

**CITY OF MAPLE HEIGHTS  
COUNCIL MEETING AGENDA**

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

**June 7, 2023**

1. **Caucus: 6:30 pm** **All Members of Council**
2. **Call to Order:** **Council President Ron Jackson**
3. **Invocation/Pledge of Allegiance:** **Councilwoman Tanglyn Madden, District 5**
4. **Roll Call:** **Council Clerk Leonette Cicirella Johnson**
5. **Addendum:**
6. **Approval of Minutes:** **May 3, 2023 Regular Meeting of Council  
May 17, 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:**

**2023-49 AN ORDINANCE ADOPTING THE ALTERNATIVE TAX BUDGET INFORMATION OF THE CITY OF MAPLE HEIGHTS, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024; SUBMITTING THE SAME TO THE BUDGET COMMISSION OF CUYAHOGA COUNTY; AND DECLARING AN EMERGENCY.**

**Reading 2 (Blackwell)**

**2023-52 AN ORDINANCE AMENDING SECTION 240.05 OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS REQUIRING COUNCIL APPROVAL FOR EXPENDITURES OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), AND DECLARING AN EMERGENCY.**

**Reading 2 (Madden)**

**2023-53 A RESOLUTION AUTHORIZING THE ENGINEER TO BEGIN THE PREPARATION OF PLANS AND SPECIFICATIONS AND TO ADVERTISE FOR BIDS FOR PAVEMENT REPAIRS ON VARIOUS STREETS LOCATED WITHIN THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.**

**Reading 1 (Blackwell)**

**2023-54 AN ORDINANCE AUTHORIZING THE MAYOR TO REQUEST THE COOPERATION OF CUYAHOGA COUNTY FOR THE REHABILITATION OF LEE ROAD BRIDGE NO. 00.77 OVER MILL CREEK IN THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.**

**Reading 1 (Blackwell)**

**2023-55 AN ORDINANCE PROVIDING FOR AMENDMENT NO. 2 DATED JUNE 7, 2023 OF THE ANNUAL APPROPRIATIONS FOR THE FISCAL YEAR 2023, AND DECLARING AN EMERGENCY.**

**Reading 1 (Blackwell)**

**2023-56 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR CAVES ROAD CONSTRUCTION SERVICE, INCREASING THE CONTRACT BY \$12,789.28, FOR THE DETENTION CENTER -PHASE III OVERALL CONVERSION PROJECT IN THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.**

**Reading 1 (Blackwell)**

**2023-57 A RESOLUTION OVERRULING THE DECISION BY THE PLANNING AND ZONING COMMISSION IN CASE NO. 2023-PZ-10 TO DENY THE APPLICATION OF MICHELLE BEDEN-PAYNE FOR APPROVAL OF A CONDITIONAL USE PERMIT UNDER SECTS. 1278.04(H) AND 1298.28(G) OF THE MAPLE HEIGHTS CODIFIED ORDINANCES TO OPERATE A CHILD DAY CARE CENTER IN A NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT AT 5310 ½ WARRENSVILLE CENTER ROAD, MAPLE HEIGHTS, OHIO.**

**Reading 1 (Council as a Whole)**

**2023-58 A RESOLUTION OVERRULING THE DECISION BY THE PLANNING AND ZONING COMMISSION IN CASE NO. 2023-PZ-18 TO DENY THE APPLICATION OF MICHELLE AFFRONTI OF AMAROK, LLC REQUESTING A VARIANCE FROM THE REQUIREMENTS OF SECT. 1298.19(D)(3)(F) OF THE MAPLE HEIGHTS CODIFIED ORDINANCES TO PERMIT THE INSTALLATION OF A 10' TALL 12V/DC BATTERY SENSOR (ELECTRIFIED) PERIMETER SECURITY SYSTEM, 4" TO 8" BEHIND THE EXISTING PERIMETER FENCE ON PROPERTY LOCATED IN THE CENTRAL BUSINESS DISTRICT (CBD) ZONING DISTRICT AT 16008 LIBBY ROAD, MAPLE HEIGHTS, OHIO.**

**Reading 1 (Council as a Whole)**

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

**ORDINANCE NO. 2023-49**

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

**MOTION FOR ADOPTION BY:**

**CO-SPONSORED BY:**

**AN ORDINANCE ADOPTING THE ALTERNATIVE TAX BUDGET INFORMATION OF THE CITY OF MAPLE HEIGHTS, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024; SUBMITTING THE SAME TO THE BUDGET COMMISSION OF CUYAHOGA COUNTY; AND DECLARING AN EMERGENCY.**

**WHEREAS**, on October 11, 2002, the Cuyahoga County Budget Commission with an affirmative vote of all members waived the requirement for taxing authorities of subdivisions or other taxing units (including schools) to adopt a Tax Budget as provided under O.R.C. Section 5705.281, but instead requires the filing of Alternative Tax Budget Information on an annual basis; and

**WHEREAS**, the Alternative Tax Budget Information for the City of Maple Heights, Ohio for the fiscal year beginning January 1, 2024 has been prepared and presented to the Council; and

**WHEREAS**, after due consideration, Council deems it advisable in the interest of the Municipality to adopt the Alternative Tax Budget Information.

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

**Section 1.** The Alternative Tax Budget Information of the City of Maple Heights, Ohio for the fiscal year beginning January 1, 2024, heretofore prepared by the Mayor and Director of Finance and submitted to this Council, copies of which are on file in the offices of the Director of Finance and Clerk of Council, is hereby adopted as the official Alternative Tax Budget Information of the City of Maple Heights, Ohio, for the fiscal year beginning January 1, 2024.

**Section 2.** The Finance Director is authorized to promptly certify a copy of said Alternative Tax Budget Information and transmit the same along with a copy of this Ordinance to the Budget Commission of Cuyahoga County, Ohio.

**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 to comply with all State, County and Local requirements concerning tax budgets, 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.: 2023-52**

**INTRODUCED BY:** Councilwoman Tanglyn Madden

**MOTION FOR ADOPTION BY:**

**CO-SPONSORED BY:**

**AN ORDINANCE AMENDING SECTION 240.05 OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS REQUIRING COUNCIL APPROVAL FOR EXPENDITURES OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), AND DECLARING AN EMERGENCY.**

**WHEREAS**, Section 240.05 of the City's Codified Ordinances requires that Council must approve all expenditures over twenty-five thousand dollars (\$25,000.00), excluding regular employee benefits and expenditures which have not already been authorized by contract or ordinance; and

**WHEREAS**, Council recommends an exception to the \$25,000.00 spending limit so that expenses in excess of two thousand dollars (\$2,000.00) for the refurbishing of City buildings and offices and for the purchase of office furniture, decorations, and amenities, must be approved by Council.

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

**Section 1.** Section 240.05 of the Codified Ordinances of the City of Maple Heights is hereby amended to read as follows, with additions underlined:

"240.05 COUNCIL APPROVAL FOR EXPENDITURES OVER \$25,000.00.

(a) Any City monies expended or allocated excluding regular employee benefits, over twenty-five thousand dollars (\$25,000.00), which have not already been authorized by contract or ordinance, are hereby required to be approved by Council. However, any City monies expended or allocated over two thousand dollars (\$2,000.00) for the refurbishing of City buildings and offices and for the purchase of office furniture, decorations, and amenities, are hereby required to be approved by Council".

**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 immediate inclusion of amended Section 240.05 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 proper approval for certain expenses of the City are obtained, 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.: 2023-53**

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

**MOTION FOR ADOPTION BY:**

**CO-SPONSORED BY:**

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

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

**WHEREAS**, 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 March 16, 2022, by **Resolution No. 2022-26**, Council authorized and directed the City Engineer to coordinate with the Service Director to update the street inventory which rates pavement conditions for streets based on ODOT's PCR Manual for the Mayor and Council's use in developing and authorizing a road repair program in the City of Maple Heights; and

**WHEREAS**, the City Engineer and the Service Director have updated the street inventory which rates pavement conditions, including preliminary estimate of cost for pavement repairs, and made a recommendation for the streets, which were determined to be in greatest need of repair, for consideration by the Mayor and Council in authorizing a road repair program for the 2023 construction season, such streets being listed in "Exhibit A" attached to this legislation; and

**WHEREAS**, on March 6, 2023, the Cuyahoga County Department of Public Works informed the Mayor that the Department will reimburse the City for up to \$92,400.00 in material costs expended on County Routes included under a road repair program in the City of Maple Heights.

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

**Section 1.** The City Engineer is hereby authorized to begin the preparation of plans and specifications and to provide advertising for bids for the 2023 Pavement Repair Program in the City of Maple Heights.

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

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

**Section 4.** This Resolution constitutes an emergency measure necessary for the health and general welfare of the residents of the City, and to begin the project in a timely manner so that a pavement repair program can be completed during the 2023 construction season, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_, 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



**LEE ROAD BRIDGE NO. 00.77**

**ORDINANCE NO.: 2023-54**

**DATE: \_\_\_\_\_**

An emergency ordinance enacted by the City of Maple Heights, Cuyahoga County, Ohio hereinafter referred to as the MUNICIPALITY that requests the cooperation of the County of Cuyahoga, Ohio, hereinafter referred to as the COUNTY, in the matter of the hereinafter described improvement.

**WHEREAS**, the MUNICIPALITY has recognized the need for and proposes the improvement of a portion of public highway which is described as follows:

**The rehabilitation of Lee Road Bridge No. 00.77 over Mill Creek in the City of Maple Heights.**

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

**A. CONSENT**

1. That it is declared to be in the public interest that the consent of said MUNICIPALITY be and such consent is hereby given to the COUNTY to participate in the cost of construction of the above-described improvement.

**B. COOPERATION**

1. That the MUNICIPALITY will cooperate with the COUNTY in the rehabilitation of Lee Road Bridge No. 00.77 over Mill Creek in the City of Maple Heights.
2. That the COUNTY will arrange for the preparation of construction plans and specifications, including necessary engineering reports for the improvement, under current Cuyahoga County standards for construction of County roads and bridges.
3. That the COUNTY will arrange for the supervision and administration of the construction project.

**C. FUNDING**

1. That the MUNICIPALITY hereby agrees to participate with the COUNTY in the cost of the improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the COUNTY portion of the project.

#### **D. MAINTENANCE**

That upon completion of said improvement, said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for such maintenance; and
2. Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the COUNTY and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and
3. That the COUNTY shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the improvement in accordance with applicable sections of the Ohio Revised Code.
4. After construction of the project is complete, the Municipality agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency (O.E.P.A.).

#### **E. TRAFFIC**

That upon completion of said improvement said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and
2. That the street or highway shall be and hereby is designated a through highway as provided in Section 4511.07(A)(6) Ohio Revised Code; and
3. That stop signs affecting the movement of traffic on said street or highway within the roadway being improved shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met; and
4. That no rule or regulation shall be enacted restricting the use of the improved road and/or structure by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage shall be rescinded; and

5. The MUNICIPALITY shall regulate parking in the following manner:  
Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code unless otherwise controlled by local ordinance or resolution.

**F. RIGHT-OF-WAY**

1. That all existing street and public right-of-way within the MUNICIPALITY which is necessary for the aforesaid improvement shall be made available therefore.
2. That in the event any additional right-of-way is required, the MUNICIPALITY will arrange for the acquisition.

**G. UTILITIES**

1. The COUNTY will make arrangements with and obtain agreements from privately owned public utility companies whose lines or structures will be affected by the said improvement and said companies have agreed to make any and all necessary rearrangements in such a manner as to be clear of any construction called for by the plans of said improvement and said companies have agreed to make such necessary rearrangements immediately after notification by said MUNICIPALITY.
2. That the COUNTY will pay the cost of alterations of governmentally-owned utility facilities which come within the provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the project, provided, however, that such participation will not extend to any additions or betterments of existing facilities.
3. The MUNICIPALITY shall cooperate with the COUNTY to, make all arrangements of governmentally-owned utilities and/or appurtenances thereto which do not comply with the Provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the said improvement.
4. That the construction, reconstruction, and/or arrangement of all utilities shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement, and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provision of the Ohio Department of Transportation Construction and Material Specifications.

**H. MISCELLANEOUS**

1. That if the COUNTY is formally requested by a MUNICIPAL RESOLUTION to include the construction of sidewalks, alternate bid items, or other items in the

improvement that are in addition to those now existing and not provided for elsewhere in this Ordinance, the COUNTY will do so, provided that this construction meets with the approval of the COUNTY and the MUNICIPALITY involved in this improvement; and that the MUNICIPALITY agrees to pay, or make arrangements for the payment of, the cost of said additional construction, the cost of preliminary and design engineering, and construction supervision.

2. That the MUNICIPALITY shall be solely responsible for the certifications or obligations made or agreed to in Sections F-1, F-2, G-1, G-3, and G-4, and hereby agrees that the COUNTY shall be and is hereby released from any and all damages or claims of the MUNICIPALITY arising from or growing out of the certifications or obligations made or agreed to in said Sections F-1, F-2, G-1, G-3, and G-4 hereinabove.
3. For the purpose of this Ordinance, the agent for the COUNTY and liaison officer on the matter contained herein shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.
4. By enacting this Ordinance, the MUNICIPALITY agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. The MUNICIPALITY also agrees on behalf of the aforementioned entities and persons to be bound by the provisions of Chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of the COUNTY.

#### **I. AUTHORITY TO SIGN**

1. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to enter into agreements with the COUNTY necessary to complete the planning and construction of this improvement.
2. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to make application to the COUNTY for approval to use County Motor Vehicle License Tax Funds for the improvement.

This Ordinance is hereby declared to be an emergency measure by reason of the need for expediting highway improvements to promote highway safety, an 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 \_\_\_\_\_, 20\_\_\_\_

Attest: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Mayor Annette M. Blackwell

\_\_\_\_\_  
President of Council Ron Jackson

\*\*\*\*\*

**CERTIFICATE OF COPY**

State of Ohio                                 )  
County of Cuyahoga                         ) SS.  
City of Maple Heights                         )

I, Leonette Cicirella Johnson, as Clerk of the City of Maple Heights, Ohio, do hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the legislative Authority of the said municipality on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that the publication of such Ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance have been taken; and that such Ordinance and certificate of publication thereof are of record in Ordinance Record No. \_\_\_\_\_, Page \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Clerk, City of Maple Heights, Ohio

**MUNICIPAL SEAL**

**ORDINANCE NO. 2023-55**

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

**MOTION FOR ADOPTION BY:**

**CO-SPONSORED BY:**

**AN ORDINANCE PROVIDING FOR AMENDMENT NO. 2 DATED JUNE 7, 2023  
OF THE ANNUAL APPROPRIATIONS FOR THE FISCAL YEAR 2023, AND  
DECLARING AN EMERGENCY.**

**WHEREAS**, Council adopted a municipal budget pursuant to **Ordinance No. 2022-105** for the fiscal year January 1, 2023 through December 31, 2023, which was first amended by **Ordinance No. 2023-22**, setting forth certain annual appropriations; and

**WHEREAS**, the Finance Director has recommended to Council that a second amendment to the annual appropriation ordinance, as set forth in the attached Exhibit A, Amendment No. 2, dated June 7, 2023, which is incorporated as if fully rewritten herein, is necessary to account for certain changes in non-payroll 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. 2022-105**, as first amended by **Ordinance No. 2023-22**, shall be further amended by the Council, as recommended by the Finance Director, in accordance with Amendment No. 2 dated June 7, 2023, which is attached hereto as Exhibit A (hereinafter referred to as "Exhibit A-Amendment No. 2 dated June 7, 2023") 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, 2023, the amended appropriations, as recommended by the Finance Director in Exhibit A-Amendment No. 2 dated June 7, 2023, are hereby made and the Finance Director is authorized to prepare and submit the amended appropriations set forth in Exhibit A-Amendment No. 2 dated June 7, 2023 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 comply with Ohio budgetary law 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: \_\_\_\_\_, 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.: 2023-56**

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

**MOTION FOR ADOPTION BY:**

**CO-SPONSORED BY:**

**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR CAVES ROAD CONSTRUCTION SERVICE, INCREASING THE CONTRACT BY \$12,789.28, FOR THE DETENTION CENTER – PHASE III OVERALL CONVERSION PROJECT IN THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Cuyahoga County, per Resolution No. R2022-0275, awarded \$50,000.00 from the District 8 ARPA Community Grant Fund for the Maple Heights Police Department Locker Room Expansion Project; and

**WHEREAS**, on November 2, 2022, by **Resolution No. 2022-99**, Council authorized the Finance Director to accept and deposit funding from the District 8 ARPA Community Grant Fund in the amount of \$50,000.00 into the Local Fiscal Recovery Fund, to be used for the Maple Heights Police Department Locker Room Expansion Project; and

**WHEREAS**, on December 7, 2022, by **Resolution No. 2022-120**, Council authorized and directed the City Engineer and Calvin Singleton and Associates to begin the preparation of plans and specifications and to provide advertising for bids for the Maple Heights Police Department Locker Room Expansion Project; and

**WHEREAS**, on January 27, 2023, the bids for the Detention Center – Phase III Overall Conversion were opened and inspected by the City Engineer and Calvin Singleton and Associates to determine the lowest and best bid; and

**WHEREAS**, on February 1, 2023, by **Resolution No. 2023-11**, Council authorized the Mayor to enter into a contract with Caves Road Construction for the Detention Center – Phase III Overall Conversion Project, for a cost not to exceed Ninety-Three Thousand Two Hundred Forty-Five Dollars and Zero Cents (\$93,245.00); and

**WHEREAS**, the City Engineer and Calvin Singleton and Associates have recommended that additional work be performed to provide supplementary functional and aesthetic improvements to the fire suppression system and doors, repair defective plumbing, and install a garbage disposal for the kitchenette sink within the converted detention area space.

**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 Caves Road Construction, to increase the contract for the Detention Center – Phase III Overall Conversion Project, in the amount of Twelve Thousand Seven Hundred Eighty-Nine Dollars and Twenty-Eight Cents (\$12,789.28), to provide for work to construct the additional items as outlined within this Resolution as directed by the City Engineer and Calvin Singleton and Associates.

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

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

**Section 4.** This Resolution constitutes an emergency measure necessary for the health and general welfare of the residents of the City, and to complete the project in a timely manner so that the District 8 ARPA Community Grant funding schedule can be maintained, 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. 2023-57**

**INTRODUCED BY:** Council as a Whole

**MOTION FOR ADOPTION BY:**

**A RESOLUTION OVERRULING THE DECISION BY THE PLANNING AND ZONING COMMISSION IN CASE NO. 2023-PZ-10 TO DENY THE APPLICATION OF MICHELLE BEDEN-PAYNE FOR APPROVAL OF A CONDITIONAL USE PERMIT UNDER SECTS. 1278.04(H) AND 1298.28(G) OF THE MAPLE HEIGHTS CODIFIED ORDINANCES TO OPERATE A CHILD DAY CARE CENTER IN A NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT AT 5310 ½ WARRENSVILLE CENTER ROAD, MAPLE HEIGHTS, OHIO.**

**WHEREAS**, in **Case No. 2023-PZ-10** the City's Planning and Zoning Commission issued a decision denying the application of Michelle Beden-Payne for approval of a Conditional Use Permit to operate a Child Day Care Center in a Neighborhood Commercial (NC) Zoning District at 5310 ½ Warrensville Center Road, Maple Heights, Ohio; and

**WHEREAS**, Sec. 1262.03(F) of the MH Codified Ordinances provides: "Council has the authority to review and overrule any decision of the Planning & Zoning Commission, by ordinance or resolution, passed by two-thirds (2/3) vote of the members elected to Council within forty-five (45) business days of the date of the decision, provided that \* \* \* the applicant notifies the Secretary to the Planning & Zoning Commission and the Chief Building Official of his or her objection in writing within five (5) business days of the date of the decision of the Planning & Zoning Commission. The decision of Council in such matters is final and shall not be subject to appeal except to a court of competent jurisdiction in conformance with state and federal law."; and

**WHEREAS**, the Applicant timely filed an appeal of the P&Z Decision to Council pursuant to Sec. 1262.03(F) and the Applicant presented its appeal to Council at its May 17, 2023 Council Meeting for review and consideration.

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

**Section 1.** The decision of the City's Planning and Zoning Commission in **Case No. 2023-PZ-10** denying the application of Michelle Beden-Payne for approval of a Conditional Use Permit to operate a Child Day Care Center in a Neighborhood Commercial (NC) Zoning District at 5310 ½ Warrensville Center Road, Maple Heights, Ohio, is hereby overruled. A Conditional Use permit to operate a child daycare in the Neighborhood Commercial Zoning District is hereby granted to Michelle Beden-Payne and Shell's Learning Center LLC and the Building Department is ordered to immediately make a record of, and provide the Conditional Use Permit to, Michelle Beden-Payne and Shell's Learning Center LLC.

**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.** Pursuant to Codified Ordinance Sections 1262.03(F) this Resolution, provided it receives the affirmative vote of five (5) or more members elected to Council, shall take effect and be in force immediately upon its passage.

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 and 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. 2023-58**

**INTRODUCED BY:** Council as a Whole

**MOTION FOR ADOPTION BY:**

**A RESOLUTION OVERRULING THE DECISION BY THE PLANNING AND ZONING COMMISSION IN CASE NO. 2023-PZ-18 TO DENY THE APPLICATION OF MICHELLE AFFRONTI OF AMAROK, LLC REQUESTING A VARIANCE FROM THE REQUIREMENTS OF SECT. 1298.19(D)(3)(F) OF THE MAPLE HEIGHTS CODIFIED ORDINANCES TO PERMIT THE INSTALLATION OF A 10' TALL 12V/DC BATTERY SENSOR (ELECTRIFIED) PERIMETER SECURITY SYSTEM, 4" TO 8" BEHIND THE EXISTING PERIMETER FENCE ON PROPERTY LOCATED IN THE CENTRAL BUSINESS DISTRICT (CBD) ZONING DISTRICT AT 16008 LIBBY ROAD, MAPLE HEIGHTS, OHIO.**

**WHEREAS**, in Case No. 2023-PZ-18 the City's Planning and Zoning Commission issued a decision denying the application of Michelle Affronti of AMAROK, LLC requesting a Variance from the requirements Sect. 1298.19(D)(3)(F) of the MH Codified Ordinances to permit the installation of a 10' tall 12v/dc battery sensor (electrified) perimeter security system, 4"- 8" behind the existing perimeter fence on property located in the Central Business District (CBD) Zoning District at 16008 Libby Road, Maple Heights, Ohio; and

**WHEREAS**, Sec. 1262.03(F) of the MH Codified Ordinances provides: "Council has the authority to review and overrule any decision of the Planning & Zoning Commission, by ordinance or resolution, passed by two-thirds (2/3) vote of the members elected to Council within forty-five (45) business days of the date of the decision, provided that \* \* \* the applicant notifies the Secretary to the Planning & Zoning Commission and the Chief Building Official of his or her objection in writing within five (5) business days of the date of the decision of the Planning & Zoning Commission. The decision of Council in such matters is final and shall not be subject to appeal except to a court of competent jurisdiction in conformance with state and federal law."; and

**WHEREAS**, the Applicant timely filed an appeal of the P&Z Decision to Council pursuant to Sec. 1262.03(F) and the Applicant presented its appeal to Council at its May 3, 2023 Council Meeting for review and consideration.

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

**Section 1.** The decision of the City's Planning and Zoning Commission in Case No. 2023-PZ-18 denying the application of Michelle Affronti of AMAROK, LLC requesting a Variance from the requirements of Sect. 1298.19(D)(3)(F) of the MH Codified Ordinances to permit the installation of a 10' tall 12v/dc battery sensor (electrified) perimeter security system, 4"- 8" behind the existing perimeter fence on property located in the Central Business District (CBD) Zoning District at 16008 Libby Road, Maple Heights, Ohio, is hereby overruled.

**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.** Pursuant to Codified Ordinance Sections 1262.03(F) this Resolution, provided it receives the affirmative vote of five (5) or more members elected to Council, shall take effect and be in force immediately upon its passage.

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 and State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that the same has been and will remain duly posted as required by law.

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

\_\_\_\_\_  
Leonette Cicirella Johnson, Clerk of Council

City of Maple Heights											
Council Expenditures over \$25,000.00											
Wednesday, June 7, 2023											
Date Requested	APPROVAL NUMBER	Requested By	Fund/Dept. Account	Fund	Department	Account Name	Beginning Overall "Professional Services/ Other" Budget	Department Cost	Remaining Overall "Professional Services/ Other" Budget Balance	VENDOR	ITEM and DESCRIPTION
Total Cost for Approval:								\$0.00			

All Approved \_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_  
 Pull Out # \_\_\_\_\_ Additions # \_\_\_\_\_  
 Pull Out # \_\_\_\_\_ Additions # \_\_\_\_\_  
 Pull Out # \_\_\_\_\_ Additions # \_\_\_\_\_

Council President \_\_\_\_\_

Disclosure: Purchase Orders over \$10,000.00

05/11/23	N/A	Mayor's Office	100.7160.55069	General	Land & Buildings		N/A	N/A	\$10,150.48	TreeTop Products	(12) 8' Picnic Tables for Stafford Park & Shipping
05/19/23	N/A	Service Director	100.7160.55071	General	Land & Buildings		N/A	N/A	\$13,250.00	CREelligent	Consulting Services for fuel pumps/underground storage tanks