

**CITY OF MAPLE HEIGHTS
COUNCIL MEETING AGENDA**

Maple Heights Senior Center - 7:00 PM

November 2, 2022

1. **Caucus: 6:30 pm** All Members of Council
2. **Call to Order:** Council President Ron Jackson
3. **Invocation/Pledge of Allegiance:** Councilwoman Dana D. Anderson, District 4
4. **Roll Call:** Council Clerk Leonette Cicirella Johnson
5. **Addendum:**
6. **Approval of Minutes:** October 5, 2022 (Regular Meeting of Council)
October 19, 2022 (Regular Meeting of Council)
7. **Communications:**
8. **Council Committee Reports:**
9. **Department Reports:**
10. **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 four (4) minutes per person for 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.
11. **Legislation:**

2022-98 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GERGELY FAZAKAS TO SELL ONE (1) VACANT CONDOMINIUM UNIT LOCATED AT 16235 EDGEWOOD CT (PPN 786-02-831(C)) FOR REHABILITATION, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2022-99 AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO ACCEPT AND DEPOSIT INTO THE LOCAL FISCAL RECOVERY FUND, FUNDING FROM THE DISTRICT 8 ARPA COMMUNITY GRANT FUND IN THE AMOUNTS OF \$140,000 TO BE USED FOR THE MAPLE HEIGHTS SENIOR CENTER EMERGENCY GENERATOR PROJECT; \$480,000 TO BE USED FOR THE MAPLE HEIGHTS FIRE STATION NO. 1 ROOF REPAIR PROJECT; \$80,000 TO BE USED FOR THE MAPLE HEIGHTS FIRE STATION NO. 2 ROOF REPAIR PROJECT; AND \$50,000 TO BE USED FOR THE MAPLE HEIGHTS POLICE DEPARTMENT LOCKER ROOM EXPANSION PROJECT; AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2022-100 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE EASEMENT DOCUMENTS FOR PUBLIC SIDEWALK FACILITIES OVER PRIVATE PROPERTIES ON DUNHAM ROAD, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2022-101 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR TERRACE CONSTRUCTION COMPANY, INC., INCREASING THE CONTRACT BY \$37,137.67, FOR THE ROWENA AVENUE WATERMAIN REPLACEMENT PROJECT IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2022-102 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR SPECIALIZED CONSTRUCTION INC., DECREASING THE CONTRACT BY \$27,585.85, FOR THE 2021 ROADWAY REPAIR PROGRAM IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2022-103 AN ORDINANCE REPEALING SECTION 260.23 OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS CONCERNING COMPENSATION, FRINGE BENEFITS, AND PENSION PICK-UP FOR SAFETY PERSONNEL EFFECTIVE JANUARY 1, 2023, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

12. Expenditures over \$25,000.00:
13. Mayor's Report:
14. Council/Council President's Reports:
15. Adjournment:

RESOLUTION NO.: 2022-98

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GERGELY FAZAKAS TO SELL ONE (1) VACANT CONDOMINIUM UNIT LOCATED AT 16235 EDGEWOOD CT (PPN 786-02-831(C)) FOR REHABILITATION, AND DECLARING AN EMERGENCY.

WHEREAS, Gergely Fazakas (“the Developer”) has advised the Mayor and Planning and Development Director that he desires to purchase the one (1) vacant condominium unit owned by the City located at **16235 EDGEWOOD CT (PPN 786-02-831(C))** (referred to as the “Property”), for rehabilitation; and

WHEREAS, the Property is owned by the City through its Land Reutilization Program and the Mayor desires to sell the Property to the Developer, with the Developer required to rehabilitate the existing condominium and keep it as a condominium unit as originally designed; and

WHEREAS, pursuant to R.C. 5722.07, the fair market value of the Property, as determined by the Cuyahoga County Fiscal Officer, and after taking into account the required minimum improvements, is Ten Thousand Dollars and Zero Cents (\$10,000.00).

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 an Agreement with Gergely Fazakas (“the Developer”) to sell the one (1) vacant condominium unit owned by the City located at **16235 EDGEWOOD CT (PPN 786-02-831(C))** (referred to as the “Property”) at a sales price of \$10,000.00 with the Developer required to rehabilitate the existing living unit in compliance with all State of Ohio Building Code Standards.

Section 2. Pursuant to R.C. 5722.07, the fair market value of the Property, as determined by the Cuyahoga County Fiscal Officer, and after taking into account the time to build and required minimum improvements, is Ten Thousand Dollars and Zero Cents (\$10,000.00) per lot. Pursuant to R.C. 5722.08 all of the proceeds from the sale of the Property shall be used to maintain the remaining parcels of real property held by the City in its Land Reutilization Program.

Section 3. The Mayor, Planning and Development Director and the Law Director are authorized to prepare, sign and file with the County Recorder and Fiscal Officer all documents, and tender any closing fees necessary as the Seller to affect the transfer of the Property from the City to the Developer, Gergely Fazakas.

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 peace, safety and general welfare of the City and for the further reason to allow the Developer to begin rehabilitation of the Property to bring it into compliance with all state and local building and safety codes, 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.: 2022-99

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO ACCEPT AND DEPOSIT INTO THE LOCAL FISCAL RECOVERY FUND, FUNDING FROM THE DISTRICT 8 ARPA COMMUNITY GRANT FUND IN THE AMOUNTS OF \$140,000 TO BE USED FOR THE MAPLE HEIGHTS SENIOR CENTER EMERGENCY GENERATOR PROJECT; \$480,000 TO BE USED FOR THE MAPLE HEIGHTS FIRE STATION NO. 1 ROOF REPAIR PROJECT; \$80,000 TO BE USED FOR THE MAPLE HEIGHTS FIRE STATION NO. 2 ROOF REPAIR PROJECT; AND \$50,000.00 TO BE USED FOR THE MAPLE HEIGHTS POLICE DEPARTMENT LOCKER ROOM EXPANSION PROJECT; AND DECLARING AN EMERGENCY.

WHEREAS, Cuyahoga County received \$239,898,257.00 from the Federal Government through the American Rescue Plan Act (“ARPA”); and

WHEREAS, the County Executive and County Council have authorized \$86 million of the ARPA dollars for community grants to benefit the residents of Cuyahoga County (the “ARPA Community Grant Fund”); and

WHEREAS, the Mayor and Engineer requested \$140,000.00 from the District 8 ARPA Community Grant Fund for the Maple Heights Senior Center Emergency Generator Project; and

WHEREAS, the Cuyahoga County Council, per Resolution No. R2022-0272, awarded funding from the District 8 ARPA Community Grant Fund in the amount of \$140,000.00 to the City of Maple Heights for the Maple Heights Senior Center Emergency Generator Project; and

WHEREAS, the Mayor and Engineer requested \$480,000.00 from the District 8 ARPA Community Grant Fund for the Maple Heights Fire Station No. 1 Roof Repair Project; and

WHEREAS, the Cuyahoga County Council, per Resolution No. R2022-0273, awarded funding from the District 8 ARPA Community Grant Fund in the amount of \$480,000.00 to the City of Maple Heights for the Maple Heights Fire Station No. 1 Roof Repair Project; and

WHEREAS, the Mayor and Engineer requested \$80,000.00 from the District 8 ARPA Community Grant Fund for the Maple Heights Fire Station No. 2 Roof Repair Project; and

WHEREAS, the Cuyahoga County Council, per Resolution No. R2022-0274, awarded funding from the District 8 ARPA Community Grant Fund in the amount of \$80,000.00 to the City of Maple Heights for the Maple Heights Fire Station No. 2 Roof Repair Project; and

WHEREAS, the Mayor and Engineer requested \$50,000.00 from the District 8 ARPA Community Grant Fund for the Maple Heights Police Department Locker Room Expansion Project; and

WHEREAS, the Cuyahoga County Council, per Resolution No. R2022-0275, awarded funding from the District 8 ARPA Community Grant Fund in the amount of \$50,000.00 to the City of Maple Heights for the Maple Heights Police Department Locker Room Expansion Project.

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

Section 1. The Finance Director is authorized to accept and deposit funding from the District 8 ARPA Community Grant Fund in the amount of \$140,000.00, per Resolution No. R2022-0272, into the Local Fiscal Recovery Fund, to be used for the Maple Heights Senior Center Emergency Generator Project.

Section 2. The Finance Director is authorized to accept and deposit funding from the District 8 ARPA Community Grant Fund in the amount of \$480,000.00, per Resolution No. R2022-0273, into the Local Fiscal Recovery Fund, to be used for the Maple Heights Fire Station No. 1 Roof Repair Project.

Section 3. The Finance Director is authorized to accept and deposit funding from the District 8 ARPA Community Grant Fund in the amount of \$80,000.00, per Resolution No. R2022-0274, into the Local Fiscal Recovery Fund, to be used for the Maple Heights Fire Station No. 2 Roof Repair Project.

Section 4. The Finance Director is authorized to accept and deposit funding from the District 8 ARPA Community Grant Fund in the amount of \$50,000.00, per Resolution No. R2022-0275, into the Local Fiscal Recovery Fund, to be used for the Maple Heights Police Department Locker Room Expansion Project.

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 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 Section 121.22 of the Ohio Revised Code.

Section 6. 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 inhabitants of the City of Maple Heights and for the further reason to timely accept ARPA funds

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 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. 2022-100

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
EASEMENT DOCUMENTS FOR PUBLIC SIDEWALK FACILITIES
OVER PRIVATE PROPERTIES ON DUNHAM ROAD, AND
DECLARING AN EMERGENCY.**

WHEREAS, on April 7, 2021 Council passed **Ordinance No. 2021-27** which authorized an agreement of cooperation with the County of Cuyahoga, Ohio, to improve a portion of public highway described as Dunham Road between Turney Road and Libby Road; and

WHEREAS, through the agreement of cooperation with the County of Cuyahoga, the City of Maple Heights will be responsible for 40%, and the County of Cuyahoga will be responsible for 60%, of the cost of the preparation of construction plans and specifications, including necessary engineering reports, for the improvement of Dunham Road between Turney Road and Libby Road; and

WHEREAS, through the agreement of cooperation with the County of Cuyahoga, the County of Cuyahoga will arrange for the supervision and administration of the construction project; and

WHEREAS, on October 6, 2021 Council passed **Ordinance No. 2021-117** which authorized the City Engineer to begin the preparation of plans and specifications for the improvement of Dunham Road between Turney Road and Libby Road in City of Maple Heights and coordinate directly with the County of Cuyahoga to arrange for the supervision and administration of the construction project as required; and

WHEREAS, The City Engineer has advised the Mayor that he will require the acquisition of various temporary work easements and permanent sidewalk easements along Dunham Road for the installation of public sidewalk facilities over private property; and

WHEREAS, the owners of certain properties located on Dunham Road within the City of Maple Heights have been offered appropriate consideration to grant certain easements upon their properties on Dunham Road to the City for the installation of public sidewalk facilities; and

WHEREAS, this Council desires to authorize and to accept these easements.

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 be, and is hereby, authorized to negotiate, execute and accept grants of easement from the owners of **Dunham Road Permanent Parcel Nos. 785-15-013 and 785-15-014**, for public sidewalk facilities in a form as generally set forth in Exhibit A attached hereto and incorporated herein.

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 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: _____, 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. 2022-101

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR TERRACE CONSTRUCTION COMPANY, INC., INCREASING THE CONTRACT BY \$37,137.67, FOR THE ROWENA AVENUE WATERMAIN REPLACEMENT PROJECT 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 Seven Hundred Fifty-Four Thousand Nine Hundred Fifty-Three Dollars and Zero Cents (\$754,953.00) for the Rowena Avenue Watermain Replacement Project from the Cleveland Water Department through the Suburban Water Main Renewal (SWMR) program; and

WHEREAS, the City of Maple Heights, upon application of the City Engineer, was awarded a grant in the amount of Six Hundred Seventy Thousand Five Hundred Ninety-Seven Dollars and Zero Cents (\$670,597.00) for the Rowena Avenue and Mendota Avenue Watermain Replacement Projects by the Ohio Public Works Commission (OPWC) which will provide funding for up to Twenty Eight Percent (28%) of the Rowena Avenue Watermain Replacement Project cost; and

WHEREAS, on September 16, 2020, by **Resolution No. 2020-80**, Council authorized and directed the City Engineer to begin the preparation of plans and specifications and to provide advertising for bids for the Rowena Avenue Watermain Replacement Project in the City of Maple Heights: and

WHEREAS, on October 15, 2021, the bids for the Rowena Avenue Watermain Replacement Project were opened and inspected by the City Engineer to determine the lowest and best bid; and

WHEREAS, on October 20, 2021, by **Resolution No. 2021-128**, the Council of the City of Maple Heights hereby authorized the Mayor, to enter into a contract with Terrace Construction Company, Inc. for the Rowena Avenue Watermain Replacement Project, for a cost not to exceed One Million One Hundred Fifty-Five Thousand Seven Hundred Ninety-Nine Dollars and Sixty-Nine Cents (\$1,155,799.69), as more fully described in the bid record on file in the Office of the Finance Director in the City of Maple Heights; and

WHEREAS, the City Engineer has recommended that additional work be performed to repair severely deteriorated concrete pavement base and curbs as discovered during the installation of the water main on Rowena Avenue between Dunham Road and Lee Road; and

WHEREAS, the City Engineer has determined that the cost of the additional pavement and curb replacement work, when combined with quantity adjustments to contract line items for actual work performed,

will increase the contract for the Rowena Avenue Watermain Replacement Project in the amount of Thirty-Seven Thousand One Hundred Thirty-Seven Dollars and Sixty-Seven Cents (\$37,137.67); and

WHEREAS, the City Engineer has confirmed that the additional work can be paid for with county funds that are currently available to supplement existing grant, county and local funding.

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

Section 1. The Council of the City of Maple Heights hereby authorizes Change Order No. 1 for the Terrace Construction Company, Inc., to increase the contract for the Rowena Avenue Watermain Replacement Project in the amount of Thirty-Seven Thousand One Hundred Thirty-Seven Dollars and Sixty-Seven Cents (\$37,137.67); to provide for the additional pavement and curb repair work as recommended by the City Engineer.

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

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

Section 4. This Resolution constitutes an emergency measure necessary for the public welfare and to ensure the timely closure of the construction contract 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.: 2022-102

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR SPECIALIZED CONSTRUCTION, INC., DECREASING THE CONTRACT BY \$27,585.85, FOR THE 2021 ROADWAY REPAIR PROGRAM IN 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 August 4, 2021, by **Resolution No. 2021-85**, Council authorized and directed the City Engineer to begin the preparation of plans and specifications and to provide advertising for bids for the 2021 Roadway Repair Program in the City of Maple Heights: and

WHEREAS, on August 26, 2021, the bids for the 2021 Roadway Repair Program were opened and inspected by the City Engineer to determine the lowest and best bid; and

WHEREAS, on September 1, 2021, by **Resolution No. 2021-94**, Council authorized the Mayor, to enter into a contract with Specialized Construction, Inc., for the 2021 Roadway Repair Program, for a cost not to exceed Four Hundred Seventy-One Thousand Four Hundred Dollars and Zero Cents (\$471,400.00), as more fully described in the bid record on file in the Office of the Finance Director in the City of Maple Heights; and

WHEREAS, the City Engineer has determined that the quantity adjustments to contract line items for actual work performed, when combined with the cost of work items not included within the original contract documents, will decrease the contract for the 2021 Roadway Repair Program in the amount of Twenty-Seven Thousand Five Hundred Eighty-Five Dollars and Eighty-Five Cents (\$27,585.85).

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 Specialized Construction, Inc., to decrease the contract for the 2021 Roadway Repair Program in the amount of Twenty-Seven Thousand Five Hundred Eighty-Five Dollars and Eighty-Five Cents (\$27,585.85) to close out the project contract 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 and welfare of the residents of the City, and to close-out the project contract 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: _____, 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.: 2022-103

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

AN ORDINANCE REPEALING SECTION 260.23 OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS CONCERNING COMPENSATION, FRINGE BENEFITS, AND PENSION PICK-UP FOR SAFETY PERSONNEL EFFECTIVE JANUARY 1, 2023, AND DECLARING AN EMERGENCY.

WHEREAS, the Law Director has recommended that Section 260.23 of the City's Codified Ordinances concerning compensation, fringe benefits, and pension pick-up for safety personnel be repealed effective January 1, 2023 because the terms of such compensation, fringe benefits and pension are determined exclusively through collective bargaining with the labor organizations representing the City's Police and Fire Departments pursuant to Ohio's Collective Bargaining Act, R.C. Chapter 4117 *et seq.* In addition, the Council retains the authority, without regard to Section 260.23, to determine the terms of the compensation, fringe benefits and pension for the Police and Fire Chiefs and other non-bargaining unit safety personnel.

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

Section 1. Section 260.23 of the City's Codified Ordinances, set forth below with its provisions struck through, is hereby repealed, in its entirety:

~~260.23 COMPENSATION AND FRINGE BENEFITS FOR SAFETY PERSONNEL;
PENSION PICK-UP.~~

~~—(a) The pay rate for the position of Police Captain shall be six and one-half percent greater than the pay rate for the position of Police Lieutenant OIC Detective Bureau.~~

~~—(b) The pay rate for the position of Police Chief shall be ten percent greater than the pay rate for the position of Police Captain.~~

~~(Ord. 1997-63. Passed 6-18-97.)~~

~~—(c) The annual pay rate for the Fire Chief shall be equal to the annual pay rate of the Police Chief.~~

~~—(d) The annual pay rate for the Fire Captain/Assistant to the Chief shall be equal to the annual pay rate of the Police Lieutenant O.I.C.~~

~~—(e) All fringe benefits received by bargaining unit personnel in the Police and Fire Divisions, respectively, shall apply to non-bargaining unit sworn personnel in those Divisions (Chiefs, Captains) unless otherwise specifically modified by this chapter.~~

~~(Ord. 1992-10. Passed 1-23-92.)~~

~~—(f) Effective January 1, 1992, the City shall institute a pension pickup plan for all full-time positions except those covered by collective bargaining agreements, as provided in Section 260.24.~~

~~(g) Effective January 1, 1992, the City shall institute a pension pickup by reduction for all full-time positions as provided in Section 260.24.~~

Section 2. The Clerk of Council is authorized to forward a certified copy of this Ordinance to the publisher of the Codified Ordinances of the City for removal of Section 260.23, as repealed, 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 immediately remove repealed sections of the Code, 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. 2022-103

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