

**CITY OF MAPLE HEIGHTS
COUNCIL MEETING AGENDA**

Maple Heights Senior Center – 7:00 PM

January 2, 2019

- | | | |
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| 1. | Caucus: 6:30 pm | All members of Council |
| 2. | Call to Order: | Council President Ron Jackson |
| 3. | Invocation/Pledge of Allegiance: | Councilman Stafford L. Shenett, Sr. |
| 4. | Roll Call: | Council Clerk Leonette Cicirella |
| 5. | Addendum: | |
| 6. | Approval of Minutes: | October 3, 2018 (Regular Meeting of Council)
December 5, 2018 (Regular Meeting of Council) |
| 7. | Council Committee Reports: | Community Life and Education Committee |
| 8. | Department Reports: | |
| 9. | Citizen's Comments: | 3-minute limitation |
| 10. | Legislation: | |

2018-103 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE CITY OF GARFIELD HEIGHTS AND ITS FINANCE DIRECTOR BARBARA BIRO TO ALLOW BIRO TO RENDER TEMPORARY MUNICIPAL FINANCE SERVICES TO THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.

This Resolution is in the Finance Committee

2018-105 AN ORDINANCE ADOPTING THE 2018 CITY OF MAPLE HEIGHTS MASTER PLAN.

Reading 3 (Blackwell)

2018-108 AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO PREPARE AND FILE AN AMENDED 2019 CERTIFICATE OF ESTIMATED RESOURCES WITH THE CUYAHOGA COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.

Reading 3 (Blackwell)

2018-109 AN ORDINANCE WAIVING FOR THE TIME PERIOD JANUARY 2, 2019 THROUGH DECEMBER 31, 2019 THE ONE HUNDRED PERCENT (100%) ESCROW REQUIREMENT TO CORRECT VIOLATIONS RESULTING FROM POINT OF SALE INSPECTIONS PER CHAPTER 1494 OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS TO OFFER AN INCENTIVE TO INDIVIDUALS WHO PURCHASE RESIDENTIAL PROPERTIES AND OCCUPY SUCH RESIDENTIAL PROPERTIES, AND DECLARING AN EMERGENCY.

Reading 2 (Blackwell)

2018-111 A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF LAW DIRECTOR CONSOLO, AND HIS CONTRACT WITH THE CITY, TO CONTINUE AND REMAIN EFFECTIVE THROUGH DECEMBER 31, 2019, WITH RE-APPOINTMENT AND CONTRACT RENEWAL THEREAFTER TO BE FOR TERMS OF TWO (2) YEARS, AND DECLARING AN EMERGENCY.

Reading 1 (Shenett and Agee)

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

RESOLUTION NO. 2018-103

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE CITY OF GARFIELD HEIGHTS AND ITS FINANCE DIRECTOR BARBARA BIRO TO ALLOW BIRO TO RENDER TEMPORARY MUNICIPAL FINANCE SERVICES TO THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.

WHEREAS, Maple Heights, which is currently in fiscal emergency as determined by Ohio law, is in immediate need of an experienced and qualified Finance Director to render municipal finance services to Maple Heights as required by the Maple Heights Charter, Maple Heights Codified Ordinances, and Ohio law; and

WHEREAS, Garfield Heights has offered to assist Maple Heights by allowing its Finance Director, Barbara Biro, who is qualified and experienced in rendering municipal finance services, including experience in rendering financial services for a municipality in fiscal emergency under Ohio law, to render municipal financial services to Maple Heights; and

WHEREAS, R.C. 9.482(B)(1) provides that a political subdivision may enter into an agreement with another political subdivision whereby the contracting political subdivision agrees to render any service for the contracting recipient political subdivision that the contracting recipient political subdivision is otherwise legally authorized to render; and

WHEREAS, Garfield Heights, as the “contracting political subdivision”, and the City of Maple Heights, as the “contracting recipient political subdivision”, desire to enter into an agreement as authorized by R.C. 9.482(B)(1) whereby Garfield Heights will render, through its Finance Director Biro, municipal finance services to Maple Heights.

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 the City of Garfield Heights and its Finance Director Barbara Biro to render temporary municipal finance services to the City of Maple Heights as set forth in the attached contract which is 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 health and welfare and to allow Finance Director Biro to immediately render municipal financial services to the City 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

AGREEMENT

This Agreement is entered into pursuant to R.C. 9.482(B)(1) between the City Of Garfield Heights, an Ohio political subdivision (“Garfield Heights”)(the “contracting political subdivision”), and the City of Maple Heights, an Ohio political subdivision (“Maple Heights”) (the “contracting recipient political subdivision”) and Barbara Biro, Garfield Heights Finance Director (“Biro”), and is effective November 1, 2018.

WHEREAS, Maple Heights, which is currently in fiscal emergency as determined by Ohio law, is in immediate need of an experienced and qualified Finance Director to render municipal finance services to Maple Heights as required by the Maple Heights Charter, Maple Heights Codified Ordinances, and Ohio law; and

WHEREAS, Garfield Heights has offered to assist Maple Heights by allowing Biro, who is qualified and experienced in rendering municipal finance services, including experience in rendering financial services for a municipality in fiscal emergency under Ohio law, to render municipal financial services to Maple Heights; and

WHEREAS, R.C. 9.482(B)(1) provides that a political subdivision may enter into an agreement with another political subdivision whereby the contracting political subdivision agrees to render any service for the contracting recipient political subdivision that the contracting recipient political subdivision is otherwise legally authorized to render; and

WHEREAS, Garfield Heights, as the “contracting political subdivision”, and the City of Maple Heights, as the “contracting recipient political subdivision”, desire to enter into an agreement as authorized by R.C. 9.482(B)(1) whereby Garfield Heights will render, through its Finance Director Biro, municipal finance services to Maple Heights; and

WHEREAS, the Maple Heights City Council on _____, _____, 2018 passed Resolution No. 2018- _____ authorizing Maple Heights Mayor Blackwell to enter into this Agreement; and

WHEREAS, the Garfield Heights City Council on _____, _____, 2018 passed Ordinance No. 2018- _____ authorizing Garfield Heights Mayor Collova to enter into this Agreement;

NOW, THEREFORE, in consideration of the mutual promises contained herein, and pursuant to R.C. 9.482(B)(1), Maple Heights, Garfield Heights and Biro hereby agree as follows:

1. Garfield Heights Finance Director Biro shall be designated and authorized as “Acting Finance Director” for Maple Heights and render municipal finance services to Maple Heights as required by the Maple Heights Charter, Maple Heights Codified Ordinances and Ohio law.

2. Biro shall have full access and use of the office space, supplies and equipment, including computers and software, within the Maple Heights Finance Department located at Maple Heights City Hall, 5353 Lee Road.

3. Biro shall attempt to equalize her weekly work hours between the Maple Heights Finance Department and Garfield Heights Finance Department as reasonably as possible, but in no event shall Biro render less than 20 hours per week of municipal finance services to Maple Heights, excluding weeks wherein Biro takes sick leave, holiday or vacation leave.

4. Garfield Heights shall continue to pay Biro’s monthly salary and benefits, including, PERS, holidays, vacation and health care benefits, which amounts to a total of \$9,564.34. Maple Heights shall pay to Garfield Heights, by the 10th of each month, one-half of Biro’s monthly salary and benefits, which amounts to \$4,782.17. In the event the Garfield Heights gives Biro a salary increase, the same shall be paid equally by both Garfield Heights and Maple Heights as set forth herein.

5. Notwithstanding the number of weekly hours Biro spends rendering municipal services to Maple Heights, Biro will continue to earn PERS benefits, sick time, holidays and vacation with Garfield Heights as if she was working full-time for Garfield Heights. Accordingly, Biro understands and agrees that she will not be entitled to earn PERS benefits, sick time, holidays and vacation leave despite hours worked for Maple Heights.

6. Pursuant to R.C. 9.482(F), Biro understands and agrees that she may participate in any pension or indemnity fund established by Maple Heights, including contributions to PERS, but declines to do so and affirmatively waives any right to seek contributions by Maple Heights to PERS based on hours of service she renders to Maple Heights pursuant to this Agreement.

7. Pursuant to R.C. 9.482(F), Maple Heights understands and agrees that Biro is entitled to all the rights and benefits of R.C. Chapter 4123 (Workers Compensation).

8. Pursuant to R.C. 9.482(F), the Parties understand, agree and intend that R.C. Chapter 2744 applies to and protects Garfield Heights, Maple Heights and Biro as parties to this Agreement, wherein Biro will be rendering a service outside the boundary of her employing political subdivision, Garfield Heights.

9. The Parties understand and agree that this Agreement is temporary and shall be reviewed at least every 6 months.

10. The Parties agree to give each other at least thirty (3)0 days' notice of the intent to terminate this Agreement.

THE CITY OF GARFIELD HEIGHTS

THE CITY OF MAPLE HEIGHTS

By:_____

By:_____

Its:_____

Its:_____

Date:_____

Date:_____

BARBARA BIRO

Date:_____

ORDINANCE NO.: 2018-105

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

AN ORDINANCE ADOPTING THE 2018 CITY OF MAPLE HEIGHTS MASTER PLAN

WHEREAS, The City's last Master Plan update occurred in 1999 and it is a best practice for Communities to update Master Plans at least every 10 years, more or less; and

WHEREAS, in 2017 the City received a grant from the Cuyahoga County Department of Development to update its 1999 Master Plan; and

WHEREAS, the County started work on the City's Master Plan in the fall of 2017, including gathering input from City Officials, Residents, Business Owners and other Stakeholders; accumulating and analyzing data about current conditions; developing the City's vision for the future and goals and action steps to reach that vision; and preparing the final Master Plan document; and

WHEREAS, a Master Plan is an important planning tool, that although does not have the force of law, helps City Officials, Boards, Commissions and Council to make informed decisions about future land use, zoning and development in the City; and

WHEREAS, the County presented the Master Plan to a joint meeting of Council and the Planning and Zoning Commission on October 23, 2018; and

WHEREAS, Council desires to adopt the 2018 City of Maple Heights Master Plan.

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

Section 1. Council hereby approves and adopts the 2018 City of Maple Heights Master Plan, a copy of which is on file in the office of the Clerk of Council.

Section 2. The City's 1999 Master Plan is hereby replaced by the 2018 City of Maple Heights Master Plan adopted in Section 1 of this Ordinance.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Legislation 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 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. 2018-108

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO PREPARE AND FILE AN AMENDED 2019 CERTIFICATE OF ESTIMATED RESOURCES WITH THE CUYAHOGA COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.

WHEREAS, R.C. 5705.36 requires that at the beginning of each fiscal year the Finance Director must certify to the County Fiscal Officer the total amount from all sources available for expenditures from each fund set up in the tax budget, including certain unencumbered balances that existed at the end of the preceding year; and

WHEREAS, the Interim Finance Director has recommended to Council that he be authorized, pursuant to R.C. 5705.36, to certify and file with the Cuyahoga County Fiscal Officer an amended official 2019 Certificate of Estimated Resources, as set forth in the attached Exhibit A to reflect the 2019 Appropriations Budget.

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

Section 1. The Finance Director is hereby authorized, pursuant to R.C. 5705.36, to file with the Cuyahoga County Fiscal Officer an amended official 2019 Certificate of Estimated Resources, as set forth in the attached Exhibit A, which is 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 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 peace, health, safety and welfare of the residents of the City and for the further reason to insure the financial integrity of the City and file the amended 2019 Certificate of Estimated Resources to the County Fiscal Officer by December 31, 2018. 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: _____, 2018

Ron Jackson, President of Council

Annette M. Blackwell, Mayor

Ordinance No. 2018-108
Page Two

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.: 2018-109

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

AN ORDINANCE WAIVING FOR THE TIME PERIOD JANUARY 2, 2019 THROUGH DECEMBER 31, 2019 THE ONE HUNDRED PERCENT (100%) ESCROW REQUIREMENT TO CORRECT VIOLATIONS RESULTING FROM POINT OF SALE INSPECTIONS PER CHAPTER 1494 OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS TO OFFER AN INCENTIVE TO INDIVIDUALS WHO PURCHASE RESIDENTIAL PROPERTIES AND OCCUPY SUCH RESIDENTIAL PROPERTIES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Maple Heights desires to continue an Owner Occupied Homeowner Incentive Program for the period January 2, 2019 through December 31, 2019, which was initially established pursuant to Ordinance No. 2017-08, to promote and encourage individuals to purchase and renovate residential properties by waiving 100% of the escrow requirement to correct violations resulting from the point of sale inspection per Chapter 1494, so long as the purchaser actually occupies such residential property.

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

Section 1. For the time period January 2, 2019 through December 31, 2019 the Mayor is hereby authorized to waive the 100% escrow requirement to correct violations resulting from point of sale inspections per Chapter 1494 of the Codified Ordinances for individuals who purchase and renovate residential properties, so long as the purchaser actually occupies such residential property.

Section 2. Participants in this Program will be required to sign an affidavit attesting to the fact that the Purchaser will reside in the property as their primary residence for two (2) years commencing upon the issuance of an Occupancy Permit by the Chief Building Official.

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 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 general welfare of the residents, and to encourage owner occupied home ownership in the City 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.: 2018-111

INTRODUCED BY: Councilman Stafford L. Shenett, Sr. and Councilwoman Edwina Agee
MOTION FOR ADOPTION BY:

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF LAW DIRECTOR CONSOLO, AND HIS CONTRACT WITH THE CITY, TO CONTINUE AND REMAIN EFFECTIVE THROUGH DECEMBER 31, 2019, WITH RE-APPOINTMENT AND CONTRACT RENEWAL THEREAFTER TO BE FOR TERMS OF TWO (2) YEARS, AND DECLARING AN EMERGENCY.

WHEREAS, Law Director Frank Consolo was appointed by the Mayor, and approved by the Council, effective September 1, 2016 and entered into his current contract with the City providing that the term was "at the pleasure of the Mayor"; and

WHEREAS, Council now desires to confirm that the Mayor's appointment of Law Director Consolo, and his current contract shall continue and remain in effect through December 31, 2019, and thereafter Law Director Consolo shall be re-appointed, subject to approval by Council as required by the Charter, for terms of two (2) years.

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's appointment of Law Director Frank Consolo, and his current contract, shall continue and remain in effect through December 31, 2019, and thereafter Law Director Consolo shall be re-appointed, subject to approval by Council as required by the Charter, for terms of two (2) years.

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 it is necessary for the daily operation of municipal departments, 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