, and services necessary to ensure that ground maintenance is performed in a clean, neat and professional manner.
3. The term of this Contract shall be from August 1, 2018 through October 31, 2019 and may be cancelled by either party with a ten (10) day notice.
4. In consideration of performing the landscape work the City shall pay the Contractor per lot. Single, double and triple lots will be paid at the rate of \$45.00 per cut. Quad lots shall be paid at the rate of \$50.00 per cut.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of _____, 2018.

CONTRACTOR

CITY OF MAPLE HEIGHTS

Authorized Signature

Authorized Signature

Printed Name and Title

Printed Name and Title