

**CITY OF MAPLE HEIGHTS  
COUNCIL MEETING AGENDA**

**Maple Heights Senior Center - 7:00 PM**

**January 19, 2022**

1. **Caucus: 6:30 pm** All Members of Council
2. **Call to Order:** Council President Ron Jackson
3. **Invocation/Pledge of Allegiance:** Councilman Stafford L. Shenett, Sr., District 1
4. **Roll Call:** Council Clerk Leonette Cicirella Johnson
5. **Addendum**
6. **Election of Council President Pro-Tempore**
7. **Council Committee Assignments**
8. **Motion to Approve the Appointment of Ms. Adrienne Carr to the Planning and Zoning Commission for the term ending May 31, 2026**
9. **Approval of Minutes:** December 1, 2021 (Regular Meeting of Council)  
December 15, 2021 (Regular Meeting of Council)  
December 20, 2021 (Special Meeting of Council)
10. **Communications:** a. Letter of Appeal Regarding Planning and Zoning Case No. 2021-PZ-53
11. **Council Committee Reports:**
12. **Department Reports:**
13. **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.*
14. **Legislation:**

**2022-01 A RESOLUTION OBSERVING THE BIRTHDAY OF DR. MARTIN LUTHER KING JR., AND HONORING HIS LIFE.**

**Reading 1 (Jackson)**

**2022-02 A RESOLUTION DETERMINING THAT THE UNIMPROVED RESIDENTIAL LOT OWNED BY THE CITY AT 5551 SOUTH BOULEVARD, PPN 783-04-001, IS NOT NEEDED FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.**

**Reading 1 (Blackwell)**

**2022-03 A RESOLUTION DETERMINING THAT THE UNIMPROVED RESIDENTIAL LOT OWNED BY THE CITY AT 5627 SOUTH BOULEVARD, PPN 781-17-122, IS NOT NEEDED FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.**

**Reading 1 (Blackwell)**

**2022-04 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)**

**2022-05 AN ORDINANCE PROVIDING FOR AMENDMENT NO. 1 DATED JANUARY 19, 2022 OF THE ANNUAL APPROPRIATIONS FOR THE FISCAL YEAR 2022, AND DECLARING AN EMERGENCY.**

**Reading 1 (Blackwell)**

**2022-06 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED PARTICIPATORY AGREEMENT (AGREEMENT NO. 35618) WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE SRTS INFRASTRUCTURE PROJECT IN THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.**

**Reading 1 (Blackwell)**

**2022-07 AN ORDINANCE DEDICATING PERMANENT PARCEL NUMBER 785-02-032, OWNED BY THE CITY THROUGH THE MAPLE HEIGHTS LAND REUTILIZATION PROGRAM, AS AN ADDITIONAL RIGHT-OF-WAY FOR REDDINGTON AVENUE, INCLUDING DUNHAM ROAD, AND ACCEPTING THE DEDICATION PLAT PREPARED BY THE CITY ENGINEER IN AUGUST 2021, PROJECT NO. 21053-B, AND DECLARING AN EMERGENCY.**

**Reading 1 (Blackwell)**

**2022-08 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH LIBERTY FORD INC. FOR THREE (3) 2021 FORD ECOSPORT VEHICLES FOR THE BUILDING DEPARTMENT, AND DECLARING AN EMERGENCY.**

**Reading 1 (Blackwell)**

**2022-09 AN ORDINANCE ENACTING NEW SECTION 1292.06 TO ZONING CODE CHAPTER 1292, ENTITLED NONCONFORMING USES, DEFINING LOTS OF INSUFFICIENT AREA OR YARD WIDTH AS NONCONFORMING AND DEFINING USES FOR SUCH NONCONFORMING LOTS, AND DECLARING AN EMERGENCY.**

**Reading 1 (Blackwell)**

**2022-10 A RESOLUTION DETERMINING THAT THE UNIMPROVED RESIDENTIAL LOT OWNED BY THE CITY ON ADAMS AVENUE, PPN 784-10-047, IS NOT NEEDED FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.**

**Reading 1 (Blackwell)**

- 15. Expenditures over \$25,000.00:**
- 16. Mayor's Report:**
- 17. Council/Council President's Reports:**
- 18. Adjournment:**

**RESOLUTION NO.: 2022-01**  
**INTRODUCED BY:** Council President Ron Jackson  
**MOTION FOR ADOPTION BY:**  
**CO-SPONSORED BY:**

**A RESOLUTION OBSERVING THE BIRTHDAY OF DR. MARTIN LUTHER KING, JR. AND HONORING HIS LIFE.**

**WHEREAS**, Dr. Martin Luther King, Jr., changed our Nation forever through his leadership, service, and clarity of vision; and

**WHEREAS**, Dr. King devoted his life to strengthening the content of the American character and called on our Nation to live up to its founding principles of life, liberty, and the pursuit of happiness for all its citizens; and

**WHEREAS**, through his determination, spirit, and resolve, Dr. King helped lift souls and lead one of the greatest movements for equality and freedom in history; and

**WHEREAS**, the City of Maple Heights wishes to honor the lasting legacy of this great American, remember the ideals for which he fought, and recommit ourselves to ensuring that our country's promise extends to all Americans across the great land; and

**WHEREAS**, as we observe Dr. King's birthday this month, the City of Maple Heights encourages all Americans to celebrate his memory by performing acts of kindness through service to others.

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

**Section 1.** All citizens of the City of Maple Heights be encouraged to honor Dr. King, not only upon the occasion of his birthday, but throughout the whole year, by living out his teachings as we continue to work for the day when the dignity and humanity of every person is respected.

**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 to immediately commemorate the birthday of Dr. King, 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: \_\_\_\_\_, 2022

\_\_\_\_\_  
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. 2022-02**

**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 5551 SOUTH BOULEVARD, PPN 783-04-001, 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:

**5551 South Boulevard PPN 783-04-001**

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

**Section 1.** The following unimproved residential lot(s) owned by the City is not needed for a municipal purpose:

**5551 South Boulevard PPN 783-04-001**

**Section 2.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting on the date indicated below, and that all deliberations of this Council and of any of its Committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 3.** This Resolution constitutes an emergency measure necessary for the health, safety and general welfare of the residents of the City, and to immediately allow the sale of 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: \_\_\_\_\_, 2022

\_\_\_\_\_  
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. 2022-03**

**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 5627 SOUTH BOULEVARD, PPN 781-17-122, 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:

**5627 South Boulevard PPN 781-17-122**

**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:

**5627 South Boulevard PPN 781-17-122**

**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: \_\_\_\_\_, 2022

\_\_\_\_\_  
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.: 2022-04**

**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: **16101 Broadway Avenue (PPN 781-12-008)** 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: **16101 Broadway Avenue (PPN 781-12-008)**, 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: **16101 Broadway Avenue (PPN 781-12-008)**, 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: \_\_\_\_\_, 2022

\_\_\_\_\_  
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. 2022-05**

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

**MOTION FOR ADOPTION BY:**

**CO-SPONSORED BY:**

**AN ORDINANCE PROVIDING FOR AMENDMENT NO. 1 DATED JANUARY 19, 2022 OF THE ANNUAL APPROPRIATIONS FOR THE FISCAL YEAR 2022, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Council adopted a municipal budget pursuant to **Ordinance No. 2021-145** for the fiscal year January 1, 2022 through December 31, 2022 setting forth certain annual appropriations; and

**WHEREAS**, the Finance Director has recommended to Council that amendments to the annual appropriation ordinance, as set forth in the attached Exhibit A dated January 19, 2022 which is incorporated as if fully rewritten herein, are necessary to account for certain additional expenditures.

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

**Section 1.** The annual appropriations of the City, established by **Ordinance No. 2021-145** shall be amended by the Council, as recommended by the Finance Director, in accordance with Amendment No. 1 dated January 19, 2022, which is attached hereto as Exhibit A (hereinafter referred to as “Exhibit A-Amendment No.1 dated January 19, 2022”) and incorporated as if fully rewritten herein, and such amended budget is hereby adopted.

**Section 2.** To provide for operating expenditures during the fiscal year ending December 31, 2022, the amended appropriations, as recommended by the Finance Director in Exhibit A-Amendment No. 1 dated January 19, 2022, are hereby made and the Finance Director is authorized to prepare and submit the amended appropriations set forth in Exhibit A-Amendment No. 1 dated January 19, 2022 to the Cuyahoga County Fiscal Officer.

**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 amended appropriations must be immediately made to insure the financial integrity of the City’s budget and presented to the County Fiscal Officer. 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: \_\_\_\_\_, 2022

\_\_\_\_\_  
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

1/13/2022

## PRELIMINARY LEGISLATION

(LPA-ODOT-Let Project Agreement)

(PARTICIPATORY)

Ordinance # : 2022-06

PID No. : 110909

County/Route/Section : CUY-SRTS-FY2022 Maple Hts

Agreement No: 35618

The following is an ordinance enacted by the City of Maple Heights of Cuyahoga  
(Ordinance/Resolution) (Local Public Agency)  
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

### SECTION I – Project Description

WHEREAS, the LPA has determined the need for the described project:

**SRTS Infrastructure Project in the Maple Heights schools that will enhance the sidewalks and crossings along the main routes to school, including adding high visibility signage, thermoplastic pavement markings and striping (work along Glenwood Avenue from Turney Road to Ramage Avenue in the City of Maple Heights).**

NOW THEREFORE, be it ordained by the City of Maple Heights of Cuyahoga County, Ohio.  
(LPA)

### SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

### SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

*The LPA agrees to participate in the cost of the project. The LPA agrees to assume and contribute the entire cost and expense of the improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation. The LPA agrees to assume and bear one hundred percent (100%) of the cost of the preliminary engineering, right-of-way and environmental documentation.*

*The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.*

*The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.*

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

**SECTION IV Authority to Sign**

The LPA hereby authorizes \_\_\_\_\_ of said City of Maple Heights to  
(Signature authority) (LPA-or its division, department or agency)  
enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the \_\_\_\_\_ is also empowered to execute any appropriate documents to  
(Signature authority)  
affect the assignment of all rights, title, and interests of the City of Maple Heights to ODOT arising from any  
(LPA)  
agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

**SECTION V – Utilities and Right-of-Way Statement**

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**SECTION VI – Maintenance**

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

1/13/2022

**PID No.: 110909**

**SECTION VII-Emergency measure**

(as applicable)

The ordinance is hereby declared to be an emergency measure to expedite the highway project and  
(Ordinance/Resolution)  
to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2022.  
(Date)

Attested: \_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Contractual Agent of LPA – title)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



1/13/2022

PID No.: 110909

**CERTIFICATE OF COPY  
STATE OF OHIO**

City of Maple Heights of Cuyahoga County, Ohio  
(LPA)

I, \_\_\_\_\_, as Clerk of the City of Maple Heights  
(LPA)  
of Cuyahoga County, Ohio, do hereby certify that the foregoing is a true and correct copy of  
ordinance adopted by the legislative Authority of the said  
(Ordinance/Resolution)

City of Maple Heights on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.  
(LPA)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,  
this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

**SEAL**

\_\_\_\_\_  
(Clerk)

City of Maple Heights of Cuyahoga County, Ohio  
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.")

# LPA FEDERAL ODOT-LET PROJECT AGREEMENT

## AGREEMENT No. 35618 AMENDMENT

PID No. 110909  
CUY SRTS FY2022 MAPLE HTS

**Section 1.3 of Agreement No. 35618** is hereby revised, as detailed below, to amend the project description, work location and work limits to the Glenwood Avenue location in lieu of the Dunham Road location.

- 1.3 The **SRTS Infrastructure Project for the Maple Heights schools that will enhance the sidewalks and crossings along the main routes to school, including replacement of curb ramps, restriping of crosswalks and upgrading school signage (work along Glenwood Avenue from Turney Road to Ramage Avenue in the City of Maple Heights in Cuyahoga County); PID 110909, CUY-SRTS-FY2022 Maple Hts** (hereinafter referred to as the PROJECT) is a transportation activity eligible to receive Federal funding, and which is further defined in the PROJECT scope.

By signing this revision, both parties agree that all provisions in the original agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year last written below.

LPA: **CITY OF MAPLE HEIGHTS**

**STATE OF OHIO  
OHIO DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_  
Annette M. Blackwell  
Mayor

By: \_\_\_\_\_  
Jack Marchbanks, PhD  
Director

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**ORDINANCE NO.: 2022-07**

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

**MOTION FOR ADOPTION BY:**

**CO-SPONSORED BY:**

**AN ORDINANCE DEDICATING PERMANENT PARCEL NUMBER 785-02-032, OWNED BY THE CITY THROUGH THE MAPLE HEIGHTS LAND REUTILIZATION PROGRAM, AS AN ADDITIONAL RIGHT-OF-WAY FOR REDDINGTON AVENUE, INCLUDING DUNHAM ROAD, AND ACCEPTING THE DEDICATION PLAT PREPARED BY THE CITY ENGINEER IN AUGUST 2021, PROJECT NO. 21053-B, AND DECLARING AN EMERGENCY.**

**WHEREAS**, permanent parcel number (PPN) 785-02-032 is owned by the City through the Maple Heights Land Reutilization Program, and is a one (1) foot by four hundred three-and one-half foot (403.5) parcel of land located in the tree lawn on the south side of Reddington Avenue, just west of Dunham Road, and extending into Dunham Road; and

**WHEREAS**, the Economic Development Director and Engineer have determined that PPN 785-02-032 is not buildable and its best use is to be added to the public right-of-way for Reddington Avenue, including Dunham Road, as set forth in the August 2021 Dedication Plat, Project Number 21053-B (Dedication Plat), prepared by the City Engineer and Chagrin Valley Engineering, a copy of which is available in the Economic Development Office; and

**WHEREAS**, on November 3, 2021, the City applied to the Planning and Zoning Commission (PZC) under **Case No. 2021-PZ-50** requesting review and approval to add PPN 785-02-032 to the public right-of-way for Reddington Avenue, including Dunham Road, as set forth in the Dedication Plat; and

**WHEREAS**, on December 13, 2021, after notice being posted, the PZC held a public hearing and meeting wherein it reviewed the City's application and approved adding PPN 785-02-032 to the public right-of-way for Reddington Avenue, including Dunham Road, as set forth in the Dedication Plat; and

**WHEREAS**, Council, based on the recommendations and approvals of the Economic Development Director, Engineer, and PZC, now desires to dedicate PPN 785-02-032 to the public right-of-way for Reddington Avenue, including Dunham Road, as set forth in the Dedication Plat.

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

**Section 1.** PPN 785-02-032, owned by the City through the Maple Heights Land Reutilization Program, is hereby dedicated to the public right-of-way for Reddington Avenue, including Dunham Road, as set forth in the Dedication Plat, and the Clerk of Council is authorized to accept the Dedication Plat on behalf of the City.

**Section 2.** 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 3.** This Ordinance constitutes an emergency measure necessary for the public peace, safety and general welfare of the City and for the further reason to immediately clarify the boundaries of the public right-of-way, 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: \_\_\_\_\_, 2022

\_\_\_\_\_  
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.: 2022-08**

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

**MOTION FOR ADOPTION BY:**

**CO-SPONSORED BY:**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH LIBERTY FORD INC. FOR THREE (3) 2021 FORD ECOSPORT VEHICLES FOR THE BUILDING DEPARTMENT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Mayor has advised Council that the City is in need of three (3) new vehicles for use by the Building Department; 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 has determined that given the shortage of new vehicles available due to a world-wide computer chip shortage and these vehicles will soon be delivered, it is in the best interests of the City to waive the public bidding requirement for projects estimated to cost in excess of \$50,000.00.

**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 purchase agreement with Liberty Ford Inc. for the purchase of three (3) 2021 Ford Ecosport vehicles for a total amount not to exceed Sixty-Five Thousand Dollars (\$65,000.00).

**Section 2:** The Finance Director is hereby authorized to appropriate to a proper account a sum sufficient to cover the cost of said purchase agreements referred to in Section 1 above, in a total amount not to exceed Sixty-Five Thousand Dollars and Zero Cents (\$65,000.00), or secure appropriate financing options for a total amount not to exceed Sixty-Five Thousand Dollars and Zero Cents (\$65,000.00), subject to the City's Fiscal Policies adopted and approved by Council.

**Section 3.** 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, Council hereby approves the Mayor's determination that given the shortage of new vehicles available due to a world-wide computer chip shortage and that these vehicles are currently available, it is in the best interests of the City to waive the public bidding requirement for projects estimated to cost in excess of \$50,000.00;

**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 public safety, health and welfare of the residents of the City and for the further reason that the vehicles be reserved upon delivery to Liberty Ford Inc. and if not reserved immediately the vehicles will be sold, 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: \_\_\_\_\_, 2022

\_\_\_\_\_  
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.: 2022-09**

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

**MOTION FOR ADOPTION BY:**

**CO-SPONSORED BY:**

**AN ORDINANCE ENACTING NEW SECTION 1292.06 TO ZONING CODE CHAPTER 1292, ENTITLED NONCONFORMING USES, DEFINING LOTS OF INSUFFICIENT AREA OR YARD WIDTH AS NONCONFORMING AND DEFINING USES FOR SUCH NONCONFORMING LOTS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Economic Development Director has recommended that Chapter 1292 of the City's Zoning Code be amended to add new Section 1292.06 defining lots which do not comply with the area and/or average width regulations for the zoning district in which the lot is located to be nonconforming and defining uses for such nonconforming lots; and

**WHEREAS**, Cod. Ord. Section 1268.03(A) requires that amendments to the Zoning Code text be initiated by adoption of a motion by the Planning and Zoning Commission; and

**WHEREAS**, on November 10, 2021, the City applied to the Planning and Zoning Commission (PZC) under **Case No. 2021-PZ-52** requesting approval to amend the Zoning Code text to add new Section 1292.06 defining lots which do not comply with the area and/or average width regulations for the zoning district in which the lot is located to be nonconforming and defining uses for such nonconforming lots; and

**WHEREAS**, on December 13, 2021, after notice being posted, the PZC held a public hearing and meeting wherein it reviewed the City's application and by motion approved amending the Zoning Code text to add new Section 1292.06 defining lots which do not comply with the area and/or average width regulations for the zoning district in which the lot is located to be nonconforming and defining uses for such nonconforming lots; and

**WHEREAS**, Council, based on the recommendations and approvals of the Economic Development Director and PZC, now desires to amend the Zoning Code text to add new Section 1292.06 to Chapter 1292 defining lots which do not comply with the area and/or average width regulations for the zoning district in which the lot is located to be nonconforming and defining uses for such nonconforming lots.

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

**Section 1.** The following new Section 1292.06 is hereby enacted as part of the City's Zoning Code, to read as follows:

**“1292.06 Lots of record of insufficient area or yard width**

A lot of record which does not comply with the area and/or average width of lot regulations of the district in which it is located on the effective date of this Zoning Code or any amendment thereto shall be nonconforming and may be used as follows:

- A. If occupied by a dwelling, such dwelling may be maintained, repaired or altered, subject to the provisions above, provided, however, that the building may not be enlarged in floor area unless the depth of front yard, total width of side yards and the rear yard regulations of this Zoning Code are complied with or variance be granted by the Planning and Zoning Commission.
- B. If vacant, the lot may be used similar to a conforming lot, subject to the restrictions of the Zoning District the lot is located in, provided that:
  - 1. No adjoining vacant lot or parcel of land was owned by the same owner on the effective date of this Zoning Code;
  - 2. Not owning adjoining land, other vacant land cannot be equitably acquired adjoining the lot; and
  - 3. All other provisions of this Zoning Code and other ordinances and laws of the Municipality, County and State, except lot area and lot width regulations, shall be complied with.”

**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 newly enacted Section 1292.06 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 define nonconforming lots, 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: \_\_\_\_\_, 2022

\_\_\_\_\_  
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. 2022-10**

**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 ADAMS AVENUE, PPN 784-10-047, 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:

**Adams Avenue PPN 784-10-047**

**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:

**Adams Avenue PPN 784-10-047**

**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: \_\_\_\_\_, 2022

\_\_\_\_\_  
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