

**CITY OF MAPLE HEIGHTS
COUNCIL MEETING AGENDA**

Maple Heights Senior Center - 7:00 PM

November 17, 2021

1. Public Hearing: 6:00 pm CDBG and CDSG Grant Programs
2. Caucus: 6:30 pm All Members of Council
3. Call to Order: Council President Ron Jackson
4. Invocation/Pledge of Allegiance: Councilman Richard Trojanski, District 6
5. Roll Call: Council Clerk Leonette Cicirella Johnson
6. Announcements:
7. Addendum:
8. Approval of Minutes: November 3, 2021 (Regular Meeting of Council)
9. Communications: a. Letter of Appeal Regarding Planning and Zoning Case No. 2021-PZ-49

10. Council Committee Reports:
11. Department Reports:
12. 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.

13. Legislation:

2021-138 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT TO PROVIDE FOR THE NORTHEAST QUADRANT SEWER REPAIRS PHASE 3 PROJECT IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2021-139 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 FOR CAVES ROAD CONSTRUCTION FOR THE MAPLE HEIGHTS POLICE DEPARTMENT LOCKER ROOM EXPANSION PROJECT IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2021-140 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR KLYN NURSERIES INC. FOR THE PURCHASE OF TREES FOR THE CUYAHOGA COUNTY HEALTHY TREE CANOPY PROGRAM DUNHAM ROAD

**GREENWAY TREE PLANTING PROJECT (COUNTY PROJECT NO.
MAP -21-01) IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN
EMERGENCY.**

Reading 1 (Blackwell)

**2021-141 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR Z-SCAPE LLC
FOR THE INSTALLATION OF TREES FOR THE CUYAHOGA COUNTY
HEALTHY TREE CANOPY PROGRAM DUNHAM ROAD GREENWAY TREE
PLANTING PROJECT (COUNTY PROJECT NO. MAP -21-01) IN THE CITY OF
MAPLE HEIGHTS AND DECLARING AN EMERGENCY.**

Reading 1 (Blackwell)

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

RESOLUTION NO. 2021-138

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT TO PROVIDE FOR THE NORTHEAST QUADRANT SEWER REPAIRS PHASE 3 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 city streets including Hansen, Watson, Raymond, Franklin, Hillgrove, Clare and Gardenview in the City of Maple Heights; and

WHEREAS, the Ohio Public Works Commission contributed Three Hundred Forty-Nine Thousand Nine Hundred Fifty Dollars and Zero Cents (\$349,950.00), for Phase 1 and Phase 2 of the repair of storm and sanitary sewers on various city 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 2019 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 city streets including Hansen, Watson, Raymond, Franklin, Hillgrove, Clare and Gardenview; and

WHEREAS, the City of Maple Heights was 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 Phase 1 and Phase 2 of the repair of storm and sanitary sewers on various city 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 storm and sanitary sewer improvement projects on various city 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 16, 2020, by **Resolution 2020-82**, the City of Maple Heights entered into a contract with United Survey, Inc., for the Northeast Quadrant Sewer Repairs Phase 2 Project, which was completed in Summer 2021, and

WHEREAS, on February 23, 2021, by **Resolution 2021-17**, Council authorized the Mayor to enter into a 2021 Member Community Infrastructure Program with the Northeast Ohio Regional Sewer District for the Manhole Sewer Separation Project in the City of Maple Heights which included additional repair of storm and sanitary sewers on various city streets including Hansen, Watson, Raymond, Franklin, Hillgrove, Clare and Gardenview; and

WHEREAS, the City of Maple Heights had been awarded One Million Twenty-One Thousand Eight Hundred Eighty-Seven Dollars and Zero Cents (\$1,021,887.00) by the Northeast Ohio Regional Sewer District (NEORS) for the repair of storm and sanitary sewers on various city streets including Hansen, Watson, Raymond, Franklin, Hillgrove, Clare and Gardenview; and

WHEREAS, the Ohio Public Works Commission is contributing up to Fifty-Three Percent (53%) of the cost, up to a maximum of One Million Four Hundred Thirty-Three Thousand One Hundred Thirteen Dollars and Zero Cents (\$1,433,113.00), for additional work to repair storm and sanitary sewers and resurface various city streets including Hansen, Watson, Raymond, Franklin, Hillgrove, Clare and Gardenview; and

WHEREAS, on November 11, 2021, the bids for the Northeast Quadrant Sewer Repairs Phase 3 Project, which includes the repair of storm and sanitary sewers on Hansen, Raymond, Franklin, and Gardenview, were opened and inspected by the City Engineer to determine the lowest and best bid.

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

Section 1. The Council of the City of Maple Heights hereby authorizes the Mayor to enter into a contract with Fabrizi Trucking and Paving Co., Inc., for the Northeast Quadrant Sewer Repairs Phase 3 Project, for a cost not to exceed Two Hundred Thirty-One Thousand Six Hundred Thirty-Two Dollars and Zero Cents (\$231,632.00) as more fully described in the bid record on file in the Office of the Finance Director in the City of Maple Heights.

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

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

Section 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: _____, 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.: 2021-139

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 FOR CAVES ROAD CONSTRUCTION FOR THE MAPLE HEIGHTS POLICE DEPARTMENT LOCKER ROOM EXPANSION PROJECT IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY.

WHEREAS, the federal Coronavirus Aid, Relief, and Economic Security Act (CARES) was passed in March to assist local governments with unplanned issues related to the COVID-19 pandemic; and

WHEREAS, Cuyahoga County received approximately \$215 million in funds to address its infrastructure, planning, and operational needs; and

WHEREAS, on or about November 18, 2020, the County Executive and County Council informed local governments that the County has approximately \$2 to \$3 million in unused CARES Act funds that it desires to distribute to local governments throughout the County for COVID-19 related expenses to be used by the local governments by December 31, 2020 in order to assist the local governments in protecting their employees and residents; and

WHEREAS, in order for the County to distribute the unused CARES Act funds, and for local governments to spend these unused CARES Act funds by December 31, 2020, the County required that the local government send it a detailed memo by 4:30 PM on Monday, November 30, 2020, for the County to review, explaining how the local government would spend these unused CARES Act funds, and thereafter, the County will decide which local governments will receive the unused CARES Act funds and the amount of unused CARES Act funds they will receive; and

WHEREAS, the Mayor, Police Chief, Engineer, and Architect Calvin Singleton, in an effort to comply with state mandated social distancing requirements in the workplace due to the COVID-19 pandemic, provided a detailed memo to the County on November 25, 2020 requesting that the County distribute to the City \$85,000.00 in unused CARES Act funds to be used for phase 1 of a multi-phase construction project converting underutilized detention space in the police department into a new larger locker/restroom space and converting the previous locker/restroom space into a larger breakroom space in order to comply with social distancing requirements necessitated by the COVID-19 pandemic ("the COVID-19 Locker Room Expansion Project"), with the estimated cost of the Phase 1 improvements to be \$85,000.00, which includes \$75,000.00 for construction and \$10,000.00 for design and administrative services; and

WHEREAS, pursuant to the Best Interest Waiver condition in the Exceptions To Public Bidding, set forth in the Purchasing section of the City's Fiscal Policy and Procedures, the Mayor had determined that given the exceptionally short time frame to complete the COVID-19 Locker Room Expansion Project it was in the best interest of the City to waive the public bidding requirement for projects estimated to cost in excess of \$50,000.00; and

WHEREAS, the Engineer recommended, based on the short time within which to begin and complete construction and his knowledge of the quality of their work on similar projects, that Caves Road Construction be retained to provide rough-in construction in the amount of \$75,000.00, or 88% of the amount of unused CARES Act funds distributed by the County to the City, whichever amount is lower, and Calvin Singleton & Associates ("Project Architect") be retained to provide design and administrative services in the amount of \$10,000.00, or 12% of the amount of unused CARES Act funds distributed by the County to the City, whichever amount is lower, for Phase 1 of the COVID-19 Locker Room Expansion Project; and

WHEREAS, on December 2, 2020, by **Resolution 2020-106**, Council authorized the Mayor and Engineer to enter into agreements with Caves Road Construction and Calvin Singleton & Associates for phase 1 construction and design services for the COVID-19 Locker Room Expansion Project, in a total amount of \$85,000.00, or the total amount of unused CARES Act funds the County decided to distribute to the City, whichever amount is lower. Caves Road Construction to be paid in the amount of \$75,000.00, or 88% of the amount of unused CARES Act funds distributed by the County to the City whichever amount is lower, and Calvin Singleton & Associates to be paid \$10,000.00, or 12% of the amount of unused CARES Act funds distributed by the County to the City, whichever amount is lower, to provide design and administrative services; and

WHEREAS, on December 7, 2020, Cuyahoga County Executive Armond Budish informed the Mayor that the County will distribute to the City \$85,000.00 in unused CARES Act funds to be used for the COVID-19 Locker Room Expansion Project; and

WHEREAS, Caves Road Construction and Calvin Singleton & Associates have completed Phase 1 of the construction and design services for the COVID-19 Locker Room Expansion Project in the amount of \$85,000.00; and

WHEREAS, on January 20, 2021, by **Resolution 2021-10**, the Council of the City of Maple Heights authorized Change Order No. 1 for the COVID-19 Locker Room Expansion Project and increased the contract with Calvin Singleton & Associates in the amount of \$2,000.00 and the contract with Caves Road Construction in an amount not to exceed \$55,000.00, for additional construction and design work to complete the COVID-19 Locker Room Expansion Project in its entirety and

WHEREAS, the Chief of Police and the Architect, Calvin Singleton & Associates have informed the Mayor and the Engineer that in order to maximize the benefits to the health and safety of Police Department personnel, the work previously authorized under Change Order No. 1 for the COVID-19 Locker Room Expansion Project should be increased to convert additional underutilized detention space into locker/restroom space and breakroom space in order to provide greater space and maximize social distancing; and

WHEREAS, the City Engineer has confirmed that the additional work can be completed most cost effectively by the issuance of an additional Change Order for construction work to be performed by Caves Road Construction in an amount not to exceed Fifty-One Thousand Eight Hundred Thirty-One Dollars and Six Cents (\$51,831.06).

Resolution No. 2021-139

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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. 2 for the COVID-19 Locker Room Expansion Project increasing the contract with Caves Road Construction in an amount not to exceed Fifty-One Thousand Eight Hundred Thirty-One Dollars and Six Cents (\$51,831.06) 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 health, safety and general welfare of the residents of the City, and for the additional reason that construction should be completed as soon as possible to allow occupancy by, and provide maximum health and safety benefits for, the Maple Heights Police Department, 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.: 2021-140

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR KLYN NURSERIES INC. FOR THE PURCHASE OF TREES FOR THE CUYAHOGA COUNTY HEALTHY TREE CANOPY PROGRAM DUNHAM ROAD GREENWAY TREE PLANTING PROJECT (COUNTY PROJECT NO. MAP-21-01) IN THE CITY OF MAPLE HEIGHTS 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 \$4,437.50, of local funds towards the total project cost estimated to be \$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 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 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 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); and

WHEREAS, on August 4, 2021, by **Resolution 2021-83**, the Council of the City of Maple Heights authorized the Mayor 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 71 trees for the Dunham Road Greenway Tree Planting Project which was completed in September 2021; and

WHEREAS, the City Engineer has advised the Mayor that unexpended HTCP grant funds under the Dunham Road Greenway Tree Planting Project remain available and has recommended that the City of Maple Heights immediately move forward with the purchase of 19 additional trees, for planting by a qualified landscape contractor in the Fall of 2021 to supplement trees that have already been planted.

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 Klyn Nurseries Inc., for the purchase of trees for the Cuyahoga County Healthy Tree Canopy Program Dunham Road Greenway Tree Planting Project (County Project No. MAP-21-01) in the amount not to exceed Four Thousand and Nine Hundred Five Dollars and Zero Cents (\$4,905.00), to purchase 19 additional trees for the Dunham Road Greenway Tree Planting Project.

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 in 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

Resolution No. 2021-140

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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.: 2021-141

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR Z-SCAPE LLC FOR THE INSTALLATION OF TREES FOR THE CUYAHOGA COUNTY HEALTHY TREE CANOPY PROGRAM DUNHAM ROAD GREENWAY TREE PLANTING PROJECT (COUNTY PROJECT NO. MAP-21-01) IN THE CITY OF MAPLE HEIGHTS 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 previously recommended that the City of Maple Heights purchase 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 Five (5) price proposals for the installation of seventy-one (71) trees for the Dunham Road Greenway Tree Planting Project and determined that Z-Scape LLC, had submitted the lowest and best proposal, which proposal was in the total amount of Twelve Thousand Six Hundred Fifty Dollars and Zero Cents (\$12,650.00); and

WHEREAS, on September 1, 2021, by **Resolution 2021-95**, the Council of the City of Maple Heights authorized the Mayor to enter into a contract with Z-Scape LLC to install seventy-one (71) trees for the Dunham Road Greenway Tree Planting Project which was completed in October 2021; and

WHEREAS, the City Engineer has advised the Mayor that unexpended HTCP grant funds under the Dunham Road Greenway Tree Planting Project remain available and has recommended that the City of Maple Heights immediately move forward with the planting of nineteen (19) additional trees, in the Fall of 2021 to supplement trees that have already been planted.

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 Z-Scape LLC., for the installation of trees for the Cuyahoga County Healthy Tree Canopy Program Dunham Road Greenway Tree Planting Project (County Project No. MAP-21-01) in the amount not to exceed Seven Thousand Eight Hundred Twenty-Five Dollars and Zero Cents (\$7,825.00), to install nineteen (19) additional trees for the Dunham Road Greenway Tree Planting Project.

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