

Ron Jackson, President

Stafford L. Shenett, Sr., District 1

Toni Jones, District 2

Christian Ostenson District 3



Dana D. Anderson, District 4

Tanglyn Madden, District 5

Richard Trojanski, District 6

Edwina Agee, District 7

PUBLIC NOTICE

DATE: August 3, 2021

TO: Members of City Council
Mayor Annette M. Blackwell
Directors, Chiefs, Department Heads

FROM: Council President Ron Jackson

RE: **August 4, 2021 Regular Meeting of Council**

In accordance with Article VII, Section 3, of the Charter of the City of Maple Heights and Section 220.01(a) of the Maple Heights Codified Ordinances, the **Regular Meeting of Council** will be held on **Wednesday, August 4, 2021 at 7:00 p.m.** at the Maple Heights Senior Center, 15901 Libby Road, Maple Heights, Ohio, with a Public Hearing for an application for funding to purchase two (2) new vehicles for the City's Human Services Transportation Program starting at 6:15 p.m. and Caucus Meeting starting at 6:30 p.m.

Specific Covid restrictions including masks to be worn by all individuals (even those who have been fully vaccinated) and social distancing will be followed.

Members of the public may access the meeting via ZOOM by the following methods:

By computer, tablet or smartphone:

<https://us02web.zoom.us/j/83585061823?pwd=NGRnWjZkWkFHdGdCTmYzcGluckR1QT09>

and entering **Meeting ID: 835 8506 1823** and **Passcode: 553984**

By telephone:

1. Dial 1-312-626-6799

2. Enter **Meeting ID: 835 8506 1823** and **Passcode: 553984**

**CITY OF MAPLE HEIGHTS
COUNCIL MEETING AGENDA (Amended)**

Maple Heights Senior Center 7:00 PM

August 4, 2021

1. **Caucus: 6:30 pm** All Members of Council
2. **Call to Order:** Council President Ron Jackson
3. **Invocation/Pledge of Allegiance:** Councilwoman Edwina Agee, District 7
4. **Roll Call:** Council Clerk Leonette Cicirella Johnson
5. **Announcements:**
6. **Addendum:**
7. **Approval of Minutes:** June 2, 2021 (Regular Meeting of Council)
8. **Communications:**
 - a. Notice from the Ohio Division of Liquor Control
 - b. Letter of Appeal Regarding Planning and Zoning Case No. 2021-PZ-29
9. **Council Committee Reports:** Community Life and Education Committee
Housing/Economic Development Committee
10. **Department Reports:**
11. **Citizens' Comments:** Per Council Rule 220.01(c)(9)
Comments from City residents will be entertained at Regular Council Meetings only, and shall be limited to three (3) minutes per person during comments on the agenda and comments of a general nature and no person shall be allowed to speak more than once. A person wishing to address Council shall first be recognized by the President of Council, and when recognized, shall come forward, state his or her name and address and state the subject matter which he or she wishes to discuss. Total resident comments shall be limited to 45 minutes for all comments. Under special circumstances, this rule can be extended or modified by a majority of Council present. No profanity or comments of a personal or inflammatory nature will be tolerated under any circumstances. The Presiding Officer shall permit a one (1) minute response from the Mayor or Council Member or Department Director to whom the Citizen's question is directed.
12. **Legislation:**

2019-61, As Amended AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 660.16(C) CREATING A COST-SHARING PROGRAM WITH PRIVATE PROPERTY OWNERS FOR THE REMOVAL OF DEAD, DISEASED, OR DAMAGED TREES AND THOSE TREES WHOSE ROOTS HAVE ADVERSELY IMPACTED SIDEWALKS AND SEWERS FROM TREE LAWNS, AND DECLARING AN EMERGENCY.

This Ordinance is currently in the Finance Committee

2021-25, As Amended AN ORDINANCE ENACTING NEW CHAPTER 1488 – TENANT'S RIGHT TO PAY TO STAY OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.

This Ordinance is currently in the Housing/Economic Development Committee

2021-68 A RESOLUTION DETERMINING THAT THE UNIMPROVED RESIDENTIAL LOT OWNED BY THE CITY ON GARDENVIEW DRIVE, PPN 782-25-132, IS NOT NEEDED FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.

Reading 2 (Blackwell)

2021-74 AN ORDINANCE AMENDING SECTION 452.14 OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS CONCERNING PROHIBITED PARKING HOURS, AND DECLARING AN EMERGENCY.

Reading 2 (Ostenson)

2021-75 AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF MAPLE HEIGHTS THE QUESTION OF AMENDING THE CHARTER AT ARTICLE XIX, SECTION 5 - LIMITING THE USE OF PHOTO MONITORING DEVICES BY DELETING SECTION 5 IN ITS ENTIRETY TO REMOVE ITS PROHIBITION ON THE USE OF PHOTO MONITORING DEVICES FOR THE ENFORCEMENT OF TRAFFIC LAWS, AND DECLARING AN EMERGENCY.

Reading 1 (Charter Review Commission)

2021-76 AN ORDINANCE AUTHORIZING THE MAYOR AND POLICE CHIEF TO MAKE APPLICATION FOR, AND ACCEPT, WITH MATCHING 50% FUNDS, A FISCAL YEAR 2021 PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP GRANT (BVP) FROM THE U.S. DEPARTMENT OF JUSTICE FOR BODY ARMOR VESTS IN AN AMOUNT NOT TO EXCEED \$18,050.00, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2021-77 A RESOLUTION CERTIFYING TO THE CUYAHOGA COUNTY FISCAL OFFICER THE SUMS DUE TO THE CITY OF MAPLE HEIGHTS WHICH WERE EXPENDED FOR BOARDING UP HOUSES AND OTHER UNSAFE STRUCTURES PURSUANT TO CODIFIED ORDINANCE SECTIONS 680.06, 1440.27 AND 1440.28, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2021-78 A RESOLUTION DECLARING THE NECESSITY OF ASSESSING THE EXPENSE OF GARBAGE AND RUBBISH COLLECTION AND DISPOSAL WITHIN THE CITY OF MAPLE HEIGHTS AND CERTIFYING TO THE COUNTY FISCAL OFFICER THE COSTS DUE TO THE CITY OF MAPLE HEIGHTS FOR GARBAGE AND RUBBISH COLLECTION, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2021-79 A RESOLUTION CERTIFYING TO THE CUYAHOGA COUNTY FISCAL OFFICER THE SUMS DUE TO THE CITY OF MAPLE HEIGHTS WHICH WERE EXPENDED FOR WEED AND GRASS CONTROL PURSUANT TO CODIFIED ORDINANCE SECTIONS 660.15 AND 680.05, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2021-80 AN ORDINANCE AUTHORIZING THE MAPLE HEIGHTS LAND REUTILIZATION PROGRAM TO ACCEPT THE TITLE TO ONE (1) PARCEL OF LAND IN THE CITY OF MAPLE HEIGHTS OBTAINED THROUGH THE CUYAHOGA COUNTY LAND REUTILIZATION CORPORATION (CCLRC), AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2021-81 A RESOLUTION DETERMINING THAT THE UNIMPROVED RESIDENTIAL LOT OWNED BY THE CITY AT 5065 LEE ROAD, PPN 781-20-013, IS NOT NEEDED FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2021-82 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) FOR COMMUNITY COST-SHARE PROGRAM FUNDS FOR THE PROCUREMENT OF LEAF COLLECTION EQUIPMENT FOR THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2021-83 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH KLYN NURSERIES INC. TO PURCHASE TREES FOR INSTALLATION ON DUNHAM ROAD, FROM MENDOTA AVENUE TO THE SOUTH CORPORATION LINE, AS PART OF THE CUYAHOGA COUNTY HEALTHY TREE CANOPY PROGRAM DUNHAM ROAD GREENWAY TREE PLANTING PROJECT (COUNTY PROJECT NO. MAP-21-01), AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2021-84 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GOPHER OUTDOOR SPORTS TO PURCHASE OUTDOOR FITNESS EQUIPMENT FOR INSTALLATION AT STAFFORD PARK, AS PART OF THE CONSTRUCTION OF AN OUTDOOR FITNESS NETWORK UNDER THE GRANT AGREEMENT WITH THE OHIO DEVELOPMENT SERVICES AGENCY, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2021-85 A RESOLUTION AUTHORIZING THE ENGINEER TO BEGIN THE PREPARATION OF PLANS AND SPECIFICATIONS AND TO ADVERTISE FOR BIDS FOR PAVEMENT REPAIRS ON VARIOUS STREETS LOCATED WITHIN THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2021-86 AN ORDINANCE AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2021-87 A RESOLUTION AUTHORIZING THE MAYOR AND HUMAN SERVICES DIRECTOR TO FILE AN APPLICATION ON BEHALF OF THE CITY OF MAPLE HEIGHTS FOR FUNDING FROM NOACA THROUGH THE ENHANCED MOBILITY FOR SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM, FOR THE PURCHASE OF TWO (2) NEW VEHICLES TO PROVIDE TRANSPORTATION SERVICES FOR THE CITY'S HUMAN SERVICES TRANSPORTATION PROGRAM, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

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

ORDINANCE NO. 2021-25, As Amended

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

**AN ORDINANCE ENACTING NEW CHAPTER 1488 - TENANT'S RIGHT TO
PAY TO STAY OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE
HEIGHTS, AND DECLARING AN EMERGENCY.**

WHEREAS, international, national, state, and local governments and health authorities are responding to an outbreak of a disease caused by the novel coronavirus referred to as COVID-19; and

WHEREAS, the State of Ohio, the County of Cuyahoga, and the City of Maple Heights are experiencing a public health crisis from the COVID-19 pandemic that will have lasting impacts on residents and the economy; and

WHEREAS, on March 9, 2020, the Governor of the State of Ohio declared a State of Emergency to exist in Ohio as a result of the threat of COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention, the Ohio Department of Health, and the Cuyahoga County Department of Public Health have all issued recommendations including, but not limited to, social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many residents and businesses in the City of Maple Heights have experienced or expect to soon experience sudden and unplanned income loss; and

WHEREAS, the Governor of the State of Ohio has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, further economic impacts are anticipated, leaving residential tenants vulnerable to eviction; and

WHEREAS, during this local emergency and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement to protect the City's affordable housing stock and to prevent housed individuals from falling into homelessness; and

WHEREAS, housing displacement and homelessness place the City's residents at a higher risk of COVID-19 infections; and

WHEREAS, unemployment compensation, ~~renal~~ rental assistance and other dollars are being made available to Ohioans so they can meet their basic needs but these dollars have been slow to make their way into people's bank accounts.

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

Section 1: Council hereby enacts New **Chapter 1488** of the Codified Ordinances of the City of Maple Heights entitled "**Tenant's Right to Pay to Stay**" to read as follows:

CHAPTER 1488
"Tenant's Right to Pay to Stay"

- 1488.01 Definition**
- 1488.02 Tenant's right to pay to stay prior to the filing of an eviction action
(Complaint for Forcible Entry and Detainer)**
- 1488.03 Tenant's right to pay to stay prior to an eviction judgment (Judgment for
Restitution)**
- 1488.04 Tenant's right to pay to stay prior to the execution of the eviction judgement
for non-payment of rent (Writ of Restitution)**
- 1488.05 Late fees**
- 1488.06 Rent receipt required**
- 1488.07 Other Causes for Eviction**
- 1488.08 Legislative Review**
- 1488.09 Severability**

1488.01 Definition

As used in this Chapter:

- (a) "Tenant" means any person, company, organization, or franchise that rents or leases a rental unit for living, dwelling or business purposes with the consent of the owner or agent in charge.
- (b) "Tender" means an offer of payment.

**1488.02 Tenant's right to pay to stay prior to the filing of an eviction action
(Complaint for Forcible Entry and Detainer)**

- (a) At any time prior to the filing of an action under Ohio Revised Code 1923 for

nonpayment of rent by a landlord, a tenant shall have the right to pay the landlord all past due rent with reasonable late fees to avoid the filing of such action for the restitution of the lands or tenements.

If the tenant tenders all accrued rent and reasonable late fees to the landlord, the landlord shall accept the tendered payment and allow the tenant to maintain the tenancy.

- (b) If the tenant tenders all past due rent with reasonable late fees to the landlord prior to the filing of an action under Ohio Revised Code 1923 and the landlord refuses the tender, the tenant's tender of all past due rent with reasonable late fees shall be an affirmative defense to any action filed by the landlord against the tenant for nonpayment of rent.

1488.03 Tenant's right to pay to stay prior to an eviction judgment for non-payment of rent (Judgment for Restitution)

- (a) After the filing of an action under Ohio Revised Code 1923 for nonpayment of rent but prior to a judgment, the tenant shall have the right to pay the landlord all past due rent, reasonable late fees and court costs so that the tenant may maintain the tenancy. If the tenant tenders all past due rent amounts, including late fees and court costs, the landlord must accept the payment. Upon receipt of the payment, the landlord shall dismiss the action against the tenant.
- (b) If the tenant tenders all past due rent with reasonable late fees and court costs to the landlord prior to a judgment and the landlord refuses the tender, the tenant's tender of all past due rent, reasonable late fees and court costs shall be an affirmative defense to the eviction action filed by the landlord against the tenant for nonpayment of rent.

1488.04 Tenant's right to pay to stay prior to the execution of the eviction judgment (Writ of Restitution)

- (a) After the filing of an action under Ohio Revised Code 1923 for nonpayment of rent but prior to the execution of the eviction judgment through a writ of restitution, the tenant shall have the right to pay the landlord all past due rent, reasonable late fees and court costs, including the cost of obtaining the writ, so that the tenant may maintain the tenancy. If the tenant tenders all past due rent amounts, including reasonable late fees and court costs, the landlord must accept the payment. Upon receipt of the payment, the landlord shall notify the court who shall vacate the eviction judgment and dismiss the eviction action against the tenant.
- (b) If the tenant tenders all past due rent with reasonable late fees and court costs to the

landlord prior to the execution of the eviction judgment through a writ of restitution and the landlord refuses the tender, the bailiff shall not enforce the eviction judgment until the court instructs the bailiff to do so after an emergency hearing on the tenant's right to pay and stay at the premises. If the court finds during the emergency hearing that the tenant tendered all past due rent, reasonable late fees and court costs, the court shall vacate the eviction judgment and dismiss the eviction action against the tenant.

1488.05 Late fees

If a rental agreement includes a provision that authorizes the landlord to assess the tenant a fee for late payment of the monthly rent, the total amount of that late payment fee for any month may not exceed the larger of: (i) twenty-five dollars (\$25.00); or (ii) five percent (5%) of the monthly contract rent.

1488.06 Rent receipt required

The landlord shall provide the tenant with a signed receipt for the security deposit and all rental payments except for payments made by personal check of the tenant, at the time the security deposit or rental payments are made.

1488.07 Other Causes for Eviction

This Chapter in no way limits the ability of a landlord to initiate an eviction action for reasons other than solely for non-payment of rent.

1488.08 Legislative Review

This Chapter is subject to review by Council ~~one year after adoption and annually thereafter.~~ by December 31, 2021 and by December 31st of every year thereafter. Council may review this Chapter more often throughout any calendar year.

1488.09 Severability

If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provisions and, to this end, the provisions of this ordinance are declared to be severable. The City Council/~~Commission~~ hereby declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, 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 3: This Ordinance constitutes an emergency measure necessary for the health, safety and general welfare of the residents of the City, and for the further reason that it is necessary to assure that tenants have stable housing to assure health and safety during the current pandemic, 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: _____, 2021

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. 2021-68

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION DETERMINING THAT THE UNIMPROVED RESIDENTIAL LOT OWNED BY THE CITY ON GARDENVIEW DRIVE, PPN 782-25-132, IS 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 Economic Development Director have determined that the following unimproved residential lot(s) owned by the City is not needed for a municipal purpose:

Gardenview Drive PPN 782-25-132

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 lot(s) owned by the City is not needed for a municipal purpose:

Gardenview Drive PPN 782-25-132

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 this unimproved residential lot(s) to adjacent homeowners to improve the neighborhood 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: _____, 2021

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.: 2021-74

INTRODUCED BY: Councilman Christian Ostenson

MOTION FOR ADOPTION BY:

AN ORDINANCE AMENDING SECTION 452.14 OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS CONCERNING PROHIBITED PARKING HOURS, AND DECLARING AN EMERGENCY.

WHEREAS, Council, in order to ensure the safety and public peace of the residents desires to change the hours prohibiting vehicles from parking on City streets from 4:00 a.m.- 6:00 a.m. to 2:00 a.m.- 6:00 a.m.

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

Section 1. Section 452.14 of the City's Codified Ordinances is hereby amended to read as follows, with additions being underlined, and deletions struck through:

452.14 PARKING BETWEEN ~~4:00~~ 2:00 AND 6:00 A.M. PROHIBITED.

No person shall park any vehicle upon any public street in the City between the hours of ~~4:00~~ 2:00 a.m. and 6:00 a.m. of each calendar day.

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 for immediate inclusion of amended Section 452.14 in the current print and electronic editions of the City's Codified Ordinances.

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

Section 4. This Ordinance constitutes an emergency measure necessary for the public peace, safety and general welfare of the City and for the further reason that it is necessary to eliminate overnight parking of vehicles without delay, 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: _____, 2021

Ron Jackson, Council President

Approved as to legal form:

Annette M. Blackwell, Mayor

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.: 2021-75

INTRODUCED BY: The Charter Review Commission

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 XIX, SECTION 5-LIMITING THE USE OF PHOTO MONITORING DEVICES BY DELETING SECTION 5 IN ITS ENTIRETY TO REMOVE ITS PROHIBITION ON THE USE OF PHOTO MONITORING DEVICES FOR THE ENFORCEMENT OF TRAFFIC LAWS; AND DECLARING AN EMERGENCY.

WHEREAS, the Charter Review Commission (CRC) at its July 22, 2021 meeting recommended revising and amending Article XIX, Section 5-Limiting The Use Of Photo Monitoring Devices of the Charter by deleting it in its entirety to remove its prohibition on the use of photo monitoring devices for the enforcement of traffic laws; and

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

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

Section 1: There shall be submitted to a vote of the qualified electors of the City, at the general election to be held on Tuesday, the 2nd day of November, 2021, as prescribed by general law, the question of the amendment of the Charter of the City of Maple Heights at Article XIX, Section 5, so that, as amended, it shall read as follows, with the deletions struck through:

~~"SECTION 5. LIMITING THE USE OF PHOTO MONITORING DEVICES.~~

~~The City shall not use any traffic law photo-monitoring device for the enforcement of a qualified traffic law violation, unless a law enforcement officer is present at the location of the device and personally issues the ticket to the alleged violator at the time and location of the violation; and that the City shall not enter into, renew, amend, modify, or make any payment under a contract with a vendor for traffic law photo-monitoring devices or services if the contract involves payment to the vendor that is contingent upon the number of tickets issued or the amount of fines levied or; and that qualified traffic violations shall be tried only before a judge in either a municipal or common pleas court, and the accused will be afforded all rights then generally afforded to defendants in criminal cases under the constitutions and laws of the United States and the State of Ohio."~~

Section 2: The Board of Elections of Cuyahoga County be, and it is hereby, directed to provide for the voting upon said Amendments 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 XIX, Section 5, of the Maple Heights Charter be amended by deleting it in its entirety to remove its prohibition on the use of photo monitoring devices for the enforcement of traffic laws?"

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 for placement upon the ballot for the general election to be held on November 2, 2021, 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: _____, 2021

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. 2021-75

Page Two

ORDINANCE NO. 2021-76

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

AN ORDINANCE AUTHORIZING THE MAYOR AND POLICE CHIEF TO MAKE APPLICATION FOR, AND ACCEPT, WITH MATCHING 50% FUNDS, A FISCAL YEAR 2021 PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP GRANT (BVP) FROM THE U.S. DEPARTMENT OF JUSTICE FOR BODY ARMOR VESTS IN AN AMOUNT NOT TO EXCEED \$18,050.00, AND DECLARING AN EMERGENCY.

WHEREAS, the Patrick Leahy Bulletproof Vest Partnership (BVP), created by the Bulletproof Vest Partnership Grant Act of 1998 is a unique U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement. Since 1999, the BVP program has awarded more than 13,000 jurisdictions a total of \$522 million in federal funds for the purchase of over one million vests (1,441,013) as of November 2020; and

WHEREAS, the purpose of the BVP Program is to reimburse states, counties, federally recognized tribes, cities, and local jurisdictions up to 50% of the cost of body armor vests purchased for law enforcement officers with local jurisdictions responsible for providing at least 50% of the cost of each vest purchased; and

WHEREAS, the Mayor and Police Chief desire to apply for a fiscal year (FY) 2021 BVP Grant to purchase body armor vests to enhance the safety and prevent injury of law enforcement officers, in an amount not to exceed \$18,050.00, with the City responsible for paying \$9,025.00;

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

Section 1. Council hereby authorizes the Mayor and Police Chief to apply for a FY 2021 BVP Grant to purchase body armor vests to enhance the safety and prevent injury of law enforcement officers, in an amount not to exceed \$18,050.00, and accept the grant if awarded, with the City paying an amount not to exceed \$9,025.00 of the cost as a 50% match.

Section 2. Council hereby appropriates up to \$9,025.00 to cover the cost of the City's 50% local match of the FY 2021 BVP Grant.

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 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 that the BVP grant application deadline is July 27, 2021. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval by the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

PASSED: _____

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette Cicirella Johnson, Clerk of Council

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

Date: _____

Leonette Cicirella Johnson, Clerk of Council

RESOLUTION NO.: 2021-77

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION CERTIFYING TO THE CUYAHOGA COUNTY FISCAL OFFICER THE SUMS DUE TO THE CITY OF MAPLE HEIGHTS WHICH WERE EXPENDED FOR BOARDING UP HOUSES AND OTHER UNSAFE STRUCTURES PURSUANT TO CODIFIED ORDINANCE SECTIONS 680.06, 1440.27 AND 1440.28, AND DECLARING AN EMERGENCY.

WHEREAS, in compliance with Sections 680.06, 1440.27 and 1440.28 of the Codified Ordinances of the City of Maple Heights expenses were incurred for boarding up houses and unsafe structures upon lots in the City of Maple Heights, as more fully described in an Attachment on file with the Finance Director; and

WHEREAS, such expenses have not been paid by the owners of said lots.

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

Section 1. The expenses listed in the Attachment on file with the Finance Director, which is made a part hereof for all purposes, for boarding up houses and unsafe structures shall be certified to the Cuyahoga County Fiscal Officer for the purpose of making the same a lien upon such lots in the City of Maple Heights, Cuyahoga County, Ohio, to be collected as are other taxes and returned to the General Fund of the City of Maple Heights, pursuant to Sections 680.06, 1440.27 and 1440.28 of the Codified Ordinances of the City of Maple Heights.

Section 2. The Clerk of Council and the Finance Director are authorized to prepare and submit all necessary documents to accomplish the required written return to the County Fiscal Officer in a timely manner.

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

Section 4. This Resolution constitutes an emergency measure necessary for the health and welfare of our residents, and to timely certify said assessments to the County Fiscal Officer **by September , 2021** 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: _____, 2021

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.: 2021-78

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION DECLARING THE NECESSITY OF ASSESSING THE EXPENSE OF GARBAGE AND RUBBISH COLLECTION AND DISPOSAL WITHIN THE CITY OF MAPLE HEIGHTS AND CERTIFYING TO THE COUNTY FISCAL OFFICER THE COSTS DUE TO THE CITY OF MAPLE HEIGHTS FOR GARBAGE AND RUBBISH COLLECTIONS, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 701.05 and 715.43 and Chapter 1060 of the Codified Ordinances of the City of Maple Heights permit the assessment for the collection and disposal of garbage and rubbish; and

WHEREAS, Codified Ordinances Section 1060.02(b) provides that the Finance Director establish an estimate of the next year's solid waste collection costs and projected fees for the purpose of establishing the applicable rates for the following year to be charged by the City of Maple Heights for garbage and rubbish collection; and

WHEREAS, the Finance Director has completed this estimate and has determined that the applicable monthly rate for 2022 is _____ per residential unit and _____ for each residential unit for qualified residents with a Homestead exemption as of June 1, 2021 and

WHEREAS, Codified Ordinances Section 1060.02(b)(5) provides that these charges be certified to the County Auditor in time for the charges to be added to the tax duplicate and collected in the next collection year.

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

Section 1. It is the determination of this Council, to proceed with the assessing for the cost and expense of garbage and rubbish disposal within the City in accordance with Ohio Revised Code Sections 701.05 and 715.43 and Chapter 1060 of the Codified Ordinances, upon the lands in the City of Maple Heights on file in the County Fiscal Officer's Office, for the 2021 tax duplicate and collection in the year 2022 at a monthly rate of _____ for each residential unit and _____ for each residential unit for qualified residents with a Homestead exemption as of June 1, 2021..

Section 2: Reimbursement of funds through collection of tax duplicates of said lands as outlined in Section 1 hereof shall be credited to the Solid Waste Collection Fund of the City of Maple Heights.

Section 3. The Finance Director is hereby authorized and directed to send to the Auditor of the County of Cuyahoga certified copies of this Resolution in such numbers as are required.

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 and welfare of the residents of the city, and to timely certify said assessments to the County Fiscal Officer by the second Monday in September 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: _____, 2021

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.: 2021-79

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION CERTIFYING TO THE CUYAHOGA COUNTY FISCAL OFFICER THE SUMS DUE TO THE CITY OF MAPLE HEIGHTS WHICH WERE EXPENDED FOR WEED AND GRASS CONTROL PURSUANT TO CODIFIED ORDINANCE SECTIONS 660.15 AND 680.05, AND DECLARING AN EMERGENCY.

WHEREAS, in compliance with Sections 660.15 and 680.05 of the Codified Ordinances of the City of Maple Heights expenses were incurred for weed and grass control upon lots in the City of Maple Heights, as more fully described in an Attachment on file with the Finance Director; and

WHEREAS, such expenses have not been paid by the owners of said lots.

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

Section 1 The expenses listed in the Attachment on file with the Finance Director, which is made a part hereof for all purposes, for grass and weed control shall be certified to the Cuyahoga County Fiscal Officer for the purpose of making the same a lien upon such lots in the City of Maple Heights, Cuyahoga County, Ohio, to be collected as are other taxes and returned to the General Fund of the City of Maple Heights, pursuant to Sections 660.15 and 680.05 of the Codified Ordinances of the City of Maple Heights.

Section 2. The Clerk of Council and the Finance Director are authorized to prepare and submit all necessary documents to accomplish the required written return to the County Fiscal Officer in a timely manner.

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

Section 4. This Resolution constitutes an emergency measure necessary for the health and welfare of our residents, and to timely certify said assessments to the County Fiscal Officer by **September , 2021**, 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: _____, 2021

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.: 2021-80

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

AN ORDINANCE AUTHORIZING THE MAPLE HEIGHTS LAND REUTILIZATION PROGRAM TO ACCEPT THE TITLE TO ONE (1) PARCEL OF LAND IN THE CITY OF MAPLE HEIGHTS OBTAINED THROUGH THE CUYAHOGA COUNTY LAND REUTILIZATION CORPORATION (CCLRC), AND DECLARING AN EMERGENCY.

WHEREAS, the Maple Heights Land Reutilization Program fosters the return of non-productive land to tax revenue generating status or the devotion thereof to public use; and

WHEREAS, the Cuyahoga County Land Reutilization Corporation (CCLRC) seeks to revitalize neighborhoods, promote economic growth and create job and workforce development opportunities, and assists local governments in effective use and re-use of vacant property; and

WHEREAS, the Cuyahoga County Land Reutilization Corporation (CCLRC) has agreed to acquire tax delinquent parcels of vacant land, identified as: **5065 Lee Road (PPN 781-20-013)** in the City of Maple Heights and desires to transfer said parcel to the City of Maple Heights for their redevelopment, according to the Pass-Through Sale-Purchase and Development Agreement available in the Office of the Economic Development Director.

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

Section 1. The Mayor is hereby authorized to enter into a Pass-Through Sale-Purchase and Development Agreement with the Cuyahoga County Land Reutilization Corporation, and the City is authorized to accept title to: **5065 Lee Road (PPN 781-20-013)**, in the City of Maple Heights, and as listed in the Cuyahoga County Records for the Land Bank in the City of Maple Heights.

Section 2. The Director of Finance is authorized and directed, upon passage of this Ordinance, to send certified copies of this Ordinance to the County Auditor and the County Fiscal Officer requesting that: **5065 Lee Road (PPN 781-20-013)**, in the City of Maple Heights, and as listed in the Cuyahoga County Records, be exempted from taxation for this City owned property.

Section 3. According to Article XVI, Section 3 of the Maple Heights Charter, the Council hereby waives the requirement that the Council submit this acquisition of land to the Planning & Zoning Commission for their report and recommendation.

Section 4. The Clerk of Council shall enter this transaction into Table "E" of the Special Ordinances entitled, "Acquisition and Disposal of Real Property" at the next codification of the Codified Ordinances of the City of Maple Heights.

Section 5. 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 6. This Ordinance constitutes an emergency measure necessary for the general welfare of the residents of the City and to expedite the acquisition and tax exemption of this property, 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: _____, 2021

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. 2021-81

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION DETERMINING THAT THE UNIMPROVED RESIDENTIAL LOT OWNED BY THE CITY AT 5065 LEE ROAD, PPN 781-20-013, IS 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 lot(s) owned by the City is not needed for a municipal purpose prior to selling said lot(s); and

WHEREAS, the Mayor and Economic Development Director have determined that the following unimproved residential lot(s) owned by the City is not needed for a municipal purpose:

5065 Lee Road PPN 781-20-013

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 lot(s) owned by the City is not needed for a municipal purpose:

5065 Lee Road PPN 781-20-013

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 this unimproved residential lot(s) to adjacent homeowners to improve the neighborhood 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: _____, 2021

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.: 2021-82

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) FOR COMMUNITY COST-SHARE PROGRAM FUNDS FOR THE PROCUREMENT OF LEAF COLLECTION EQUIPMENT FOR THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY.

WHEREAS, the Maple Heights Service Director has informed the Mayor and the City Engineer that municipal leaf collection and composting can be provided most cost effectively by utilizing Service Department personnel to collect leaves and composting them at the municipally owned property located at 14580 Schreiber; 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 (Municipal Separate Storm Water System) 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 Pollution Prevention and Good Housekeeping at all municipal facilities including, but not limited to roadways, maintenance areas, storage yards, waste transfer stations and composting facilities; and

WHEREAS, leaves that accumulate on tree lawns and in roadway gutters can cause blockages in catch basins and storm sewers and also release pollutants into MS4s that ultimately discharge to the surface waters of Ohio; 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 that the procurement of leaf collection equipment would effectively serve as a Pollution Prevention and Good Housekeeping BMP and thus qualify as a storm water management project eligible for Community Cost-Share Program funds; and

WHEREAS, the City Engineer and the Service Director were successful in their application to the NEORS for the disbursement of Community Cost-Share Program funds associated with the procurement of leaf collection equipment in the amount of Ninety Thousand Dollars and Zero Cents (\$90,000.00) for such activities.

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

Section 1. The Mayor is hereby authorized and directed to execute a Community Cost-Share Agreement and any other documents with the NEORSB as required for the disbursement of Community Cost-Share Program funds in the total amount of Ninety Thousand Dollars and Zero Cents (\$90,000.00) to procure leaf collection equipment for the City of Maple Heights. The Service Director is hereby authorized to proceed with the procurement of leaf collection equipment.

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

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

Section 4. This Resolution constitutes an emergency measure necessary for the health and general welfare of the residents of the City, and to begin the project in a timely manner, 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: _____, 2021

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.: 2021-83

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH KLYN NURSERIES INC. TO PURCHASE TREES FOR INSTALLATION ON DUNHAM ROAD, FROM MENDOTA AVENUE TO THE SOUTH CORPORATION LINE, AS PART OF THE CUYAHOGA COUNTY HEALTHY TREE CANOPY PROGRAM DUNHAM ROAD GREENWAY TREE PLANTING PROJECT (COUNTY PROJECT NO. MAP-21-01), AND DECLARING AN EMERGENCY.

WHEREAS, the City of Maple Heights, upon application of the City Engineer, was awarded a grant in the amount of Thirty-Nine Thousand Nine Hundred Thirty-Seven Dollars and Fifty Cents (\$39,937.50) for the Dunham Road Greenway Tree Planting Project, County Project No. MAP-21-01 ("the Project"); and

WHEREAS, the Cuyahoga County Planning Commission required that the City of Maple Heights provide a commitment for ten percent (10%), or Four Thousand Four Hundred Thirty-Seven Dollars and Fifty Cents (\$4,437.50), of local funds towards the total project cost estimated to be Forty-Four Thousand Three Hundred Seventy-Five Dollars and Zero Cents (\$44,375.00); and

WHEREAS, the Cuyahoga County Planning Commission required that the City confirm that it accepted the funds and intended to complete the Projects in a timely manner; and

WHEREAS, the Mayor and Engineer had 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 Project, and bidding of said Project, would be completed in a timely manner; and

WHEREAS, on May 19, 2021, by **Resolution 2021-34**, Council authorized and directed the Mayor and/or Engineer to accept the HTCP funding award from the Cuyahoga County Planning Commission, sign and file all necessary documents, prepare plans, bid specifications and cost estimates for the Dunham Road Greenway Tree Planting Project (County Project No. MAP-21-01), and to provide for bidding said Project so that the City could complete the Project in a timely manner; and

WHEREAS, the City Engineer had recommended that the City of Maple Heights immediately move forward with the purchase of seventy-one (71) trees for the Dunham Road Greenway Tree Planting Project, using a portion of the HTCP funding award, to ensure that such trees would be available for planting by a qualified landscape contractor in the Fall of 2021; and

WHEREAS, the City Engineer sought and received three (3) price proposals for the supply of seventy-one (71) trees for the Dunham Road Greenway Tree Planting Project and determined that Klyn Nurseries Inc., has submitted the lowest and best proposal, which proposal is in the total amount of Fifteen Thousand and Five Dollars and Zero Cents (\$15,005.00).

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 Klyn Nurseries Inc., in the amount not to exceed Fifteen Thousand and Five Dollars and Zero Cents (\$15,005.00), to purchase seventy-one (71) trees for the Dunham Road Greenway Tree Planting Project, as more fully described in the price proposal on file in the Office of the City Engineer, so that the City will complete the Project in a timely manner pursuant to the terms of the award.

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

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

Section 4. This Resolution constitutes an emergency measure necessary for the health, safety and general welfare of the residents of the City, and to complete the Project within the 2021 fall planting 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: _____, 2021

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.: 2021-84

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GOPHER OUTDOOR SPORTS TO PURCHASE OUTDOOR FITNESS EQUIPMENT FOR INSTALLATION AT STAFFORD PARK, AS PART OF THE CONSTRUCTION OF AN OUTDOOR FITNESS NETWORK UNDER THE GRANT AGREEMENT WITH THE OHIO DEVELOPMENT SERVICES AGENCY, AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and the Human Services Director had sought funding from various county, state and federal agencies for the set-up, operation and management of the Stafford Park Pool Sprayground for the Summer 2020 and Summer 2021 seasons; and

WHEREAS, the Ohio Development Services Agency (OSDA) had approved the release of Fifty-Eight Thousand Dollars and Zero Cents (\$58,000.00) from the General Revenue Fund, Appropriation Line Item 195503, for fiscal year 2020 and 2021, to the Maple Heights Aquatic Facility for costs associated with the opening and operation of the existing sprayground located at Stafford Park; and

WHEREAS, on May 20, 2020, by **Resolution 2020-50**, Council authorized the Mayor to enter into a Grant Agreement with the Ohio Development Services Agency (OSDA) to accept funding of up to the amount of Fifty-Eight Thousand Dollars and Zero Cents (\$58,000.00) for the set-up, operation and management of the Stafford Park Pool Sprayground through August 31, 2021; and

WHEREAS, due to the ongoing COVID-19 pandemic, and the potential health risks to the public, that existed at the time of the development of the 2021 Recreation Program, the City of Maple Heights elected to not open the Stafford Park Pool Sprayground for the 2021 summer season; and

WHEREAS, the Ohio Development Services Agency (OSDA) had approved the proposed modification of the Grant Agreement to allow for the release of Fifty-Eight Thousand Dollars and Zero Cents (\$58,000.00) from the General Revenue Fund, Appropriation Line Item 195503, to the City of Maple Heights for costs associated with the construction of an outdoor fitness network, with security cameras, located at Stafford Park; and

WHEREAS, on July 7, 2021, by **Resolution 2021-71**, Council authorized and directed the Mayor to enter into a modified Grant Agreement with the Ohio Development Services Agency (OSDA) and accept funding of up to the amount of Fifty-Eight Thousand Dollars and Zero Cents (\$58,000.00) to assist with the implementation of services as required for the construction of an outdoor fitness network, with security cameras, to be located at Stafford Park. Furthermore, Council authorized the City Engineer to begin the preparation of plans and specifications for the Stafford Park Outdoor Fitness Network Project and to provide for bidding said Project so that the City could complete the Project in a timely manner; and

WHEREAS, the City Engineer had recommended that the City of Maple Heights immediately move forward with the purchase of outdoor fitness equipment for the Stafford Park Outdoor Fitness Network Project, using a portion of the Ohio Development Services Agency (OSDA)

funding award, to ensure that such equipment would be available for installation by a qualified contractor in the Fall of 2021; and

WHEREAS, the City Engineer sought seven (7) price proposals and received six (6) price proposals for the supply of outdoor fitness equipment for the Stafford Park Outdoor Fitness Network Project and determined that Gopher Outdoor Sports has submitted the lowest and best proposal, which proposal is in the total amount of Sixteen Thousand Six Hundred Forty-Two Dollars and Zero Cents (\$16,642.00).

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

Section 1. The Mayor is hereby authorized to enter into a contract with Gopher Outdoor Sports, in an amount not to exceed Sixteen Thousand Six Hundred Forty-Two Dollars and Zero Cents (\$16,642.00), to purchase outdoor fitness equipment for the Stafford Park Outdoor Fitness Network Project, as more fully described in the price proposal on file in the Office of the City Engineer, so that the City will complete the Project in a timely manner pursuant to the terms of the award.

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 project 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: _____, 2021

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.: 2021-85

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION AUTHORIZING THE ENGINEER TO BEGIN THE PREPARATION OF PLANS AND SPECIFICATIONS AND TO ADVERTISE FOR BIDS FOR PAVEMENT REPAIRS ON VARIOUS STREETS LOCATED WITHIN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY.

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

WHEREAS, the Engineer had previously prepared a street inventory which rated pavement conditions for streets located within the City of Maple Heights for use in the development of a potential citywide pavement maintenance program; and

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

WHEREAS, on June 2, 2021, by **Resolution 2021-57**, Council authorized and directed the City Engineer to coordinate with the Service Director to update the street inventory which rates pavement conditions for streets and to prepare preliminary cost estimates as required to provide for pavement repairs on those streets determined to be in greatest need of repair for consideration by the Mayor and Council in authorizing a road repair program in the City of Maple Heights; and

WHEREAS, the City Engineer has prepared a preliminary estimate of cost for pavement repairs and made a recommendation for the streets, which were determined to be in greatest need of repair, for consideration by the Mayor and Council in authorizing a road repair program, such streets being listed in "Exhibit A" attached to this legislation.

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

Section 1. The City Engineer is hereby authorized and directed to begin the preparation of plans and specifications and to provide advertising for bids for the 2021 Pavement Repair Program in the City of Maple Heights:

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

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting on the date indicated below, and that all deliberations of this Council and of any of its Committees that resulted in such

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

Section 4. This Resolution constitutes an emergency measure necessary for the health and general welfare of the residents of the City, and to begin the project in a timely manner so that a pavement repair program can be completed during the 2021 construction season, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2021

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. 2021-86

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

AN ORDINANCE AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.

WHEREAS, Section 5513.01(B) provides the opportunity for Counties, Townships, Municipal Corporations, Conservancy Districts, Township Park Districts, Park Districts created under Chapter 1545 of the Revised Code, Port Authorities, Regional Transit Authorities, Regional Airport Authorities, Regional Water and Sewer Districts, County Transit Boards, State Universities or Colleges to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies or other articles.

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

Section 1: Council hereby authorizes the Mayor in the name of the City of Maple Heights to participate in the Ohio Department of Transportation contracts for the purchase of machinery, material, supplies or other articles which the Department has entered into pursuant to Ohio Revised Code Section 5513.01(B).

Section 2: The Mayor is hereby authorized to agree in the name of the City of Maple Heights to be bound by all terms and conditions as the Director of Transportation prescribes.

Section 3: The Mayor is hereby authorized to agree in the name of the City of Maple Heights to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of Maple Heights participates, for items it receives pursuant to the contract.

Section 4: The City of Maple Heights agrees to be responsible for resolving all claims or disputes arising out of its participation in the Cooperative Purchasing Program under Section 5513.01(B) of the Ohio Revised Code. The City of Maple Heights agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the Cooperative Purchasing Program which the City of Maple Heights may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.

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 meet any participation deadline, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2021

Ron Jackson, Council President

Approved as to legal form:

Annette M. Blackwell, Mayor

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.: 2021-87

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION AUTHORIZING THE MAYOR AND HUMAN SERVICES DIRECTOR TO FILE AN APPLICATION ON BEHALF OF THE CITY OF MAPLE HEIGHTS FOR FUNDING FROM NOACA THROUGH THE ENHANCED MOBILITY FOR SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM, FOR THE PURCHASE OF TWO (2) NEW VEHICLES TO PROVIDE TRANSPORTATION SERVICES FOR THE CITY'S HUMAN SERVICES TRANSPORTATION PROGRAM, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Maple Heights, through its Human Services Department and Senior Center provides transportation services for the elderly and persons with disabilities who reside within the community; and

WHEREAS, the Director of Human Services has advised the Mayor and Council that as part of the City's capital projects it is necessary to replace two (2) vehicles for use in its transportation services; and

WHEREAS, the Director of Human Services recommends that the City apply for funding to replace such vehicles, from the Northeast Ohio Areawide Coordinating Agency (NOACA) for Cleveland Urbanized Area Federal Transit Administration (FTA) funding from the Enhanced Mobility for Seniors and Individuals with Disabilities Program (Section 5310); and

WHEREAS, NOACA is a designated recipient of the Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) program for the Cleveland Urbanized Area and is authorized to make grants to public bodies, private nonprofit organizations, and other eligible entities; and

WHEREAS, the Enhanced Mobility for Seniors and Individuals with Disabilities program will provide eighty percent (80%) federal funds for capital projects such as this to support alternatives to public transportation projects that assist Seniors and Individuals with Disabilities, new or expanded transportation services and alternatives that go beyond the requirements of the Americans with Disabilities Act (ADA) of 1990 for individuals with disabilities; and

WHEREAS, the City certifies it will provide at least twenty percent (20%) local matching funds for this capital project to replace two (2) vehicles for use in its transportation services from sources other than federal Department of Transportation funds; and

WHEREAS, the Enhanced Mobility for Seniors and Individuals with Disabilities program is paid on a reimbursement basis requiring the applicant to first expend funds then request reimbursement from NOACA, which will, in turn, request the funds from FTA; and

WHEREAS, this capital project is included in the Coordinated Public Transit-Human Services Transportation Plan for Northeast Ohio; and

WHEREAS, the City of Maple Heights agrees to abide by federal requirements as a sub-recipient of FTA funds, including federal fiscal year 2015 Certifications and Assurances inclusive of provisions of Title VI of the Civil Rights Act of 1964, and all subsequent annual Certifications and Assurances during the length of the agreement, including federal procurement, maintenance, useful life, disposition standards, and ongoing reporting; and

WHEREAS, the City of Maple Heights is authorized to execute a contract with NOACA if selected for the Enhanced Mobility for Seniors and Individuals with Disabilities 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 Human Services Director are authorized to file an application with NOACA for Cleveland Urbanized Area Federal Transit Administration funding from the Enhanced Mobility for Seniors and Individuals with Disabilities Program (Section 5310), on behalf of the City of Maple Heights for funding for two (2) new vehicles, as more fully set forth in the application on file in the office of the Human Services Director; and further authorizes the Mayor, Finance Director, Human Services Director and/or their authorized representatives to provide, execute and deliver certifications, assurances and such other information as may be required in connection therewith, including execution of a contract with NOACA if selected for funding.

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 immediately necessary to approve the filing of the application, 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: _____, 2021

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

**CITY OF MAPLE HEIGHTS COUNCIL MEETING
Maple Heights Senior Center**

August 4, 2021

7:00 p.m.

**ADDENDUM FOR THE
REGULAR MEETING OF COUNCIL
OF AUGUST 4, 2021**

LEGISLATION:

ORDINANCE NO. 2021-88

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AND TO SIGN THE ONEOHIO SUBDIVISION PARTICIPATION FORM, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

ORDINANCE NO. 2021-88

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AND TO SIGN THE ONEOHIO SUBDIVISION PARTICIPATION FORM, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Maple Heights, Ohio (hereinafter referred to as “the City”) is a municipal entity formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Council understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS, a settlement proposal is being presented to the State of Ohio and Local Governments by distributors AmerisourceBergen, Cardinal, and McKesson (collectively the “Settling Distributors”) to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement, which settlement proposal is summarized in Exhibits 1 and 2 which are attached hereto and incorporated as if fully rewritten herein; and

WHEREAS, Council desires to accept and agree to the material terms of the proposed National Opioid Distributor Settlement Agreement with the Settling Distributors (the “Proposed Settlement”), as summarized in Exhibits 1 and 2;

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

Section 1. The Mayor is hereby authorized to accept and agree to the material terms of the Proposed Settlement, as summarized in Exhibits 1 and 2 and pursuant to the terms of the OneOhio MOU, and to sign the OneOhio Subdivision Participation Form on behalf of the City of Maple Heights, which Participation Form is attached hereto as Exhibit 3, 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 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 that the Participation Form must be signed by August 13, 2021 to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval by the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

PASSED: _____

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette Cicirella Johnson, Clerk of Council

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

Date: _____

Leonette Cicirella Johnson, Clerk of Council

Wednesday, August 4, 2021

All Approved ☐ YES ☐ NO

Council President