CITY COUNCIL MEETING AGENDA
FEBRUARY 13, 2018

PLEDGE ALLEGIANCE TO THE FLAG

TIME: ______________
ROLL CALL: ALEXANDER, HENRY, HURST, KUMIN, LENTINE, LEWIS, URSU

PRESENT: _______ ABSENT: _______

Motion was made by _________ seconded by _________ to excuse ___________

ROLL CALL: ALEXANDER, HENRY, HURST, KUMIN LENTINE, LEWIS, URSU

Public hearing on Ordinance 144-2017 at 8:15pm
ORDINANCE NO.: 144-2017, INTRODUCED BY MAYOR ROCHE, THIRD READING
AN ORDINANCE AMENDING SECTION 1103.03, “INSPECTIONS; DEPOSIT FUND”, OF
THE CODIFIED ORDINANCES OF THE CITY OF RICHMOND HEIGHTS, OHIO
REGARDING DEPOSITS FOR ENGINEERING SERVICES.

CONSENT AGENDA
All matters listed under the Consent Agenda are considered to be routine by the City Council
and will be enacted by one motion, which motion suspends the Council’s rules requiring three
separate readings of legislation, and there will be no separate discussion of these items when
so adopted. If any Councilperson desires discussion, the particular item will be removed
from the Consent Agenda and will be considered separately by Council with full discussion
and individual action therein.

1) Minutes of the City Council Meeting from January 23, 2018.
2) RESOLUTION NO.: 13 -2018, INTRODUCED BY: Mayor Roche: A
RESOLUTION CONFIRMING THE RE-APPOINTMENT BY THE MAYOR
OF MARK EDELMAN TO BE A MEMBER OF THE PLANNING
COMMISSION OF THE CITY.
3) RESOLUTION NO.: 14 -2018, INTRODUCED BY: Mayor Roche: A
RESOLUTION CONFIRMING THE RE-APPOINTMENT BY THE MAYOR
OF TERRY L. BUTLER TO BE A MEMBER OF THE PLANNING
COMMISSION OF THE CITY.


MOTION
Motion was made by __________ seconded by __________ to accept the Consent Agenda as submitted.

ROLL CALL: ALEXANDER, HENRY, HURST, KUMIN, LENTINE, LEWIS, URSU
REPORTS:

Mayor David H. Roche:

Fire Chief, Marc Neumann:

Police Chief, Gene Rowe:

Building Commissioner, Phil Seyboldt:

Finance Director, Jim Teknipp:

Recreation Director, Rick Dula:

Economic Development Director, Christel Best:

City Engineer, Lee Courtney:

Service Director, Donald Kerniskey:

Audience:
OLD BUSINESS:

ORDINANCE NO.: 143-2017, INTRODUCED BY MAYOR ROCHE, THIRD READING
AN ORDINANCE AMENDING SECTION 951.04(e), “RULES AND REGULATIONS FOR NONBURNABLE RUBBISH PICKUP,” AND ADOPTING NEW CHAPTER 952, ENTITLED “BRANCH CHIPPING SERVICES”, OF THE STREETS AND PUBLIC SERVICES CODE IN THE CODIFIED ORDINANCES OF THE CITY OF RICHMOND HEIGHTS, OHIO, AND DECLARING AN EMERGENCY.

PASSAGE:  ___________  ___________
KEPT ON:  ___________  ___________

ORDINANCE NO.: 144-2017, INTRODUCED BY MAYOR ROCHE, THIRD READING
AN ORDINANCE AMENDING SECTION 1103.03, “INSPECTIONS; DEPOSIT FUND”, OF THE CODIFIED ORDINANCES OF THE CITY OF RICHMOND HEIGHTS, OHIO REGARDING DEPOSITS FOR ENGINEERING SERVICES.

PASSAGE:  ___________  ___________
KEPT ON:  ___________  ___________

NEW BUSINESS:

RESOLUTION NO.: 8-2018, INTRODUCED BY MAYOR ROCHE, FIRST READING
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR STORMWATER RELATED WORK AND EXPENDITURES.

SUSPENSION:  ___________  ___________
PASSAGE:  ___________  ___________
KEPT ON:  ___________  ___________

RESOLUTION NO.: 9-2018, INTRODUCED BY LENTINE, FIRST READING
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH TELECARE CORP. FOR SECURITY EQUIPMENT FOR THE MAIN ENTRANCE OF THE STATION.

SUSPENSION:  ___________  ___________
PASSAGE:  ___________  ___________
KEPT ON:  ___________  ___________

RESOLUTION NO.: 10-2018, INTRODUCED BY LENTINE, FIRST READING
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A RENEWAL AGREEMENT WITH BREATHING AIR SYSTEMS FOR AIR COMPRESSOR MAINTENANCE SERVICES FOR THE DIVISION OF FIRE.

SUSPENSION:  ___________  ___________
PASSAGE:  ___________  ___________
KEPT ON:  ___________  ___________
RESOLUTION NO.: 11-2018, INTRODUCED BY COTTON-HENRY, FIRST READING
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CDW GOVERNMENT, LLC FOR NECESSARY COMPUTER LICENSES.

SUSPENSION: ___________  ___________
PASSAGE: ___________  ___________
KEPT ON: ___________ READING IN ___________ COMMITTEE

RESOLUTION NO.: 12-2018, INTRODUCED BY MAYOR & COUNCIL, FIRST READING
A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FROM THE CITY OF RICHMOND HEIGHTS FOR A PROJECT TO BE CONSIDERED BY THE STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES FOR ITS NATUREWORKS GRANT PROGRAM FOR FISCAL YEAR 2018.

SUSPENSION: ___________  ___________
PASSAGE: ___________  ___________
KEPT ON: ___________ READING IN ___________ COMMITTEE

RESOLUTION NO.: 22-2018, INTRODUCED BY MAYOR ROCHE, FIRST READING
A RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF JAMES URANKAR AS COMMISSIONER OF BUILDING, ZONING AND HOUSING; AND DECLARING AN EMERGENCY.

SUSPENSION: ___________  ___________
PASSAGE: ___________  ___________
KEPT ON: ___________ READING IN ___________ COMMITTEE

RESOLUTION NO.: 23-2018, INTRODUCED BY MAYOR ROCHE, FIRST READING
A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT(S).

SUSPENSION: ___________  ___________
PASSAGE: ___________  ___________
KEPT ON: ___________ READING IN ___________ COMMITTEE

RESOLUTION NO.: 24-2018, INTRODUCED BY LENTINE, FIRST READING
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO LEASE AND SERVICE AGREEMENTS WITH U.S. BANK EQUIPMENT FINANCE AND BLUE TECHNOLOGIES, INC. FOR MULTIFUNCTION EQUIPMENT.

SUSPENSION: ___________  ___________
PASSAGE: ___________  ___________
KEPT ON: ___________ READING IN ___________ COMMITTEE

ADDITIONS:

CORRESPONDENCE:

ADJOURNMENT:
MOTION WAS MADE BY __________ SECONDED BY __________ TO ADJOURN THIS FEBRUARY 13, 2018 CITY COUNCIL MEETING AT __________ P.M.
AN ORDINANCE AMENDING SECTION 951.04(e), “RULES AND REGULATIONS FOR NONBURNABLE RUBBISH PICKUP,” AND ADOPTING NEW CHAPTER 952, ENTITLED “BRANCH CHIPPING SERVICES”, OF THE STREETS AND PUBLIC SERVICES CODE IN THE CODIFIED ORDINANCES OF THE CITY OF RICHMOND HEIGHTS, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Richmond Heights currently provides a city-wide service for residential rubbish pick up, which includes disposing of smaller twigs; and

WHEREAS, the City of Richmond Heights also provides a city-wide branch chipping service for residential disposal of larger branches; and

WHEREAS, the Council desires to continue and expand its branch chipping service to include chipping large quantities of branches; and

WHEREAS, in order to do so in a cost effective and efficient manner, the Council has determined that certain regulations and fees should be placed on the operation and utilization of such service.

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1. Section 951.04(e), “Rules and Regulations for Nonburnable Rubbish Pickup.”, in Part Nine, “Streets and Public Services”, of the City’s Codified Ordinances is hereby amended as follows:

“951.04 RULES AND REGULATIONS FOR NONBURNABLE RUBBISH PICKUP.

***

(e) Newspapers, cardboard, shrubs, limbs, branches, and other paper goods shall be tied and bundled securely. Shrubs and small branches shall be bundled in uniform piles not more than five feet long and two feet in diameter. Branches larger than one half (1/2) inch in diameter are subject to disposal pursuant to the procedures in Chapter 952.

***"
Section 2. Existing Section 951.04(e), “Rules and Regulations for Nonburnable Rubbish Pickup.”, in Part Nine, “Streets and Public Services”, of the City’s Codified Ordinances and any and all ordinances or parts thereof in conflict herewith are repealed.

Section 3. Part Nine, the “Streets and Public Services Code” of the Codified Ordinances of the City, is amended to add a new Chapter 952, to be entitled “Branch Chipping Services”, to read as follows:

“Chapter 952

BRANCH CHIPPING SERVICES

952.01 Branch Chipping Services

(a) The City will provide branch chipping services to residents for disposal of tree limbs from single-family residential properties resulting from residential yard work and that have fallen from severe storm damage. All by-products from a contractor or tree service shall be disposed of by the contractor or tree service. Branch chipping by the City is subject to weather conditions and the availability of City equipment and service crews. Residents may be required to pay a fee for branch chipping pursuant to Section 952.02.

(b) Chipping services are subject to the following:
   (1) Branches shall be placed in the tree lawn and shall not obstruct the sidewalk or views for traffic safety purposes;
   (2) Branches shall be no larger than three and one half (3 ½) inch in diameter.
   (3) Branches shall be of a size that is manageable for one person;
   (4) Branches shall be stacked reasonably untangled, with all branches facing in one direction;
   (5) Shrubbery with roots, stumps, vines, thorny plants, lumber, posts, and other non-tree material shall not be placed in the pile with branches for chipping;
   (6) No material generated at a location other than the residence from which it is collected shall be placed on the tree lawn in front of that residence for purposes of branch chipping.

(c) Residents shall notify the Department of Public Service when they have branches to be chipped. The Department of Public Service will advise the resident that branch chipping may be subject to a fee under Section 952.02.
   (1) If branches are placed on the tree lawn but the Department of Public Service has not been notified by a resident that the branches are to be chipped, then the Department of Public Service may chip the branches only if chipping is not subject to a fee under Section 952.02.
   (2) If branches are placed on the tree lawn, the Department of Public
Service has not been notified by a resident that the branches are to be chipped, and chipping the branches would likely result in assessment of a fee under Section 952.02, then the Director of Public Service or his/her designee shall cause written notice to be served upon the owner, lessee, agent or tenant of the property along with an estimated City fee for chipping. The notice shall notify the resident to either: (i) contact the Department of Public Service and affirmatively consent to branch chipping for a fee under Section 952.02; or (ii) immediately remove the branches from the tree lawn. Such notice shall be delivered either personally to the owner of the property or a person of suitable age at the subject property, by regular, first-class mail, or by posting the notice at a conspicuous place upon the subject property. If consent to chipping is not provided and the branches are not removed within five (5) days after service of the notice, then the City may charge a fee for chipping the branches pursuant to Section 952.02(c).

(d) Any materials placed out for collection shall be presumed to belong to and be the responsibility of the owner, tenant or occupant of any dwelling or premises in front of which, or adjacent to which, the materials are placed.

952.02 Branch Chipping Service Fee

(a) The fee for branch chipping shall be twenty five dollars ($25.00) for every fifteen (15)-minute block of time the branch chipping service is being provided or rendered. The Mayor or Director of Public Service may suspend the fee for good cause, at their sole discretion, such as when extreme weather conditions result in excessive amounts of downed branches.

(b) No fee shall be charged if the total time of service is fifteen (15) minutes or less unless:
   (1) The branches are a by-product of a contractor’s services or a tree service;
   (2) Material placed for branch chipping does not meet the specifications of Section 952.01(b).

(c) Residents who have consented to or requested a branch chipping service or who have failed to remove branches from their tree lawn five (5) days after receiving notice pursuant to Section 952.01(c) shall be invoiced for branch chipping services on a monthly basis via regular, first-class mail. Residents shall pay the invoice no later than thirty (30) days of receipt. If the services are not paid after the resident has been invoiced for at least three (3) consecutive months, then, upon the receipt of a statement of costs incurred, Council shall give written notice to the Fiscal Officer of Cuyahoga County with a statement of the charges for its
services, the amount paid for the performing of the labor and a proper description of the premises for the purpose of making the same a lien upon the lands and to be collected as other taxes and returned to the Municipality for placement into the General Fund.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and 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 Ordinance is declared to be an emergency measure necessary for the preservation of the public health, safety and general welfare of the citizens of the City of Richmond Heights, and for the further reason that it is necessary to protect the public and property values from nuisances, unsafe conditions, and aesthetically unpleasing conditions at the earliest time possible; wherefore, this Ordinance shall take effect and be in force immediately upon its passage by Council and its signature by the Mayor.

PASSED: _______________________   ________________________

David H. Roche, Mayor

APPROVED: ____________________

ATTEST: ________________________   _________________________

Betsy Traben
Clerk of Council

Eloise Cotton-Henry
President of Council
AN ORDINANCE AMENDING SECTION 1103.03, “INSPECTIONS; DEPOSIT FUND”, OF THE CODIFIED ORDINANCES OF THE CITY OF RICHMOND HEIGHTS, OHIO REGARDING DEPOSITS FOR ENGINEERING SERVICES.

WHEREAS, upon the recommendation of the Building Commissioner, Council has reviewed Section 1103.03 “Inspections; Deposit Fund,” of the Planning and Zoning Code and determined that this section should be amended to include a process to ensure the payment and replenishing of deposits for engineering services and to permit the City to recoup its costs for engineering services rendered, but for which the property owner failed to make the required deposit.

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

SECTION 1. Section 1103.03, “Inspections: Deposit Fund”, in Part Eleven, “Planning and Zoning Code”, of the City’s Codified Ordinances is hereby amended as follows:

“1103.03 INSPECTIONS; DEPOSIT FUND.

The Engineer shall check review and approve all plans, profiles, cross-sections, specifications and other pertinent work details before any pavement, water, sewer or utility construction is begun and shall periodically inspect such construction in progress. The owner, contractor and/or developer or utility, prior to commencing any construction hereunder, shall deposit with the Finance Director of Finance a minimum amount of five hundred dollars ($500.00) to cover inspection costs, unless such minimum deposit is reduced by written approval of the Engineer due to the size of the project. Whenever such Inspection Deposit Fund is reduced below three hundred dollars ($300.00) to pay the cost of the Engineer’s review, an additional two hundred dollars ($200.00) deposit must be made by such owner, contractor and/or developer or utility.

During the period of completion of such projects the Engineer on a monthly basis shall report in appropriate form, as may be determined by his/her office and the Department of Finance, the hours of work performed in for such review and inspections each payroll period, and a transfer shall then be made from the Inspection Deposit Fund to the General Fund at the rate provided in Section 1325.20 of these Codified Ordinances.

In the event that the necessary funds are not deposited as herein described in the Inspection Deposit Fund for the review and inspection services set forth above, or in cases where the cost of the Engineer’s review and inspections has exceeded the deposited amount, the Commissioner of Building, Zoning and Housing shall cause an invoice for services rendered to be served upon the owner of record via regular
first-class mail in the amount reported by the Engineer, plus administrative costs incurred by the Division of Building, Zoning and Housing, the Department of Finance, and various legal costs in the amount of $75.00 per invoice. The Commissioner shall also report all unreimbursed engineering and inspection expenses to Council at an appropriate time.

Upon the receipt of the statement of unreimbursed costs incurred, Council shall make written notice to the Fiscal Officer of Cuyahoga County of the City’s action under the preceding subsection with a statement of the charges for the Engineer’s services, the amount paid for the review and inspection services provided under this section, and a proper description of the premises for the purpose of making the same a lien upon the lands and to be collected as other taxes and returned to the City to be deposited in the General Fund.”

SECTION 2. Existing Section 1103.03 in Part Eleven, “Planning and Zoning Code”, of the City’s Codified Ordinances and any and all ordinances or parts thereof in conflict herewith are repealed.

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 of this Council, and that all deliberations of this Council and 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 shall take effect and be in force from and after the earliest period allowed by law.

PASSED: ____________________________ ____________________________________

David H. Roche, Mayor

APPROVED: ______________________

ATTEST:_____________________________ ________________________________

Betsy Traben
Clerk of Council

Eloise Cotton-Henry
President of Council
RESOLUTION NO.: 8-2018
INTRODUCED BY: Mayor Roche

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR STORMWATER RELATED WORK AND EXPENDITURES.

WHEREAS, pursuant to Resolution No. 13-2016, passed April 12, 2016, the City of Richmond Heights entered into a Regional Stormwater Management Program Service Agreement with Northeast Ohio Regional Sewer District (NEORSD); and

WHEREAS, as part of the Regional Stormwater Management Program, NEORSD manages a Community Cost Share account which provides funding to assist the City with District-approved projects; and

WHEREAS, the District has approved the City’s MS4 Permit Fee, Engineers’ Work (inspections, annual reporting, mapping, and grant applications), Street Sweeping, Board of Health Services, and Euclid Creek Membership expenditures as Community Cost Share projects and will allocate $32,604 in Community Cost Share funds for these expenditures and work; and

WHEREAS, Council desires to authorize the Mayor to enter into the Community Cost-Share Agreement with NEORSD so that Community Cost-Share funds can be utilized for the City’s work and expenditures described above.

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

Section 1: The Mayor is authorized to enter into a Community Cost-Share Agreement with NEORSD to receive $32,604 in Community Cost-Share funds to use for the City’s MS4 Permit Fee, Engineers’ Work (inspections, annual reporting, mapping, and grant applications), Street Sweeping, Board of Health Services, and Euclid Creek Membership Fee expenditures.

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 of this Council, and that all deliberations of this Council and 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 shall take effect and be in force at the earliest time provided by law.

PASSED:____________________________
David H. Roche, Mayor

APPROVED:_________________________

ATTEST:_____________________________ ___________________________
Betsy Traben    Eloise Cotton-Henry
Clerk of Council    President of Council
RESOLUTION NO.: 9 -2018
INTRODUCED BY: Lentine

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH TELECARE CORP. FOR SECURITY EQUIPMENT FOR THE MAIN ENTRANCE OF THE STATION.

WHEREAS, the Chief of Police has received a quote from Telecare Corp. in an amount not to exceed Seven Thousand Six Hundred Dollars ($7,600.00) for security equipment, specifically a Mobotix T-25 series IP video door phone with door control interface, category 6 cabling to network switch, and additional cabling and hardware, to be installed at the main entrance of the City’s Police Station, between the outer and inner lobby doors, for use by the new dispatch center to view the main entrance of the Police Station when people enter after normal business hours; and

WHEREAS, this Council desires to authorize the Mayor to enter into an agreement in an amount not to exceed Seven Thousand Six Hundred Dollars ($7,600.00) with Telecare Corp. for the purchase of the security equipment described above, to be installed at the main entrance of the Police Station and used by the new dispatch center.

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

Section 1: The Mayor is authorized to enter into an agreement with Telecare Corp. in an amount not to exceed Seven Thousand Six Hundred Dollars ($7,600.00) for the purchase of security equipment, specifically a Mobotix T-25 series IP video door phone with door control interface, category 6 cabling to network switch, and additional cabling and hardware, to be installed at the main entrance of the City’s Police Station,

Section 2: If necessary, the Director of Finance is authorized to appropriate to a proper account a sum sufficient to cover the cost of the agreements set forth in Section 1 above.

Section 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _________________________  _________________________________  
David H. Roche, Mayor

APPROVED: ________________________

ATTEST:

Betsy Traben
Clerk of Council

Eloise Cotton-Henry
President of Council
RESOLUTION NO.: 10 -2018
INTRODUCED BY: Lentine

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A RENEWAL AGREEMENT WITH BREATHING AIR SYSTEMS FOR AIR COMPRESSOR MAINTENANCE SERVICES FOR THE DIVISION OF FIRE.

WHEREAS, the Chief of Fire has obtained a quote from Breathing Air Systems to renew the service agreement for the annual maintenance of the Division’s breathing air compressor in an amount not to exceed Nine Hundred Forty Seven Dollars ($947.00) per year with a one-year term, from May 1, 2018 through April 30, 2019; and

WHEREAS, this Council desires to authorize the Mayor to enter into a renewal service agreement with Breathing Air Systems for the air compressor maintenance services described above.

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

Section 1: The Mayor is authorized to enter into the renewal service agreement with Breathing Air Systems for air compressor maintenance services described in the recitals of this Resolution for a cost not to exceed Nine Hundred Forty Seven Dollars ($947.00) per year with a one-year term commencing May 1, 2018.

Section 2: If necessary, the Director of Finance is authorized and directed to appropriate to a proper account a sum sufficient to cover the cost of the purchase referred to in Section 1, above.

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 of this Council, and that all deliberations of this Council and 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 shall take effect and be in force from and after the earliest period allowed by law.

PASSED: __________________________
APPROVED: _________________________ David H. Roche, Mayor

ATTEST: ____________________________ ____________________________
Betsy Traben Eloise Cotton-Henry
Clerk of Council President of Council
RESOLUTION NO.:  11-2018
INTRODUCED BY: Cotton-Henry

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CDW GOVERNMENT, LLC FOR NECESSARY COMPUTER LICENSES.

WHEREAS, the City of Richmond Heights’ computer equipment requires certain licenses in order to maintain a properly functioning computer systems network; and

WHEREAS, CDW Government, LLC can provide the necessary licenses to ensure that the City’s computer systems continue to operate in an effective and secure manner; and

WHEREAS, the Finance Director has received a quote from CDW Government, LLC for one (1) Server (SQL) License and fifteen (15) User (CAL) Licenses for the new SSI VIP Finance Server at a cost not to exceed Two Thousand Nine Hundred Dollars ($2,900.00); and

WHEREAS, this Council desires to authorize the Mayor to enter into a contract with CDW Government, LLC for the purchase of the licenses described above at a cost not to exceed Two Thousand Nine Hundred Dollars ($2,900.00).

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

Section 1: The Mayor is authorized to enter into a contract with CDW Government, LLC to provide one (1) Server (SQL) license and fifteen (15) User (CAL) licenses necessary for the new SSI VIP Finance Service and to ensure that the City’s computer systems continue to operate in an effective and secure manner and at a cost not to exceed Two Thousand Nine Hundred Dollars ($2,900.00) to be paid from the Capital Improvement 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 of this Council, and that all deliberations of this Council and 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 shall take effect and be in force at the earliest time provided by law.

PASSED: _______________________________ David H. Roche, Mayor

APPROVED: _______________________________

ATTEST: _______________________________ Eloise Cotton-Henry

Betsy Traben
Clerk of Council

{02527252-2}
RESOLUTION NO.: 12-2018
INTRODUCED BY: Mayor and All of Council

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FROM THE CITY OF RICHMOND HEIGHTS FOR A PROJECT TO BE CONSIDERED BY THE STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES FOR ITS NATUREWORKS GRANT PROGRAM FOR FISCAL YEAR 2018.

WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through the State of Ohio NatureWorks Grant Program; and
WHEREAS, the City of Richmond Heights desires financial assistance under the NatureWorks Grant Program; and
WHEREAS, the City will hold a public hearing related to the City's participation in the NatureWorks Grant Program for Fiscal Year 2018 prior to submitting the application; and
WHEREAS, the City has determined to apply for said funds for necessary public improvement projects to serve the City’s Community Park.

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

Section 1: The Mayor is authorized and directed to execute and file an application with the Ohio Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance.

Section 2: The City of Richmond Heights agrees to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms and conditions of the NatureWorks Grant Program.

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 of this Council, and that all deliberations of this Council and 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 shall take effect and be in force at the earliest time provided by law.

PASSED: ______________________________  David H. Roche, Mayor

APPROVED: ____________________________

ATTEST: ________________________________  Eloise Cotton-Henry
        Betsy Traben
        Clerk of Council  President of Council
RESOLUTION NO.: 13 -2018
INTRODUCED BY: Mayor Roche

A RESOLUTION CONFIRMING THE RE-APPOINTMENT BY THE MAYOR
OF MARK EDELMAN TO BE A MEMBER OF THE PLANNING
COMMISSION OF THE CITY.

WHEREAS, the Mayor of the City of Richmond Heights, in accordance with City
Charter Article VI, Section 7, has the authority to appoint members of the Planning Commission
with the approval of a majority of Council; and

WHEREAS, Council concurs with the re-appointment by the Mayor of Mark Edelman as
a qualified candidate for said position;

NOW, THEREFORE, Be It Resolved by the Council of the City of Richmond Heights,
State of Ohio, that:

Section 1: The reappointment of the following named individual to the Planning
Commission for the term set forth below be, and the same is, approved by the Council of the City
of Richmond Heights:

Mark Edelman - Term commencing January 1, 2015 and running through
December 31, 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 of
this Council, and that all deliberations of this Council and 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 shall take effect and be in force from and after its passage
and signature of the Mayor.

PASSED: ______________________________________________________

David H. Roche, Mayor

APPROVED: _________________________________________________

ATTEST: ____________________________________________________

Betsy Traben
Clerk of Council

Eloise Cotton-Henry
President of Council

DRAFT
RESOLUTION NO.: 14 -2018
INTRODUCED BY: Mayor Roche

A RESOLUTION CONFIRMING THE RE-APPOINTMENT BY THE MAYOR
OF TERRY L. BUTLER TO BE A MEMBER OF THE PLANNING
COMMISSION OF THE CITY.

WHEREAS, the Mayor of the City of Richmond Heights, in accordance with City
Charter Article VI, Section 7, has the authority to appoint members of the Planning Commission
with the approval of a majority of Council; and

WHEREAS, Council concurs with the re-appointment by the Mayor of Terry L. Butler as
a qualified candidate for said position;

NOW, THEREFORE, Be It Resolved by the Council of the City of Richmond Heights,
State of Ohio, that:

Section 1: The reappointment of the following named individual to the Planning
Commission for the term set forth below be, and the same is, approved by the Council of the City
of Richmond Heights:

Terry L. Butler - Term commencing January 1, 2015 and running through
December 31, 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 of
this Council, and that all deliberations of this Council and 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 shall take effect and be in force from and after its passage
and signature of the Mayor.

PASSED: ____________________________________________
                                      David H. Roche, Mayor

APPROVED: ____________________________

ATTEST: ____________________________
          Betsy Traben
          Clerk of Council

          Eloise Cotton-Henry
          President of Council
RESOLUTION NO.: 15-2018
INTRODUCED BY: Mayor Roche


WHEREAS, the Mayor of the City of Richmond Heights, in accordance with Codified Ordinance 154.01, has the authority to appoint members of the City's Architectural Board of Review for 3-year terms with the confirmation of the majority of Council; and

WHEREAS, the Mayor has requested that Council confirm the re-appointment of Anthony C. Green to a 3-year term on the Architectural Board of Review;

NOW, THEREFORE, Be It Resolved by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: The re-appointment of the following named individual for the term set forth herein to the City's Architectural Board of Review be, and the same is hereby, confirmed by the Council of the City of Richmond Heights:

Anthony C. Green - Term commencing on January 1, 2016 and running through December 31, 2018.

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 of this Council, and that all deliberations of this Council and 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 shall take effect and be in force from and after its passage and signature by the Mayor.

PASSED: _________________________  _________________________________
David H. Roche, Mayor

APPROVED: ______________________

ATTEST:__________________________  ________________________________
Betsy Traben
Clerk of Council

Eloise Henry
President of Council

{02526202 -2}
RESOLUTION NO.: 16-2018
INTRODUCED BY: Mayor Roche

A RESOLUTION CONFIRMING THE RE-APPOINTMENT BY THE MAYOR OF JOSEPH SOSNOWSKI AS A MEMBER OF THE ARCHITECTURAL BOARD OF REVIEW OF THE CITY.

WHEREAS, the Mayor of the City of Richmond Heights, in accordance with Codified Ordinance 154.01, has the authority to appoint members of the City's Architectural Board of Review for 3-year terms with the confirmation of the majority of Council; and

WHEREAS, the Mayor has requested that Council confirm the re-appointment of Joseph Sosnowski to a new 3-year term on the Architectural Board of Review;

NOW, THEREFORE, Be It Resolved by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: The re-appointment of the following named individual for the term set forth herein to the City's Architectural Board of Review be, and the same is hereby, confirmed by the Council of the City of Richmond Heights:

Joseph Sosnowski - Term which commences on January 1, 2018 and runs through December 31, 2020.

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 of this Council, and that all deliberations of this Council and 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 shall take effect and be in force from and after its passage and signature by the Mayor.

PASSED: _________________________  _________________________________
David H. Roche, Mayor

APPROVED: ______________________

ATTEST:__________________________  ________________________________
Betsy Traben
Clerk of Council
Eloise Henry
President of Council
RESOLUTION NO.: 17 -2018
INTRODUCED BY: Mayor Roche

A RESOLUTION CONFIRMING THE RE-APPOINTMENT BY THE MAYOR OF FRANK KOSS AS A MEMBER OF THE ARCHITECTURAL BOARD OF REVIEW OF THE CITY.

WHEREAS, the Mayor of the City of Richmond Heights, in accordance with Codified Ordinance 154.01, has the authority to appoint members of the City's Architectural Board of Review for 3-year terms with the confirmation of the majority of Council; and

WHEREAS, the Mayor has requested that Council confirm the re-appointment of Frank Koss to a 3-year term on the Architectural Board of Review;

NOW, THEREFORE, Be It Resolved by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: The re-appointment of the following named individual for the term set forth herein to the City's Architectural Board of Review be, and the same is hereby, confirmed by the Council of the City of Richmond Heights:

Frank Koss - Term commencing on January 1, 2017 and running through December 31, 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 of this Council, and that all deliberations of this Council and 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 shall take effect and be in force from and after its passage and signature by the Mayor.

PASSED: _________________________  _________________________________
David H. Roche, Mayor

APPROVED: ______________________

ATTEST:__________________________  ________________________________
Betsy Traben    Eloise Henry
Clerk of Council    President of Council

{02526186 -2}
RESOLUTION NO.: 18-2018
INTRODUCED BY: Mayor Roche

A RESOLUTION APPROVING THE RE-APPOINTMENT BY THE MAYOR OF JAI KADAMBI AS A MEMBER OF THE ZONING BOARD OF APPEALS.

WHEREAS, the Mayor of the City of Richmond Heights, in accordance with the Charter of the City, has authority to appoint members of the Zoning Board of Appeals for the terms set forth therein and has requested that Council approve the re-appointment of Jai Kadambi to the Board; and

WHEREAS, Council concurs with the re-appointment by the Mayor of Jai Kadambi for said position.

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

Section 1: The re-appointment of the following named individual to the Zoning Board of Appeals for the term set forth below be, and the same is, approved by the Council of the City of Richmond Heights:


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 of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: This Resolution shall take effect and be in force from and after its passage and signature of the Mayor.

PASSED: ___________________________________________ David H. Roche, Mayor

APPROVED: __________________________________________

ATTEST: ___________________________________________

Betsy Traben
Clerk of Council

Eloise Cotton-Henry
President of Council
RESOLUTION NO.: 19 -2018
INTRODUCED BY: Mayor Roche

A RESOLUTION CONFIRMING THE RE-APPOINTMENT BY THE MAYOR OF DENNIS McANDREW, SR. TO BE A MEMBER OF THE PLANNING COMMISSION OF THE CITY.

WHEREAS, the Mayor of the City of Richmond Heights, in accordance with City Charter Article VI, Section 7, has the authority to appoint members of the Planning Commission with the approval of a majority of Council; and

WHEREAS, Council concurs with the re-appointment by the Mayor of Dennis McAndrew, Sr. as a qualified candidate for said position;

NOW, THEREFORE, Be It Resolved by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: The reappointment of the following named individual to the Planning Commission for the term set forth below be, and the same is, approved by the Council of the City of Richmond Heights:

Dennis McAndrew, Sr. - Term commencing January 1, 2017 and running through December 31, 2021.

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 of this Council, and that all deliberations of this Council and 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 shall take effect and be in force from and after its passage and signature of the Mayor.

PASSED: ____________________________________________
David H. Roche, Mayor

APPROVED: ____________________________________________

ATTEST: ____________________________ ____________________________
Betsy Traben Eloise Cotton-Henry
Clerk of Council President of Council
RESOLUTION NO.: 20-2018
INTRODUCED BY: Mayor Roche

A RESOLUTION APPROVING THE RE-APPOINTMENT BY THE MAYOR OF TIMOTHY J. MUSBACH AS A MEMBER OF THE ZONING BOARD OF APPEALS.

WHEREAS, the Mayor of the City of Richmond Heights, in accordance with the Charter of the City, has authority to appoint members of the Zoning Board of Appeals for the terms set forth therein and has requested that Council approve the re-appointment of Timothy J. Musbach to the Board; and

WHEREAS, Council concurs with the re-appointment by the Mayor of Timothy J. Musbach for said position.

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

Section 1: The re-appointment of the following named individual to the Zoning Board of Appeals for the term set forth below be, and the same is, approved by the Council of the City of Richmond Heights:


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 of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: This Resolution shall take effect and be in force from and after its passage and signature of the Mayor.

PASSED: ____________________________ ____________________________________
David H. Roche, Mayor

APPROVED: ____________________________ ____________________________________

ATTEST: ____________________________ ____________________________________
Betsy Traben
Clerk of Council

Eloise Cotton-Henry
President of Council
RESOLUTION NO.: 21 -2018  
INTRODUCED BY: Mayor Roche

A RESOLUTION APPROVING THE RE-APPOINTMENT BY THE MAYOR OF MICHAEL GAMBATESE AS A MEMBER OF THE ZONING BOARD OF APPEALS.

WHEREAS, the Mayor of the City of Richmond Heights, in accordance with the Charter of the City, has the authority to appoint members of the Zoning Board of Appeals and has requested that Council approve the re-appointment of Michael Gambatese to the Board; and

WHEREAS, Council concurs with the re-appointment by the Mayor of Michael Gambatese for said position.

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

Section 1: The re-appointment of the following named individual to the Zoning Board of Appeals for the term set forth below be, and the same is, approved by the Council of the City of Richmond Heights:


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 of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: This Resolution shall take effect and be in force from and after its passage and signature of the Mayor.

PASSED: ____________________________________________  David H. Roche, Mayor

APPROVED: __________________________________________

ATTEST: ____________________________________________  Eloise Cotton-Henry  
Betsy Traben  
Clerk of Council  
President of Council
RESOLUTION NO.: 22-2018
INTRODUCED BY: Mayor Roche

A RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF JAMES URANKAR AS COMMISSIONER OF BUILDING, ZONING AND HOUSING; AND DECLARING AN EMERGENCY.

WHEREAS, Article VI, Section 4(e), of the Charter of the City of Richmond Heights provides that the Mayor shall appoint the Commissioner of Building, Zoning and Housing with the approval of Council; and

WHEREAS, the Mayor has appointed James Urankar as Commissioner of Building, Zoning and Housing to be effective March 1, 2018, upon the retirement of the current Commissioner, Philip Seyboldt.

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

Section 1: This Council hereby approves the action of the Mayor with respect to his appointment of James Urankar as Commissioner of Building, Zoning and Housing, effective March 1, 2018.

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 of this Council, and that all deliberations of this Council and 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 is declared to be an emergency measure immediately necessary for the preservation of the public peace, property, health, safety and welfare and for the further reason that it is immediately necessary for the Council to provide continuing services in the Division of Building, Zoning and Housing due to the retirement of the current Commissioner on or about February 28, 2018; therefore, provided this Resolution receives the affirmative vote of five members of the Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED:________________________  __________________________________
David H. Roche, Mayor

APPROVED:_____________________

ATTEST:________________________  __________________________________
Betsy Traben
Clerk of Council

Eloise Cotton-Henry
President of Council
A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT(S)

WHEREAS, the City of Richmond Heights, Ohio (the “City”) is a member of the Northeast Ohio Public Energy Council (“NOPEC”) and is eligible for one or more NOPEC Energized Community Grant(s) for 2018 (“NEC Grant(s)”) as provided for in the NEC Grant Program guidelines; and

WHEREAS, the City wishes to enter into a Grant Agreement with NOPEC, Inc. in the form attached to this Resolution to receive one or more NEC Grant(s) for 2018, and to authorize the Mayor to execute the Grant Agreement.

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

Section 1: This Council finds and determines that it is in the best interest of the City to accept the NEC Grant(s) for 2018, and authorizes the Mayor to execute the Grant Agreement with NOPEC, Inc. in the form attached hereto and incorporated by reference herein.

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 of this Council, and that all deliberations of this Council and 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 shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: _________________________  _________________________________
David H. Roche, Mayor

APPROVED: ______________________

ATTEST:__________________________  ________________________________
Betsy Traben       Eloise Cotton-Henry
Clerk of Council       President of Council
NOPEC ENERGIZED COMMUNITY GRANT

GRANT AGREEMENT

This Grant Agreement (the "Agreement") is made and entered into by and between NOPEC, Inc. ("NOPEC"), and County, Ohio ("Grantee"; NOPEC and Grantee, the "Parties") regarding a grant by NOPEC to Grantee to be used primarily for energy efficiency or energy infrastructure projects in accordance with NOPEC Energized Community Grant criteria, guidelines and requirements ("NOPEC Policy").

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and covenants hereinafter set forth, the Parties hereby agree as follows:

1. Grant of Funds. NOPEC hereby grants a NOPEC Energized Community Grant ("NEC Grant") to Grantee in the amount calculated by NOPEC based on the number of natural gas and/or electric accounts served by NOPEC in Grantee in accordance with NOPEC Policy in the amount determined by NOPEC ("Funds"), for the purposes set forth in Grantee’s Grant Application, as amended, and incorporated by reference into this Agreement for the Project(s) described on Schedule(s) to this Agreement.

2. Use of Funds. Grantee shall use the Funds granted by NOPEC for the Project(s) approved by NOPEC. Funds shall be paid in accordance with NOPEC Policy. NEC Grant disbursements shall be accompanied by a completed Disbursement Request Form with the expenditures supported by contracts, invoices, vouchers, and other data as appropriate as supporting documents. Funds not used in the year they are granted to Grantee may be escrowed and carried forward for up to two (2) years from NOPEC grant approval. If Grantee does not expend the Funds for the Project(s) approved by NOPEC within three (3) years of NOPEC’s approval, Grantee shall forfeit any unused Funds.

3. Accounting of Funds. Grantee shall keep all Funds and make all disbursements and expenditures consistent with the manner in which all public funds are kept by Grantee in accordance with applicable law.

4. Term. The Parties agree that this Agreement shall begin on January 1, 2018, and shall expire on December 31, 2018, and shall be automatically renewed annually unless NOPEC discontinues the NEC Grant program for any subsequent year or Grantee is no longer a NOPEC member in good standing, as defined herein.

5. Renewable Energy Credits. Grantee shall be entitled to claim Renewable Energy Credits, carbon credits, or NOx allowances and/or allowances arising under other trading programs that may be established in the future for the Project(s). NOPEC reserves the right to claim/apply for such allowances if Grantee does not claim such allowances or this Agreement terminates. Grantee must notify NOPEC if Grantee does not wish to trade or sell any such credits or assets.

6. Records, Access and Maintenance. Grantee shall establish and maintain all records associated with the Funds in accordance with the Ohio Public Records Act and shall promptly make available to NOPEC all of its records with respect to matters covered by this
7. Agreement, and for NOPEC to audit, examine and make copies from such records. Grantee agrees to share and release all of its utility and other data with NOPEC, Inc. and NOPEC and its consultant(s) in order to measure, verify and otherwise track savings from energy efficiency and for such other related uses as NOPEC shall require.

8. **Property and Equipment Purchases.** All items purchased by Grantee from the Funds granted herein are and shall remain the property of Grantee.

9. **Inability to Perform.** In the event that Grantee does not or cannot complete the Project(s) or perform its obligations under this Agreement, Grantee shall immediately notify NOPEC in writing. NOPEC, with the approval of the Committee formed to award NEC Grants (the “Committee”), and Grantee shall jointly identify Project amendments or suitable Project(s) that meet NOPEC Policy.

10. **Dispute Resolution.** In the event Grantee desires clarification or explanation of, or disagrees with, any matter concerning the Agreement, or the interpretation or application of any and all federal or state statutes, rules, regulations, laws or ordinances, the matter must be submitted in writing to NOPEC, which shall convene the Committee to review and decide the matter. All decisions of the Committee shall be final and binding upon Grantee, and non-appealable.

11. **Termination.**

   (a) If NOPEC determines that Grantee has failed to perform any requirements of this Agreement, or if Grantee is in default under any provision of this Agreement, or upon just cause, as shall be determined by the Committee, NOPEC, upon approval by the Committee, may terminate the Agreement at any time after providing Grantee with written notice and a period of at least thirty (30) days to cure any and all defaults under this Agreement. During such thirty day cure period, Grantee shall incur only those obligations or expenditures which are necessary to enable Grantee to continue to achieve compliance with the terms of this Agreement.

   (b) This Agreement shall automatically terminate if Grantee is not a NOPEC member in good standing. A NOPEC member in good standing means a Northeast Ohio Public Energy Council member whose residents are receiving service from Northeast Ohio Public Energy Council’s natural gas or electric aggregation program and which has not provided written notice to withdraw from such Northeast Ohio Public Energy Council’s natural gas or electric aggregation program.

12. **Effects of Termination.**

   (a) Within sixty (60) days after termination of this Agreement, Grantee shall surrender all reports, data, documents, and other materials assembled and prepared pursuant to this Agreement which shall become the property of NOPEC. Upon surrender of such material, Grantee shall receive Funds only as to a Project that had been approved for a NEC Grant by NOPEC prior to such termination.

   (b) The Committee also may withhold final installment payment of the Funds or require Grantee to return all or any part of the Funds awarded if Grantee is found to have violated the provisions of this Agreement. Notwithstanding any other provision in this Agreement, if Grantee either withdraws from membership in the Northeast Ohio Public Energy Council or from...
its electric or natural gas aggregation program(s), Grantee shall no longer be eligible for any NEC Grants. The provisions of this paragraph are in addition to the termination provisions of this Agreement and to any payments required under the Northeast Ohio Public Energy Council Bylaws and the Northeast Ohio Public Energy Council of Governments Agreement with its member communities in connection with any such withdrawal.

13. **Liability.** Grantee shall maintain, or cause any vendors or subcontractors to maintain, all required liability and property insurance to cover actionable legal claims for liability or loss which are the result of injury to or death of any person, damage to property caused by the negligent acts or omissions, or negligent conduct of the Grantee. To the extent permitted by law, in connection with activities conducted in connection with this Agreement. Grantee agrees to defend NOPEC and pay any judgments and costs arising out of such negligent acts or omissions, and nothing in this Agreement shall impute or transfer any liability of any nature whatsoever from Grantee to NOPEC, Inc. or the Northeast Ohio Public Energy Council.

14. **Compliance with Laws.** Grantee agrees to comply with all applicable federal, state, and local laws in the performance of the Project. Grantee is solely responsible for payments of all unemployment compensation, insurance premiums, workers’ compensation premiums, all income tax deductions, social security deductions, and any and all other taxes or payroll deductions required for all employees engaged by Grantee on the performance of the work authorized by this Agreement.

15. **Miscellaneous.**

(a) **Governing Law.** The laws of the State of Ohio shall govern this Agreement. All actions regarding this Agreement shall be venued in a court of competent subject matter jurisdiction in Cuyahoga County, Ohio.

(b) **Entire Agreement.** This Agreement and any documents referred to herein constitute the complete understanding of the Parties and merge and supersede any and all other discussions, agreements and understandings, either oral or written, between the Parties with respect to the subject matter hereof.

(c) **Severability.** Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement is held to be prohibited by or invalid under applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provisions of this Agreement.

(d) **Notices.** All notices, consents, demands, requests and other communications which may, or are required to be, given hereunder shall be in writing and delivered to the addresses set forth hereunder or to such other address as the other party hereto may designate from time to time:
In case of NOPEC, to:

Charles W. Keiper, II
President
NOPEC, Inc.
31360 Solon Road
Suite 33
Solon, OH 44139

In case of Grantee, to:

Fiscal Officer (or other position)

______________
______________, Ohio

(c) Amendments or Modifications. Either party may at any time during the term of this Agreement request amendments or modifications. Requests for amendment or modification of this Agreement shall be in writing and shall specify the requested changes and justification therefor. The Parties shall review the request for modification in terms of the Project and NOPEC Policy. Should the Parties consent to modification of the Agreement, then an amendment shall be drawn, approved, and executed in the same manner as the original Agreement.

(i) Headings. Section headings contained in this Agreement are inserted for convenience only and shall not be deemed to be a part of this Agreement.

(g) Assignment. Neither this Agreement nor any rights, duties or obligations described herein, shall be assigned or subcontracted by Grantee without the prior express written consent of NOPEC.

(h) Authority. The undersigned represents and warrants to the other that each has all the necessary legal power and authority to enter into this Agreement. Grantee further represents and warrants to NOPEC that it has received all necessary approvals from Grantee’s legislative authority for Grantee to accept the NEC Grant and enter into this Agreement.

(i) Determinations by NOPEC Final. All determinations as to eligibility of any project for an award of any NEC Grant, and the amount and payment schedule of a NEC Grant, will be made by NOPEC and its Committee, which shall be final, conclusive and binding upon Grantee.

(j) Designation of Grantee Representative. Grantee hereby designates its [Fiscal Officer] to take all actions with respect to the NEC Grant and this Agreement as may be required and NOPEC shall be entitled to rely on the authority of such designated representative of Grantee in connection with this Agreement.
(k) Marketing Consent. Grantee hereby authorizes NOPEC, Inc. and NOPEC to use information about Grantee’s grant(s) and project(s) in any marketing they may conduct, and agrees to cooperate with NOPEC in connection with such marketing.

[Signature Page to Follow]
IN WITNESS WHEREOF, the Parties hereto have executed this Grant Agreement on the last date set forth below.

GRANTEE: ______________________, Ohio

By: ____________________________

Its: ____________________________

Date: ____________________________

NOPEC, INC.: ____________________________

By: ____________________________

Its: ____________________________

Date: ____________________________

[Signature page to NOPEC Energized Community Grant Agreement.]
RESOLUTION NO.: 24 -2018
INTRODUCED BY: Lentine

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO LEASE AND SERVICE AGREEMENTS WITH U.S. BANK EQUIPMENT FINANCE AND BLUE TECHNOLOGIES, INC. FOR MULTIFUNCTION EQUIPMENT.

WHEREAS, the Chief of Police has received pricing from Blue Technologies, Inc. and U.S. Bank Equipment Finance, a division of U.S. Bank National Association, for lease and service agreements for multifunction equipment, specifically a Konica Minolta Bizhub C458, PC-415 large capacity cassette, FS-533 internal finisher, and an Fk-514 facsimile kit, which are needed as part of the Division of Police reorganization and relocation of its dispatch services; and

WHEREAS, the pricing obtained from Blue Technologies, Inc. and U.S. Bank Equipment Finance is under a State Term Schedule; and

WHEREAS, this Council desires to authorize the Mayor to enter into a 60-month agreement with U.S. Equipment Finance for the lease of the multifunction equipment described above, supplied by Blue Technologies, Inc., at a cost of $120.00 per month and a total cost of $6,079.03 for 60-months; and

WHEREAS, this Council desires to authorize the Mayor to enter into a 7-year service agreement with Blue Technologies, Inc. for service and supplies for the above-described multifunction equipment at a cost of $.007 per black page and $.045 per color page.

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

Section 1: The Mayor is authorized to enter into a 60-month agreement with U.S. Bank Equipment Finance for the lease of multifunction equipment supplied by Blue Technologies, Inc. at a cost of $120.00 per month and a total cost of $6,079.03 for 60 months and a 7-year service agreement with Blue Technologies, Inc., at a cost of $.007 per black page and $.045 per color page.

Section 2: If necessary, the Director of Finance is authorized to appropriate to a proper account a sum sufficient to cover the cost of the agreements set forth in Section 1 above.

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 of this Council, and that all deliberations of this Council and 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 shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _________________________  ________________________________
David H. Roche, Mayor

APPROVED: ______________________

ATTEST: _________________________  ________________________________
Betsy Traben  Eloise Cotton-Henry
Clerk of Council  President of Council

{02524220 -2}