

**CITY OF MAPLE HEIGHTS
COUNCIL MEETING AGENDA**

Maple Heights Senior Center – 7:00 PM

December 4, 2019

- | | | |
|-----|----------------------------------|--|
| 1. | Caucus: 6:30 pm | All members of Council |
| 2. | Call to Order: | Council President Ron Jackson |
| 3. | Invocation/Pledge of Allegiance: | Councilwoman Sharri Thomas, District 6 |
| 4. | Roll Call: | Council Clerk Leonette Cicirella |
| 5. | Oath of Office: | Swearing In of Mr. Christian Ostenson, District 3 |
| 6. | Addendum: | |
| 7. | Approval of Minutes: | November 20, 2019 (Regular Meeting of Council) |
| 8. | Communications: | Letter of Appeal Regarding Planning and Zoning
Commission Case No. 2019-PZ-21 |
| 9. | Council Committee Reports: | |
| 10. | Department Reports: | |
| 11. | Citizens' Comments: | 3-minute limitation |
| 12. | Legislation: | |

2019-104 AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MAPLE HEIGHTS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020, AND DECLARING AN EMERGENCY.

Reading 2 (Blackwell)

2019-110 A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO CHANGE THE FISCAL YEAR 2018 ADVANCE OF MONIES FROM THE GENERAL FUND TO THE POLICE LEVY FUND TO A TRANSFER OF MONIES FROM THE GENERAL FUND TO THE POLICE LEVY FUND, THEREBY REQUIRING NO REIMBURSEMENT TO THE GENERAL FUND, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2019-111 A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO CHANGE THE INTERNAL AUDIT CLASSIFICATIONS OF THE FOLLOWING FISCAL YEAR 2018 EXPENDITURES OUT OF THE GENERAL FUND TO CERTAIN SPECIAL REVENUE FUNDS FROM ADVANCES TO TRANSFERS, THEREBY REQUIRING NO REIMBURSEMENT TO THE GENERAL FUND, AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

2019-112 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR FABRIZI TRUCKING AND PAVING CO., INC., INCREASING THE CONTRACT BY \$125,000.00, FOR THE NORTHEAST QUADRANT SEWER REPAIRS PHASE 1 PROJECT IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY.

Reading 1 (Blackwell)

13. Expenditures over \$1,000.00
14. Mayor's Report
15. Council & Council President's Reports
16. Adjournment

RESOLUTION NO. 2019-110

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO CHANGE THE FISCAL YEAR 2018 ADVANCE OF MONIES FROM THE GENERAL FUND TO THE POLICE LEVY FUND TO A TRANSFER OF MONIES FROM THE GENERAL FUND TO THE POLICE LEVY FUND, THEREBY REQUIRING NO REIMBURSEMENT TO THE GENERAL FUND, AND DECLARING AN EMERGENCY.

WHEREAS, the Finance Director, pursuant to Codified Ordinance Sect. 240.11(a), made an advance of \$30,544.57 from the General Fund to the Police Levy Fund for fiscal year end 2018; and

WHEREAS, the Finance Director has recommended to Council that she be authorized to change the "advance" to a "transfer", thereby eliminating the need for the Police Levy Fund having to reimburse the General Fund before the end of 2019.

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

Section 1. Council authorizes the Finance Director to change the 2018 year end "advance" of \$30,544.57 from the General Fund to the Police Levy Fund to a "transfer" of \$30,544.57 from the General Fund to the Police Levy Fund, thereby eliminating the need for the Police Levy Fund having to reimburse the General Fund before the end of 2019.

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

Section 3. This Resolution constitutes an emergency measure necessary for the public peace, safety and general welfare of the City and for the further reason that the 2018 advance must be changed to a transfer before the end of 2019 to avoid reimbursement requirements, 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: _____, 2019

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette F. Cicirella, Clerk of Council

I, Leonette F. Cicirella, 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 F. Cicirella, Clerk of Council

RESOLUTION NO. 2019-111

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO CHANGE THE INTERNAL AUDIT CLASSIFICATIONS OF THE FOLLOWING FISCAL YEAR 2018 EXPENDITURES OUT OF THE GENERAL FUND TO CERTAIN SPECIAL REVENUE FUNDS FROM ADVANCES TO TRANSFERS, THEREBY REQUIRING NO REIMBURSEMENT TO THE GENERAL FUND, AND DECLARING AN EMERGENCY.

WHEREAS, Council passed **Ordinance No. 2018-106** on December 27, 2018 which amended the 2018 appropriations budget and which provided for certain transfers from the General Fund to certain Special Revenue Funds; and

WHEREAS, the transfers approved by Council in the 2018 appropriations budget were inadvertently classified as “advances” in the City’s internal audit system; and

WHEREAS, the Finance Director has recommended to Council that the internal audit classification be corrected from “advances” to “transfers”, thereby eliminating the need for the Special Revenue Funds at issue having to reimburse the General Fund before the end of 2019.

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

Section 1. Council authorizes the Finance Director to change the internal audit classifications of the following fiscal year 2018 expenditures out of the General Fund to certain Special Revenue Funds from “advances” to “transfers”, thereby requiring no reimbursement to the General Fund before the end of 2019:

1) Change advance of \$50,100.00 from General Fund to Street Lighting Fund to a transfer of \$50,100.00 from General Fund to Street Lighting Fund, thereby requiring no reimbursement from the Street Lighting Fund to the General Fund;

2) Change advance of \$12,300.00 from General Fund to Ambulance Billing Fund to a transfer of \$12,300.00 from General Fund to Ambulance Billing Fund, thereby requiring no reimbursement from the Ambulance Billing Fund to the General Fund;

3) Change advance of \$12,100.00 from General Fund to EMS Grant Fund to a transfer of \$12,100.00 from General Fund to EMS Grant Fund, thereby requiring no reimbursement from the EMS Grant Fund to the General Fund.

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

requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution constitutes an emergency measure necessary for the public peace, safety and general welfare of the City and for the further reason that the 2018 advances must be changed to transfers before the end of 2019 to avoid reimbursement requirements, 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: _____, 2019

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette F. Cicirella, Clerk of Council

I, Leonette F. Cicirella, 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 F. Cicirella, Clerk of Council

RESOLUTION NO. 2019-112

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR FABRIZI TRUCKING AND PAVING CO., INC., INCREASING THE CONTRACT BY \$125,000.00, FOR THE NORTHEAST QUADRANT SEWER REPAIRS PHASE 1 PROJECT IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY.

WHEREAS, on October 7, 2015, by **Resolution 2015-63**, Council authorized and directed the City Engineer to begin the preparation of plans and specifications and to provide advertising for bids for the storm and sanitary sewer improvement project on various streets including Hansen, Watson, Raymond, Franklin, Hillgrove, Clare and Gardenview in the City of Maple Heights; and

WHEREAS, the Ohio Public Works Commission will contribute funding for 58% of the construction costs, up to a maximum of Three Hundred Forty Nine Thousand Nine Hundred Fifty Dollars and Zero Cents (\$349,950.00), for the repair of storm and sanitary sewers on various streets including Hansen, Watson, Raymond, Franklin, Hillgrove, Clare and Gardenview; and

WHEREAS, on November 7, 2018, by **Resolution 2018-96**, Council authorized and directed the Mayor to enter into a Member Community Infrastructure Program Agreement with the Northeast Ohio Regional Sewer District (NEORS) for the Manhole Sewer Separation Project in the City of Maple Heights which included the repair of storm and sanitary sewers on various streets including Hansen, Watson, Raymond, Franklin, Hillgrove, Clare and Gardenview; and

WHEREAS, the City of Maple Heights had been awarded Five Hundred Ninety Nine Thousand Nine Hundred Fifty Dollars and Zero Cents \$599,950.00 by the Northeast Ohio Regional Sewer District (NEORS) for the repair of storm and sanitary sewers on various streets including Hansen, Watson, Raymond, Franklin, Hillgrove, Clare and Gardenview; and

WHEREAS, the City of Maple Heights has entered into an agreement with the Cuyahoga County Department of Public Works to maintain and operate the entire City of Maple Heights-owned storm and sanitary sewer systems, also designated as County Sewer District No.9; and

WHEREAS, the Cuyahoga County Department of Public Works has established a schedule of just and equitable rates to be collected from the owners of all parcels within the City that have accessibility to storm and sanitary sewers; and

WHEREAS, upon collection by the County Treasurer, such storm and sanitary sewer system monies have been placed in a distinct fund to the credit of Sewer District No. 9; and

WHEREAS, the Cuyahoga County Department of Public Works has committed to provide Sewer District No. 9 funds in the amount of up to Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00) as the required local funding match for the storm and sanitary sewer improvement project on various streets including Hansen, Watson, Raymond, Franklin, Hillgrove, Clare and Gardenview; and

WHEREAS, on August 30, 2019, the bids for the Northeast Quadrant Sewer Repairs Phase 1 Project, which includes the repair of storm and sanitary sewers on various streets including Franklin, Hillgrove, Clare and Gardenview, were opened and inspected by the City Engineer to determine the lowest and best bid; and

WHEREAS, on September 4, 2019, by **Resolution 2019-75**, the Council of the City of Maple Heights hereby authorized the Mayor, to enter into a contract with Fabrizi Trucking and Paving Co., Inc., for the Northeast Quadrant Sewer Repairs Phase 1 Project, at a cost not to exceed Six Hundred Sixty Seven Thousand Seven Hundred Dollars and Zero Cents (\$667,700.00) 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 recommended that additional work be performed to repair newly identified sections of severely deteriorated sanitary and storm sewers on Hillgrove and Franklin east of Prayner; and

WHEREAS, the City Engineer has confirmed that the additional repair work can be paid for with the grant funds that are currently available to supplement existing local and county 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 Fabrizi Trucking and Paving Co., Inc., to increase the contract for the Northeast Quadrant Sewer Repairs Phase 1 Project in the amount of One Hundred Twenty Five Thousand Dollars and Zero Cents (\$125,000.00) to provide for the additional repair work as recommended by the City Engineer.

Section 2. The Council of the City of Maple Heights hereby authorizes and directs 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: _____, 2019

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette F. Cicirella, Clerk of Council

I, Leonette F. Cicirella, 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 F. Cicirella, Clerk of Council

ORDINANCE NO. 2019-104

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MAPLE HEIGHTS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020, AND DECLARING AN EMERGENCY.

WHEREAS, the Finance Director has prepared a budget for the appropriation of monies for current expenses and other expenditures of the City of Maple Heights for the fiscal year ending December 31, 2020 ("2020 Appropriations Budget").

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

Section 1. Council hereby approves and adopts the 2020 Appropriations Budget, which is on file in the office of the Finance Director and attached hereto as Exhibit A and incorporated as if fully rewritten herein, to provide for the current expenses and other expenditures of the City of Maple Heights during the fiscal year ending December 31, 2020.

Section 2. 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 3. 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 2020 Appropriations Budget must be immediately adopted to insure the financial integrity of the City and presented to the County Fiscal Officer by December 31, 2019.. 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: _____

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette F. Cicirella, Clerk of Council

I, Leonette F. Cicirella, 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 F. Cicirella, Clerk of Council

M E M O

To: Leonette Cicerella -P&Z Secretary
From: Ed Hren – City Engineer
Date: November 18, 2019

Case Number: 2019-PZ-21
Zoning District: Neighborhood Commercial (NC) Zoning District
Subject: 5180 Northfield Road
Proposed Restaurant

Good afternoon Leonette,

I have completed my preliminary review of the October 21, 2019 application and plan submittal for the above referenced case. The applicant is requesting the review and design approval of plans for the renovation, and exterior expansion (outdoor dining) of an existing building located at 5180 Northfield Road. The property is located in the Neighborhood Commercial (NC) Zoning District and the plan set that was submitted consists of the architectural drawings and a preliminary site layout.

The site layout lacks sufficient detail to review the off street parking provided but it is noted that the construction of the outdoor dining area will eliminate four (4) parking spaces that currently serve the existing facility. I have included an aerial photo of the site on page 2.

1290.06 (V) SCHEDULE OF REQUIRED OFF-STREET PARKING requires 1 space per 50 square feet of floor area, or 1 space for each 2 seats, whichever requires the greater number of spaces for restaurants bars and taverns. The plans indicate the square footage of the seating area in the building is 900 square feet and the outside seating area has another 392 square feet for a total of 1292 square feet which requires 26 parking spaces. The architectural plan shows 36 seats inside and 24 seats outside for a total of 60 seats which requires 30 parking spaces. The site plan does not show parking for but it appears very unlikely that more than 9 vehicles could be accommodated on site.

Based on my review of the submitted documents I would recommend that the Commissioners seek additional information on the proposed off street parking that will be provided before granting preliminary approval for the proposed site plan.

Final Engineering approval will be contingent upon the granting of any required variances and the submission and approval of detailed site construction plans for the development. The site construction plans, primarily for parking, will be required to include boundary, grading and drainage plans, and all pertinent details prior to the issuance of construction permits. The applicant should also be made aware that under the City's current operations and maintenance agreement with the Cuyahoga County Department of Public Works, all stormwater and sanitary sewer improvements, including grease traps, must also be reviewed and approved by the Department of Public Works. My office will review pollution prevention plans. I will commence the review of the site construction plans once they have been submitted to my office. It is the applicant's responsibility to coordinate the Department of Public Works review and approval. The City cannot issue construction permits until all County approvals have been issued.



Parking spaces lost to exterior dining expansion

AUG 08 20
RECEIVED

PLANNING AND ZONING COMMISSION
APPLICATION : (Type or **PRINT CLEARLY** in Black Ink)

CASE NO.: 2019-PZ-21

PROPERTY ADDRESS: 5180 Northfield Road PPH# _____ ZONING DISTRICT _____

APPLICANT: Evelyn Lewis COMPANY: The B100 Print LLC
MAILING ADDRESS: 10422 To Hand Drive
PHONE: 216-401-6392 CELL: 216-401-6392 FAX: _____
E-MAIL ADDRESS: NMSSuities@me.com ID: _____

PROPERTY OWNER NAME(S): BEI Consultants
MAILING ADDRESS: 5180 Northfield Road
PHONE: 216-401-6392 CELL: _____ FAX: _____
E-MAIL ADDRESS: NMSSuities@me.com / archicam@ameritech.

ACTION REQUESTED: Changing Occupancy
Blue Print - RESTAURANT & Lounge

I, the undersigned applicant, have included the required ten (10) completed sets of Professional Quality documents with this application. I understand that the Building Commissioner reserves the right to refuse this application if found to be incomplete or improperly submitted, including, but not limited to, the attached application and drawings. I, or my authorized agent or representative, shall be present at the public meeting on the designated date as noted at the bottom of this application. I further understand that my failure to be present for the meeting at the date and time stated below may cause the case to be denied. Please call 216-587-9000 ten (10) days prior to meeting date to ensure that your case has been placed on the Planning & Zoning agenda.

8-8-19 (Date) Evelyn Lewis (Applicant's Printed Name) Evelyn Lewis (Applicant's Signature)

OFFICE USE ONLY:

ZONING DISTRICT: Neighborhood Commercial PLANNING ☒ ZONING ☒
APPLICABLE CODE(S): 1278.04, 1278.05, 1278.06, 1278.08
1278.09
CASE WORDING: OWNER IS REQUESTING TO OPEN A RESTAURANT
LOUNGE IN THIS LOCATION WHICH IS A CONDITIONAL
USE WHICH NEEDS APPROVAL OF P&Z
10/24/19 SPEAK w/ Evelyn
Next Scheduled Planning / Zoning Meeting: 9/9/2019 @ 6:30 p.m.
5353 Lee Road, Maple Heights, OH 44137
|| Approved for Meeting
8-23-19 Date
William Ford Building Commissioner

Additional 7 8/8/19 Draft informed app for P&Z