

CITY OF MAPLE HEIGHTS COUNCIL MEETING
Maple Heights Senior Center

February 5, 2025

7:00 p.m.

**ADDENDUM FOR THE
REGULAR MEETING OF COUNCIL
OF FEBRUARY 5, 2025 (Amended)**

LEGISLATION:

ORDINANCE NO. 2025-10

AN ORDINANCE EXTENDING THE MORATORIUM ON PERMITTING NEW ESTABLISHMENTS THAT SELL OR DISTRIBUTE “TOBACCO PRODUCTS”, “VAPOR PRODUCTS”, “ALTERNATIVE NICOTINE PRODUCTS”, AND/OR “ELECTRONIC SMOKING DEVICES” IN THE CITY OF MAPLE HEIGHTS FOR AN ADDITIONAL PERIOD OF ONE HUNDRED AND EIGHTY (180) DAYS, FROM MARCH 3, 2025 TO OCTOBER 30, 2025, AND DECLARING AN EMERGENCY.

Reading 1 (Stafford Marbury)

ORDINANCE NO. 2025-11

AN ORDINANCE AUTHORIZING THE MAYOR AND PLANNING AND DEVELOPMENT DIRECTOR TO PROVIDE A FORGIVABLE LOAN THROUGH THE MAPLE HEIGHTS-SBA SMALL BUSINESS PERFORMANCE GRANT PROGRAM TO LEVELS BARBER & BEAUTY COLLEGE (“THE COMPANY”) IN THE AMOUNT OF \$2,775.00 FROM THE CITY AND A MATCHING AMOUNT OF \$8,325.00 FROM THE COUNTY, FOR A TOTAL LOAN AMOUNT OF \$11,100.00 TO ALLOW THE COMPANY TO MAKE ENHANCEMENTS AT 20880 SOUTHGATE PARK BOULEVARD, MAPLE HEIGHTS, OHIO, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

RESOLUTION NO. 2025-12

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE JANUARY 20, 2025 QUOTE FROM, AND ENTER INTO, A PURCHASE AGREEMENT WITH SOUTHEASTERN EQUIPMENT COMPANY INC., THROUGH SOURCEWELL'S COOPERATIVE PURCHASING PROGRAM, FOR THE PURCHASE OF A 2024 CASE 521G2 XR FRONT WHEEL LOADER TO REPLACE THE CITY'S 2001 JOHN DEERE FRONT WHEEL LOADER, IN THE TOTAL AMOUNT OF ONE HUNDRED SEVENTY-THREE THOUSAND SIX HUNDRED NINETY-FOUR DOLLARS AND FIFTY-SIX CENTS (\$173,694.56), AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

ORDINANCE NO.: 2025-10

INTRODUCED BY: Councilwoman Tina Stafford Marbury

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

AN ORDINANCE EXTENDING THE MORATORIUM ON PERMITTING NEW ESTABLISHMENTS THAT SELL OR DISTRIBUTE “TOBACCO PRODUCTS”, “VAPOR PRODUCTS”, “ALTERNATIVE NICOTINE PRODUCTS”, AND/OR “ELECTRONIC SMOKING DEVICES” IN THE CITY OF MAPLE HEIGHTS FOR AN ADDITIONAL PERIOD OF ONE HUNDRED AND EIGHTY (180) DAYS, FROM MARCH 3, 2025 TO OCTOBER 30, 2025, AND DECLARING AN EMERGENCY.

WHEREAS, Council, pursuant to the Constitution of the State of Ohio, the Ohio Revised Code, the City’s Charter, Codified Ordinances, and Zoning Code, has the power to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the City of Maple Heights, including restricting areas used for businesses and trades; and

WHEREAS, the City has a legitimate, substantial and compelling interest in encouraging economic investment in the City while protecting residents from criminal activity and health risks; and

WHEREAS, there has been an increase in new retail establishments in the City that sell or distribute “tobacco products”, “vapor products”, “alternative nicotine products”, and/or “electronic smoking devices” (hereinafter collectively referred to as “tobacco and vapor products”), as defined in section 2927.02 of the Ohio Revised Code and Section 819.01 of the City’s Codified Ordinances; and

WHEREAS, Council believes that the operation of businesses that sell or distribute tobacco and vapor products may have an inappropriate impact on minors and the location of businesses that sell or distribute tobacco and vapor products near schools, playgrounds, parks, residential neighborhoods and small businesses may be inappropriate and have an adverse impact on property values, health, safety and welfare in the City; and

WHEREAS, Council finds that it is in the best interests of the health, safety, and welfare of the citizens to impose a moratorium period on permitting the establishment of new businesses in the City that sell or distribute tobacco and vapor products so that it may study, review and better understand the impact that businesses selling or distributing tobacco and vapor products have on the residents of the City, especially minors, residential neighborhoods, visitors to the City, and other businesses in the City, in order to consider the need to enact reasonable regulations as to the size, number and location of businesses that sell or distribute tobacco and vapor products in the City; and

WHEREAS, on September 4, 2024 Council passed **Ordinance No. 2024-75** imposing a moratorium for a period not to exceed 180 days, unless extended by Council, on the establishment of new businesses selling or distributing tobacco and vapor products in the City which during such moratorium no applications for use permits or variances pursuant to the City's Zoning Code to establish a business for the sale or distribution of tobacco and vapor products shall be accepted by the City's Building Department and no use permit or variance under the City's Zoning Code shall be granted by the City's Planning and Zoning Commission permitting the establishment of businesses selling or distributing tobacco and vapor products at any location within the City; and

WHEREAS, Council desires to extend the moratorium for an additional 180 days from March 3, 2025 to October 30, 2025.

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 extends the moratorium set forth in **Ordinance No. 2024-75**, for an additional period not to exceed 180 days from March 3, 2025 to October 30, 2025, unless later extended by Council, on the establishment of new businesses selling or distributing tobacco and vapor products in the City which during such moratorium no applications for use permits or variances pursuant to the City's Zoning Code to establish a business for the sale or distribution of tobacco and vapor products shall be accepted by the City's Building Department and no use permit or variance under the City's Zoning Code shall be granted by the City's Planning and Zoning Commission permitting the establishment of businesses selling or distributing tobacco and vapor products at any location within the City.

Section 2. Council finds that an extension of the moratorium for an additional 180 days is reasonable and will allow for Council to continue its comprehensive review and study of the impact of permitting new establishments selling or distributing tobacco and vapor products within the City.

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 a moratorium is immediately necessary to study the impact of new businesses seeking to sell or distribute tobacco and vapor products within 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: _____, 2025

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.: 2025-11

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

AN ORDINANCE AUTHORIZING THE MAYOR AND PLANNING AND DEVELOPMENT DIRECTOR TO PROVIDE A FORGIVABLE LOAN THROUGH THE MAPLE HEIGHTS-SBA SMALL BUSINESS PERFORMANCE GRANT PROGRAM TO LEVELS BARBER & BEAUTY COLLEGE (“THE COMPANY”) IN THE AMOUNT OF \$2,775.00 FROM THE CITY AND A MATCHING AMOUNT OF \$8,325.00 FROM THE COUNTY, FOR A TOTAL LOAN AMOUNT OF \$11,100.00 TO ALLOW THE COMPANY TO MAKE ENHANCEMENTS AT 20880 SOUTHGATE PARK BOULEVARD, MAPLE HEIGHTS, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, on January 8, 2018, the City entered into an agreement with Cuyahoga County to establish and jointly fund the Maple Heights-SBA Small Business Performance Grant Program (“Program”), pursuant to the authorization of **Ordinance No. 2017-112**, enacted November 1, 2017, by which the County would provide funding in an amount not to exceed \$150,000, and through which the City would contribute an additional \$50,000; and

WHEREAS, upon recommendation of the Mayor and Planning and Development Director, Council has determined that the City should provide a forgivable loan through the Program to Levels Barber & Beauty College (“the Company”) in the amount of \$2,775.00 from the City and a matching amount of \$8,325.00 from County-contributed funds, for a total loan amount of \$11,100.00, to allow the Company to make enhancements at 20880 Southgate Park Boulevard, Maple Heights, Ohio.

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

Section 1. The Mayor and Planning and Development Director are hereby authorized to enter into an agreement to provide a forgivable loan through the Maple Heights-SBA Small Business Performance Grant Program to Levels Barber & Beauty College (“the Company”) in the amount of \$2,775.00 from the City and a matching amount of \$8,325.00 from County-contributed funds, for a total loan amount of \$11,100.00, to allow the Company to make enhancements at 20880 Southgate Park Boulevard, Maple Heights, Ohio, a copy of which agreement shall be on file in the Office of the Planning and Development Director.

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 the Company needs to timely construct enhancements, 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: _____, 2025

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. 2025-12

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

CO-SPONSORED BY:

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE JANUARY 20, 2025 QUOTE FROM, AND ENTER INTO, A PURCHASE AGREEMENT WITH SOUTHEASTERN EQUIPMENT COMPANY INC., THROUGH SOURCEWELL'S COOPERATIVE PURCHASING PROGRAM, FOR THE PURCHASE OF A 2024 CASE 521G2 XR FRONT WHEEL LOADER TO REPLACE THE CITY'S 2001 JOHN DEERE FRONT WHEEL LOADER, IN THE TOTAL AMOUNT OF ONE HUNDRED SEVENTY-THREE THOUSAND SIX HUNDRED NINETY-FOUR DOLLARS AND FIFTY-SIX CENTS (\$173,694.56), AND DECLARING AN EMERGENCY.

WHEREAS, Sourcewell is a service cooperative established by Minn. Stat. § 123A.21 as a local unit of government pursuant to the Minn. Const. Art. XII, Sec. 3 and is authorized to provide a Cooperative Purchasing Program by Minn. Stat. §123A.21, subd. 7(23) to participating entities; and

WHEREAS, participation in Sourcewell's Cooperative Purchasing Program is open to eligible participating entities registering with Sourcewell, including: a state, city, county, town, village, school district, or political subdivision of any state of the United States; and

WHEREAS, the City is a member of, and participating entity in, Sourcewell's Cooperative Purchasing Program (Member No. 105385); and

WHEREAS, Sourcewell's Cooperative Purchasing Program provides purchasing that is "Procurement conducted by, or on behalf of, one or more Public Procurement Units" as defined by the American Bar Association Model Procurement Code for State and Local Governments and Sourcewell's analysts streamline the procurement process by developing requests for proposal (RFPs) and invitations for bids (IFBs) for national, competitive solicitations that meet or exceed local requirements; and

WHEREAS, Sourcewell, on November 15, 2022, advertised for RFPs (RFP No. 011723) for Heavy Construction Equipment with Related Equipment and Technology and on April 20, 2023 (Resolution No. 2023-10) awarded a contract to Caterpillar, Inc. to provide Heavy Construction Equipment with Related Equipment and Technology for purchase through Sourcewell's Cooperative Purchasing Program (Contract No. 011723-CAT); and

WHEREAS, R.C. 9.48(B)(2) and (C) permits the City to participate in a joint purchasing program like Sourcewell's Cooperating Purchase Program and is exempt from Ohio's competitive bidding requirements because Contract No. 011723-CAT was awarded pursuant to a publicly solicited request for a proposal by Sourcewell, a political subdivision of another state; and

WHEREAS, the Mayor and Service Director have advised Council that the City is in need of a new front wheel loader to replace the City's 2001 John Deere front wheel loader and recommend purchasing from Southeastern Equipment Company Inc., per its January 20, 2025 Quote, and per Sourcewell Contract No. 011723-CAT, a 2024 Case Loader Model 521G2 XR with extended 3-year Premier warranty, in the total amount of One Hundred Seventy-Three Thousand Six Hundred Ninety-Four Dollars And Fifty-Six Cents (\$173,694.56), a copy of which is on file in the Finance Department; and

WHEREAS, Council desires to follow the recommendation of the Mayor and Service Director and authorize the purchase of a 2024 Case Loader Model 521G2 XR with extended 3-year Premier warranty, from Southeastern Equipment Inc. in the total amount of One Hundred Seventy-Three Thousand Six Hundred Ninety-Four Dollars And Fifty-Six Cents (\$173,694.56), a copy of which is on file in the Finance Department.

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 accept the January 20, 2025 quote from, and enter into, a purchase agreement with, Southeastern Equipment Company Inc., through Sourcewell Contract No. 011723-CAT, a 2024 Case Loader Model 521G2 XR with extended 3-year Premier warranty, in the total amount of One Hundred Seventy-Three Thousand Six Hundred Ninety-Four Dollars And Fifty-Six Cents (\$173,694.56), a copy of which is on file in the Finance Department

Section 2: The Finance Director is hereby authorized to appropriate to a proper account a sum sufficient to cover the cost of said purchase referred to in Section 1 above, in the total amount of \$173,694.56 or secure appropriate financing options for the total amount of \$173,694.56, subject to the City's Fiscal Policies adopted and approved by Council.

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 the order must be timely placed to avoid delivery delays and price increases, 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: _____, 2025

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