

**CITY OF MAPLE HEIGHTS
COUNCIL MEETING AGENDA**

Maple Heights Senior Center - 7:00 PM

February 15, 2023

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:** December 21, 2022 Regular Meeting of Council
February 1, 2023 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:**

2023-10 AN ORDINANCE APPROVING A PURCHASING CARD POLICY TO BE ADDED AS EXHIBIT 10 TO THE CITY'S FINANCIAL POLICIES AND PROCEDURES, AND DECLARING AN EMERGENCY.

Reading 2 (Blackwell)

2023-13 AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF MAPLE HEIGHTS THE QUESTION OF AMENDING THE CHARTER AT ARTICLE IV TO ADD THAT COUNCIL SHALL HAVE THE POWER TO CHANGE THE SALARIES OF ALL ELECTED OFFICIALS AT ANY TIME, INCLUDING DURING THE ELECTED OFFICIALS' TERM, OR TERMS, OR ANY PART THEREOF; AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell, Jackson and Council as a Whole)

2023-14 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH RUSTY OAK NURSERY, LTD. TO PURCHASE TREES FOR INSTALLATION ON HANSEN ROAD, WATSON ROAD AND RAYMOND STREET, FROM NORTHFIELD ROAD TO WARRENSVILLE CENTER ROAD, AS PART OF THE CUYAHOGA COUNTY HEALTHY

TREE CANOPY PROGRAM NORTHEAST QUADRANT TREE PLANTING PROJECT (COUNTY PROJECT NO. MAP-22-01), AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2023-15 A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE CITY OF MAPLE HEIGHTS FOR CONSTRUCTION OF WASTEWATER FACILITIES, DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN, AND AUTHORIZING THE SIGNING OF CONTRACTS AND OTHER DOCUMENTS RELEVANT THERETO, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2023-16 A RESOLUTION AUTHORIZING THE CITY TO EXPEND PUBLIC FUNDS AND ACCEPT PRIVATE DONATIONS TO HOST THE FOLLOWING 2023 COMMUNITY EVENTS: EASTER FEST; MUSIC IN THE PARK; FALL FEST AND HOLIDAY LIGHTING EVENT, 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:**

ORDINANCE NO.: 2023-10

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

AN ORDINANCE APPROVING A PURCHASING CARD POLICY TO BE ADDED AS EXHIBIT 10 TO THE CITY'S FINANCIAL POLICIES AND PROCEDURES, AND DECLARING AN EMERGENCY.

WHEREAS, Council passed **Ordinance No. 2019-99**, on November 20, 2019, pursuant to the recommendation of the State Auditor and the Maple Heights' Financial Planning and Supervision Commission, authorizing the Finance Director to prepare and/or update certain financial policies and procedures to be utilized by the City after approval and authorization by Council; and

WHEREAS, the Finance Director has prepared a Purchasing Card Policy, a copy of which is attached hereto and incorporated as if fully rewritten herein, to be added to the City's Financial Policies And Procedures as **Exhibit 10**, and has recommended to Council that it approve and authorize the use of the Purchasing Card Policy;

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

Section 1. Council hereby approves of, and authorizes the use of, the Purchasing Card Policy, prepared by the Finance Director, to be added as **Exhibit 10** to the City's Financial Policies and Procedures, a copy of which Purchasing Card Policy is attached hereto and incorporated as if fully rewritten herein.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the 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 that updated Financial Policies and Procedures are necessary for the day-to-day operations of the City, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2023

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.: 2023-13

INTRODUCED BY: Mayor, Council President and Council as a Whole
MOTION FOR ADOPTION BY:

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF MAPLE HEIGHTS THE QUESTION OF AMENDING THE CHARTER AT ARTICLE IV TO ADD THAT COUNCIL SHALL HAVE THE POWER TO CHANGE THE SALARIES OF ALL ELECTED OFFICIALS AT ANY TIME, INCLUDING DURING THE ELECTED OFFICIALS' TERM, OR TERMS, OR ANY PART THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, the Charter Review Commission (CRC) at its April 22, 2021 meeting recommended revising and amending **Article IV** of the Charter to remove the requirements that the salary of all elected officials be fixed at least one hundred twenty (120) days prior to the date set for the municipal election for the terms beginning on the next succeeding first day of January and that such salary cannot be changed during such term; and

WHEREAS, the CRC recommendation was based in part on a finding that it would be inequitable for one set of Councilpersons to be paid a different salary than another set of Councilpersons just because their terms of office begin at different times even though they are all performing the same work and services for the City; and

WHEREAS, pursuant to **Article XX, Section 2** of the Charter and **Ordinance No. 2021-61**, the Council directed the Cuyahoga County Board of Elections to submit to a vote of the qualified electors of the City, at the general election to be held on Tuesday, the 2nd day of November, 2021, as prescribed by general law, the question of the amendment of the Charter of the City of Maple Heights at Article IV, so that, as amended, it shall read as follows, with the deletions struck through:

“ARTICLE IV – SALARIES

The Council shall have the power to fix the salaries of all employees of the Municipality whether elected or appointed. ~~The salaries of all elected officials shall be fixed at least one hundred twenty (120) days prior to the date set for the Municipal election for the terms beginning on the next succeeding first day of January, and shall not thereafter be changed in respect to any such term or terms or any part thereof.~~ The Council may authorize the payment or reimbursement of expenses incurred by any official, employee, or member of any department, board or commission of the Municipality for travel or expenses incidental thereto incurred in the furtherance of the interests of the Municipality.”; and

WHEREAS, the Cuyahoga County Board of Elections provided for the voting upon said Amendment and the ballots for said election, at the top thereof, were entitled “Proposed Charter Amendment City of Maple Heights”, and the question to be submitted on said ballot was:

“Shall **Article IV** of the Maple Heights Charter be amended in order to eliminate the requirements that the salary of all elected officials be fixed at least one hundred twenty (120) days prior to the date set for the municipal election for the terms beginning on the next succeeding first day of January and that such salary cannot be changed during such term?”; and

WHEREAS, said Amendment was placed on the ballot as Issue 42 and at the election held on November 2, 2021, a majority of the votes cast were in favor of the amendment to eliminate the requirements that the salary of all elected officials be fixed at least one hundred twenty (120) days prior to the date set for the municipal election for the terms beginning on the next succeeding first day of January and that such salary cannot be changed during such term, which result was certified by the Board of Elections on November 22, 2021; and

WHEREAS, despite the voter approved amendment to **Charter Article IV**, concern still remained as to whether Council could increase the pay for elected officials regardless of whether such pay increase occurs before or during their term of office, without violating the laws of the State of Ohio, including Ohio Ethics laws and R.C. 102.03; and

WHEREAS, the Director of Law, in a December 17, 2021 Memorandum, opined that pursuant to the voter approved amendment to **Charter Article IV**, Council may increase the pay for elected officials regardless of whether such pay increase occurs before or during their term of office, without violating the laws of the State of Ohio, including R.C. 731.07 and Ohio Ethics laws as set forth in R.C. 102.03, citing the decision of the Fifth Appellate District Court in *Coleman v. City of Canton, Case No. 1997CA00303, 1998 Ohio App. LEXIS 2503, at *8 (5th App. Dist. 1998)* which held that “the act of voting a pay raise, even for the benefit of oneself, cannot be considered the acceptance of something of value that will influence one's public actions, substantially, improperly or otherwise. It is the act of a pay raise and the potentially self-serving nature of it that may be found to be offensive but not pursuant to [R.C. 102.03]. The voters will have the ultimate say as to the propriety of the timing of the pay raise” and the decision of the Third Appellate District Court in *Hubbard v. City of Defiance, 2013-Ohio-2144, ¶¶ 75-77 (3rd App. Dist. 2013)* which held that determining the salaries of municipal officers is a matter within the powers of local self-government and if a portion of a municipal charter expressly conflicts with parallel state law, such as R.C. 731.07, in a matter of local self-government, the charter provision prevails; and

WHEREAS, the Council desires to remove any possible concern or doubt about its power to change the salaries of elected officials at any time, including during the elected officials’ term, or terms, or any part thereof without violating the laws of the State of Ohio, including Ohio Ethics laws and R.C. 102.03; and

WHEREAS, the Council has recommended to place the issue of amending the Charter at **Article IV** before the electorate on May 2, 2023, in order to add that Council has the power to change the salaries of elected officials at any time, including during the elected officials’ term, or terms, or any part thereof; and

WHEREAS, pursuant to **Charter, Article XX, Section 1**, Council has the authority to submit this proposed amendment to the electorate by vote of two-thirds (2/3) of the members of the Council;

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

Section 1: There shall be submitted to a vote of the qualified electors of the City, at the primary election to be held on Tuesday, the 2nd day of May 2023, as prescribed by general law, the question of the amendment of the **Charter of the City of Maple Heights at Article IV**, so that, as amended, it shall read as follows, with the additions underlined:

“ARTICLE IV – SALARIES”

The Council shall have the power to fix the salaries of all employees of the Municipality whether elected or appointed. Council shall have the power to change the salaries of all elected officials at any time, including during the elected officials’ term, or terms, or any part thereof. The Council may authorize the payment or reimbursement of expenses incurred by any official, employee, or member of any department, board or commission of the Municipality for travel or expenses incidental thereto incurred in the furtherance of the interests of the Municipality.”

Section 2: The Board of Elections of Cuyahoga County be, and it is hereby, directed to provide for the voting upon said Amendments and the ballots for said election shall, at the top thereof, be entitled “Proposed Charter Amendment City of Maple Heights”, and the question to be submitted on said ballot shall be substantially in the following words:

“Shall **Article IV** of the Maple Heights Charter be amended in order to add that the Council shall have the power to change the salaries of all elected officials at any time, including during the elected officials’ term, or terms, or any part thereof?”

Section 3: The Clerk of Council is instructed to give notice of the above proposed Charter Amendment to the electors of the City in accordance with general law, and as soon as possible to certify a copy of this Ordinance to the Board of Elections of Cuyahoga County, Ohio, as provided by law.

Section 4: The Director of Finance is authorized to appropriate from the general fund a sum sufficient to pay the cost of publishing said notice referred to in Section 3.

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting on the date indicated below, and that all deliberations of this Council and of any of its Committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance constitutes an emergency measure necessary for the public peace, safety and general welfare of the City and for the further reason that it is necessary to timely submit the proposed Charter Amendment to the Board of Elections for placement upon the ballot for the primary election to be held on May 2, 2023, 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: _____, 2023

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.: 2023-14

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH RUSTY OAK NURSERY, LTD. TO PURCHASE TREES FOR INSTALLATION ON HANSEN ROAD, WATSON ROAD AND RAYMOND STREET, FROM NORTHFIELD ROAD TO WARRENSVILLE CENTER ROAD, AS PART OF THE CUYAHOGA COUNTY HEALTHY TREE CANOPY PROGRAM NORTHEAST QUADRANT TREE PLANTING PROJECT (COUNTY PROJECT NO. MAP-22-01), AND DECLARING AN EMERGENCY.

WHEREAS, the City of Maple Heights, upon application of the City Engineer, was awarded a grant in the amount of Forty-Four Thousand Nine Hundred Twenty-Three Dollars and Fifty Cents (\$44,923.50) for the Northeast Quadrant Tree Planting Project, MAP-22-01 ("the Project"); and

WHEREAS, the Cuyahoga County Planning Commission required that the City of Maple Heights provide a commitment for ten percent (10%), or \$4,992.50, of local funds towards the total project cost estimated to be \$49,925.00; 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 18, 2022, by **Resolution No. 2022-48**, 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 Northeast Quadrant Tree Planting Project (County Project No. MAP-22-01), 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 107 trees for the Northeast Quadrant Tree Planting Project, using a portion of the HTCP funding award, to insure that such trees would be available for planting by a qualified landscape contractor in the Spring of 2023; and

WHEREAS, the City Engineer sought and received three (3) price proposals for the supply of 107 trees for the Northeast Quadrant Tree Planting Project and determined that Rusty Oak Nursery, Ltd. has submitted the lowest and best proposal, which proposal is in the total amount of Twenty-Four Thousand Five Hundred Twenty-Three Dollars and Zero Cents (\$24,523.00).

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

Section 1. The Mayor is authorized to enter into a contract with Rusty Oak Nursery, Ltd., in the amount not to exceed Twenty-Four Thousand Five Hundred Twenty-Three Dollars and Zero Cents (\$24,523.00), to purchase 107 trees for the Northeast Quadrant Tree Planting Project, as more fully described in the price proposal on file in the Office of the City Engineer, so that the City will complete the Project in a timely manner pursuant to the terms of the award.

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

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

Section 4. This Resolution constitutes an emergency measure necessary for the health, safety and general welfare of the residents of the City, and to complete the Project during the Spring 2023 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: _____, 2023

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.: 2023-15

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE CITY OF MAPLE HEIGHTS FOR CONSTRUCTION OF WASTEWATER FACILITIES, DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN, AND AUTHORIZING THE SIGNING OF CONTRACTS AND OTHER DOCUMENTS RELEVANT THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Maple Heights seeks to make improvements to its existing wastewater facilities by improving sanitary sewers and eliminating a sanitary sewer overflow; and

WHEREAS, the City of Maple Heights intends to apply for a 2023 Water Pollution Control Loan Fund (WPCLF) Principal Forgiveness loan for the construction of the Schreiber Road Sewer Improvements & SSO Elimination Project; and

WHEREAS, the Ohio Water Pollution Control Loan Fund (WPCLF) requires the governing authority to pass legislation for application of a loan and the execution of an agreement as well as designating a dedicated repayment source; and

WHEREAS, the City of Maple Heights is a local government eligible to receive Funding for an eligible activity through the Water Pollution Control Loan Fund (WPCLF) Program Year 2023 Final Program Management Plan; and

WHEREAS, The Mayor and Engineer have advised Council that 2023 WPCLF Principal Forgiveness funds may be available through the Ohio EPA's Division of Environmental and Financial Assistance (DEFA) and the Ohio Water Development Authority (OWDA) in an amount not exceeding Three Hundred Eighty Thousand Dollars and Zero Cents (\$380,000.00), to fund the Schreiber Road Sewer Improvements and SSO Elimination Project.

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

Section 1. The Mayor is hereby authorized to make application, sign and file all necessary contracts and documents with the Ohio EPA's Division of Environmental and Financial Assistance (DEFA) for funding through the 2023 WPCLF Principal Forgiveness loan program for the following project:

Schreiber Road Sewer Improvements & SSO Elimination

Section 2. The dedicated source of repayment will be Maple Heights Water Fund 219.

Section 3. The Council of the City of Maple Heights hereby authorizes the Finance Director to amend the appropriations as required for the expenditures outlined within this Resolution.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting on the date indicated below, and that all deliberations of this Council and of any of its Committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. This Resolution constitutes an emergency measure necessary for the health, safety and general welfare of the residents of the City, and to timely submit the grant application, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law

PASSED: _____, 2023

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. 2023-16

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION AUTHORIZING THE CITY TO EXPEND PUBLIC FUNDS AND ACCEPT PRIVATE DONATIONS TO HOST THE FOLLOWING 2023 COMMUNITY EVENTS: EASTER FEST; MUSIC IN THE PARK; FALL FEST AND HOLIDAY LIGHTING EVENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City desires to use public funds and accept private donations to host the following community-wide events in 2023: 1) Easter Fest; 2) Music In the Park; 3) Fall Fest and 4) Holiday Lighting Event; and

WHEREAS, each of the events is for the general good of all Maple Heights residents and the primary objective of each event is to further the public purposes of promoting good will, civic pride, harmony and understanding throughout the entire Maple Heights community by fostering interaction between residents and members of the City's Police and Fire Departments, Service Department, and other City staff and personnel in settings offering fun, food, and non-alcoholic refreshments in celebration of residency in the City of Maple Heights; and

WHEREAS, Auditor of State Bulletin 2003-005 states "the Auditor of State's Office will require that expenditures of public funds for coffee, meals, refreshments, or other amenities have prior authorization by the appropriate legislative authority;" and

WHEREAS, Ohio Attorney General Opinion 82-006 cites with approval the Ohio Supreme Court case of State ex rel. McClure v. Hagerman, 155 Ohio St. 320 (1951) to provide guidance as to what may be construed as a public purpose as follows: First, the expenditure is required for the general good of all inhabitants; Secondly, the primary objective of the expenditure is to further a public purpose; and

WHEREAS, the decision to expend public funds must be memorialized by a duly enacted ordinance or resolution and may have prospective effect only.

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

Section 1. Council finds that each of the following 2023 City-hosted events is for the general good of all Maple Heights residents and the primary objective of each event is to further the public purposes of promoting good will, civic pride, harmony and understanding throughout the entire Maple Heights community by fostering interaction between residents and members of the City's Police and Fire Departments, Service Department, and other City staff and personnel in settings offering fun, food and non-alcoholic refreshments in celebration of their residency in the City of Maple Heights and the use of public funds and acceptance of private donations for each of these events is hereby authorized: 1) Easter Fest; 2) Music In the Park; 3) Fall Fest and 4) Holiday Lighting Event.

Section 2. Private donations shall be kept track of by the Director of Human Services by preparing a report describing the donor (name, address and contact information), the date of the donation, the amount of the donation, whether the donation was made by cash or check, and the event for which the donation is made. This report shall be submitted to the Finance Director along with the donation within two (2) business days after receipt of the donation. The Finance Director shall deposit the donation into the General Fund but must account for the donation by placing the amount of the donation in a line item within the General Fund designated exclusively for use of the event for which the donation was received.

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 peace, safety and general welfare of the City and for the further reason that preparing budgets and plans for each of these events must begin as soon as possible, 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: _____, 2023

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