



**PUBLIC NOTICE  
CITY OF MAPLE HEIGHTS  
CHANGE IN CONDUCTING OF COUNCIL MEETING AND  
AGENDA**

In accordance with Sub. H. B. 197, signed into law by Gov. DeWine on March 27, 2020, notice is hereby given of a change in the **Conducting of the September 16, 2020 Regular Meeting of Council for the City of Maple Heights, Ohio**. This Regular Meeting of Council will be conducted by video/teleconference. Council Members, Administrative Staff and the Public may access the meeting by the following methods:

**By computer (if have a camera and microphone), tablet or smartphone:**

1. Download the Go To Meeting App on your computer, tablet or smartphone:  
<https://global.gotomeeting.com/install/165984597>
2. Once installed then download the link below onto your computer, tablet or smart phone to join the Council meeting:  
<https://www.gotomeet.me/FrankConsolo>

**By telephone:**

1. Dial **1-646-749-3112**
2. Enter Access Code **165-984-597**

There will be no Caucus Meeting. Members of the public will only be allowed to speak during the Citizens' Comments portion of the meeting. The video/teleconference meeting will begin at 7:00 p.m.

**Leonette Cicirella Johnson  
Clerk of Council  
City of Maple Heights**

**CITY OF MAPLE HEIGHTS  
COUNCIL MEETING AGENDA**

Via Teleconference— 7:00 PM

September 16, 2020

- |     |                                  |  |
|-----|----------------------------------|--|
| 1.  | Caucus: 6:30 pm                  | Suspended                                      |
| 2.  | Call to Order:                   | Council President Ron Jackson                  |
| 3.  | Invocation/Pledge of Allegiance: | Councilwoman Toni Jones, District 2            |
| 4.  | Roll Call:                       | Council Clerk Leonette Cicirella               |
| 5.  | Addendum:                        |  |
| 6.  | Approval of Minutes:             | September 2, 2020 (Regular Meeting of Council) |
| 7.  | Communications:                  |  |
| 8.  | Council Committee Reports:       |  |
| 9.  | Department Reports:              |  |
| 10. | Citizens' Comments:              |  |
| 11. | Legislation:                     |  |

**2020-80 A RESOLUTION ACCEPTING FUNDING AWARDS FROM THE CLEVELAND WATER DEPARTMENT SUBURBAN WATER MAIN RENEWAL (SWMR) PROJECT FUND AND DIRECTING THE CITY ENGINEER TO PREPARE PLANS, BID SPECIFICATIONS AND COST ESTIMATES FOR THE ROWENA AVENUE AND MENDOTA AVENUE WATERMAIN REPLACEMENT PROJECTS, AND TO PROVIDE THE ADVERTISING FOR BIDDING SAID PROJECTS, AND DECLARING AN EMERGENCY.**

Reading 1 (Blackwell)

**2020-81 A RESOLUTION DECLARING RACISM A PUBLIC HEALTH CRISIS, AND DECLARING AN EMERGENCY.**

Reading 1 (Anderson and Trojanski)

**2020-82 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT TO PROVIDE FOR THE NORTHEAST QUADRANT SEWER REPAIRS PHASE 2 PROJECT IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY.**

Reading 1 (Blackwell)

**2020-83 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR C.A. AGRESTA CONSTRUCTION COMPANY, INCREASING THE CONTRACT BY \$936.00, FOR THE LEE-LIBBY POCKET PARK PERMEABLE PAVER INSTALLATION PROJECT IN THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.**

Reading 1 (Blackwell)

**2020-84 AN ORDINANCE ENACTING NEW CHAPTER 650-MINOR'S CURFEW AND TRUANCY AND REPEALING SECTIONS 648.16, 648.17 AND 648.18 OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.**

Reading 1 (Blackwell)

12. **Expenditures over \$3,500.00:**
13. **Mayor's Report:**
14. **Council/Council President's Reports:**
15. **Adjournment:**

**RESOLUTION NO.: 2020-80**

**INTRODUCED BY:** Mayor Annette M. Blackwell

**MOTION FOR ADOPTION BY:**

**CO-SPONSORED BY:** Council President Ron Jackson

**A RESOLUTION ACCEPTING FUNDING AWARDS FROM THE CLEVELAND WATER DEPARTMENT SUBURBAN WATER MAIN RENEWAL (SWMR) PROJECT FUND AND DIRECTING THE CITY ENGINEER TO PREPARE PLANS, BID SPECIFICATIONS AND COST ESTIMATES FOR THE ROWENA AVENUE AND MENDOTA AVENUE WATERMAIN REPLACEMENT PROJECTS, AND TO PROVIDE THE ADVERTISING FOR BIDDING SAID PROJECTS AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Maple Heights, upon application of the City Engineer, was awarded a grant in the amount of Seven Hundred Fifty Four Thousand Nine Hundred Fifty Three Dollars and Zero Cents (\$754,953.00) for the Rowena Avenue Watermain Replacement Project and a grant in the amount of Eight Hundred Sixty Four Thousand Four Hundred Fifty Dollars and Zero Cents (\$864,450.00) for the Mendota Avenue Watermain Replacement Project ("the Projects"); and

**WHEREAS**, the Cleveland Water Department requires that the City confirm that it accepts the funds and intends to complete the Projects in a timely manner; and

**WHEREAS**, the Mayor and Engineer have recommended to Council that the City accept the funds and that the Engineer immediately begin the planning and design, bid specifications and cost estimates so that the Projects, and the advertising for bidding said Projects, shall be completed in a timely manner.

**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/or Engineer is hereby authorized and directed to accept the SWMR funding award from the Cleveland Water Department and is hereby authorized to sign and file all necessary documents and contracts to facilitate and/or administer this award.

**Section 2.** The Engineer is authorized and directed to prepare plans, bid specifications and cost estimates for the Rowena Avenue Watermain Replacement Project and the Mendota Avenue Watermain Replacement Project, and to provide the advertising for bidding said Projects so that the City will complete the Projects in a timely manner pursuant to the terms of the award.

**Section 3.** 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 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 health, safety and general welfare of the residents of the City, and to complete the Project in the time specified for the award 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: \_\_\_\_\_, 2020

\_\_\_\_\_  
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. 2020-81**

**INTRODUCED BY:** Councilwoman Dana D. Anderson and Councilman Richard Trojanski

**MOTION FOR ADOPTION BY:**

**CO-SPONSORED BY:** Council President Ron Jackson

**A RESOLUTION DECLARING RACISM A PUBLIC HEALTH CRISIS, AND  
DECLARING AN EMERGENCY.**

**WHEREAS**, Maple Heights City Council believes that the time is now to declare Racism a Public Health Crisis and would like to commit to improving the overall quality of life for our minority residents, business owners, and visitors; and

**WHEREAS**, racism acts on systemic, institutional and interpersonal levels, all of which operate throughout time and across the generations; and

**WHEREAS**, the World Health Organization defines “public health” as “the art and science of preventing disease, prolonging life and promoting health through the organized efforts of society” and those efforts “aim to provide conditions under which people can...be healthy, improve their health and well-being, or prevent the deterioration of their health”; and

**WHEREAS**, The Healthy People 2020 goal for infant mortality is a rate of 6. This means that no more than six babies die out of every 1,000 births. From 2015 -2018 the United States as a whole has met the Healthy people 2020 goal. From 2015-2018 the national rates have been as follows 5.82, 5.90, 5.80 and 5.70.\* The sad news is that Cuyahoga County is not doing well. From 2015-2018 the Cuyahoga County rates were 10.5, 8.68, 8.11, and 8.65. The heart-breaking news is that Maple Heights and many other inner ring east side suburbs have epidemic rates of infant mortality. From 2015-2018 in Maple Heights the rates were 16.72, 5.90, 23.41, and 10.34. We need a movement for a Healthy Maple Heights that involves engaging the Maple Heights community (moms, dads, grandparents, neighbors, businesses, politicians, organizations, property owners, and other stakeholders). Surely when our most vulnerable citizens are thriving we will all thrive.

**WHEREAS**, this Council recognizes that racism is a public health crisis that affects all members of our society both on a local level and nationwide and deserves action from all levels of government and civil society; and

**WHEREAS**, the City of Maple Heights is comprised of 73% Black or African American, 2% Hispanic or Latino, and 2.3% Two or More Races according to the 2019 population estimates from [census.gov](https://www.census.gov); and

**WHEREAS**, the American Medical Association recognizes that “racism in its systematic, structural, institutional, and interpersonal forms is an urgent threat to public health, the advancement of health equity, and a barrier to excellence in the delivery of medical care” and;

**WHEREAS**, the Ohio Department of Health reports that maternal mortality is two and a half times greater for black women in Ohio than white women. It also reports that black women are more likely to experience maternal morbidity; and

**WHEREAS**, The Ohio Department of Health data figures state that black Ohioans have a higher mortality rates for heart disease, stroke, diabetes, and cancer compared to other racial groups; and

**WHEREAS**, during the COVID-19 pandemic, preliminary figures indicate that there is a large racial disparity in cases of the virus. Governor DeWine has referenced data indicating that the virus has hit Ohio's Black and Hispanic communities harder than others; and

**WHEREAS**, this Council supports the establishment of a working group to address these issues to: seek solutions to reform the discourse and actively engage all citizens in racial justice work; continue to work to build alliances with organizations that are confronting racism and encourage partners to recognize racism as a public health crisis; continue equitable economic and workforce development in the City of Maple Heights; and advocate and prepare relevant policies that prioritize the health of minorities and mitigate exposure to adverse childhood experience and trauma in childhood; and

**WHEREAS**, this Council believes that it is now time to declare racism a public health crisis in our community, because the disparities that we have outlined represent a public health crisis which affects us all, and we as a civil society have an obligation to raise awareness and make sure that every sector of our society work to reverse this crisis.

**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 recognize the far-reaching importance of addressing systematic racism and commits to develop, implement and support polices to improve positive outcomes for all members of our community.

**Section 2.** The Clerk of Council is hereby authorized and directed upon adoption of this resolution to provide a copy to the NAACP Cleveland Branch, and the City's representatives serving in the legislatures of Cuyahoga County, the State of Ohio and in the United States.

**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 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 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: \_\_\_\_\_, 2020

\_\_\_\_\_  
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. 2020-82**

**INTRODUCED BY:** Mayor Annette M. Blackwell

**MOTION FOR ADOPTION BY:**

**CO-SPONSORED BY:** Council President Ron Jackson

**A RESOLUTION AUTHORIZING THE MAYOR, TO ENTER INTO A CONTRACT TO PROVIDE FOR THE NORTHEAST QUADRANT SEWER REPAIRS PHASE 2 PROJECT IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY.**

**WHEREAS**, on October 7, 2015, by **Resolution 2015-63**, Council authorized and directed the City Engineer to begin the preparation of plans and specifications and to provide advertising for bids for the storm and sanitary sewer improvement project on various streets including Hansen, Watson, Raymond, Franklin, Hillgrove, Clare and Gardenview in the City of Maple Heights; and

**WHEREAS**, the Ohio Public Works Commission will contribute funding for 58% of the construction costs, up to a maximum of Three Hundred Forty-Nine Thousand Nine Hundred Fifty Dollars and Zero Cents (\$349,950.00), for the repair of storm and sanitary sewers on various streets including Hansen, Watson, Raymond, Franklin, Hillgrove, Clare and Gardenview; and

**WHEREAS**, on November 7, 2018, by **Resolution 2018-96**, Council authorized and directed the Mayor to enter into a Member Community Infrastructure Program with the Northeast Ohio Regional Sewer District (NEORS) for the Manhole Sewer Separation Project in the City of Maple Heights which included the repair of storm and sanitary sewers on various streets including Hansen, Watson, Raymond, Franklin, Hillgrove, Clare and Gardenview; and

**WHEREAS**, the City of Maple Heights had been awarded Five Hundred Ninety-Nine Thousand Nine Hundred Fifty Dollars and Zero Cents \$599,950.00 by the Northeast Ohio Regional Sewer District (NEORS) for the repair of storm and sanitary sewers on various streets including Hansen, Watson, Raymond, Franklin, Hillgrove, Clare and Gardenview; and

**WHEREAS**, the City of Maple Heights has entered into an agreement with the Cuyahoga County Department of Public Works to maintain and operate the entire City of Maple Heights owned storm and sanitary sewer systems, also designated as County Sewer District No.9; and

**WHEREAS**, the Cuyahoga County Department of Public Works has established a schedule of just and equitable rates to be collected from the owners of all parcels within the City that have accessibility to storm and sanitary sewers; and

**WHEREAS**, upon collection by the County Treasurer, such storm and sanitary sewer system monies have been placed in a distinct fund to the credit of Sewer District No. 9; and

**WHEREAS**, the Cuyahoga County Department of Public Works has committed to provide Sewer District No. 9 funds in the amount of up to Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00) as the required local funding match for the storm and sanitary sewer improvement projects on various streets including Hansen, Watson, Raymond, Franklin, Hillgrove, Clare and Gardenview; and

**WHEREAS**, on September 4, 2019, by **Resolution 2019-75**, the City of Maple Heights entered into a contract with Fabrizi Trucking and Paving Co., Inc., for the Northeast Quadrant Sewer Repairs Phase 1 Project, which was completed in Spring 2020, and

**WHEREAS**, on September 10, 2020, the bids for the Northeast Quadrant Sewer Repairs Phase 2 Project, which includes the repair of storm and sanitary sewers on Hillgrove and Clare, were opened and inspected by the City Engineer to determine the lowest and best bid; and

**WHEREAS**, after opening and inspecting the bids the City Engineer determined that United Survey, Inc.'s bid in the amount of Three Hundred Sixty-Four Thousand Six Hundred Fifty Dollars and Zero Cents (\$364,650.00) is 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 United Survey, Inc., for the Northeast Quadrant Sewer Repairs Phase 2 Project, for a cost not to exceed Three Hundred Sixty-Four Thousand Six Hundred Fifty Dollars and Zero Cents (\$364,650.00) as more fully described in the bid record on file in the Office of the Finance Director of 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 4.** This Resolution constitutes an emergency measure necessary for the public welfare and to ensure the timely completion of the construction 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: \_\_\_\_\_, 2020

\_\_\_\_\_  
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. 2020-83**

**INTRODUCED BY:** Mayor Annette M. Blackwell

**MOTION FOR ADOPTION BY:**

**CO-SPONSORED BY:** Council President Ron Jackson

**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR C. A. AGRESTA CONSTRUCTION COMPANY, INCREASING THE CONTRACT BY \$936.00, FOR THE LEE-LIBBY POCKET PARK PERMEABLE PAVER INSTALLATION PROJECT IN THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Maple Heights Service Director and City Engineer have informed the Mayor that the City of Maple Heights needs to perform work in order to maintain compliance with the Ohio Environmental Protection Agency (OEPA) and the Small MS4 (Municipal Separate Storm Water System) permit; and

**WHEREAS**, the City of Maple Heights is currently operating under the Ohio EPA's National Pollutant Discharge Elimination System (NPDES) Storm Water General Permit Coverage (Small MS4 General Permit) which gives authorization to discharge to the surface waters of Ohio; and

**WHEREAS**, the Ohio EPA's (NPDES) Storm Water General Permit for a Small MS4 requires the City of Maple Heights to provide effective storm water management by using a holistic system management approach known as Best Management Practices (BMPs), and

**WHEREAS**, the Ohio EPA's BMPs encourage Public Involvement and Public Education (PIPE) to help better inform the public about effective storm water management practices; and

**WHEREAS**, the Lee-Libby Pocket Park can be constructed to include storm water management techniques which include a rain garden and permeable pavement; and

**WHEREAS**, the Lee-Libby Pocket Park space will provide outdoor access to green space within the heart of Maple Heights and in close proximity to municipal and school buildings for use in various platforms, including but not limited to, outdoor classroom space to educate the public about effective storm water management practices and their benefit to the environment; and

**WHEREAS**, the Northeast Ohio Regional Sewer District (NEORS) provides funding to Member Communities, including the City of Maple Heights, for community specific storm water management projects under the Community Cost-Share Program; and

**WHEREAS**, the City Engineer and the Service Director have been informed by the NEORS D that constructing the Lee-Libby Pocket Park with storm water management infrastructure including a rain garden and permeable pavement and then utilizing the space as an outdoor classroom to help educate the public about storm water management practices would effectively serve as a Public Involvement and Public Education (PIPE) BMP and thus qualify as a storm water management project eligible for Community Cost-Share Program funds; and

**WHEREAS**, on May 1, 2019, by **Resolution 2019-36**, Council authorized and directed the Mayor to execute a Community Cost-Share Agreement and any other documents with the NEORS D as required for the disbursement of Community Cost- Share Program funds in the total amount of Eighty-Five Thousand Dollars and No Cents (\$85,000.00) for the construction of green infrastructure featuring storm water management infrastructure appurtenances including a rain garden and permeable pavement at the Lee-Libby Pocket Park in the City of Maple Heights; and

**WHEREAS**, on September 18, 2019, by **Resolution 2019-80**, Council authorized and directed the City Engineer to begin the preparation of plans and specifications and to provide advertising for bids for the Lee-Libby Pocket Park Permeable Paver Installation Project in the City of Maple Heights; and

**WHEREAS**, on October 10, 2019, the bids for the Lee-Libby Pocket Park Permeable Paver Installation Project were opened and inspected by the City Engineer to determine the lowest and best bid; and

**WHEREAS**, the City Engineer determined that all bids that were opened on October 10, 2019 for the Lee-Libby Pocket Park Permeable Paver Installation Project exceeded the project construction cost estimate by more than ten percent (10% ) and were thus rejected as being non-compliant; and

**WHEREAS**, the City Engineer revised the plans and specifications and again advertised for bids for the Lee-Libby Pocket Park Permeable Paver Installation Project in the City of Maple Heights; and

**WHEREAS**, on October 31, 2019, the bids for the Lee-Libby Pocket Park Permeable Paver Installation Project were again opened and inspected by the City Engineer to determine the lowest and best bid; and

**WHEREAS**, on November 6, 2019, by **Resolution 2019-93**, the Council of the City of Maple Heights authorized the Mayor to enter into a contract with C. A. Agresta Construction Company, for the Lee-Libby Pocket Park Permeable Paver Installation Project, for a cost not to exceed Seventy-Seven Thousand Seven Hundred Forty Dollars and Zero Cents (\$77,740.00); and

**WHEREAS**, the City Engineer directed additional work be performed to remove an existing concrete foundation located in conflict with the proposed improvements to be constructed on the site; and

**WHEREAS**, the City Engineer has confirmed that the additional work can be paid for with the grant funds that are currently available to fund the project.

**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 Change Order No. 1 for the C. A. Agresta Construction Company, to increase the contract for the Lee-Libby Pocket Park Permeable Paver Installation Project in the amount of Nine Hundred Thirty-Six Dollars and Zero Cents (\$936.00) to provide for the removal of an existing concrete foundation as recommended by the City Engineer.

**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 public welfare and to ensure the timely completion of the construction 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: \_\_\_\_\_, 2020

\_\_\_\_\_  
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.: 2020-84**

**INTRODUCED BY:** Mayor Annette M. Blackwell

**MOTION FOR ADOPTION BY:**

**CO-SPONSORED BY:** Council President Ron Jackson

**AN ORDINANCE ENACTING NEW CHAPTER 650-MINOR'S CURFEW AND TRUANCY AND REPEALING SECTIONS 648.16, 648.17 AND 648.18 OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Police Chief and the Law Director recommend enacting a new chapter of the City's Codified Ordinances concerning curfews for children, truancy and parental supervision of children in part, because of the COVID-19 pandemic and its impact on the re-opening of schools and remote learning outside of school buildings, and the repealing of Sections 648.16, 648.17 and 648.18 of the City's Codified Ordinances which currently concern curfews, truancy and parental supervision;

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

**Section 1.** New Chapter 650 – Minor's Curfew And Truancy of the Codified Ordinances of the City of Maple Heights is hereby enacted to read as follows:

**CHAPTER 650 Minor's Curfew And Truancy**

**650.01 DEFINITIONS.**

**As used in this Chapter 650 of the Codified Ordinances:**

- (a) **"Minor" means any person under the age of eighteen years.**
- (b) **"Minor of school age" means a person six years of age but under the age of eighteen years.**
- (c) **"Parent" means any person having legal and physical custody of a minor:**
  - (1) **As a natural or adoptive parent;**
  - (2) **As a legal guardian;**
  - (3) **As a person who stands in loco parentis; or**
  - (4) **As a person to whom legal and physical custody has been given by order of court.**
- (d) **"public places" means public streets, alleys, highways, sidewalks, public parks, playgrounds and places to which the general public has access and a right to visit for business, entertainment or other lawful purposes, including, but not limited to, any store, shop, restaurant, tavern, bowling alley, café, theater, drug store, pool room, shopping center, and any other place devoted to amusement or entertainment of the general public.**

**650.02 CURFEW HOURS.**

- (a) **No minor under the age of fifteen years shall be upon the public places within the City during the hours of 9:00pm until 6:00 a.m.**
- (b) **No minor fifteen years of age or over but less than eighteen years of age shall be upon the public places within the City between the hours of 11:00 p.m. and 5:00 a.m.**



(c) Whoever violates the provisions of this section is an unruly child and is subject to the jurisdiction of the Juvenile Court.

#### **650.03 CURFEW EXCEPTIONS.**

The provisions of Section 650.02 shall not apply to any minor specified in such section under the following circumstances:

(a) When accompanied by a parent of such minor or a member of the minor's family who is eighteen (18) years of age or older.

(b) When upon an errand or legitimate business, including, but not limited to, attendance at the library, under the immediate direction and authorization of a parent of the minor.

(c) When engaged in a gainful, lawful employment during the established curfew hours. The minor shall carry a written authorization signed by a parent or employer stating the location and hours of employment.

(d) When going to or returning home by a direct route (without any unnecessary detour or stop) from and within one (1) hour of the commencement or termination of a school activity or an activity of a religious organization or place of public entertainment, such as a movie, play or sporting event.

#### **650.04 TRUANCY**

(a) No minor of school age shall be at any public places within the City, except in attendance at school during school hours on school days, unless the minor of school age: 1) has written proof from school authorities excusing the person from attending school; or 2) is accompanied by a parent; or 3) is home schooled; or 4) is engaged in remote learning, on-line learning or blended learning, as defined by the Ohio Department of Education.

(b) Any minor of school age who violates division (a) of this section is an unruly child and is subject to the jurisdiction of the Juvenile Court.

#### **650.05 PARENTAL RESPONSIBILITY; CIVIL PENALTY.**

(a) It shall be the duty and responsibility of each parent of a minor to ensure that the minor does not violate Section 650.02 or Section 650.04 of this Chapter, either by personal supervision of the minor, or by arranging for a responsible family member or adult to supervise the minor so that the minor does not violate Section 650.02 or Section 650.04

(b) When a minor is taken into custody as a result of curfew, then a violation of subsection 650.02(a) or 650.02(b), depending on the age of the minor, will be deemed to have occurred, and it shall be presumed that the minor's parent, including either or both natural or adopted parents, is responsible for failure to comply with subsection (a) of this section. This presumption may be rebutted as to the minor's parent, including either or both natural or adopted parents, at a proceeding held pursuant to Section 650.06.

(c) When a minor is taken into custody as a result of truancy, then a violation of subsection 650.04(a) will be deemed to have occurred, and it shall be presumed that the minor's parent, including either or both natural or adopted parents, is responsible for failure to comply with subsection (a) of this section. This presumption may be rebutted as to the minor's parent, including either or both natural or adopted parents, at a proceeding held pursuant to Section 650.06.

(d) Each violation of subsection (a) of this section shall be deemed a noncriminal infraction for which a civil penalty of one hundred dollars (\$100.00) shall be assessed against minor's parent, including either or both natural or adopted parents, jointly. Each

parent shall be jointly and severally liable for the civil penalty, unless responsibility is determined otherwise at a proceeding held pursuant to Section 650.06.

#### **650.05 ENFORCEMENT.**

(a) A minor found in violation of Sections 650.02 or 650.04 shall be detained at the police department and the parent notified to retrieve the minor. It is the responsibility of the parent to retrieve the minor. If no parent is located the minor may be transported to the minor's residence and left if the minor is age fourteen years or older. If the minor is younger than age fourteen then the minor can only be left with a parent or older family member. If the minor cannot be left at the residence then the minor may be transported and placed in the care of the Cuyahoga County Department of Children and Family Services.

(b) A parent who responds to retrieve the minor shall be served at that time with a "Notice of Liability" informing the parent of the responsibility to pay the civil penalty assessed by Section 650.04(d). If the minor is never retrieved by a parent, the "Notice of Liability" may be served by first-class mail or personal service at the residence or business address of the parent. A Return of Service and a copy of the "Notice of Liability" shall be filed with the Director of Finance for each "Notice of Liability" served under this section. The "Notice of Liability" shall clearly state the manner in which the infraction may be appealed.

(c) A civil penalty assessed under this chapter shall be paid within thirty (30) days, unless it is appealed pursuant to Section 650.06. If the appeal is denied or modified, the civil penalty, or the penalty as modified, shall be paid within twenty-one (21) days after the appeal is denied. Civil penalties that have not been timely paid will accrue interest at the rate of 1.5% per month from the due date of payment in full. Unpaid civil penalties and interest shall be deemed debts owed to the City, and may be collected by initiation of a civil action or any other lawful debt collection procedure.

#### **650.06 APPEAL OF CIVIL PENALTIES; CURFEW PENALTY REVIEW BOARD.**

(a) Any parent assessed a civil penalty pursuant to this chapter may, within seven days after receipt of a "Notice of Liability", make a written demand to the Director of Law for a hearing on the question of whether the civil penalty should have been assessed.

(b) When a hearing is timely requested, a hearing shall be held within a reasonable amount of time following receipt of the request, and at least three (3) days' notice of the hearing shall be provided to the person requesting the hearing. All hearings held pursuant to this section shall be conducted at City Hall before the Curfew Penalty Review Board ("Board"), which is hereby created. The Board shall be composed of the Law Director or designee, the Police Chief or designee, and the Council President or designee.

(c) The Board shall permit the person requesting the hearing to make a presentation to the Board, which may include the submission of documents or the testimony of witnesses. The Board may allow the appeal, deny the appeal, or modify the amount of the civil penalty, by a majority vote. The Board's decision shall be final and binding on all parties. The Board may establish further rules for the conduct of its proceedings, and shall record its decisions in writing.

(d) The Board's decision in each case shall be served by first-class mail upon the person who requested the hearing, and shall be deemed served when mailed. A copy of each decision will be forwarded to the Director of Finance.

**Section 2.** Sections 648.16, 648.17 and 648.18 of the Codified Ordinances of the City of Maple Heights are hereby repealed.

**Section 3.** 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 for immediate inclusion of new Chapter 650 in the current print and electronic editions of the City's Codified Ordinances.

**Section 4.** 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 5.** 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 change in truancy laws need to be in effect for the upcoming school year which begins in September 2020, 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: \_\_\_\_\_, 2020

\_\_\_\_\_  
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. 2020-84**  
**Page Four**

**City of Maple Heights**  
**Council Expenditures over \$3,500.00**  
**Wednesday, September 16, 2020**

Date Requested	APPROVAL NUMBER	Requested By	Fund/Dept. Account	Fund	Department	Account Name	Beginning Overall "Professional Services/ Other" Budget	Department Cost	Remaining Overall "Professional Services/ Other" Budget Balance	VENDOR	ITEM and DESCRIPTION	Add'l \$ Needed	Transfer from Budget Acct
9/11/2020	2020-066	Engineer	270.6100.55078	SCMR	Streets	Pavement Repair	\$688,001.67	\$35,000.00	\$653,001.67	Specialized Construction	Street Resurfacing		
							<i>Total Cost for Approval: \$35,000.00</i>						

**GRAND TOTAL \$35,000.00**

9/2/2020	2020-065	Police	274-1100-52063	Drug law Enforcement	Police	Operating Supplies	\$ 4,595.62	Kiesler Police Supply		Approved by Council President 9/3/20			
							<b>Preapproved Total \$ 4,595.62</b>						

All Approved \_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_

Pull Out # \_\_\_\_\_ Additions # \_\_\_\_\_  
 Pull Out # \_\_\_\_\_ Additions # \_\_\_\_\_  
 Pull Out # \_\_\_\_\_ Additions # \_\_\_\_\_

\_\_\_\_\_ Council President



# REQUEST FOR A PURCHASE ORDER

(THIS IS NOT A PURCHASE ORDER)

Department of Administrative Services  
Purchasing Division

Date: 9/11/2020

**Council Approval  
2020-066**

Vendor Code: SPECI055

Suggested Supplier: SPECIALIZED CONSTRUCTION Ship To: STREETS

Address: 711 HARVARD AVENUE  
CUYAHOGA HTS., OHIO 44105

Telephone # 216-271-3363 Tax ID: \_\_\_\_\_

Quantity	Item	Unit Price	Total
	RESURFACING OF EAST 140TH STREET BETWEEN LISA DRIVE AND JAMES AVENUE		\$ 35,000.00
	COOPERATIVE AGREEMENT BETWEEN:		
	CITY OF MAPLE HEIGHTS AND GARFIELD HEIGHTS		

**Total Amount: \$ 35,000.00**

Date Required: 9/11/2020

Appropriation Code(s): 270-6100-55078

Requisition By: ED HREN

Approved By: *[Signature]*  
(Departmental Director/Chief)

Competitive Price Quotations:  
\_\_\_\_\_  
\_\_\_\_\_

Date Received by Purchasing Division  
\_\_\_\_\_

## Tinita Tillman

---

**From:** Ed Hren <hren@cvelimited.com>  
**Sent:** Friday, September 11, 2020 7:54 AM  
**To:** Annette Blackwell; vcollova@garfieldhts.org  
**Cc:** Frank Consolo; Tony Ciresi; Tinita Tillman  
**Subject:** RE: E. 140th, Maple Heights, Resurfacing Cooperative Agreement

Thanks Mayor,

Tinita can you please include the \$35,000 on the list of expenditures for Wed 9-16-20. It should come out of the SCMR.

Thanks,

Ed

**From:** Annette Blackwell <ablackwell@mapleheightsohio.com>  
**Sent:** Thursday, September 10, 2020 5:06 PM  
**To:** vcollova@garfieldhts.org  
**Cc:** Ed Hren <hren@cvelimited.com>; Frank Consolo <fconsolo@consololaw.com>; Tony Ciresi <tciresi@mapleheightsohio.com>; Tinita Tillman <ttillman@mapleheightsohio.com>  
**Subject:** E. 140th, Maple Heights, Resurfacing Cooperative Agreement

Good afternoon Mayor Collova,

I am forwarding the attached agreement to you today to ask you to consider a cooperative agreement in which East 140th Street between Lisa Drive and James Avenue, located in both the City of Maple Heights and the City of Garfield Heights, to be resurfaced at a cost to the City of Maple Heights. The length of this resurfacing work is almost identical to the length of the resurfacing work that your city, Garfield Heights, performed on East 140th Street between James Avenue and Rockside Road, also located in both the City of Maple Heights and the City of Garfield Heights, at the cost of Garfield Heights several years ago.

Mayor, the City of Maple Heights will pay for 100% of the costs of all work associated with the resurfacing operations which would include asphalt and concrete surface grinding to a depth of 2.0 inches and the placement of 2.0 +/- inches of intermediate course asphalt. The new asphalt will be topped with a single chip seal which will be followed by the application of a fog seal. I would ask that the City of Garfield Heights absorb only, any extra costs that would be associated with maintenance of traffic as well as the inspection and contract administration required to perform this work.

My Engineer, Ed Hren, Chagrin Valley Engineering, has estimated that the cost for this work, based on the contract unit prices would be approximately \$35,000.00. The final cost would be

agreed upon by our City Engineers and the City of Maple Heights would pay for the cost of the work when the invoice is presented.

If this is agreeable, I will present to my City Councilperson at the next Council meeting to be held on Wednesday, September 16th. My Engineer took the liberty of speaking with Specialized Construction and they are agreeable to performing the work at the contract pricing when they are in the area in the next few weeks. I've attached a cooperative agreement which outlines my proposal for review by your Law Director.

Mayor, thanks always for your support. I look forward to your positive response.

Expense Report

AS OF: 09/11/2020

YEAR: 2020

STARTING ACCOUNT: 270610052000

ENDING ACCOUNT: 270610059999

270 S.C.M.& R.

ACCOUNT NO. /	ACCOUNT DESC/ SUPP. BUDGET	TRANS. BUDGET	BUDGET AMT/ PRIOR YR ENC	Y-T-D EXP/ PRIOR YR EXP	ENCUMBRANCE/ M-T-D EXP	UNENC BALANCE
6100	STREETS					
270-6100-52063	Operating Supplies		10000.00	380.97	170.00	9449.03
270-6100-52150	Telephone		1000.00	426.53	465.21	108.26
270-6100-55015	Professional Services		74724.58	2854.00	0.00	71870.58
270-6100-55016	Legal Notices		1400.00	0.00	0.00	1400.00
270-6100-55066	Lease-Sweeper		39438.00	19719.00	0.00	19719.00
270-6100-55070	Equipment		25000.00	15276.11	1524.75	8199.14
270-6100-55071	Maintenance		6500.00	2361.45	698.91	3439.64
270-6100-55072	Vehicle Parts/ Repairs		50000.00	28284.90	7699.30	14015.80
270-6100-55078	Pavement Repair		175000.00	159315.30	0.00	15684.70
270-6100-55079	Road Repair Program		10000.00	3808.00	0.00	6192.00
270-6100-55080	Gas/Fuel		63655.42	14447.50	39473.15	9734.77
270-6100-55082	UNIFORMS		650.00	285.43	0.00	364.57
270-6100-55095	Outside Contractors		30000.00	0.00	19811.70	10188.30
270-6100-56001	Asphalt Supplies		50000.00	38106.01	4463.99	7430.00
270-6100-56002	Concrete Supplies		20000.00	3661.00	1539.00	14800.00
270-6100-56003	Salt Supplies		92500.00	67679.58	7840.96	16979.46
270-6100-56004	Safety Supplies		1500.00	148.19	51.81	1300.00
270-6100-56005	Street Paint Supplies		10000.00	0.00	0.00	10000.00
270-6100-56008	Dunham Road (Turney to Corp Line)		300000.00	31578.00	0.00	268422.00
270-6100-56009	DEOG Projects		200000.00	1295.58	0.00	198704.42
TOTAL 6100	STREETS		1161368.00	389627.55	83738.78	688001.67
TOTAL 270	S.C.M.& R.		1161368.00	389627.55	83738.78	688001.67
TOTAL REPORT:			1161368.00	389627.55	83738.78	688001.67





# REQUEST FOR A PURCHASE ORDER

(THIS IS NOT A PURCHASE ORDER)

**NO. 20-123**

**CITY OF MAPLE HEIGHTS**  
 Department of Administrative Services  
 Purchasing Division

Date: **September 2, 2020**

Suggested Supplier: **Kiesler Police Supply**

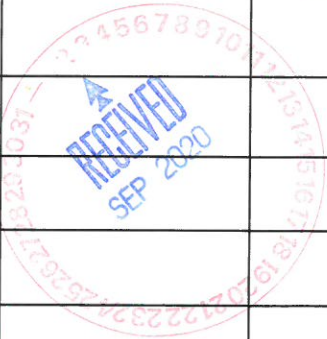
Ship To: **MHPD**

Address: **2802 Sable Mill Road**  
**Jeffersonville, IN 47130**

Council Approval  
2020-065

Telephone No.

QUANTITY	ITEM	UNIT PRICE	TOTAL
	<b>Ammunition Needed for the Police Department</b>		<b>\$4,595.62</b>
X	<i>Ron Jackson</i> <u>Ron Jackson, Council Pres.</u> 9/3/20		



Total Amount: **\$4,595.62**

Date Required: **September 2, 2020**

Appropriate Code (s) *274-1100-52063*  
  
*2020-00757*

Requisitioned By: **Detective Andrew Sprie**  
 Approved By: *[Signature]*  
 (Departmental Director/Chief)

Competitive Price Quotations: \_\_\_\_\_ Date Received by Purchasing Division: \_\_\_\_\_



# Sales Quote

KIESLER POLICE SUPPLY  
 2802 SABLE MILL RD  
 JEFFERSONVILLE, IN 47130

**Bill-to Customer**  
 MAPLE HEIGHTS, CITY OF  
 5353 LEE ROAD  
 MAPLE HEIGHTS, OH 44137

**Ship-to Address**  
 MAPLE HEIGHTS POLICE DEPT.  
 5373 LEE ROAD  
 MAPLE HEIGHTS, OH 44137

Your Reference  
 Bill-to Customer No. L01370  
 Tax Registration No.

Salesperson JASON  
 Email  
 Home Page  
 Phone No.

No. Q115195  
 Document Date September 1, 2020  
 Due Date October 1, 2020  
 Payment Terms  
 Payment Method  
 Tax Identification Type Legal Entity  
 Shipment Method  
 andrew sperie  
 speriea501@mhpd-ohio.com

No.	Description	Quantity	Unit of Measure	Unit Price Excl. Tax	Line Amount Excl. Tax
SPEER53617	SPEER GOLD DOT 9MM+P 124 GRAIN HOLLOW POINT 1000RDS/CASE, 50RDS/BOX. lmeol-oh	3	CASE	379.00	1,137
SPEER53651	SPEER LAWMAN 9MM 124 GRAIN TOTAL METAL JACKET ROUND NOSE, 1000RDS/CASE, 50RDS/BOX. CTELE-OH	8	CASE	180.00	1,440
FEDEXM193	FEDERAL AMERICAN EAGLE 5.56MM 55 GRAIN FULL METAL JACKET BOATTAIL 500RDS/CASE. CARTM-OH	8	CASE	146.00	1,168
FEDELE12700	FEDERAL 12GA HI POWER OO BUCK 5RD/BOX 250RD/CASE. MTMR-OH	4	CASE	110.00	440
FEDELEB127LRS	FEDERAL 12GA TACTICAL LOW RECOIL 1OZ SLUG, 250 RDS/CASE. CRLAR	2	CASE	170.81	341.62
FEDETGL12/7.5	FEDERAL 12GA TARGET LOAD 7.5 SHOT CASE OF 250RDS BOXES OF 25RDS 10 BOXES PER CASE. ROMO-OH	1	CASE	69.00	69
FORMAT JASON	QUOTED BY JASON BRUNN KIESLER POLICE SUPPLY 2802 SABLE MILL ROAD JEFFERSONVILLE, IN 47130 THIS QUOTE IS VALID FOR 30 DAYS. JBRUNN@KIESLER.COM	1	EACH	0.00	0

Amount Subject to Sales Tax 0.00  
 Amount Exempt from Sales Tax 4,595.62

*9/2/2020*



<b>Subtotal</b>	<b>4,595.62</b>
Total Tax	0.00
<b>Total \$ Incl. Tax</b>	<b>4,595.62</b>
<b>Tax Amount</b>	<b>0.00</b>

**KIESLER POLICE SUPPLY FFL# 4-35-019-11-1M-08220**

**RETURNED GOODS POLICY**

No returned goods will be accepted without prior consent. Any packages returned without properly displaying a return authorization number will be refused. Returns subject to up to 25% restocking fee

**DEFECTIVE MERCHANDISE POLICY**

We are not a warranty repair station for any manufacturer. Returns of defective merchandise must be made directly to the manufacturer for repair or replacement.

**DAMAGED GOODS POLICY**

Claims of shortages or damaged shipments must be made immediately upon receipt of shipment.

*Ok  
aff 83  
9/2/2000*

Expense Report

AS OF: 09/02/2020

YEAR: 2020

STARTING ACCOUNT: 274110052063

ENDING ACCOUNT: 274110052063

274 DRUG LAW ENFORCEMENT FUND

ACCOUNT NO. /	ACCOUNT DESC/ SUPP. BUDGET	TRANS. BUDGET	BUDGET AMT/ PRIOR YR ENC	Y-T-D EXP/ PRIOR YR EXP	ENCUMBERANCE/ M-T-D EXP	UNENC BALANCE
1100	POLICE		50000.00	8169.85	230.15	41600.00
274-1100-52063	Operating Supplies		50000.00	8169.85	230.15	41600.00
TOTAL 1100			50000.00	8169.85	230.15	41600.00
TOTAL 274	DRUG LAW ENFORCEMENT FUND		50000.00	8169.85	230.15	41600.00
TOTAL REPORT:						