

P. 6-0

ess 1-9-2023  
adopted 1-9-2023

ORDINANCE NO.: 02-2023

SPONSORED BY: MAYOR MATTHEW A. BURKE

Co'sponsor  
Vaughn  
Collier  
Tonsing  
Seither  
Johnson

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO RENEW AN AGREEMENT ON BEHALF OF THE CITY OF GARFIELD HEIGHTS WITH THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT FOR THE PURPOSE OF PARTICIPATING IN THE STORM WATER POLLUTION PREVENTION PROGRAM

WHEREAS, Each year, the City of Garfield Heights contracts with the Cuyahoga Soil and Water Conservation District (SWCD) to ensure compliance with the Environmental Protection Agency's National Pollutant Discharge Elimination System Storm Water Permit, and

WHEREAS, under the agreement, the City will continue to be provided with on-site technical assistance, storm water pollution prevention reviews, monthly inspections, and many other benefits (a letter of intent to renew said agreement is attached hereto as Exhibit A and incorporated as if fully written within).

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Garfield Heights, Ohio that:

SECTION 1. The Mayor is hereby authorized and directed to renew an agreement on behalf of the City of Garfield Heights with Cuyahoga Soil and Water Conservation District for a period of twelve (12) months following the passage of this Ordinance, the fee for services provided to not exceed eight thousand dollars (\$8,000).

SECTION 2. The Finance Director is hereby authorized and directed to issue her vouchers for the City, to be charged to the appropriate fund for the purposes set forth in Section 1 hereof.

SECTION 3. Council declares this Ordinance to be an emergency measure necessary for the preservation of the public health, safety and welfare; therefore this Ordinance shall be in full force and effective immediately upon the adoption by Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: 1-9-2023

APPROVED: Matthew A. Burke  
MAYOR

Thomas J. Vaughn  
PRESIDENT OF COUNCIL

ATTEST: Lottie Oueley  
CLERK OF COUNCIL

EFFECTIVE DATE: 1-9-2023

# **MEMORANDUM OF UNDERSTANDING**

## **Between the Cuyahoga Soil and Water Conservation District and the City of Garfield Heights**

This Memorandum of Understanding ("MOU") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2023 ("Effective Date"), between the Cuyahoga Soil and Water Conservation District (SWCD) and City of Garfield Heights ("City"), for assistance with technical assistance in implementing soil and water conservation measures.

**Purpose** – Implementation of a conservation program that promotes best practices for pollution prevention and corresponds with the City's Municipal Separate Storm Sewer System (MS4) permit.

Recognizing the need for effective collaboration in protecting soil and water resources and in carrying out its mandated responsibilities, especially related to the National Pollutant Discharge Elimination System (NPDES) Storm Water Permit, the City and the Cuyahoga SWCD accept this agreement as the document which describes the process for exchange. Cooperation between these two units of government facilitates solutions to problems encountered by the City as it plans for the development/redevelopment and conservation of its environment and water quality improvements. The Ohio Revised Code, Chapter 940, describes the Cuyahoga SWCD's authority for engaging in this Mutual Agreement.

NOW, THEREFORE, the parties' understanding is as follows:

### **Project Tasks**

The Cuyahoga SWCD and the City have mutually agreed to the scope of technical assistance related to pollution prevention on disturbed sites, including construction sites disturbing one or more acres of total land, including the entire area disturbed in the larger common plan of development or sale ( $\geq 1$  acre) as required under the NPDES rules. Construction activities disturbing less than one acre and not part of a larger common plan of development or sale of total land ( $< 1$  acre), and not covered under the NPDES rules, will be reviewed by the Cuyahoga SWCD as requested by the City.

The Cuyahoga SWCD will: (i) perform storm water pollution prevention plan (SWP3) reviews for proposed development, redevelopment and infrastructure renovation projects; (ii) perform abbreviated construction plan reviews, as requested by the City; (iii) perform field reviews of active construction projects; (iv) perform long-term maintenance field reviews of post-construction water quality facilities; and (vii) provide written technical advisory reports detailing plan review recommendations, site conditions, and recommendations for compliance and/or maintenance activities needed.

### **NPDES, Minimum Control Measure 4 – Stormwater Pollution Prevention/Erosion & Sediment Control**

1. The Cuyahoga SWCD will provide technical assistance, related to storm water pollution prevention and stormwater quality management, as requested, including:
  - a. Preliminary site planning meetings or conference calls
  - b. Review of development, redevelopment, and infrastructure renovation plans for compliance with NPDES rules (Ohio Revised Code 3745 39-04 (B) (1) through (6)) and the current edition of Ohio's Rainwater and Land Development standard guidance manual
  - c. Provide rapid field assessment of soils and soil quality for SCM suitability
  - d. Monthly inspections of active construction sites; and
  - e. Provide an annual report of all activities undertaken (including copies of any other data collected).
2. The annual conservation program will include technical assistance related to NPDES covered construction activities of an estimated of:

- a. 1-5 active construction sites ( $\geq 1$  acre)
- b. Initial SWP3 reviews, as received ( $\geq 1$  acre)
- c. Subsequent SWP3 review, *as needed* ( $\geq 1$  acre)
- d. Plan reviews for abbreviated construction plans will be performed by request of the City.
- e. Technical advisory inspections (field reviews) and reporting (12 per year per site) once construction begins
- f. Tree installation inspections: to be included with monthly field review at the time of planting.

3. Stormwater Pollution Prevention Program: **\$5,500.00**

**NPDES, Minimum Control Measure 5 – Post Construction Stormwater Management**

1. As required under the MS4 Permit, the Cuyahoga SWCD will also provide annual inspections of all post construction stormwater control measures (water quality and water quantity basins):
  - a. Transition meetings will be held with SWCD staff, city personnel and site personnel to review long-term operations and maintenance needs, and reporting requirements
  - b. Up to 25 annual long-term maintenance field reviews, including rapid field assessment, of post-construction stormwater quality facilities
  - c. Technical advisory inspection and reporting to the City and landowners with SCMs on their properties
  - d. Project file management
  - e. Mapping of facility locations
  - f. Maintenance program fact sheets, individual site assessments and training, when needed.

2. Post Construction Stormwater Management Program: **\$2,500.00**

**City's Role Related to Storm Water Pollution Prevention Activities**

1. The City will designate someone to serve as the City's liaison for the storm water pollution prevention program.
2. The City will recognize the environmental and economic functions of naturally vegetated open spaces, such as wetlands, stream corridors, ravines, woodlands, and fields as worthy of the City's protection as open space.
3. The City will utilize the Cuyahoga SWCD's technical assistance including plan reviews, project inventories, evaluations, and inspections of planned construction sites, water quality and water quantity basins or sensitive natural areas of concern.
4. The City will direct builders, developers, and consultants to the Cuyahoga SWCD for assistance on planning and conservation early in the concept planning stage of the construction planning cycle.
5. The City will adopt, apply, and enforce Cuyahoga SWCD recommendations by not authorizing commencement and/or issuing work stoppage and other remedies.
6. The City will provide the Cuyahoga SWCD with field surveys, proposed layouts, designs or meeting notices needed for adequate technical assistance in a timely manner.
7. The City recognizes that the Cuyahoga SWCD has no regulatory authority to enforce NPDES rules.

## **Agreed Procedures**

- The City agrees to grant an annual conservation appropriation to the SWCD, not to exceed \$8,000 per twelve-month period following the Effective Date and the Cuyahoga SWCD agrees to use the grant funds to provide a conservation program for the City.
- The City and the SWCD will determine the most effective manner to appropriate the funds.
- The City will provide a resolution to the SWCD that acknowledges this working agreement and provides documentation to facilitate dispersal of funds to the SWCD on an annual basis.
- The Cuyahoga SWCD is not granted regulatory authority in the Ohio Revised Code.
- The Cuyahoga SWCD and the City will meet at least once a year to coordinate a work plan and exchange information.
- The Cuyahoga SWCD will provide the City with a written annual summary, relevant to its role, as outlined in this MOU.
- The NPDES rules, current edition of Ohio's Rainwater and Land Development standard guidance manual, and standards of the USDA, Natural Resources Conservation Service will be used in planning and application of conservation measures.
- That both parties will review quality of assistance and address concerns as they arise.
- There shall be no discrimination exercised against any person because of race, color, religion, national origin, sex, gender, ancestry, age, disability, sexual orientation, sexual identify, genetic information, political affiliation, or military status when fulfilling the purpose of this engagement.
- The City recognizes the Cuyahoga SWCD's obligation to make its reports and other written materials available to the public on request in accordance with the Ohio Public Records Act.

## **Term, Renewal, Termination**

The term of this MOU shall commence on the date (the "Initial Effective Date") SWCD receives written notice from the City, in a form approved by SWCD and in accordance with Sections 5705.41 and 5705.44 of the Ohio Revised Code, as applicable, indicating that the City has agreed to provide funds, in an amount agreed to by the parties, to support SWCD's general operations for the following 12-month period (the "Initial City Notice"). This MOU shall terminate on the 12-month anniversary of the Initial Effective Date in the event the City does not renew this MOU as set forth herein.

This MOU may be renewed by City for any 12-month period following the Initial MOU Term (a "Subsequent MOU Term") provided that the SWCD receives written notice, as described above (a "Subsequent City Notice"), not less than 30 days prior to expiration of the Initial MOU Term (the date the District receives a Subsequent City Notice, a "Subsequent Effective Date"), and shall continue to renew for any 12-month period provided that the SWCD receives a Subsequent City Notice not less than 30 days prior to expiration of any Subsequent MOU Term then in effect.

This MOU may be amended or terminated at any time by mutual consent of both parties, or the agreement may be terminated by either party giving thirty (30) day's advance written notice to the other.

In witness thereof, the Memorandum executed and agreed to on the latest day, month and year written below:

Cuyahoga Soil & Water  
Conservation District

City of Garfield Heights

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By: Deemar Sheffey  
Chair

---

By: Hon. Matthew Burke  
Mayor

Date:

Date:

ORDINANCE NO.

03-2023

SPONSORED BY:

CO-SPONSOR:  
Vaughn  
Collier  
Tonsing  
Johnson

MAYOR MATTHEW A. BURKE

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE COMMISSIONER OF PURCHASES AND SUPPLIES, FINANCE DIRECTOR, THE MAYOR, OR HIS DESIGNEE TO ADVERTISE FOR PROPOSALS FOR VARIOUS MATERIALS, SERVICES AND SUPPLIES FOR THE YEAR ENDING DECEMBER 31, 2023.

BE IT ORDAINED by the Council of the City of Garfield Heights, Ohio, that:

SECTION 1. For the year ending December 31, 2023, the Commissioner of Purchases and Supplies, Finance Director, the Mayor or his Designee be and they are hereby authorized and directed to advertise for proposals for furnishing the following equipment, materials, services and supplies to be used by various departments of the City where it is reasonable to expect the expenditures for the following items will exceed Fifty Thousand Dollars (\$50,000.00) (pursuant to ORC 735.05) during such year:

Gasoline, kerosene, diesel fuel, lubricating and fuel oil, vehicle fluids and greases, salt, calcium chloride, liquid chlorine;

Sand, slag, stone, slag screening, gravel, limestone, paving brick, premixed concrete, rock asphalt, hot and cold premixed bituminous asphalt filler, asphalt, asphalt emulsion, penetration asphalt, and road oil;

Sewer brick, vitrified sewer pipe, vitrified liner plate, concrete sewer pipe, corrugated metal sewer pipe, cast iron manhole or catch basin frames and covers, miscellaneous castings;

Cast iron pipe, hydrants, hydrant repair services, valves and other appurtenances;

Cables, illuminating traffic signals and appurtenances, traffic signs and appurtenances, steel poles, street name signs and appurtenances;

Paint, building brick, glass block, lumber, plumbing fixtures and supplies, electrical fixtures and supplies, roofing materials, fencing materials, building tile, asphalt materials, printing, swimming and ice supplies, tree grates, tree planting, painting of swimming pool and recreation buildings, flooring materials and installation, sodium hyper chlorite;

Cinders, topsoil, sod, grass seed, leaf disposal, fertilizer, shrubs, trees and other materials for planting and improving city property, playground equipment, playground oil and spray materials, cleaning of buildings and windows, recreation shirts, caps and trophies, refuse collection and disposal, linen service, employee uniform service, building mats and appurtenances, paint striping and glass beads, snow removal for seniors;

Fire hose, tires and tubes, police revolvers, street sweeper broom fiber, warning lanterns, parts for automobiles, trucks, road maintenance equipment, towing services, snow equipment, radio, radio appurtenances, office furniture, copy equipment, and office supplies;

Automobile insurance, general liability insurance, property insurance, public officials insurance, crime policy, inland marine policy, false arrest insurance, boiler and machinery insurance, electronic equipment/media coverage, employer's liability coverage, employee benefits liability, public liability insurance, insurance for senior center, umbrella policy insurance, police professional insurance, fire department error & omissions insurance, comprehensive governmental package policies;

Building maintenance, repairs and remodeling;

Heating and cooling maintenance, and repairs, plumbing maintenance and repairs, vehicle maintenance and repairs;

Furnishing lines to Fire and Police Departments, ammunition, emergency light bars and sirens;

Active fund depository, interim fund depository, computer hardware and software, fireworks, tree trimming and removal, independent private audit of City records.

Said bids and specifications to be filed in the Division of Purchases and Supplies, in the Department of Finance; and that the Mayor, or his designee, is hereby authorized and directed to enter into contracts with the lowest and best bidder upon approval of the Board of Control.

SECTION 2. The authority granted under this Ordinance expires December 31, 2023.

SECTION 3. This Ordinance is declared to be an emergency measure in that the adoption of the Charter created the Division of Purchases and Supplies and it is immediately necessary to make purchases for the conduct of the ordinary affairs of the City, and for the health, welfare, peace, and safety of its residents, and it shall take effect immediately upon its passage and approval by the Mayor.

PASSED: 1-9-2023

APPROVED: Match A. B. C.  
MAYOR

Thomf Vayl  
PRESIDENT OF COUNCIL

ATTEST: Lottie Overly  
CLERK OF COUNCIL

EFFECTIVE DATE: 1-9-2023

ORDINANCE NO.:

04-2023

SPONSORED BY:

MAYOR MATTHEW A. BURKE

COSponsor:

Vaughn  
Collier  
Tonsing  
Johnson

AN EMERGENCY ORDINANCE AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO SUBMIT PAYMENT TO THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AND NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR THE PURPOSE OF PUBLIC INVOLVEMENT AND PUBLIC EDUCATION REGARDING SOIL AND WATER CONSERVATION FOR 2023.

WHEREAS, In Ordinance 03-2021, to ensure Environmental Protection Agency compliance, this Council authorized the City of Garfield Heights to enter into a contract with the Cuyahoga Soil and Water Conservation District (SWCD) and Northeast Ohio Regional Sewer District (NEORSD) for the implementation of education, stewardship and public involvement activities regarding soil and water conservation measures for the years 2021-2025, and

WHEREAS, in accordance with that contract, Council now authorizes the Finance Director, or her designee, to submit payment in the amount of \$6,000.00 to Cuyahoga Soil and Water Conservation District (SWCD) and Northeast Ohio Regional Sewer District (NEORSD) for the year 2023.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Garfield Heights, Ohio that:

SECTION 1. The Finance Director, or her designee, is hereby authorized and directed to submit payment to Cuyahoga Soil and Water Conservation District and Northeast Ohio Regional Sewer District for year 2023, the fee for services provided to not exceed six thousand dollars (\$6,000); under the terms of the agreement the full \$6,000 cost to the city is reimbursable through Northeast Ohio Regional Sewer District.

SECTION 2. The Finance Director is hereby authorized and directed to issue her vouchers for the City, to be charged to the appropriate fund for the purposes set forth in Section 1 hereof.

SECTION 3. Council declares this Ordinance to be an emergency measure necessary for the preservation of the public health, safety and welfare; therefore this Ordinance shall be in full force and effective immediately upon the adoption by Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:

1-9-2023

APPROVED:

Matthew A. Burke  
MAYOR

Thomas Vaughn  
PRESIDENT OF COUNCIL

ATTEST:

Lottie Overby  
CLERK OF COUNCIL

EFFECTIVE DATE:

1-9-2023

P. 6-0  
eff. 1-9-2023  
adopted 1-9-2023

P. 6-0  
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adopted 1-9-2023

RESOLUTION NO.: 01-2023

SPONSORED BY: MAYOR MATTHEW A. BURKE

CO SPONSOR  
Vaughn  
Tonsing  
Johnson

AN EMERGENCY RESOLUTION RATIFYING AN APPOINTMENT BY THE MAYOR OF IKE DAWSON, SR. AS A MEMBER OF THE NEIGHBORHOOD ADVISORY COMMITTEE LAND REUTILIZATION PROGRAM OF THE CITY OF GARFIELD HEIGHTS, OHIO, FOR THE TERM EFFECTIVE IMMEDIATELY AND ENDING DECEMBER 31, 2026.

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

SECTION 1. The appointment of Ike Dawson, Sr. to the Neighborhood Advisory Committee Land Reutilization Program of the City of Garfield Heights, Ohio, during the period commencing immediately and ending December 31, 2026, is hereby ratified and approved by this Council.

SECTION 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, safety, health and welfare of the citizens of the City of Garfield Heights, Ohio and to enable the Land Reutilization Program of the City of Garfield Heights, Ohio to function as prescribed by law and the City Charter, and shall be in full force and effect from and after its passage and approval by the Mayor, otherwise at the earliest period allowed by law.

PASSED: 1-9-2023

APPROVED: Matthew A. Burke

MAYOR

Thomas Vaughn

PRESIDENT OF COUNCIL

ATTEST: Sattie Overly

CLERK OF COUNCIL

EFFECTIVE DATE: 1-9-2023

P. 6-0  
adopted 1-9-2022  
eff. 1-9-2023

RESOLUTION NO.: 02-2023

SPONSORED BY: MAYOR MATTHEW A. BURKE

*Co Sponsor  
Vaughn Johnson  
Collier  
Tensing  
Seither*

AN EMERGENCY RESOLUTION DIRECTING THE MAYOR TO APPLY FOR THE CUYAHOGA COUNTY SOLID WASTE DISTRICT'S 2023 COMMUNITY RECYCLING AWARENESS GRANT

WHEREAS, The Community Recycling Awareness Grant was created by the Cuyahoga County Solid Waste District to help communities educate residents about recycling and create more awareness regarding proper disposal, and

WHEREAS, any village, city, or township located within Cuyahoga County is eligible to apply for the annual reimbursement grant up to \$6,000, without obligation to provide matching funds, and

WHEREAS, funding from the CCSWD Community Recycling Awareness Grant can be used to purchase brochures, fliers, postcards, banners, yard signs, etc. to promote recycling. The grant award also can be used to pay the cost of (no more than) two document shredding events, and

WHEREAS, Garfield Heights has used funds received in recent years to support the Cuyahoga County Solid Waste District's mission and promote their Recycle Right message and to finance two annual Community Shred Days; and to purchase recycling containers for municipal buildings, and

WHEREAS, the 2023 grant will provide the funding for the city's two Community Shred Days at the Garfield Heights Service Garage; the cost of advertising the Household Hazardous Waste collection and the shred dates throughout the community; and to purchase materials to educate residents, which is a grant requirement.

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

SECTION 1. The Mayor of the City of Garfield Heights be and is hereby authorized and directed to apply for the 2023 Community Recycling Awareness Grant.

SECTION 2. Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare and shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: 1-9-2023

APPROVED: Matthew A. Burke  
MAYOR

Thomas Vasy  
PRESIDENT OF COUNCIL

ATTEST: Lottie Overly  
CLERK OF COUNCIL

EFFECTIVE DATE: \_\_\_\_\_

RESOLUTION NO: 03-2023

SPONSORED BY:

*Co-Sponsor*

COUNCILMAN THOMAS VAUGHN

*Mayor Burke, Seither, Johnson, Collier, Kelley, Tonsing*  
A RESOLUTION HONORING AND CONGRATULATING FATHER  
THOMAS A. HAREN ON HIS RETIREMENT

WHEREAS, Father Thomas A. Haren was born on December 24, 1947; Father Haren was ordained to the Priesthood on June 9, 1973 at Catholic Diocese in Cleveland, Ohio, and

WHEREAS, Father Haren has served for forty-nine (49) years in the priesthood and "Haren Hall," located at Holy Name School, is named in his honor, and

WHEREAS, throughout his career, Father Haren served as the Parochial Vicar at several parishes in the greater-Cleveland area, including, St. Ignatius Parish (Cleveland), Holy Name Parish (Cleveland), Holy Family Parish (Parma), and St. Michaels Parish (Independence), and

WHEREAS, further, Father Haren has served as Chaplain in many organizations, including, St. Augustine Academy (Cleveland), Holy Name High School (Parma), Knights of Columbus Chapter #2816, Knights of Columbus Chapter #3970, Knights of Columbus Chapter #5106, and the Catholic War Veterans #1812, and

WHEREAS, Father Haren has served as Pastor at St. Jerome Parish (Cleveland) from June 1992 to July 2005 and then at St. Monica's Parish (Garfield Heights) from July 2005 to the present, and

WHEREAS, Father Haren has been active in the pro-life movement and has led groups from St. Jerome and St. Monica's Parish to Washington D.C. annually to protest the legalization of abortion, and

WHEREAS, on January 15, 2023, Father Thomas A. Haren will retire, and

WHEREAS, at this time, the City wishes to join the citizens of the City of Garfield Heights, as well as the Clergy, parishioners and staff of St. Monica's Church in extending sincere and heartfelt congratulations to Father Thomas A. Haren on his retirement.

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

SECTION 1. The Mayor and Council, on behalf of the residents of the City of Garfield Heights, hereby honor and congratulate Father Thomas A. Haren on his retirement.

SECTION 2. The Clerk of Council is hereby authorized and directed to transmit a copy of this Resolution to the local news media.

SECTION 3. This Resolution shall be in full force and effect from and after the earliest period allowed by law.

PASSED: 1-9-2023

APPROVED: Matthew A. B. C.  
MAYOR

Thomas J. Vaughn  
PRESIDENT OF COUNCIL

ATTEST: Lorraine O'neal  
CLERK OF COUNCIL

EFFECTIVE DATE: 2-8-2023