



**City of Willowick**  
**CITY COUNCIL REGULAR MEETING**

Tuesday, March 15, 2022 at 7:30 PM  
City Council Chambers

**ADA NOTICE**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City of Willowick at 440-585-3700 at least three working days before the meeting.

**AGENDA**

**CALL MEETING TO ORDER**

**PLEDGE ALLEGIANCE**

**INVOCATION**

**ROLL CALL OF COUNCIL**

**APPROVAL OF MINUTES**

1. Motion to approve the minutes of the Regular City Council Meeting of March 1, 2022.

**APPOINTMENTS, SPECIAL RESOLUTIONS & PROCLAMATIONS**

2. Motion to appoint Kira Shannon to the Civil Service Commission for a term of 6 years commencing March 15, 2022.

*Tabled 3-1-22*

3. A Special Resolution declaring the month of April as Child Abuse Prevention Month in the City of Willowick.

**ADMINISTRATIVE APPEALS**

4. Administrative Appeal Order No. 2022-1 Parsons (Recommended by BZA)

An order granting a variance and exception to allow front yard parking in the application of Section 1163.105(a) of the Codified Ordinances in Board of Zoning Appeals.

**REPORTS & COMMUNICATIONS FROM THE MAYOR/SAFETY DIRECTOR**

**COUNCIL DISCUSSION OF THE MAYOR'S REPORT**

**GENERAL COMMUNICATIONS & REPORTS – Directors & Officials**

**Service Director** – Todd Shannon

**Recreation Director** – Julie Kless

**City Engineer** – Tim McLaughlin

**Finance Director** – Cheryl Benedict

**Law Director** – Stephanie Landgraf

**Police Chief** – Brian Turner

**Fire Chief** – Joe Tennyson

**Chief Housing/Zoning Inspector** – Sean Brennan

**Economic Development Manager** – Monica Drake

## **WARD MATTERS**

### **PUBLIC PARTICIPATION**

*a) Public statement (1 minute maximum)*

*b) Council response to the public*

*c) Public clarification (30 seconds to 1 minute for the purpose of restating or rearticulating an original question, concern, suggestion or idea)*

### **REPORTS OF STANDING COMMITTEES**

**Finance** – Vanni, Bisbee, Koudela

**Safety** – Phares, Malta, Bisbee

**Service, Utilities & Public Lands** – Malta, Phares, Bisbee

**Streets, Sidewalks & Sewers** – Vanni, Malta, Antosh

**Tax Compliance** – Koudela, Antosh, Patton

**Moral Claims** – Antosh, Phares, Patton

**Budget** – Vanni, Koudela, Patton

### **LIAISON REPORTS**

**Planning** – Phares/Alternate Koudela

**Board of Zoning Appeals** – Koudela/Alternate Vanni

**Volunteer Fire Fighters' Dependents Fund Board** – Antosh, Phares

**Recreation Board** – Bisbee/Alternate Phares

**Plan Review Board** – Antosh

**Hearts & Hammers** – Malta

### **FUND TRANSFERS & BID AUTHORIZATIONS**

### **CONTRACT APPROVALS**

### **INTRODUCTION & CONSIDERATION OF LEGISLATION**

5. Ordinance No. 2022-8 (As Amended)(Finance Director)

An Ordinance to make appropriations for current expenses and other expenditures of the City of Willowick, State of Ohio, during the calendar year ending December 31, 2022, and declaring an emergency.

*1st Reading 2-15-22*

*2nd Reading 3-1-22*

6. Ordinance No. 2022-12 (Law Director)

An Ordinance enacting Chapter 788 of the Codified Ordinances titled “Medical Marijuana Licensure,” and declaring an emergency.

***Tabled pending report and recommendation from Planning Commission.***

**7.** Ordinance No. 2022-13 as amended (Law Director)

An Ordinance enacting Chapter 789 of the Codified Ordinances titled “Party Centers,” and declaring an emergency.

***Tabled pending report and recommendation from Planning Commission.***

**8.** Ordinance No. 2022-14 (Law Director)

An Ordinance adopting a moratorium on applications for, and the granting of, zoning permits for any building, structure, use or change of use that would enable the adult use cultivation, processing, distribution or sale of marijuana for non-medical purposes for a period not to exceed twelve (12) months in order to allow the city to review applicable state and local laws, to plan for regulations relating to such uses, and declaring an emergency.

***Tabled pending report and recommendation from Planning Commission.***

**9.** Ordinance No. 2022-15 (Law Director)

An Ordinance authorizing the purchase of a 2022 Sutphen Pumper with custom Monarch Chassis with necessary accessories, through the Ohio Department of Administrative Services, Office of State Purchasing; and declaring an emergency.

**10.** Resolution No. 2022-4 (Law Director)

A Resolution adopting federal grant compliance policies for the City of Willowick, Ohio and declaring an emergency.

**11.** Resolution No. 2022-5 (Law Director)

A Resolution authorizing the Mayor of the City of Willowick to enter into a contract with Huntington National Bank, or a related subsidiary, for seven (7) years in the principal amount of Four Hundred Eighty Thousand, One Hundred Thirty-One Dollars and Twenty-Two Cents (\$480,131.22) at an interest rate not to exceed 2.58% for the purpose of financing the purchase of a Sutphen Pumper with custom Monarch Chassis and necessary accessories, and declaring an emergency.

## **MISCELLANEOUS**

### **PUBLIC PARTICIPATION**

*a) Public statement (1 minute maximum)*

*b) Council response to the public*

*c) Public clarification (30 seconds to 1 minute for the purpose of restating or rearticulating an original question, concern, suggestion or idea)*

### **ADJOURN TO EXECUTIVE SESSION**

12. To discuss contract negotiations and pending litigation.

### **RETURN TO THE TABLE FROM EXECUTIVE SESSION**

### **ADJOURNMENT**



**City of Willowick**  
**CITY COUNCIL REGULAR MEETING**

Tuesday, March 01, 2022 at 7:30 PM  
 City Council Chambers

**ADA NOTICE**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City of Willowick at 440-585-3700 at least three working days before the meeting.

**MINUTES**

**CALL MEETING TO ORDER**

(Total meetings to date - 4)

The fifth meeting of Council was called to order at 7:30 p.m. by Council President Patton.

**PLEDGE ALLEGIANCE**

**INVOCATION**

**ROLL CALL OF COUNCIL**

**PRESENT**

Council President Robert Patton  
 Ward 1 Councilwoman Monica Koudela  
 Ward 1 Councilman Michael Vanni  
 Ward 2 Councilwoman Natalie Antosh  
 Ward 2 Councilwoman Theresa Bisbee  
 Ward 3 Councilman Charles Malta  
 Ward 3 Councilman David Phares

**ALSO PRESENT**

Mayor Regovich, Law Director Landgraf, Police Chief Turner, Service Director Shannon, Chief Zoning & Housing Inspector Brennan, City Engineer McLaughlin, Economic Manager Drake and Council Clerk Trend.

**ABSENT**

Finance Director Benedict, Fire Chief Tennyson and Recreation Director Kless.

**APPROVAL OF MINUTES**

1. Motion made by Mr. Malta, seconded by Ms. Antosh to approve the minutes of the Regular City Council Meeting of February 15, 2022.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

## APPOINTMENTS, SPECIAL RESOLUTIONS & PROCLAMATIONS

2. Motion made by Mr. Malta, seconded by Ms. Antosh to appoint Michael Lazor to the Civil Service Commission for a term of 6 years commencing March 1st, 2022.

**Discussion:** None.

**Vote:** All Ayes

3. Motion to appoint Kira Shannon to the Civil Service Commission for a term of 6 years commencing March 1st, 2022.

**Tabled 3-1-22**

## ADMINISTRATIVE APPEALS

None.

## REPORTS & COMMUNICATIONS FROM THE MAYOR/SAFETY DIRECTOR

Kimble will be starting their yard waste pick up on Monday, April 4th and will run through the last full week of December. Service Master, which is in the old Dawn Chemical building, will be making the location their headquarters which will be bringing more jobs into the City. Prices for budgeted City projects have gone up in as short as three months. This means the City will need to reassess the projects to determine if a repair should be done instead of a replacement.

## COUNCIL DISCUSSION OF THE MAYOR'S REPORT

Mr. Phares inquired if any progress has been made on the right turn only sign at S.R. 2 and E 305th St. and if help was needed from the Safety Committee. Mayor Regovich stated a traffic study will be done once the weather breaks and he will request the Safety Committee's assistance should it be needed.

## GENERAL COMMUNICATIONS & REPORTS – Directors & Officials

### Service Director – Todd Shannon

Report submitted electronically. Potholes are continually being filled with cold patch. The hot mix asphalt plants are not currently generating. The hope is that they will be soon so a more permanent repair can be made. Once the weather breaks crews will start to clean out catch basins in the City. Commercial dye testing will be starting next week. Crews will be out in the Spring to fix any damage to lawns that may have been done by the plows. Mr. Vanni thanked Mr. Shannon for handling the problem with the Water Department excavation on E 328th St. Mr. Shannon stated there have been several breaks in that area of the City recently.

### Recreation Director – Julie Kless

No report - absent.

### City Engineer – Tim McLaughlin

Report submitted electronically. The zoning map updates on the agenda are not changes they are corrections to things already in the Ordinances to reflect on the map or corrections to parcel numbers. The Vine Street Corridor Project has been put on hold by the county due to all bids coming in over 10% of the engineer's estimate. The resurfacing of Vine St. has also been put on hold until 2024.

### Finance Director – Cheryl Benedict

No report - absent.

**Law Director** – Stephanie Landgraf

Per Charter, Ordinance No. 2022-12, Medical Marijuana Licensure and 2022-13, Party Centers will need to be sent back to the Planning Commission for a Public Hearing and will require a Council motion to do so. Mr. Phares inquired if the non-medical marijuana moratorium, Ordinance No. 2022-14 would also need to be sent back to the Planning Commission. Ms. Landgraf stated that it was not required by Charter but could be sent back if he chose. Mr. Phares requested that Ordinance 2022-14 also be sent back to the Planning Commission.

**Police Chief** – Brian Turner

No report.

**Fire Chief** – Joe Tennyson

Mayor Regovich read Chief Tennyson's report in his absence:

Fire Prevention is working with Bayclub management to limit the number of fire alarms being responded to per day while still maintaining a high level of safety and service. They have a new fire alarm system which is very sensitive. Aldi had a fire on Saturday, February 26, which was contained to a freezer unit. They are working with the Fire and Health Departments to ensure their quick return to operations.

Mayor Regovich added that the City has locked in a rate for the purchase of a new fire engine and the information will be in front of Council for the next meeting.

**Chief Housing/Zoning Inspector** – Sean Brennan

Written report submitted electronically.

**Economic Development Manager** – Monica Drake

Service Master will be looking to add fifteen to twenty additional jobs. A new restaurant called Fornos will be going into the location of where the old Tuscan Italian Restaurant was in Northshore Mall.

**WARD MATTERS**

None.

**PUBLIC PARTICIPATION**

*a) Public statement (1 minute maximum)*

*b) Council response to the public*

*c) Public clarification (30 seconds to 1 minute for the purpose of restating or rearticulating an original question, concern, suggestion or idea)*

None.

**REPORTS OF STANDING COMMITTEES****Finance** – Vanni, Bisbee, Koudela

No report.

**Safety** – Phares, Malta, Bisbee

A Safety Committee meeting will be scheduled to discuss fireworks.

**Service, Utilities & Public Lands** – Malta, Phares, Bisbee

The Nike Site model done by Mike Bowen is close to completion and their will be a dedication and small ceremony at that time.

**Streets, Sidewalks & Sewers** – Vanni, Malta, Antosh

No report.

**Tax Compliance** – Koudela, Antosh, Patton

No report.

**Moral Claims** – Antosh, Phares, Patton

No report.

**Budget** – Vanni, Koudela, Patton

No report.

**LIAISON REPORTS**

**Planning** – Phares/Alternate Koudela

No report.

**Board of Zoning Appeals** – Koudela/Alternate Vanni

No report.

**Volunteer Fire Fighters' Dependents Fund Board** – Antosh, Phares

No report.

**Recreation Board** – Bisbee/Alternate Phares

No report.

**Plan Review Board** – Antosh

No report.

**Hearts & Hammers** – Malta

Spring Clean-up will be starting soon. Please contact Charlie Malta at 440-488-1757 if you can volunteer.

**FUND TRANSFERS & BID AUTHORIZATIONS**

None.

**CONTRACT APPROVALS**

4. Motion made by Ms. Antosh, seconded by Ms. Bisbee authorizing the Mayor to enter into a contract with McDonald Equipment Company (MECO) for the purpose of checking and maintaining the emergency generator at the service garage from March 9, 2022 until March 8, 2023 in the amount of \$490.00.  
**Discussion:** None.  
**Vote:** all ayes. Motion carried.
5. Motion made by Ms. Antosh, seconded by Mr. Phares authorizing the Mayor to enter into a contract with McDonald Equipment Company (MECO) for the purpose of checking and maintaining the emergency generator at the Fire Department from March 9, 2022 until March

8, 2023 in the amount of \$550.00.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

## INTRODUCTION & CONSIDERATION OF LEGISLATION

### 6. Ordinance No. 2022-8 (Finance Director)

An Ordinance to make appropriations for current expenses and other expenditures of the City of Willowick, State of Ohio, during the calendar year ending December 31, 2022, and declaring an emergency.

**1st Reading 2-15-22**

**2nd Reading 3-1-22**

### 7. Ordinance No. 2022-9 (Law Director)

An Ordinance amending Chapter 1139 of the Codified Ordinances of the City of Willowick, Ohio, titled “Multi Family District” specifically Section 1139.02 titled “District Boundary,” and declaring an emergency.

Motion made by Ms. Antosh, seconded by Mr. Malta to waive the three readings on Ordinance No. 2022-9.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

Motion made by Ms. Antosh, seconded by Mr. Phares to adopt Ordinance No. 2022-9.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

### 8. Ordinance No. 2022-10 (Law Director)

An Ordinance amending Chapter 1145 of the Codified Ordinances of the City of Willowick, Ohio, titled “Retail District;” specifically Section 1145.02 titled “District Boundary,” and declaring an emergency.

Motion made by Ms. Antosh, seconded by Mr. Vanni to waive the three readings on Ordinance No. 2022-10.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

Motion made by Ms. Antosh, seconded by Mr. Phares to adopt Ordinance No. 2022-10.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

### 9. Ordinance No. 2022-11 (Law Director)

An Ordinance amending Chapter 1135 of the Codified Ordinances of the City of Willowick, Ohio, titled, “Districts and Uses Generally; Zone Map;” specifically, Section 1135.02 titled “Division into Districts; Boundaries, Zone Map” and declaring an emergency.

Motion made by Ms. Antosh, seconded by Mr. Phares waive the three readings on Ordinance No. 2022-11.

**Discussion:** None.

**Vote:** All ayes. Motion carried.



Motion made by Mr. Phares, seconded by Ms. Antosh to adopt Ordinance No. 2022-11.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

10. Ordinance No. 2022-12 (Law Director)

An Ordinance enacting Chapter 788 of the Codified Ordinances titled “Medical Marijuana Licensure,” and declaring an emergency.

Motion made by Mr. Malta, seconded by Ms. Antosh to refer Ordinance No. 2022-12 to the Planning Commission for a Public Hearing.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

11. Ordinance No. 2022-13 (Law Director)

An Ordinance enacting Chapter 789 of the Codified Ordinances titled “Party Centers,” and declaring an emergency.

Motion made by Mr. Phares, seconded by Ms. Antosh to refer Ordinance No. 2022-13 to the Planning Commission for a Public Hearing.

**Discussion:** Ms. Antosh stated discussion at the previous Planning Commission was limiting the number of party centers in the City to five (5). Ms. Landgraf stated that this is a permitted use in the district, and that if there is an intent to regulate a permitted use in a district, a geographical mileage limit would be more appropriate than a prohibited number. Ms. Antosh requested that a prohibition of no more than five (5) party centers within three (3) square miles be added to the Ordinance.

Motion made by Mr. Malta, seconded by Ms. Antosh to refer Ordinance No. 2022-13 with the revision of five (5) centers within three (3) square miles as amended to the Planning Commission for a Public Hearing.

**Discussion:** Mr. Phares inquired if the two (2) party centers currently in the City would be under these new Ordinances. Ms. Landgraf stated they would not.

**Vote:** All Ayes. Motion carried.

12. Ordinance No. 2022-14 (Law Director)

An Ordinance adopting a moratorium on applications for, and the granting of, zoning permits for any building, structure, use or change of use that would enable the adult use cultivation, processing, distribution or sale of marijuana for non-medical purposes for a period not to exceed twelve (12) months in order to allow the city to review applicable state and local laws, to plan for regulations relating to such uses, and declaring an emergency.

Motion made by Mr. Phares, seconded by Ms. Antosh to refer Ordinance No. 2022-14 to the Planning Commission for a Public Hearing.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

## MISCELLANEOUS

13. Motion made by Mr. Malta, seconded by Ms. Antosh authorizing Change Order #1-Final to Ronyak Paving, Inc. in the deduct amount of \$74,907.00 for the 2020 Road Program.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

14. Motion made by Mr. Vanni, seconded by Ms. Antosh authorizing the release of retainage in the amount of \$25,831.00 to Ronyak Paving, Inc. for the 2020 Road Program.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

15. Motion made by Ms. Antosh, seconded by Mr. Vanni authorizing Change Order #1-Final to Vandra Brothers Construction, Inc. in the amount of \$52,098.98 for the 2021 Pavement Repair Program.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

### **PUBLIC PARTICIPATION**

*a) Public statement (1 minute maximum)*

*b) Council response to the public*

*c) Public clarification (30 seconds to 1 minute for the purpose of restating or rearticulating an original question, concern, suggestion or idea)*

None.

### **ADJOURN TO EXECUTIVE SESSION**

16. Motion made by Mr. Malta, seconded by Ms. Antosh to adjourn to Executive Session to discuss contract negotiations at 8:09 p.m.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

### **RETURN TO THE TABLE FROM EXECUTIVE SESSION**

Motion made by Mr. Vanni, seconded by Ms. Antosh to return to the table from Executive Session at 8:40 p.m.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

Motion made by Mr. Vanni, seconded by Ms. Antosh to authorize the Mayor to accept the material terms of the agreement reached with the FOP Dispatch Unit for a three year term during contract negotiations.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

### **ADJOURNMENT**

Motion made by Ms. Antosh, seconded by Mr. Vanni to adjourn.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

Meeting adjourned at 8:41 p.m.

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PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_

CLERK OF COUNCIL



# Resolution

## City of Willowick

### A SPECIAL RESOLUTION DECLARING THE MONTH OF APRIL

### AS CHILD ABUSE PREVENTION MONTH IN THE CITY OF WILLOWICK

**WHEREAS**, all children of our community have the right to live and grow in a safe, secure and supportive environment, enter school prepared to succeed, be able to choose healthy behaviors and grow to successful adulthood; and

**WHEREAS**, we the leaders of this community acknowledge that those rights are not always available to all children and although there has been significant progress to increase the safety and security of our children, we renew our commitment to protecting our most valuable resource; and

**WHEREAS**, during 2021, Lake County Children Services responded to over 1,900 calls regarding children and their families and as a result, Children Services worked with approximately 1,000 children who presented with a variety of issues which could not be easily resolved; and

**WHEREAS**, over 100 foster families, adoptive families, relatives and other alternative caregivers provided a safe environment for children who were unable to be in their family home; and

**WHEREAS**, statistics show that a great majority of children who have died from child maltreatment in the State of Ohio were under the age of five years old, thus never having the chance to attend kindergarten; and statistics further show that survivors of the child abuse and neglect are at a greater risk for problems later in life that affect not just the child and family but our society as a whole; and

**WHEREAS**, the best prevention of child abuse can only be done if we, both as a society and as individuals, take responsibility to offer parents and families the support and tools they need to provide healthy nurturing homes for their children.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOWICK, LAKE COUNTY, STATE OF OHIO:**

**Section 1.** That the Mayor and Council of the City of Willowick on behalf of its citizenry hereby declare April as Child Abuse Prevention Month in the City of Willowick and urges the citizens of our community to join with us to become involved in activities this month and all through the year to raise awareness of child abuse and to focus our attention on providing safe environments for children and fostering confident, positive parents.

**Section 2.** That the Clerk of Council is hereby requested to provide copies of this Special Resolution to the Department of Job and Family Services.

**PASSED:** \_\_\_\_\_  
President of Council

**ATTEST:** \_\_\_\_\_  
Clerk of Council Mayor

ADMINISTRATIVE APPEAL ORDER NO. 2022-1

AN ORDER GRANTING A VARIANCE AND EXCEPTION TO ALLOW FRONT YARD PARKING IN THE APPLICATION OF SECTION 1163.105(a) OF THE CODIFIED ORDINANCES IN BOARD OF ZONING APPEALS

CASE 21-531  
ALLEN PARSONS  
360 E. 305 ST.

WHEREAS, at its meeting of March 9, 2022, the Board of Zoning Appeals, in Case No. 21-531, heard the appeal of Allen Parsons for the requested variance and has recommended to Council that the variance to Section 1163.105(a) of the Codified Ordinances of the City of Willowick be **granted**; and

WHEREAS, upon review of the record presented to the BZA and consideration of the Applicant’s request, the Council finds and determines that said variance and exception be \_\_\_\_\_.

NOW, THEREFORE BE IT ORDERED, BY THE COUNCIL OF THE CITY OF WILLOWICK, STATE OF OHIO:

SECTION 1. That the Applicant’s variance to Section 1163.105(a) of the Codified Ordinances is hereby \_\_\_\_\_.

SECTION 2. This order shall take effect and be in force from and after its passage.

PASSED: \_\_\_\_\_ 2022 \_\_\_\_\_  
President of Council

ATTEST: \_\_\_\_\_  
Clerk of Council

**ORDINANCE NO. 2022-8 (AS AMENDED)**

**AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF WILLOWICK, STATE OF OHIO, DURING THE CALENDAR YEAR ENDING DECEMBER 31, 2022, AND DECLARING AN EMERGENCY.**

**SECTION 1.** Be it ordained by the Council of the City of Willowick, State of Ohio, that to provide for the current expenses and other expenditures of said City of Willowick during the calendar year ending December 31, 2022, that the following sums be and they are hereby set aside and appropriated as follows:

**SECTION 2.** That there be appropriated from the General Fund:

**GENERAL FUND**

**Security of Persons & Property**

**Safety Communications Dept.**

**Personal Services**

Wages - Clerk Dispatchers	101.100.5136	449,200.00
Wages - Overtime	101.100.5199	6,000.00
<b>Total Salaries &amp; Wages</b>		<b>455,200.00</b>

**Other**

Hospitalization	101.100.5210	140,000.00
P. E. R. S.	101.100.5220	63,500.00
Medicare	101.100.5260	6,600.00
Uniform Allowance	101.100.5270	-
Schools & Training	101.100.5513	2,400.00
<b>Total Other Expense</b>		<b>212,500.00</b>
<b>Total Safety Communications Department</b>		<b>667,700.00</b>

**Police Law Enforcement**

**Personal Services**

Wages - Police Officers	101.101.5135	1,938,400.00
Wages - School Guards	101.101.5137	18,900.00
Retirement Benefit Payout	101.101.5195	-
Wages - Overtime	101.101.5199	125,000.00
<b>Total Wages and Salaries</b>		<b>2,082,300.00</b>

**Other**

Hospitalization	101.101.5210	460,000.00
P. E. R. S.	101.101.5220	4,050.00
Police State Pension (Transfer)	101.101.5230	300,000.00
Medicare	101.101.5260	30,500.00
Uniform Allowance	101.101.5270	800.00
Telephone	101.101.5324	13,700.00
Insurance	101.101.5330	30,000.00
Gas & Oil	101.101.5420	40,000.00
Small Equip & Supplies	101.101.5430	18,300.00
Schools & Training	101.101.5513	11,000.00
Office Supplies	101.101.5521	8,700.00
Prisoner Care	101.101.5532	8,000.00
DARE Expenses	101.101.5534	-

Public Relations & Education	101.101.5535	1,400.00
Emergency 9-1-1	101.101.5560	4,700.00
Radio	101.101.5561	18,000.00
Maintenance & Repair	101.101.5564	47,800.00
Miscellaneous Expenses	101.101.5568	2,300.00
Capital Improvement	101.101.5600	-
<b>Total Other Expense</b>		999,250.00
<b>Total Police Department</b>		<b>3,081,550.00</b>

**Fire Prevention & Inspection****Personal Services**

Wages - Director/Chief	101.102.5120	53,525.00
Wages - Firefighters & Officers	101.102.5138	803,302.50
Wages - Secretary	101.102.5191	27,548.00
Retirement Benefit Payout	101.102.5195	1,740.00
Wages - Overtime	101.102.5199	550.00
<b>Total Wages &amp; Salaries</b>		886,665.50

**Other**

Hospitalization	101.102.5210	47,650.00
P. E. R. S.	101.102.5220	16,520.00
Police & Fire Pension	101.102.5230	12,850.00
Medicare	101.102.5260	12,068.00
Social Security	101.102.5265	49,905.00
Clothing - Original Issue	101.102.5271	19,250.00
Replacement Safety Clothing	101.102.5272	24,340.00
Telephone	101.102.5324	4,625.00
Insurance	101.102.5330	15,000.00
EMS Collection Fees	101.102.5385	17,050.00
Gas & Oil	101.102.5420	8,500.00
Small Equip & Supplies	101.102.5430	18,300.00
Vehicle Lease Payments	101.102.5434	3,050.00
Schools & Training	101.102.5513	8,000.00
Office Supplies	101.102.5521	4,500.00
Honor Guard	101.102.5533	-
Public Relations & Education	101.102.5535	7,000.00
Radio	101.102.5561	3,600.00
Maintenance & Repair	101.102.5564	27,500.00
Capital Imp. Fire	101.102.5611	-
Transfer for Fund 208	101.102.5901	-
<b>Total Other Expense</b>		299,708.00
<b>Total Fire Department</b>		<b>1,186,373.50</b>

**Public Health & Welfare****Other**

Health District Charges	101.201.5392	140,000.00
<b>Total Other Expense</b>		140,000.00
<b>Total Public Health &amp; Welfare</b>		<b>140,000.00</b>

**Leisure Time Activities****Parks & Playgrounds****Personal Services**

Wages - Parks - Regular	101.301.5140	158,903.00
Wages - Summer Employees	101.301.5143	12,600.00
Retirement Benefit Payout	101.301.5195	-
Wages - Overtime	101.301.5199	8,000.00
<b>Total Wages &amp; Salaries</b>		<b>179,503.00</b>

**Other**

Hospitalization	101.301.5210	69,500.00
Cobra Hospitalization	101.301.5211	-
P. E. R. S.	101.301.5220	25,150.00
Medicare	101.301.5260	2,700.00
Electricity & Heating	101.301.5320	58,500.00
Water	101.301.5322	7,000.00
Gas & Oil	101.301.5420	5,000.00
Small Equip & Supplies	101.301.5430	1,500.00
Vehicle Lease Payments	101.301.5434	10,650.00
Cleaning Supplies	101.301.5460	9,500.00
Park Repairs	101.301.5563	29,000.00
Maintenance & Repair	101.301.5564	1,000.00
Capital Improvements	101.301.5600	10,000.00
<b>Total Other Expense</b>		<b>229,500.00</b>
<b>Total Parks Department</b>		<b>409,003.00</b>

**Swimming Pools****Personal Services**

Wages - Leisure & Regular	101.302.5150	110,000.00
<b>Total Wages &amp; Salaries</b>		<b>110,000.00</b>
P.E.R.S.	101.302.5220	15,400.00
Medicare	101.302.5260	1,600.00
Water	101.302.5322	3,500.00
Small Equip & Supplies	101.302.5430	4,000.00
Swimming Pool Supplies	101.302.5451	3,500.00
Swimming Pool Chemicals	101.302.5452	12,000.00
Training	101.302.5513	1,000.00
Swimming Pool Repairs	101.302.5566	5,000.00
<b>Total Other Expense</b>		<b>46,000.00</b>
<b>Total Swimming Pools</b>		<b>156,000.00</b>

**Recreation Programs (including Camp)****Personal Services**

Wages - Director/Chief	101.303.5120	86,320.00
Wages - Leisure - Regular	101.303.5150	70,000.00
Wages - Playground Supervisor	101.303.5151	65,000.00
Wages - Ball Diamond	101.303.5153	11,000.00
Wages - Secretary	101.303.5191	48,200.00
Wages - Overtime	101.303.5199	800.00
<b>Total Wages &amp; Salaries</b>		<b>281,320.00</b>



**Other**

Hospitalization	101.303.5210	19,900.00
P. E. R. S.	101.303.5220	39,000.00
Medicare	101.303.5260	4,100.00
Insurance	101.303.5330	23,000.00
Contract Umpires	101.303.5350	2,500.00
Contract Officials	101.303.5351	5,000.00
Contract Instructors	101.303.5354	1,000.00
Small Equipment & Supplies	101.303.5430	7,200.00
League Supplies	101.303.5433	2,000.00
Fee Fund Supplies	101.303.5454	3,500.00
Recreation Program Supplies	101.303.5456	28,000.00
Concessions	101.303.5457	1,000.00
Youth Basketball Expenses	101.303.5458	5,000.00
Youth Baseball Expenses	101.303.5459	5,000.00
Paver Bricks Engraving	101.303.5470	200.00
Training	101.303.5513	1,500.00
Office Supplies	101.303.5521	8,000.00
Maintenance & Repair	101.303.5564	17,500.00
Capital Improvement	101.303.5600	-
Grant March	101.303.5602	-
Capital Improvement - Grant	101.303.5613	-
<b>Total Other Expense</b>		<b>173,400.00</b>
<b>Total Recreation</b>		<b>454,720.00</b>

**Housing & Building Inspection**

Wages - Director/Chief	101.401.5120	83,325.00
Wages - Housing Inspectors	101.401.5125	85,600.00
Wages - Secretary	101.401.5191	45,365.00
Retirement Benefit Payout	101.401.5195	-
Wages - Overtime	101.401.5199	500.00
<b>Total Wages &amp; Salaries</b>		<b>214,790.00</b>

**Other**

Hospitalization	101.401.5210	60,500.00
P. E. R. S.	101.401.5220	30,150.00
Medicare	101.401.5260	3,150.00
Professional Services	101.401.5319	-
Telephone	101.401.5324	960.00
Contract Services	101.401.5354	10,000.00
Gas & Oil	101.401.5420	3,000.00
Small Equip & Supplies	101.401.5430	1,000.00
Vehicle Lease Payments	101.401.5434	5,350.00
Schools & Training	101.401.5513	1,000.00
Office Supplies	101.401.5521	6,000.00
Maintenance & Repair	101.401.5564	9,400.00
Misc Expenses	101.401.5568	-
Capital Improvements	101.401.5600	-
<b>Total Other Expense</b>		<b>130,510.00</b>
<b>Total Building Department</b>		<b>345,300.00</b>

**Vacant Property Inspection****Personal Services**

Wages - Vacant Property Inspector	101.403.5124	-
<b>Total Wages &amp; Salaries</b>		-

**Other**

P. E. R. S.	101.403.5220	-
Medicare	101.403.5260	-
Telephone	101.403.5324	-
Gas & Oil	101.403.5420	-
Office Supplies	101.403.5521	-
Equipment Maintenance	101.403.5564	-
<b>Total Other Expense</b>		-
<b>Total Vacant Property Inspection Department</b>		-

**Garbage & Refuse Collection****Other**

Yardwaste Disposal	101.501.5362	4,500.00
Curbside Recycling	101.501.5363	2,000.00
<b>Total Other Expense</b>		6,500.00
<b>Total Refuse Collection</b>		<b>6,500.00</b>

**Transportation****Personal Services**

Wages - Regular	101.601.5140	129,801.00
Wages - Service Summer Employees	101.601.5143	-
Retire Benefit Payout	101.601.5195	-
Wages - Overtime	101.601.5199	10,000.00
<b>Total Wages &amp; Salaries</b>		<b>139,801.00</b>

**Other**

Hospitalization	101.601.5210	37,800.00
P. E. R. S.	101.601.5220	19,600.00
Medicare	101.601.5260	2,050.00
Telephone	101.601.5324	-
Engineering Fees	101.601.5360	-
Sand - Gravel - Concrete	101.601.5410	-
Small Equipment & Supplies	101.601.5430	2,000.00
Tools	101.601.5440	3,000.00
Maintenance & Repair	101.601.5564	1,000.00
Capital Improvement	101.601.5600	5,000.00
Heavy Equipment Replacement	101.601.5601	-
Transfer to State Highway Imp.	101.601.5902	-
<b>Total Other Expense</b>		<b>70,450.00</b>
<b>Total Transportation</b>		<b>210,251.00</b>

**Technology Dept.****Personal Services**

Wages - IT Director	101.700.5170	-
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Wages - Part Time	101.700.5198	2,290.00
<b>Total Wages &amp; Salaries</b>		<b>2,290.00</b>
<b><u>Other</u></b>		
P. E. R. S.	101.700.5220	325.00
Medicare	101.700.5260	40.00
Professional Services	101.700.5319	25,000.00
Internet	101.700.5325	9,000.00
Network Equipment & Supplies	101.700.5431	11,500.00
<b>Total Other Expense</b>		<b>45,865.00</b>
<b>Total Technology Dept.</b>		<b>48,155.00</b>
 <b><u>Mayor's Office</u></b>		
<b><u>Personal Services</u></b>		
Wages - Mayor	101.701.5105	24,000.00
Wages - Safety Director	101.701.5106	17,070.00
Wages - Secretary	101.701.5191	49,635.00
Wages - Overtime	101.701.5199	1,500.00
<b>Total Wages &amp; Salaries</b>		<b>92,205.00</b>
<b><u>Other</u></b>		
Hospitalization	101.701.5210	26,300.00
P. E. R. S.	101.701.5220	13,500.00
Medicare	101.701.5260	1,350.00
Contract Services	101.701.5354	-
Small Equip & Supplies	101.701.5430	500.00
Schools & Training	101.701.5513	3,000.00
<b>Total Other Expenses</b>		<b>44,650.00</b>
<b>Total Mayor's Office</b>		<b>136,855.00</b>
 <b><u>Finance Administration</u></b>		
<b><u>Personal Services</u></b>		
Wages - Director/Chief	101.702.5120	105,358.00
Wages - Finance Staff	101.702.5160	104,160.00
Retirement Benefit Payout	101.702.5195	-
<b>Total Wages &amp; Salaries</b>		<b>209,518.00</b>
<b><u>Other</u></b>		
Hospitalization	101.702.5210	69,500.00
P. E. R. S.	101.702.5220	29,370.00
Medicare	101.702.5260	3,070.00
Contract Employees	101.702.5354	-
Bank Service Charges	101.702.5383	-
Small Equip & Supplies	101.702.5430	16,000.00
Schools & Training	101.702.5513	2,000.00
Capital Improvements	101.702.5600	45,000.00
<b>Total Other Expense</b>		<b>164,940.00</b>
<b>Total Finance Department</b>		<b>374,458.00</b>

**Legal Administration****Personal Services**

Legal Retainer	101.703.5114	77,195.00
<b>Total Wages &amp; Salaries</b>		<b>77,195.00</b>

**Other**

P. E. R. S.	101.703.5220	10,810.00
Medicare	101.703.5260	1,125.00
Legal Advertising	101.703.5310	4,000.00
Consulting Services	101.703.5318	30,000.00
Law Books & Periodicals	101.703.5512	500.00
Schools & Training	101.703.5513	500.00
Miscellaneous Expenses	101.703.5568	500.00
<b>Total Other Expense</b>		<b>47,435.00</b>
<b>Total Legal Department</b>		<b>124,630.00</b>

**Administrative Support Service Dept.****Personal Services**

Wages - Director/Chief	101.704.5120	85,000.00
Wages - Secretary	101.704.5191	48,152.00
Wages - Overtime	101.704.5199	500.00
<b>Total Wages &amp; Salaries</b>		<b>133,652.00</b>

**Other**

Hospitalization	101.704.5210	59,500.00
P. E. R. S.	101.704.5220	18,725.00
Medicare	101.704.5260	1,950.00
Uniforms	101.704.5270	17,000.00
Telephone	101.704.5324	2,160.00
Contract Services	101.704.5354	15,000.00
Gas & Oil	101.704.5420	10,000.00
Small Equip & Supplies	101.704.5430	6,000.00
Vehicle Lease Payments	101.704.5434	10,800.00
Schools & Training	101.704.5513	2,000.00
Office Supplies	101.704.5521	4,000.00
Radio	101.704.5561	-
Maintenance & Repair	101.704.5564	5,500.00
Stormwater Management	101.704.5604	9,000.00
<b>Total Other Expense</b>		<b>161,635.00</b>
<b>Total Service Department</b>		<b>295,287.00</b>

**Legislative****Personal Services**

Wages - Council Salaries	101.705.5110	58,000.00
Wages - Council Clerk	101.705.5113	-
<b>Total Wages &amp; Salaries</b>		<b>58,000.00</b>

**Other**

P. E. R. S.	101.705.5220	8,125.00
Medicare	101.705.5260	850.00

Small Equip & Supplies	101.705.5430	1,000.00
<b>Total Other Expense</b>		<b>9,975.00</b>
<b>Total General Govt.</b>		<b>67,975.00</b>
<b><u>Municipal Court Costs &amp; Fees</u></b>		
<b><u>Other</u></b>		
Court Costs & Fees	101.706.5315	20,000.00
Jury & Witness Fees	101.706.5316	10.00
<b>Total Other Expense</b>		<b>20,010.00</b>
<b>Total Municipal Court</b>		<b>20,010.00</b>
<b><u>Civil Service Commission</u></b>		
<b><u>Other</u></b>		
Civil Service Operations	101.707.5317	25,000.00
Training	101.707.5513	500.00
<b>Total Other Expense</b>		<b>25,500.00</b>
<b>Total Civil Service Commission Operations</b>		<b>25,500.00</b>
<b><u>Lands &amp; Buildings</u></b>		
<b><u>Personal Services</u></b>		
Wages - Regular	101.708.5140	45,557.00
Wages - Overtime	101.708.5199	4,000.00
<b>Total Wages &amp; Salaries</b>		<b>49,557.00</b>
<b><u>Other</u></b>		
Hospitalization	101.708.5210	9,950.00
P. E. R. S.	101.708.5220	6,950.00
Medicare	101.708.5260	725.00
Electricity & Heating	101.708.5320	80,000.00
Water	101.708.5322	5,000.00
Landscaping Services	101.708.5352	30,000.00
Contract Cleaning Service	101.708.5353	-
Street Signs	101.708.5364	2,000.00
Small Equip & Supplies	101.708.5430	2,500.00
Cleaning Supplies	101.708.5460	16,500.00
Maintenance & Repair	101.708.5564	96,400.00
Capital Improvements	101.708.5600	14,000.00
<b>Total Other Expense</b>		<b>264,025.00</b>
<b>Total Lands &amp; Buildings</b>		<b>313,582.00</b>
<b><u>Engineering</u></b>		
<b><u>Other</u></b>		
Engineering Fees	101.709.5360	55,000.00
<b>Total Other Expense</b>		<b>55,000.00</b>
<b>Total Engineering Fees</b>		<b>55,000.00</b>

**County Auditor Deductions****Other**

State Auditors Fees	101.710.5380	50,000.00
County Treasurer Fees	101.710.5390	30,500.00
Workers Compensation	101.710.5391	155,000.00
County Election Fees	101.710.5393	4,200.00
County Delinquent Land Advertising	101.710.5394	500.00
<b>Total Other Expense</b>		<b>240,200.00</b>
<b>Total County Auditor Deductions</b>		<b>240,200.00</b>

**Administrative Support****Other**

Contingent Liability	101.711.5220	5,000.00
Professional Services	101.711.5319	30,000.00
Telephone	101.711.5324	35,000.00
Insurance	101.711.5330	33,000.00
Unemployment Compensation	101.711.5331	8,000.00
Charge for Income Tax Collections	101.711.5340	100,000.00
Ohio Municipal League	101.711.5371	2,500.00
Codification	101.711.5372	6,000.00
Land Acquisitions	101.711.5375	-
Small Equip & Supplies	101.711.5430	5,000.00
Network Equip & Supplies	101.711.5431	11,800.00
Schools & Training	101.711.5513	-
BWC Grant Expenses	101.711.5516	-
Office Supplies	101.711.5521	15,000.00
Miscellaneous Expenses	101.711.5568	4,000.00
Capital Improvements	101.711.5600	11,600.00
Transfer to Fund 301	101.711.5904	-
Transfer to Fund 401	101.711.5905	-
Transfer to Fund 220	101.711.5906	-
Transfer to Fund 218	101.711.5909	-
Transfer to Fund 211	101.711.5913	-
Transfer to Fund 213	101.711.5916	-
Transfer to Fund 222	101.711.5920	-
Transfer to Fund 240	101.711.5921	-
Transfer to Fund 230	101.711.5923	-
Transfer to Fund 420	101.711.5924	-
Transfer to Fund 225	101.711.5925	-
Transfer to Fund 227	101.711.5934	-
Refunds	101.711.5971	8,000.00
Unclaimed Funds	101.711.5972	2,000.00
Advance Fund 214	101.711.5975	-
Advance Fund 213	101.711.5976	-
Advance Fund 223	101.711.5989	-
Advance Fund 205	101.711.5990	50,000.00
Advance Fund 224	101.711.5992	-
Advance Fund 225	101.711.5993	-
Advance Fund 227	101.711.5995	199,800.00
Advance Fund 420	101.711.5998	-
<b>Total Other Expense</b>		<b>526,700.00</b>
<b>Total Administrative Support</b>		<b>526,700.00</b>

**Public Relations**

Public Relations	101.713.5535	-
<b>Total Public Relations</b>		-

**Economic Development**

Professional Services	101.714.5319	37,000.00
<b>Total Economic Development</b>		<b>37,000.00</b>

**TOTAL GENERAL FUND:****8,922,749.50****SECTION 3.** That there be appropriated from the Street Construction, Maintenance & Repair Fund:**SCM&R FUND****Personal Services**

Wages - Summer Employment	202.601.5143	-
Wages - Service - Regular	202.601.5185	281,660.00
Retirement Benefit Payout	202.601.5195	-
Wages - Overtime	202.601.5199	12,000.00
<b>Total Wages &amp; Salaries</b>		<b>293,660.00</b>

**Other**

Hospitalization	202.601.5210	86,300.00
P. E. R. S.	202.601.5220	41,150.00
Medicare	202.601.5260	3,900.00
Street Signs	202.601.5364	11,000.00
Freeway Maintenance	202.601.5366	25,000.00
Street Resurface & Repair	202.601.5367	18,000.00
Street Lining	202.601.5368	60,000.00
Small Equipment & Supplies	202.601.5430	7,000.00
Vehicle Lease Payments	202.601.5434	10,650.00
Tools	202.601.5440	1,500.00
Maintenance & Repair	202.601.5564	36,000.00
Contract Construction	202.601.5600	4,000.00
Heavy Equipment Replacement	202.601.5601	-
Note Principal	202.711.5703	-
Note Interest	202.711.5704	-
<b>Total Other Expense</b>		<b>304,500.00</b>
<b>TOTAL SCM&amp;R FUND</b>		<b>598,160.00</b>

**SECTION 4.** That there be appropriated from the State Highway Fund:**STATE HIGHWAY IMPROVEMENT FUND****Other**

Road Salt	203.601.5465	75,000.00
<b>Total Other Expense</b>		<b>75,000.00</b>
<b>TOTAL STATE HIGHWAY IMPROVEMENT FUND</b>		<b>75,000.00</b>

**SECTION 5.** That there be appropriated from the Street Lighting Fund:

**STREET LIGHTING FUND**

**Other**

Street Lighting	204.502.5326	205,000.00
Engineering Fees	204.502.5360	-
County Treasurer Fees	204.502.5390	2,150.00
Small Equipment & Supplies	204.502.5430	1,500.00
Equipment Maintenance	204.502.5564	-
Capital Improvement	204.502.5600	-
<b>Total Other Expense</b>		<b>208,650.00</b>
<b>TOTAL STREET LIGHTING FUND</b>		<b>208,650.00</b>

**SECTION 6.** That there be appropriated from the Sewer Disposal Water Pollution Control Fund (Sewer Revenue):

**SEWER REVENUE FUND**

**Personal Services**

Wages - Regular	205.503.5140	295,356.00
Wages - Summer Employees	205.503.5143	-
Retirement Benefit Payout	205.503.5195	-
Wages - Overtime	205.503.5199	7,500.00
<b>Total Wages &amp; Salaries</b>		<b>302,856.00</b>

**Other**

Hospitalization	205.503.5210	117,150.00
P. E. R. S.	205.503.5220	42,500.00
Medicare	205.503.5260	3,450.00
Wickliffe Sewer Charges	205.503.5323	61,000.00
Insurance	205.503.5330	14,000.00
Contract Services	205.503.5354	-
Euclid Disposal Plant	205.503.5361	2,100,000.00
Sewer Maintenance	205.503.5367	36,500.00
Lake County Billing Fees	205.503.5382	108,300.00
County Treasurer Fees	205.503.5390	12,000.00
Gas & Oil	205.503.5420	14,000.00
Small Equipment & Supplies	205.503.5430	2,000.00
Vehicle Lease Payments	205.503.5434	10,650.00
Schools & Training	205.503.5513	750.00
Maintenance & Repair	205.503.5564	8,000.00
Miscellaneous Expenses	205.503.5568	500.00
Sewer Lateral Repairs	205.503.5569	-
Capital Improvements	205.503.5600	-
General Refunds	205.503.5971	1,000.00
Engineering Fees	205.709.5360	25,000.00
Note Principal	205.711.5703	35,880.00
Note Interest	205.711.5704	-
Transfer to Fund 422	205.711.5919	48,351.00
Return of Advance to Fund 101	205.711.5977	-
Transfer to Fund 426	205.908.5930	-
Transfer to Fund 428	205.911.5932	-
Transfer to Fund 429	205.912.5933	-



<b>Total Other Expense</b>	2,641,031.00
<b>TOTAL SEWER REVENUE FUND</b>	<b>2,943,887.00</b>

**SECTION 7.** That there be appropriated from the Police & Fire Capital Improvement Fund:

**POLICE & FIRE CAPITAL IMPROVEMENT FUND**

**Other**

Small Equipment - Police	207.101.5430	21,200.00
Capital Improvements - Police	207.101.5610	17,700.00
Lease Principal-Police	207.101.5703	92,000.00
Lease Interest-Police	207.101.5704	9,700.00
Small Equipment - Fire	207.102.5430	32,000.00
Capital Improvements - Fire	207.102.5611	227,975.00
County Treasurer Fees	207.710.5390	3,000.00
Note Principal-Fire	207.711.5703	55,600.00
Note Interest-Fire	207.711.5704	4,325.00
Transfer to Fund 301	207.711.5904	-
Transfer to Fund 223	207.711.5989	-
<b>Total Other Expense</b>		<b>463,500.00</b>
<b>TOTAL POLICE &amp; FIRE CAPITAL FUND</b>		<b>463,500.00</b>

**SECTION 8.** That there be appropriated from the Fire Emergency Rescue Fund:

**FIRE EMERGENCY RESCUE FUND**

**Personal Services**

Wages - Director/Chief	208.102.5120	43,792.00
Wages - Firefighters & Officers	208.102.5138	657,248.00
Wages - Secretary	208.102.5191	22,540.00
Retirement Benefit Payout	208.102.5195	1,425.00
Wages - Overtime	208.102.5199	450.00
<b>Total Wages &amp; Salaries</b>		<b>725,455.00</b>

**Other**

Hospitalization	208.102.5210	39,000.00
P. E. R. S.	208.102.5220	14,360.00
Police & Fire Pension	208.102.5230	10,406.00
Medicare	208.102.5260	9,512.00
Social Security	208.102.5265	39,310.00
Clothing - Original Issue	208.102.5271	15,750.00
Replacement Safety Clothing	208.102.5272	16,915.00
Telephone	208.102.5324	3,700.00
Insurance	208.102.5330	13,000.00
Engineering Fees	208.102.5360	-
EMS Collection Fees	208.102.5385	13,950.00
County Treasurer Fees	208.102.5390	7,500.00
Gas & Oil	208.102.5420	7,500.00
Small Equipment & Supplies	208.102.5430	14,985.00
Vehicle Lease Payments	208.102.5434	2,500.00
Schools & Training	208.102.5513	6,500.00
EMS Grant Expenses	208.102.5515	-
Office Supplies	208.102.5521	3,500.00

Radio	208.102.5561	2,895.00
Maintenance & Repair	208.102.5564	22,115.00
Capital Improvements	208.102.5600	-
<b>Total Other Expense</b>		243,398.00
<b>TOTAL FIRE EMERGENCY RESCUE FUND</b>		<b>968,853.00</b>

**SECTION 9.** That there be appropriated from the Sanitary & Sewer Lateral Levy Fund:

**SANITARY & STORM SEWER LATERAL LEVY FUND**

**Personal Services**

Wages - Regular	211.503.5140	-
Wages - Overtime	211.503.5199	-
<b>Total Wages &amp; Salaries</b>		-

**Other**

P. E. R. S.	211.503.5220	-
Medicare	211.503.5260	-
Engineering	211.503.5360	-
County Treasurer's Fees	211.503.5390	1,500.00
Sewer Lateral Repairs	211.503.5569	250,000.00
Capital Improvements	211.503.5600	-
<b>Total Other Expense</b>		251,500.00
<b>TOTAL SANITARY &amp; STORM SEWER LATERAL LEVY FUND</b>		<b>251,500.00</b>

**SECTION 10.** That there be appropriated from the Street Improvement Levy Fund:

**STREET IMPROVEMENT LEVY FUND**

**Other**

Engineering Fees	213.601.5360	-
Street Resurfacing & Repair	213.601.5367	850,000.00
Street Lining	213.601.5368	-
Miscellaneous Expenses	213.601.5568	-
Legal Fees	213.711.5318	-
County Treasurer Fees	213.711.5390	8,550.00
Return Advance Fund 101	213.711.5977	-
Engineering Fees-'18 Road Program OPWC	213.910.5360	-
Street Resurfacing-'18 Road Program OPWC	213.910.5367	-
Transfer-Fund 429	213.912.5933	-
Engineering Fees-2020 Road Program OPWC	213.914.5360	-
Street Resurfacing-2020 Road Program OPWC	213.914.5600	-
<b>Total Other Expense</b>		858,550.00
<b>TOTAL STREET IMPROVEMENT LEVY FUND</b>		<b>858,550.00</b>

**SECTION 11.** That there be appropriated from the Recreation Improvement Levy Fund:

**RECREATION IMPROVEMENT LEVY FUND**

**Other**

Maintenance & Repair	214.302.5564	-
Miscellaneous Expenses	214.302.5568	-
Pool Capital Improvements	214.302.5614	-
Small Equip & Supplies	214.303.5430	-

Miscellaneous Expenses	214.303.5568	-
Recreation Capital Improvements	214.303.5600	28,000.00
Engineering	214.709.5360	-
Legal Fees	214.711.5318	-
County Treasurer Fees	214.711.5390	800.00
Return of Advance to Fund 101	214.711.5977	-
<b>Total Other Expense</b>		<b>28,800.00</b>
<b>TOTAL RECREATION IMPROVEMENT LEVY FUND</b>		<b>28,800.00</b>

**SECTION 12.** That there be appropriated from the Permissive License Fee Fund:

**PERMISSIVE LICENSE FEE FUND**

**Other**

Traffic Signals	215.601.5326	20,000.00
Traffic Lights	215.601.5328	16,000.00
Insurance	215.601.5330	10,000.00
Engineering	215.601.5360	-
Street Signs	215.601.5364	3,000.00
Street Resurface & Repair	215.601.5367	30,000.00
Street Lining	215.601.5368	-
Gas & Oil	215.601.5420	14,000.00
Equipment Maintenance	215.601.5564	-
Miscellaneous Expenses	215.601.5568	-
Capital Improvement	215.601.5600	-
<b>Total Other Expense</b>		<b>93,000.00</b>
<b>TOTAL PERMISSIVE LICENSE FEE FUND</b>		<b>93,000.00</b>

**SECTION 13.** That there be appropriated from the DUI Education & Enforcement Fund:

**DUI EDUCATION & ENFORCEMENT FUND**

**Other**

DUI Education & Enforcement	217.101.5530	1,300.00
Capital Improvement	217.101.5600	-
<b>Total Other Expense</b>		<b>1,300.00</b>
<b>TOTAL DUI EDUCATION &amp; ENFORCEMENT FUND</b>		<b>1,300.00</b>

**SECTION 14.** That there be appropriated from the Drug Law Enforcement Fund:

**DRUG LAW ENFORCEMENT FUND**

**Other**

Equipment & Supplies	218.101.5430	200.00
Training	218.101.5513	500.00
Capital Equipment	218.101.5600	-
<b>Total Other Expense</b>		<b>700.00</b>
<b>TOTAL DRUG LAW ENFORCEMENT FUND</b>		<b>700.00</b>

**SECTION 15.** That there be appropriated from the Senior Citizens Center Fund:

**SENIOR CITIZENS CENTER FUND**

**Personal Services**

Wages	220.304.5120	45,595.00
Retirement Benefit Payout	220.304.5195	-
Wages - Part Time	220.304.5198	20,000.00
<b>Total Wages &amp; Salaries</b>		<b>65,595.00</b>

**Other**

Hospitalization	220.304.5210	9,150.00
P. E. R. S.	220.304.5220	9,200.00
Medicare	220.304.5260	975.00
Electricity & Heating	220.304.5320	4,000.00
Gas & Oil	220.304.5420	-
Small Equip & Supplies	220.304.5430	3,000.00
Program Supplies	220.304.5453	3,000.00
Office Supplies	220.304.5521	4,000.00
Maintenance & Repair	220.304.5564	2,500.00
United Way Expenses	220.304.5567	-
Capital Improvement	220.304.5600	-
Levy Fund	220.304.5603	38,000.00

**Total Other Expense**73,825.00  
**139,420.00****TOTAL SENIOR CITIZENS CENTER FUND****SECTION 16.** That there be appropriated from the Emergency Management Fund:**EMERGENCY MANAGEMENT FUND****Other**

Transfer to Fund 208	221.711.5901	-
Transfer to Fund 202	221.711.5903	-
Transfer to Fund 205	221.711.5907	-
Transfer to Fund 101	221.711.5911	-
Transfer to Fund 221	221.711.5924	-

**Total Other Expense****TOTAL EMERGENCY MANAGEMENT FUND**-  
-  
-  
-  
-  
-**SECTION 17.** That there be appropriated from the Homeland Security Grant Fund:**HOMELAND SECURITY GRANT FUND****Other**

Small Equip & Supplies	223.102.5430	-
Capital Improvement	223.102.5600	-
Return of Advance to Fund 101	223.711.5977	-
Return of Advance to Fund 207	223.711.5980	-

**Total Other Expense****TOTAL HOMELAND SECURITY GRANT FUND**-  
-  
-  
-**SECTION 18.** That there be appropriated from the Community Block Grant Fund:**COMMUNITY BLOCK GRANT FUND****Other**

Return of Advance to 101	224.711.5977	-
CDBG - Hearts & Hammers	224.950.5517	-
Professional Services	224.951.5319	-

<b>Total Other Expense</b>	-
<b>TOTAL COMMUNITY BLOCK GRANT FUND</b>	-

**SECTION 19.** That there be appropriated from the Lakefront Connectivity & Downtown Redevelopment Grant Fund:

**LAKEFRONT CONNECTIVITY & DOWNTOWN REDEVELOPMENT GRANT FUND**

**Other**

Professional Services	225.711.5319	-
Return of Advance to Fund 101	225.711.5977	-
<b>Total Other Expense</b>		-
<b>TOTAL LAKEFRONT CONNECTIVITY &amp; DOWNTOWN GRANT FUND</b>		-

**SECTION 20.** That there be appropriated from the Coronavirus Relief Grant Fund:

**CORONAVIRUS RELIEF GRANT FUND**

**Personal Services**

Wages	226.715.5140	-
Wages - Part Time	226.715.5199	-
<b>Total Wages &amp; Salaries</b>		-

**Other**

P.E.R.S	226.715.5220	-
Police Pension-City	226.715.5230	-
Medicare	226.715.5260	-
Social Security	226.715.5265	-
Professional Services	226.715.5319	-
Unemployment	226.715.5331	-
Small Equipment & Supplies	226.715.5430	-
Network Equipment & Supplies	226.715.5431	-
Cleaning Supplies	226.715.5460	-
Office Supplies	226.715.5521	-
Small Business Grants	226.715.5568	-
Capital Improvements	226.715.5600	-
<b>Total Other Expense</b>		-
<b>TOTAL CORONAVIRUS RELIEF GRANT FUND</b>		-

**SECTION 21.** That there be appropriated from the NOPEC Grant Fund:

**NOPEC GRANT FUND**

**Other**

Engineering Fees	227.709.5360	-
Capital Improvements	227.711.5600	199,800.00
<b>Total Other Expense</b>		199,800.00
<b>TOTAL NOPEC GRANT FUND</b>		<b>199,800.00</b>

**SECTION 22.** That there be appropriated from the Local Fiscal Recovery/ARPA Fund:

**LOCAL FISCAL RECOVERY/ARPA FUND**

**Other**

Capital Improvement	228.503.5600	150,000.00
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Capital Improvement-CC HVAC	228.711.5600	188,500.00
Capital Improvements-E. 328th St. Sewer Phase 2	228.915.5600	284,500.00
<b>Total Other Expense</b>		<b>623,000.00</b>
<b>TOTAL LOCAL FISCAL RECOVERY/ARPA FUND</b>		<b>623,000.00</b>

**SECTION 23.** That there be appropriated from the Law Enforcement Trust Fund:

**LAW ENFORCEMENT TRUST FUND**

**Other**

Small Equip & Supplies	230.101.5430	-
Miscellaneous Expenses	230.101.5568	-
Capital Imp. - Police	230.101.5600	-
<b>Total Other Expense</b>		<b>-</b>
<b>TOTAL LAW ENFORCEMENT TRUST FUND</b>		<b>-</b>

**SECTION 24.** That there be appropriated from the Law Enforcement Cont. Training Fund:

**LAW ENFORCEMENT CONT. TRAINING FUND**

**Other**

Schools & Training	232.101.5513	10,367.52
<b>Total Other Expense</b>		<b>10,367.52</b>
<b>TOTAL LAW ENFORCEMENT CONT. TRAINING FUND</b>		<b>10,367.52</b>

**SECTION 25.** That there be appropriated from the Earned Benefits Fund:

**EARNED BENEFITS FUND**

**Other**

Retirement Benefit Payout-Police	240.101.5195	52,500.00
Retirement Benefit Payout-Parks	240.301.5195	-
Retirement Benefit Payout-Building	240.401.5195	-
Retirement Benefit Payout-Mayor's Office	240.701.5195	-
Retirement Benefit Payout-Finance	240.702.5195	-
<b>Total Other Expense</b>		<b>52,500.00</b>
<b>TOTAL EARNED BENEFITS FUND</b>		<b>52,500.00</b>

**SECTION 26.** That there be appropriated from the Fire Loss Claims Fund:

**FIRE LOSS CLAIMS FUND**

**Other**

Miscellaneous Expenses	241.711.5568	-
<b>Total Other Expense</b>		<b>-</b>
<b>TOTAL FIRE LOSS CLAIMS FUND</b>		<b>-</b>

**SECTION 27.** That there be appropriated from the Bond Retirement Fund:

**BOND RETIREMENT FUND**

**Other**

Legal Fees	301.711.5318	-
Registrar Fees	301.711.5384	-

County Treasurer Fees	301.711.5390	500.00
Bond Principal	301.711.5701	-
Bond Interest	301.711.5702	-
Note Principal	301.711.5703	34,068.00
Note Interest	301.711.5704	-
<b>Total Other Expense</b>		<b>34,568.00</b>
<b>TOTAL BOND RETIREMENT FUND</b>		<b>34,568.00</b>

**SECTION 28.** That there be appropriated from the Municipal Tax Increment Equiv. Fund:

**MUNICIPAL TAX INCREMENT EQUIV. FUND**

**Other**

County Treasurer Fees	302.710.5390	7,000.00
Legal Fees	302.711.5318	-
Miscellaneous Expenses	302.711.5568	-
Capital Improvement	302.711.5600	-
Note Principal	302.711.5703	-
Note Interest	302.711.5704	-
PILOT Reimbursement to W/E Schools	302.711.5720	200,000.00
<b>Total Other Expense</b>		<b>207,000.00</b>
<b>TOTAL MUNICIPAL TAX INCREMENT EQUIV. FUND</b>		<b>207,000.00</b>

**SECTION 29.** That there be appropriated from the Capital Improvement Fund:

**CAPITAL IMPROVEMENT FUND**

**Other**

Capital Improvement - General Admin.	401.711.5600	-
Capital Improvement - Police Dept.	401.711.5610	-
Capital Improvement - Fire Dept.	401.711.5611	-
Capital Improvement - Service Dept.	401.711.5612	-
Capital Improvement - Recreation Dept.	401.711.5614	-
Transfer to Fund 301	401.711.5904	-
<b>Total Other Expense</b>		<b>-</b>
<b>TOTAL CAPITAL IMPROVEMENT FUND</b>		<b>-</b>

**SECTION 30.** That there be appropriated from the Stormwater Management Capital Improvement Fund:

**STORMWATER MANAGEMENT CAPITAL IMPROVEMENT FUND**

**Other**

Engineering Fees	420.711.5360	-
Capital improvements	420.711.5600	-
Engineering Fees-Fairway Blvd.	420.931.5360	20,000.00
Capital improvements-Fairway Blvd.	420.931.5600	180,000.00
<b>Total Other Expense</b>		<b>200,000.00</b>
<b>TOTAL STORMWATER MANAGEMENT CAPITAL IMP. FUND</b>		<b>200,000.00</b>

**SECTION 31.** That there be appropriated from the Sanitary Sewer Capital Improvement Fund:

**SANITARY SEWER CAPITAL IMPROVEMENT FUND**

**Other**

Capital Improvements	422.503.5600	-
Engineering Fees	422.709.5360	-
Legal Fees	422.711.5318	2,500.00
Note Principal	422.711.5703	228,000.00
Note Interest	422.711.5704	2,850.00
<b>Total Other Expense</b>		<b>233,350.00</b>
<b>TOTAL SANITARY SEWER CAPITAL IMPROVEMENT FUND</b>		<b>233,350.00</b>

**SECTION 32.** That there be appropriated from the E. 328th Sewer Improvement Phase 2 Fund:

**E. 328TH SEWER IMPROVEMENT PHASE 2 FUND**

**Other**

Engineering Fees	430.915.5360	-
Capital Improvement	430.915.5600	413,500.00
Return of Advance to Fund 205	430.915.5978	70,500.00
<b>Total Other Expense</b>		<b>484,000.00</b>
<b>TOTAL E. 328TH SEWER IMPROVEMENT PHASE 2 FUND</b>		<b>484,000.00</b>

**SECTION 33.** That there be appropriated from the Police Pension Fund:

**POLICE PENSION FUND**

**Other**

Police Pension City Liability	801.101.5230	425,000.00
County Treasurer Fees	801.101.5390	1,000.00
<b>Total Other Expense</b>		<b>426,000.00</b>
<b>TOTAL POLICE PENSION FUND</b>		<b>426,000.00</b>

**SECTION 34.** That there be appropriated from the Security Deposits Fund:

**SECURITY DEPOSITS FUND**

**Other**

Engineering Fees	802.711.5360	8,000.00
Deposit Refunds	802.711.5970	10,000.00
Unclaimed Funds	802.711.5972	2,000.00
<b>Total Other Expense</b>		<b>20,000.00</b>
<b>TOTAL SECURITY DEPOSIT FUND</b>		<b>20,000.00</b>

**SECTION 35.** That there be appropriated from the Donations & Bequests Fund:

**Other**

Donation Purchases	803.811.5800	11,850.00
<b>Total Donations &amp; Bequests Fund</b>		<b>11,850.00</b>
<b>TOTAL DONATIONS &amp; BEQUESTS FUND:</b>		<b>11,850.00</b>

**TOTAL ALL FUNDS**

**18,056,505.02**

**SECTION 36.** That the Finance Director is hereby authorized to make expenditures or payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Board of Officers authorized by law to approve the same, or an Ordinance or Resolution of Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.



**SECTION 37.** All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 3.12 of the Charter of the City of Willowick and Section 121.22 of the Ohio Revised Code.

**SECTION 38.** That the Clerk of Council be and she is hereby requested to deliver a certified copy of this Ordinance to the Lake County Auditor.

**SECTION 39.** That this Ordinance is hereby declared and determined to be an emergency measure necessary for the preservation of the public peace, health and safety of said City for the reason that immediate provision must be made for the appropriation herein provided for and it shall, therefore, be in effect immediately upon its approval by the Mayor of the City.

**PASSED:** \_\_\_\_\_, 2022

**Submitted to the Mayor for his approval**  
**on \_\_\_\_\_, 2022**

**ATTEST:**

\_\_\_\_\_  
**Clerk of Council**

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

**Approved by the Mayor on**  
\_\_\_\_\_, 2022

\_\_\_\_\_  
**Mayor**

**ORDINANCE NO. 2022-12**

**AN ORDINANCE ENACTING CHAPTER 788 OF THE  
CODIFIED ORDINANCES TITLED “MEDICAL MARIJUANA  
LICENSURE,” AND DECLARING AN EMERGENCY.**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
WILLOWICK, COUNTY OF LAKE, STATE OF OHIO:**

**Section 1.** Chapter 788 of the Codified Ordinances of the City of Willowick, entitled “Medical Marijuana Licensure” is hereby established to read and provide as follows:

**Chapter 788: Medical Marijuana Licensure**

**788.01 TITLE, PURPOSE AND OBJECTIVES.**

(a) **Title.** This Chapter shall be known as Medical Marijuana Licensure.

(b) **Purpose.** The purpose of this Chapter is to establish standards for licensing, regulation and control of Medical Marijuana Businesses as permitted by Ohio House Bill 523 and The State of Ohio’s Medical Marijuana Control Program and the premises upon which they are located and operated for the cultivation and processing and dispensing of medical marijuana to serve registered patients. The objectives of this Chapter are to prevent safety and fire hazards, disturbances, odors, disruption, theft of property, and other such nuisances or dangers within the City. The purpose of this Chapter is also to exercise the authority of the City of Willowick to allow Medical Marijuana businesses in accordance with applicable state law and regulations.

(c) **Authority.** The City Council hereby declares that this Chapter shall be deemed an exercise of the police powers of the City Council of Willowick, Ohio, for the furtherance and protection of the health, safety, and general welfare of the citizens of Willowick.

**788.02 CONSTRUCTION, SEVERABILITY AND APPLICABILITY OF CHAPTER.**

(a) **Construction.** This chapter shall be liberally construed and applied to promote its purpose and objectives.

(b) **Severability.** If any provision of this Chapter, or the application thereof to any person or circumstances, is held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and neither the remainder of this chapter nor the application of such provision to other persons or circumstances shall be affected thereby.

(c) Except as otherwise specifically provided herein, this Chapter incorporates the requirements and procedures set forth in the Ohio Medical Marijuana Program. In the event of any conflict between the provisions of this Chapter and the provisions of the Ohio Medical Marijuana Program or any other applicable state or local law or regulation, the more restrictive provision shall control.

**788.03 DEFINITIONS.**

Unless otherwise defined herein, the terms in this Chapter shall have the same meaning as set forth in Section 3796.01 of the Ohio Revised Code, the Ohio Medical Marijuana Control Program, and any rules promulgated pursuant thereto. The following words and phrases, when used in this Chapter, shall have the meanings respectively assigned to them.

(a) As used in this chapter:

(1) "Academic Medical Center" has the same meaning as in Section 4731.297 of the Ohio Revised Code.

(2) "Applicant" means the business entity applying for licensure per this Chapter.

(3) "Board of Zoning Appeals" means the City of Willowick Board of Zoning Appeals.

(4) "Cultivator" means an entity that has been issued a license by the local licensing authority to grow, harvest, package and transport medical marijuana as permitted under Chapter 3796 of the Ohio Revised Code.

(5) "Dispensary" means an entity that has been issued a license by the local licensing authority to dispense medical marijuana products as permitted under Chapter 3796 of the Ohio Revised Code.

(6) "Drug Database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Ohio Revised Code.

(7) "License" means a license or registration granted pursuant to this Chapter.

(8) "Licensed Premises" means the building or portion thereof specified in an application for licensure under this Chapter and used for conducting the operation of a Medical Marijuana Business. The Licensed Premises shall be owned or in possession of the Licensee.

(9) "Licensee" means the person or persons to whom a License is issued pursuant to this Chapter.

(10) "Manufacture" means the process of converting harvested plant material into marijuana extract by physical or chemical means for use as an ingredient in a medical marijuana product.

(11) "Marijuana" means marijuana as defined in Section 3719.01 of the Ohio Revised Code.

(12) "Medical Marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

(13) "Medical Marijuana Business" means any individual premises upon which any activity to advance or perform the cultivation or manufacturing/processing or dispensing of marijuana or marijuana products for medicinal purposes as otherwise permitted by Ohio H.B. 523, whether or not such premises have other business purposes of any nature whatsoever.

(14) "Operator" means the person or persons having authority to control the Licensed Premises of a Medical Marijuana Business as authorized by the State Licensing Authority.

(15) "Owner" means any person who possesses a pecuniary interest, either directly or indirectly, of twenty-five percent (25%) or more in a Medical Marijuana Business.

(16) "Person" means any natural person, firm, partnership, association, corporation or any other form of business organization.

(17) "Physician" means an individual authorized under Chapter 4731 of the Ohio Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(18) "Processor" means an entity that has been issued a license by the local licensing authority to manufacture medical marijuana products as permitted under Chapter 3796 of the Ohio Revised Code.

- (19) "Qualifying Medical Condition" means any of the following:
- (a) Acquired immune deficiency syndrome;
  - (b) Alzheimer's disease;
  - (c) Amyotrophic lateral sclerosis;
  - (d) Cancer;
  - (e) Chronic traumatic encephalopathy;
  - (f) Crohn's disease;
  - (g) Epilepsy or another seizure disorder;
  - (h) Fibromyalgia;
  - (i) Glaucoma;
  - (j) Hepatitis C;
  - (k) Inflammatory bowel disease;
  - (l) Multiple sclerosis;
  - (m) Pain that is either of the following:
    - (i) Chronic and severe;
    - (ii) Intractable
  - (n) Parkinson's disease;
  - (o) Positive status for HIV;
  - (p) Post-traumatic stress disorder;
  - (q) Sickle cell anemia;
  - (r) Spinal cord disease or injury;
  - (s) Tourette's syndrome;
  - (t) Traumatic brain injury;
  - (u) Ulcerative colitis;
  - (v) Any other disease or condition added by the state medical board under Section 4731.302 of the Ohio Revised Code.
- (20) "Safety Director" means the Safety Director of the City of Willowick.
- (21) "School" means any educational institution, public, private, secular or parochial, which offers instruction of high school grade or lower.
- (22) "State University" has the same meaning as in Section 3345.011 of the Ohio Revised Code.

**788.04 MEDICAL MARIJUANA BUSINESS LICENSE REQUIRED.**

No person shall conduct a Medical Marijuana Business in the City without having first obtained a License therefore as provided in this Chapter, which License shall be designated as a Medical Marijuana Cultivation Business License or a Medical Marijuana Processing Business License or a Medical Marijuana Dispensary License.

#### **788.05 AUTHORITY OF SAFETY DIRECTOR.**

(a) Authority is hereby established and vested in the Safety Director or his/her designee to act as the local licensing authority for Medical Marijuana Businesses, consider the applications for Licenses under this Chapter, conduct investigations thereon and issue, suspend, revoke, fine, restrict or deny issuance of such Licenses based upon the criteria set forth in this Chapter.

(b) Nothing in this Chapter shall be construed to limit a law enforcement agency's ability to investigate unlawful activity in relation to a license issued pursuant to this Chapter.

(c) The Local Licensing Authority is authorized to issue a Medical Marijuana Business License subject to the provisions and restrictions provided in this Chapter.

#### **788.06 NATURE OF LICENSES.**

(a) All Licenses. All licenses issued under this chapter shall have the following characteristics:

(1) Each such license shall be an annual license which covers a period from the date of issuance for one year unless earlier suspended or revoked;

(2) Each such license shall vest a personal privilege but not any property rights in the licensee;

(3) Each such license shall be required to be displayed permanently in a conspicuous place upon the premise for which it is issued;

(4) Each such license shall be in the name of the Applicant;

(5) Each such license shall be neither assignable nor transferable, either as a person or location; and

(6) Each such license, if lost, destroyed or mutilated, upon application within thirty (30) days thereof may be replaced by a replacement license issued by the Safety Director bearing the word "Replacement" across its face and bearing the same license number as the license which it replaces.

(b) Medical Marijuana Cultivation Licenses. All Medical Marijuana Cultivation Licenses shall permit the holders thereof to conduct any activities permitted to a Cultivator under Chapter 3796 of the Ohio Revised Code and any such activities shall be conducted in Commercial/Industrial/Manufacturing Districts only.

(c) Medical Marijuana Processing Licenses. All Medical Marijuana Processing Licenses shall permit the holders thereof to conduct any activities permitted to a Processor under Chapter 3796 of the Ohio Revised Code and any such activities shall be conducted in Commercial/Industrial/Manufacturing Districts only.

(d) Medical Marijuana Dispensary Licenses. All Medical Marijuana Dispensary Licenses shall permit the holders thereof to conduct any activities permitted to a Dispensary under Chapter 3796 of the Ohio Revised Code and any such activities shall be conducted in a General Business District only.

#### **788.07 PROCEDURE FOR OBTAINING LICENSES.**

(a) Applications for Licenses. All applications for licenses under this chapter shall be in writing on a form approved by and filed with the Safety Director. The application shall be signed by the owner or owners and shall contain information required by this section supplied in detail as to each such person, including general and limited partners, or partnerships, shareholders of corporations and principals of any other type of business entity. In the event that no person owns twenty-five percent (25%) or more of Medical Marijuana Business, such application shall be signed by an authorized representative of the business. Every owner and operator of the business shall be fingerprinted by the City of Willowick Police Department and said persons shall pay for the costs associated with obtaining said fingerprints.

(b) Contents of Applications. The Application shall contain the following information:

(1) For each individual owner:

(i) True name and all other names used in the past five (5) years;

(ii) Date of birth;

(iii) Permanent home address and all other home addresses used in the past five (5) years;

(iv) Business and home telephone numbers;

(v) Employment history for the past five (5) years;

(vi) A statement as to whether or not the owner has been convicted of any crime other than traffic offenses and, if convicted, the date and court of conviction, the specific crime convicted of, and the penalty imposed;

(vii) A statement as to whether or not the owner has ever had ownership interest in a Medical Marijuana Business, and, if so, the specific location of the business and the dates of such operation;

(viii) A statement as to whether or not the owner has been denied an application for a marijuana business license in any jurisdiction or has had such license suspended or revoked.

(2) A description of the nature and operation of the main type of business activity to be conducted upon the premises including a description of the products and the services to be provided by the Medical Marijuana Business;

(3) A description of the nature and operation of any other business to be conducted in conjunction with the Medical Marijuana Business, and the anticipated percentage of gross revenue to be derived from each respective business;

(4) The address and telephone number of the premises and the business, if different from the premises;

(5) The name under which the business and premises will be operated and verification of trade name filed with the secretary of state;

(6) A statement as to whether or not the owner will directly operate the Medical Marijuana Business, or whether an operator who is not an owner will operate it, and if the latter, the application shall contain information required by this section supplied in detail as to each such operator;

(7) A floor plan of the premises and the immediate vicinity drawn to scale, showing the square footage, interior dimensions, plans and specifications for the interior of the building, and layout for the

business. Layout shall include, but is not limited to restricted access areas, principal uses for each floor area, areas of ingress and egress, and all security cameras;

(8) A map showing all schools, playgrounds, and public parks within a radius of one thousand (1,000) feet of the premises and all churches within a radius of five hundred (500) feet of the premises;

(9) The name, address and telephone number of the agent of the business upon whom service of process can effectively and validly be made;

(10) A security plan that the business intends to install, employ and operate to meet all requirements of the Ohio Medical Marijuana Program pursuant to Section 3796:2-103(4) of the Ohio Revised Code including policies and procedures to ensure a secure, safe facility to prevent theft, loss, or diversion and protection of facility personnel;

(11) A delivery and transportation plan detailing the method and explanation of delivery and transportation and shipping services to the location in compliance with the Ohio Medical Marijuana Program, which plan shall include the names and registration numbers of the licensed employees transporting medical marijuana or medical marijuana products and proof of compliance with Section 3796:5-3 of the Ohio Revised Code;

(12) A copy of the title or lease to the premises and verification that all activities at the proposed licensed premises are permitted under the City of Willowick Planning and Zoning Code, Part 13, Codified Ordinances of the City of Willowick, Ohio;

(13) A copy of the Articles of Incorporation if the owner is a corporation;

(14) A copy of the Operating Agreement if the owner is a limited liability company;

(15) A copy of the Partnership Agreement if the owner is a partnership;

(16) Specification of the days of the week and the hours of the day during which the licensed activity will be conducted;

(17) Statement that the information contained therein is complete, accurate and truthful to the best knowledge of all applicants; and

(18) Any other information which the Safety Director may deem reasonably necessary for the full interest of the public in the application.

(c) Report of the Planning Commission. Upon receipt of an application for a license under this chapter, the Safety Director shall refer the application to the Planning Commission for a public hearing. The Planning Commission shall make specific findings on their record and issue a written report to the Safety Director within ten (10) days of the hearing, which contains the following information:

(1) Whether the licensed activity will not be materially detrimental to the public welfare, health, safety or morals, or alter the essential character of the locality;

(2) Evidence that the premises and Medical Marijuana Business thereon will create a fire, police, or safety hazard;

(3) Whether any owners and operators have any convictions for any felony or for any misdemeanor involving physical violence, gambling activity, controlled substances, minors or any crime involving moral turpitude; and

(4) Whether the location proposed for licensing complies with any and all zoning and land use laws of the City and any all restrictions on Medical Marijuana Businesses as set forth in this Chapter.

(5) Whether the Planning Commission has issued a Conditional Use Permit for the Medical Marijuana Business.

(d) Determination Process. The process to issue a Medical Marijuana License subsequent to the public hearing and the issuance of the report of the Planning Commission as set forth in this section shall proceed as follows:

(1) Safety Director. The Safety Director shall, within ten (10) days of the receipt of the written report, either issue such license or deny such license. The Safety Director has authority to refuse to issue any license for good cause, subject to judicial review;

(2) Appeal to Board of Zoning Appeals. In the event of the denial of the issuance of a License, the applicant shall be notified of such denial and the specific reasons therefore in writing. Such notice shall be mailed or delivered to the applicant at the address specified in the application. The applicant shall have ten (10) days after receipt of such notice to appeal such denial by filing a written notice of appeal and the fee associated therewith with the Board of Zoning Appeals. Thereafter, the applicant shall have not less than ten (10) days' notice of the date, time and place of the hearing. The appeal shall be heard by the Board of Zoning Appeals, which, after hearing, shall issue a decision as whether to confirm or deny the determination made by the Safety Director. The Board of Zoning Appeals shall, at its discretion, determine to whether to issue a conditional or probationary license;

(3) Appeal to Court. The decision of the Board of Zoning Appeals may be appealed to a court of competent jurisdiction pursuant to Ohio Revised Code Section 2506.

(e) License Conditional on Approval of State Licensing Authority. Each Medical Marijuana Business License shall be approved only conditionally upon approval by the appropriate state licensing authority. Until such time as the appropriate state licensing authority has granted a Certificate of Occupancy to the Medical Marijuana Business, the License granted pursuant to this Chapter shall be considered a Conditional License.

(f) License Renewal. Each Medical Marijuana Business License must be annually renewed. At the time of renewal, a statement shall be filed with the Safety Director that the information listed on the original application for the license is still complete, accurate, and truthful to the best knowledge of all applicants, or a statement shall be filed with the Safety Director listing each and every item of information which has changed since the original application. The Safety Director shall determine whether to accept such statement and issue the license requested, or he may determine to enforce the procedure required for an original license. The local licensing authority may deny the renewal of a license for good cause.

#### **788.08 DENIAL OF MEDICAL MARIJUANA BUSINESS LICENSE.**

No Medical Marijuana Business License shall be issued or renewed for any business or premises where any of the following facts or circumstances exist:

(a) The Applicant has been found guilty of any offense set forth in Chapters 2925, 3719, or 4729 of the Ohio Revised Code, the violation of which constitutes a felony or misdemeanor of the first degree.

(b) The Applicant has been found guilty of any theft offense set forth under division (K) in Section 2913.01 of the Ohio Revised Code, the violation of which constitutes a felony.



(c) The Applicant has been found guilty of any violation for which a penalty was imposed under Section 3715.99 of the Ohio Revised Code.

(d) The Applicant has been found guilty of a crime of moral turpitude as defined in Section 4776.10 of the Ohio Revised Code.

(e) A violation of any former law of this state, any existing or former law of another state, any existing or former law applicable in a military court or Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any of the offenses listed in paragraphs (a) through (d).

Any first-degree misdemeanor offense listed in paragraphs (a) through (e) will not automatically disqualify an applicant from licensure if the applicant was convicted of or pleaded guilty to the offense more than five years before the date the application for licensure is filed. Notwithstanding anything to the contrary in this section, no misdemeanor offense, including misdemeanors of the first degree, related to marijuana possession, marijuana trafficking, illegal cultivation of marijuana, illegal use or possession of drug paraphernalia or marijuana drug paraphernalia, or other marijuana related crimes shall be considered a disqualifying offense.

(f) The premises do not have adequate security installed, employed and operated to address any and all safety concerns of the Safety Director.

(g) The premises are located within one thousand (1,000) feet of any school, playground, public park or within five hundred (500) feet of any church.

(h) The premises or operation thereof would be in violation of any provision of the Building Code, Zoning Code, or Fire Code of the City of Willowick, or any other pertinent provisions of local, state or federal law.

(i) The applicant made a false statement or misrepresentation as to a material matter upon the application or in a hearing concerning the license.

(j) The application failed to provide all of the required information.

(k) The applicant has failed to demonstrate compliance with this chapter and all other applicable state and local ordinances and statutes.

#### **788.09 LICENSE EXPIRATION, SUSPENSION OR REVOCATION.**

(a) Expiration. Any Medical Marijuana Business License issued under this chapter shall expire upon the transfer or sale of a majority interest in the business, or the discontinuation of the business for a continuous period of thirty (30) days. Any Medical Marijuana Business License issued under this chapter shall expire upon the transfer or sale of such business.

(b) Suspension and Revocation. All licenses issued under this chapter shall be suspended or revoked upon recommendation of the Board of Zoning Appeals upon its finding of the occurrence of any of the following events:

(1) A false statement by any licensee as to a material matter made in an application for license or in a hearing concerning the license;

(2) Conviction of any licensee for any crime referenced in Section 788.08.

(c) Hearing. The suspension or revocation of any license under this chapter shall not occur without a hearing. The licensee shall be given at least ten (10) days written notice of the intent to suspend or revoke said license, which shall set forth the date, time and place of the hearing and the specific reasons for such suspension or revocation. The licensee shall have the right at that hearing to present testimony and other relevant evidence and to orally examine any person offering evidence as to the reasons for suspension or revocation.

(d) Appeal. The decision of the Board of Zoning Appeals may be appealed to a court of competent jurisdiction under Ohio Revised Code Section 2506.

#### **788.10 LICENSE FEES.**

(a) Medical Marijuana Cultivation Business License. Twenty thousand dollars (\$20,000) at application and renewal.

(b) Medical Marijuana Processing Business License. Five thousand dollars (\$5,000) at application and renewal.

(c) Medical Marijuana Dispensary Business License. Fifteen thousand dollars (\$15,000) at application and renewal.

(d) Replacement License. The fee for a replacement license shall be twenty-five dollars (\$25.00).

(e) Filed with Application. The license fee referenced shall be filed with the application for license.

(f) Return of Fee. In the event an application is denied under this chapter or by the applicable state licensing authority, one-half (1/2) of the license fee shall be returned to the applicant.

(g) Renewal Fee. All license renewal fees shall be due on the first day of each calendar year. In the event any license is suspended or revoked under this chapter, no portion of the license fee shall be returned to the owner.

#### **788.11 OPERATIONAL REQUIREMENTS FOR MEDICAL MARIJUANA DISPENSARIES.**

(a) Any sale of medical marijuana to a qualifying patient shall be made in person, directly to the purchaser, within the restricted area of the Medical Marijuana Dispensary. No sale shall be made by telephone, internet, or other means of remote purchase, nor shall home delivery be permitted. Delivery shall occur only in person to the purchaser at the time of purchase within the confines of the Medical Marijuana Dispensary.

(b) Drive-in or drive-through sales shall not be permitted.

(c) A Medical Marijuana Dispensary must use a commercial-grade filtration system to mitigate the impact of odor at the premises.

(d) A Medical Marijuana Dispensary shall post, in a visible location at its premises, contact information for local drug abuse treatment centers, and shall make available to patients upon request educational materials regarding the hazards of substance abuse.

(e) The interior and exterior of a Medical Marijuana Dispensary shall be designed, constructed and maintained in a manner consistent with its purposes as dispensing a substance to address a medical condition. The interior and exterior shall never be maintained to appear or encourage illicit marijuana use and shall otherwise comply with the following regulations:

- (1) There shall be no tinted or darkened windows on the Medical Marijuana Dispensary.
- (2) There shall be no moving, flashing or strobing signage or lighting in the interior or exterior of the Medical Marijuana Facility. All signage shall comply with CHAPTER 1349.
- (3) There shall be no loitering permitted at or near the entrance to the Medical Marijuana Dispensary.

**788.99 PENALTY.**

Unless otherwise provided herein, whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than six months, or both. A separate offense shall be deemed to have been committed each day during or on which a violation occurs or continues.

**Section 2.** All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

**Section 3.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, welfare of the residents of the City of Willowick, and that it will ensure the orderly and uninterrupted efficient operation of the City.

**WHEREFORE**, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: \_\_\_\_\_, 2022

\_\_\_\_\_  
Robert Patton, Council President

Submitted to the Mayor: \_\_\_\_\_, 2022

\_\_\_\_\_  
Richard J. Regovich, Mayor

Approved by the Mayor: \_\_\_\_\_, 2022

ATTEST: \_\_\_\_\_  
Angela Trend, Clerk of Council

**ORDINANCE NO. 2022-13**

**AN ORDINANCE ENACTING CHAPTER 789 OF THE CODIFIED ORDINANCES TITLED "PARTY CENTERS," AND DECLARING AN EMERGENCY.**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, COUNTY OF LAKE, STATE OF OHIO:**

**Section 1.** Chapter 789 of the Codified Ordinances of the City of Willowick, entitled "Party Centers" is hereby established to read and provide as follows:

**830.01 PARTY CENTER DEFINED.**

As used in this chapter, "party center" means a place where any group of people gathers for the purpose of eating, drinking, hosting events or meetings, playing games or socializing indoors or outdoors, whether such people gather as individuals or members, guests or friends of a group or organization, or both, and for which a charge is made to an individual, group or organization for authorization to conduct said event, gathering, or party on the premises, or to which admission may be gained with or without the payment of a fee, charge or consideration.

**830.02 LICENSE REQUIRED; FEE.**

No person shall hold a party at a party center until the owner, lessee or operator of such party center has been duly licensed for such purpose. The license shall be issued by the Plan Review Board. The fee for such license shall be five hundred dollars (\$500.00). The license shall contain the name and address of the applicant and shall be non-transferable to any other individual or entity other than the individual or entity listed on the application.

**830.03 TIME LIMITATION.**

No license shall permit an event/party to be held between the hours of 12:00 a. m. and 8:00 a.m.

**830.04 PRESENCE OF ALCOHOL**

The presence of alcohol shall be prohibited at the party center unless the license holder has notified the Chief of Police, in writing, at least two (2) weeks prior to the date of the scheduled event/party.

**830.05 PRESENCE OF PRIVATE SECURITY OFFICER.**

When alcohol is present on the premises, a Private Security Officer(s) registered with the City as required by Codified Ordinance Chapter 760, shall be present in the establishment, in uniform, to maintain peace and order for the full duration of the event/party, while patrons or guests are present.

**830.99 PENALTY.**

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs.

**Section 2.** All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

**Section 3.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, welfare of the residents of the City of Willowick, and that it will ensure the orderly and uninterrupted efficient operation of the Building and Police Department.

**WHEREFORE**, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: \_\_\_\_\_, 2022

\_\_\_\_\_  
Robert Patton, Council President

Submitted to the Mayor: \_\_\_\_\_, 2022

\_\_\_\_\_  
Richard J. Regovich, Mayor

Approved by the Mayor: \_\_\_\_\_, 2022

ATTEST: \_\_\_\_\_  
Angela Trend, Clerk of Council

**ORDINANCE NO. 2022-14**

**AN ORDINANCE ADOPTING A MORATORIUM ON APPLICATIONS FOR, AND THE GRANTING OF, ZONING PERMITS FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE ADULT USE CULTIVATION, PROCESSING, DISTRIBUTION OR SALE OF MARIJUANA FOR NON-MEDICAL PURPOSES FOR A PERIOD NOT TO EXCEED TWELVE (12) MONTHS IN ORDER TO ALLOW THE CITY TO REVIEW APPLICABLE STATE AND LOCAL LAWS, TO PLAN FOR REGULATIONS RELATING TO SUCH USES, AND DECLARING AN EMERGENCY.**

WHEREAS, Governor John Kasich signed Substitute House Bill 523 (“H.B. 523”) into law on June 8, 2016 (effective on September 8, 2016), which among other things, permits licensed physicians to recommend the use of medical marijuana to patients within the State of Ohio, and creates State regulatory oversight of the cultivation, processing, sale, and use of medical marijuana;

WHEREAS, H.B. 523 gives this Council the power to adopt regulations prohibiting or limiting the number of medical marijuana cultivators, processors, and dispensaries within the limits of the City, which the City is actively doing legislatively; and

WHEREAS, several initiative petitions have been filed and at least two (2) House bills have been introduced to encourage the state legislature to enact a law permitting the adult use, cultivation, processing, distribution and/or sale of marijuana for non-medical purposes;

WHEREAS, pursuant to the City Charter, as well as the Ohio Constitution, this Council also has the inherent power to enact planning, zoning and business regulation laws that further the health, safety, welfare, comfort and peace of its citizens; and

WHEREAS, the City needs additional time to review applicable sections of its Codified Ordinances and the Ohio Revised Code to plan for and to formulate an appropriate response to the legalization of the adult use, cultivation, processing, distribution and/or sale of marijuana for non-medical purposes while the petitions proceed through the legislative process.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, COUNTY OF LAKE AND STATE OF OHIO, AS FOLLOWS:**

**Section 1.** This Council establishes a moratorium on the acceptance of any application for, or the granting of, any zoning certificate for any building, structure, use, expansion of use, or change of use that would enable the adult use, cultivation, processing, distribution or sale of marijuana in the City of Willowick for non-medical purposes, for a period of twelve (12) months from the date of adoption of this Ordinance by the Council.

**Section 2.** No existing business in the City may expand in any way that would establish the cultivation, processing, distribution or sale of non-medical marijuana for the duration of the moratorium period established hereby.

**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 meeting

open to the public, in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

**Section 4.** That this Ordinance is hereby declared to be and is passed as an emergency measure, the emergency being the reasons set forth in the recitals of this Ordinance. Said Ordinance is necessary for the immediate preservation of the public health, safety and welfare of the inhabitants of the City of Willowick, Ohio.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: \_\_\_\_\_, 2022

\_\_\_\_\_  
Robert Patton, Council President

Submitted to the Mayor: \_\_\_\_\_, 2022

\_\_\_\_\_  
Richard J. Regovich, Mayor

Approved by the Mayor: \_\_\_\_\_, 2022

ATTEST: \_\_\_\_\_  
Angela Trend, Clerk of Council

**ORDINANCE NO. 2022-15****AN ORDINANCE AUTHORIZING THE PURCHASE OF A 2022 SUTPHEN PUMPER WITH CUSTOM MONARCH CHASSIS WITH NECESSARY ACCESSORIES, THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES, OFFICE OF STATE PURCHASING; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Willowick is authorized to purchase certain equipment through the Ohio Department of Administrative Services, Office of State Purchasing, pursuant to Ohio Revised Code Section 125.04; and

**WHEREAS**, the purchase of certain fire vehicle and equipment through said office is in compliance with the provisions of the Charter of the City of Willowick relative to competitive bidding; and

**WHEREAS**, Council is advised by the Administration that it is necessary to acquire a fire department vehicle and related equipment for the benefit of the residents of the City of Willowick, Ohio;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, COUNTY OF LAKE, AND STATE OF OHIO:**

**SECTION 1.** That the Mayor of the City of Willowick is hereby authorized to enter into a contract for the purchase a 2022 Sutphen Pumper with Custom Monarch Chassis and Necessary Accessories, through the Ohio Department of Administrative Services, Office of State Purchasing, and in substantial accordance with the annexed terms and specifications from Sutphen Corporation, 6450 Eiterman Road, Dublin, Ohio 43016, through its Authorized Representative, Herb Fire, component report and proposal dated January 19, 2022 attached hereto, and incorporated herein by reference, and to execute any and all documents necessary to formalize the validation and implementation of this Contract.

**SECTION 2.** That all formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting and all deliberations of this Council, or any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**SECTION 3.** That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willowick and further, provides for the usual daily operation of a municipal department; wherefore, this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



Adopted by Council: \_\_\_\_\_, 2022

\_\_\_\_\_  
Robert Patton, Council President

Submitted to the Mayor: \_\_\_\_\_, 2022

\_\_\_\_\_  
Richard J. Regovich, Mayor

Approved by the Mayor: \_\_\_\_\_, 2022

ATTEST: \_\_\_\_\_  
Angela Trend, Clerk of Council

**RESOLUTION NO. 2022-4**

**A RESOLUTION ADOPTING FEDERAL GRANT COMPLIANCE POLICIES FOR THE CITY OF WILLOWICK, OHIO AND DECLARING AN EMERGENCY**

**WHEREAS**, to ensure compliance with federal requirements relating to federal grants, the City of Willowick seeks to adopt policies relating to equipment usage, disposition, cash management, time and effort, internal controls, cost principles, procurement policies relating to federal grants; and

**WHEREAS**, the proposed rules would apply to all departments within the City that do not already have federal policies relating to the same; and

**WHEREAS**, the City of Willowick has determined that the following policy is in the best interest of the municipality and its citizens;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, THE COUNTY OF LAKE, AND THE STATE OF OHIO:**

**Section 1.** Effective March 1, 2022, the Federal Grant Compliance Policy annexed to this Resolution is hereby adopted and shall be established in the Willowick Finance Department

**Section 2.** That all formal actions of this Council concerning the passage of this Resolution were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements of the Charter of the City of Willowick and Section 121.22 of the Ohio Revised Code.

**Section 3.** This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, welfare and dignity of the residents of the City of Willowick and further, provides for the daily and efficient operation of its finance department in accepting and complying with Federal Grants.

WHEREFORE, this Resolution shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: \_\_\_\_\_, 2022

\_\_\_\_\_  
Robert Patton, Council President

Submitted to the Mayor: \_\_\_\_\_, 2022

\_\_\_\_\_  
Richard J. Regovich, Mayor

Approved by the Mayor: \_\_\_\_\_, 2022

ATTEST: \_\_\_\_\_  
Angela Trend, Clerk of Council

**FEDERAL GRANT COMPLIANCE**

- I. Equipment
  - a. Equipment Use
  - b. Management Requirements
  - c. Disposition
- II. Cash Management of Grants
- III. Time and Effort
  - a. Reconciliations
- IV. Internal Controls
- V. Cost Principles/Spending Federal Funds
  - a. Cost Principles
  - b. Selected Items of Cost
  - c. Cost Compliance
  - d. Determining Whether a Cost is Direct or Indirect
  - e. Timely Obligation of Funds
  - f. Period of Performance
- VI. Procurement Policy – Federal Grants
  - a. Purpose
  - b. Scope
  - c. General Procurement Standards
  - d. Competition (2 C.F.R. 200.319)
  - e. Methods of Procurement to be Followed (2 C.F.R. 200.320)
  - f. Contracting with Small and Minority Businesses, Women’s Business Enterprises, and Labor Surplus Area Firms ( 2 C.F.R. 200.321)
  - g. Contract Cost and Price (2 C.F.R. 200.323)
  - h. Suspension and Debarment (2 C.F.R. 200.213)

These policies apply to all departments within the City who do not otherwise have their own federal policies addressing these issues.

\_\_\_\_\_  
Cheryl Benedict, Finance Director

\_\_\_\_\_  
Mayor

Adopted by Council on \_\_\_\_\_

## EQUIPMENT

### Equipment Use

1. Equipment must be used by the City in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the Federal award, and the City must not encumber the property without prior approval of the Federal awarding agency. When no longer needed for the original program or project, the equipment may be used in other activities supported by the Federal awarding agency.
2. During the time equipment is used on the project or program for which it was acquired, the City must also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, provided that such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to other programs or projects supported by the Federal awarding agency that financed the equipment and second preference must be given to programs or projects under Federal awards from other Federal awarding agencies. Use for non-Federally-funded programs or projects is also permissible. User fees should be considered if appropriate.
3. Notwithstanding the encouragement to earn income in § 200.307 Program Income, the City must not use equipment acquired with the Federal award to provide services for a fee that is less than private companies charge for equivalent services unless specifically authorized by Federal statute for as long as the Federal Government retains an interest in the equipment.
4. When acquiring replacement equipment, the City may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property.

### Management requirements

Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a Federal award, until disposition takes place will, as a minimum, meet the following requirements:

1. Property records must be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property (including the FAIN), who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the project costs for the Federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property. Preferred control system will include maintaining the property with the Lake County Auditor in their fixed asset inventory database.
2. A physical inventory of the property must be taken and the results reconciled with the property records at least once every year.
3. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.
4. Adequate maintenance procedures must be developed to keep the property in good condition.
5. If the City is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return. Preferred method of sale will be by auction in accordance with applicable laws.

## Disposition

When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, except as otherwise provided in Federal statutes, regulations, or Federal awarding agency disposition instructions, the City must request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award.

Disposition of the equipment will be made as follows, in accordance with Federal awarding agency disposition instructions:

1. Items of equipment with a current per unit fair market value of \$5,000 or less may be retained, sold or otherwise disposed of with no further obligation to the Federal awarding agency.
2. Except as provided in § 200.312(b) Federally-Owned and Exempt Property, if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair-market value in excess of \$5,000 may be retained by the City or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the Federal awarding agency may permit the non-Federal entity to deduct and retain from the Federal share \$500 or ten percent of the proceeds, for its selling and handling expenses.
3. The City may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the City must be entitled to compensation for its attributable percentage of the current fair market value of the property.
4. In cases where the City fails to take appropriate disposition actions, the Federal awarding agency may direct the City to take disposition actions.

## CASH MANAGEMENT OF GRANTS

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the City shall implement internal controls in the area of cash management.

The City's payment methods shall minimize the time elapsing between the transfer of funds from the United States Treasury, the State of Ohio or other pass-through entity and disbursement by the City, regardless of whether the payment is made by electronic fund transfer, or issuance or redemption of checks, warrants, or payment by other means.

The City shall use forms and procedures required by the grantor agency or pass-through entity to request payment. The City shall request grant fund payments in accordance with the provisions of the grant. Additionally, the City's financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The City is authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as deemed appropriate when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

When the City uses a cash advance payment method, the following standards shall apply:

- A. The timing and amount of the advance payment requested will be as close as is administratively feasible to the actual disbursement for direct program or project costs and the proportionate share of any allowable indirect costs.
- B. The City shall make timely payment to contractors in accordance with contract provisions.
- C. To the extent available, the City shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.
- D. The City shall account for the receipt, obligation and expenditure of funds.
- E. Advance payments will be deposited and maintained in insured accounts whenever possible.
- F. Advance payments will be maintained in interest bearing accounts unless the following apply:
  1. The City receives less than \$120,000 in Federal awards per year;
  2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances;
  3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources;
  4. A foreign government or banking system prohibits or precludes interest-bearing accounts.
- G. Pursuant to Federal law and regulations, the City may retain interest earned in an amount up to \$500 per year for administrative costs. Any additional interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System ("PMS") through an electronic medium using either Automated Clearing House ("ACH") network or a Fedwire Funds Service payment. Remittances shall include pertinent information of the payee and nature of payment in the memo area (often referred to as "addenda records" by Financial Institutions) as that will assist in the timely posting of interest earned on Federal funds. Pertinent details include the Payee Account Number (PAN) if the payment originated from PMS, or Agency information if the payment originated from ASAP, NSF or another Federal agency payment system.

Applicable Laws, Regulations, and Guidance: 2 C.F.R. 200.305



## TIME AND EFFORT

Charges to Federal awards for salaries and benefits must be based on records that accurately reflect the work performed. These records must:

- A. Be supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;
- B. Be incorporated into the official records of the City;
- C. Reasonably reflect the total activity for which the employee is compensated by the City, not exceeding 100% of the compensated activities;
- D. Encompass both Federally assisted and other activities compensated by the City on an integrated basis;
- E. Comply with the City's established accounting policies and practices;
- F. Support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award, a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two (2) or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity.

The City will also follow any time and effort requirements imposed by the pass-through entity to the extent that they are more restrictive than the Federal requirements. Each department is responsible for the distribution, collection, and retention of all employee effort reports.

### Reconciliations

Budget estimates alone are not to be used as support for charges to Federal awards. However, the City may use budget estimates for interim accounting purposes so long as:

- A. The system used by the City to establish budget estimates produces reasonable approximations of the activity actually performed;
- B. Any significant changes in the corresponding work activity are identified by the City and entered into the City's records in a timely manner;
- C. The City's internal controls include a process to review after-the-fact interim charges made to a Federal award based on budget estimates and ensure that all necessary adjustments are made so that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

Applicable Laws, Regulations, and

Guidance: 2 C.F.R. 200.430, 200.431

## INTERNAL CONTROLS

Internal Controls establish and maintain effective control over the Federal award that provides reasonable assurance that the City is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO). Internal Controls should be designed to help ensure or detect:

- A. Compliance with Federal statutes, regulations, and the terms and conditions of the Federal awards;
- B. Evaluate and monitor the City's compliance with statutes, regulations and the terms and conditions of Federal awards;
- C. Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; and
- D. Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or the City considers sensitive consistent with applicable Federal, State, and local laws regarding privacy and obligations of confidentiality.

Internal controls used throughout the City will apply to Federal transactions as well, but in certain cases specific controls to ensure compliance with grant requirements will need to be put in place at the department level. These controls could include, but are not limited to:

- A. Reviewing expenditures to ensure they are allowable under the grant agreement rather than just ensuring they are for a proper public purpose;
- B. Ensuring transactions occur within the allowable period for the grant; and/or
- C. Ensuring expenditures are within the grant budget not just within the City appropriations.

## COST PRINCIPLES SPENDING FEDERAL FUNDS

The City is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives and the specific terms and conditions of the grant award.

### I. Cost Principles

- A. Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:
1. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.
    - a. To determine whether a cost is reasonable, consideration shall be given to:
      1. Whether a cost is a type generally recognized as ordinary and necessary for the operation of the City or the proper and efficient performance of the Federal award;
      2. The restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal and other laws and regulations;
      3. Market prices for comparable goods or services for the geographic area;
      4. Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and
      5. Whether the cost represents any significant deviation from the established practices or City policy, which may increase the expense.

While Federal regulations do not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the City can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to whether:

1. The cost is needed for the proper and efficient performance of the grant program;
2. The cost is identified in the approved budget or application;
3. There is a programmatic benefit associated with the cost;
4. The cost aligns with identified needs based on results and findings from a needs assessment;
5. The cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received.

- B. Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the Federal award.
- C. Be consistent with policies and procedures that apply uniformly to both federally financed and other activities of the City.
- D. Be afforded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.
- E. Be determined in accordance with generally accepted accounting principles.

F. Be representative of actual cost, net of all applicable credits or offsets.

The term "applicable credits" refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

- G. Not be included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.
- H. Be adequately documented:
1. In the case of personal services, the department shall implement a system for City personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated;
  2. In the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

### **Selected Items of Cost**

The City shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, City staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, City and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and City personnel shall follow those rules as well.

### **Cost Compliance**

Each department shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant.

### **Determining Whether a Cost is Direct or Indirect:**

- A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; and infrastructure costs directly attributable to the program (such as long distance telephone calls specific to the program, etc.).

- B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one (1) component of the City, the elected officials of the City, the heads of departments, compensation of the chief executive officer of any component of the City, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity;
2. Individuals involved can be specifically identified with the project or activity;
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency; and
4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the granting agency or the pass-through entity (Federal funds subject to 2 C.F.R. Part 200 pertaining to determining indirect cost allocation).

### **Timely Obligation of Funds**

Obligations are orders placed for property and services, contracts and sub-awards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period.

The following table illustrates when funds are determined to be obligated under the Federal regulations: If the obligation is for:

- A. Acquisition of property - on the date, which the City makes a binding written commitment to acquire the property.
- B. Personal services by an employee of the City - when the services are performed.
- C. Personal services by a contractor who is not an employee of the City - on the date, which the City makes a binding written commitment to obtain the services.
- D. Public utility services - when the City receives the services.
- E. Travel - when the travel is taken.
- F. Rental of property - when the City uses the property.
- G. A pre-agreement cost that was properly approved by the granting agency under the cost principles in 2 C.F.R. Part 200, Subpart E – Cost Principles - on the first day of the project period.

## Period of Performance

All obligations must occur on or between the beginning and ending dates of the grant project. This period is known as the period of performance. The period of performance is dictated by statute and will be indicated in the Grant Award Notification ("GAN"). Generally, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. For direct grants, the period of performance is generally identified in the GAN.

In the case of a State-administered grant, obligations under a grant may not be made until the grant- funding period begins or all necessary materials are submitted to the granting agency, whichever is later. In the case of a direct grant, obligations may begin when the grant is, unless an agreement exists with granting agency or the pass-through entity to reimburse for pre-approval expenses.

For both State-administered and direct grants, regardless of the period of availability, the City shall liquidate all obligations incurred under the award not later than ninety (90) days after the end of the funding period unless an extension is authorized. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consequently, the City shall closely monitor grant spending throughout the grant cycle.

2 C.F.R. 200.403-.406, 200.413(a)-(c), 200.430(a), 200.431(a), 200.458 C.F.R. 200.474(b)

## PROCUREMENT POLICY – FEDERAL GRANTS

**Purpose:** Establish standards and guidelines for the procurement of services, supplies or other property purchased with federal monies for the City.

**Scope:** This policy applies to all departments within the City who do not otherwise have their own federal procurement policy.

- I. **General Procurement Standards (2 C.F.R. 200.318):**
  - A. Procurement of all supplies, materials, equipment and services paid for from Federal funds or City matching funds shall be made in accordance with all applicable Federal, State and local statutes and/or regulations, the terms and conditions of the Federal grant and City policies and administrative procedures where they do not conflict with the Federal or grant requirements.
  - B. The City shall maintain oversight to ensure that contractors perform in accordance with the terms, conditions and specifications of their contract or purchase order.
  - C. Conflicts of Interest:
    1. No employee, officer or agent may participate in the selection, award or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.
    2. A conflict of interest would arise when:
      - a. The employee, officer or agent, any member of their immediate family, their partner, or an organization which employs or is about to employ and of the parties indicated herein, has financial or other interest in or a tangible personal benefit from a firm considered for a contract; or
      - b. The officer, employees and agents of the City may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts.
    3. Violations of the conflict of interest standards established here will subject the employee, officer or agent to disciplinary action.
    4. All violations of these standards shall be reported to the grantor agency immediately.
  - D. The City shall avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis should be made of lease versus purchase alternative, and any other appropriate analysis to determine the most economical approach.
  - E. The City shall award a contract only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See Suspension and debarment.
  - F. The City will maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following:
    1. Rationale for the method of procurement,
    2. Selection of contract type,
    3. Contractor selection or rejection, and
    4. Basis for the contract price (including a cost or price analysis).

G. Time and Material type contracts

1. The City may use time and materials type contracts only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the City is the sum of:
  - a. The actual cost of materials; and
  - b. Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.
2. Since this formula generates an open-ended contract price, a time and materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the City awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

II. **Competition (2 C.F.R. 200.319)**

- A. All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:
  1. Placing unreasonable requirements on firms in order for them to qualify to do business;
  2. Requiring unnecessary experience and excessive bonding;
  3. Noncompetitive pricing practices between firms or between affiliated companies;
  4. Noncompetitive contracts to consultants that are on retainer contracts;
  5. Organizational conflicts of interest;
  6. Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
  7. Any arbitrary action in the procurement process.
- B. The City prohibits the use of statutorily or administratively imposed state or local preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference.
- C. All procurement solicitations must:
  1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and



2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
- D. The City must ensure that all prequalified lists of persons, firms or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also the City must not preclude potential bidders from qualifying during the solicitation process.

### III. **Methods of procurement to be followed (2 C.F.R. 200.320)**

#### A. Micro-purchases

1. Micro-purchases is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$3,000 (subject to change).
2. To the extent practicable, the City must distribute micro-purchases equitably among qualified suppliers.
3. May be awarded without soliciting competitive quotations if the City considers the price to be reasonable.

#### B. Small purchases

1. Small purchase procedures are those relatively simple and informal procurement methods for securing series, supplies or other property that do not cost more than \$150,000. Note: State law requires any purchases in excess of \$50,000 be bid unless specifically exempt from the state law.
2. Price or rate quotes must be obtained from an adequate number of qualified sources.

#### C. Sealed bids

1. In order for sealed bidding to be feasible, the following conditions should be present:
  - a. A complete, adequate and realistic specification or purchase description is available;
  - b. Two or more responsible bidders are willing and able to compete effectively for the business; and
  - c. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
2. If sealed bids are used, the following requirements apply:
  - a. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids;
  - b. The invitation for bids must be publicly advertised;
  - c. The invitation for bids, which must include any specification and pertinent attachments, must define the items or services in order for the bidder to properly respond;
  - d. All bids will be opened at the time and place prescribed in the invitation for bids;
  - e. Bids must be opened publicly;
  - f. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Factors such as discounts, transportation cost and life cycle costs must be considered in determining which bid is lowest.
  - g. Any or all bids may be rejected if there is a sound documented reason.

D. Competitive proposals

1. Normally used with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids.
2. Requirements for competitive proposals
  - a. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
  - b. Proposals must be solicited from an adequate number of qualified sources;
  - c. The City must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
  - d. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
  - e. The City may use competitive proposal procedures for qualifications-based procurement of architectural/engineering professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of the fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of architectural/engineering professional services. It cannot be used to purchase other types of services through architectural/engineering firms are a potential source to perform the proposed effort.

E. Noncompetitive proposals – procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

1. The item is available only from a single source;
2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
3. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the City; or
4. After solicitation of a number of sources, competition is determined inadequate.

IV. **Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms (2 C.F.R. 200.321)**

- A. The City will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus firms are used when possible.
- B. The steps include:
  1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
  2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are a potential source;
  3. Dividing total requirement, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
  4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in (1) through (5) above.

V. **Contract cost and price (2 C.F.R. 200.323)**

- A. The City must perform a cost or price analysis in connection with every procurement action in excess of \$150,000 including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the City must make independent estimates before receiving bids or proposals.
- B. The City must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- C. Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the City under Subpart E - Cost Principles of this part. The City may reference its own cost principles that comply with the Federal cost principles.
- D. The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

VI. **Suspension and Debarment (2 C.F.R. 200.213)**

- A. The City is subject to and shall abide by the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 C.F.R. Part 180.
- B. Suspension is an action taken by the City that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (2 C.F.R. Part 180 Subpart G)
- C. Debarment is an action taken by the City to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. chapter 1). A person so excluded is debarred. (2 C.F.R. Part 180 Subpart H)
- D. The City shall not subcontract with or award sub-grants to any person or company who is debarred or suspended. For contracts over \$25,000, the City shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors at [www.sam.gov](http://www.sam.gov); collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 C.F.R. Part 180 Subpart C)

**RESOLUTION NO. 2022-5**

**A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WILLOWICK TO ENTER INTO A CONTRACT WITH HUNTINGTON NATIONAL BANK, OR A RELATED SUBSIDIARY, FOR SEVEN (7) YEARS IN THE PRINCIPAL AMOUNT OF FOUR HUNDRED EIGHTY THOUSAND ONE HUNDRED THIRTY-ONE DOLLARS AND TWENTY-TWO CENTS (\$480,131.22) AT AN INTEREST RATE NOT TO EXCEED 2.58% FOR THE PURPOSE OF FINANCING THE PURCHASE OF A SUTPHEN PUMPER WITH CUSTOM MONARCH CHASSIS AND NECESSARY ACCESSORIES, AND DECLARING AN EMERGENCY.**

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOWICK, COUNTY OF LAKE, AND STATE OF OHIO:**

**Section 1.** That the Mayor of the City of Willowick is hereby authorized to enter into the written Contract with Huntington National Bank, or a related subsidiary, in the principal amount of Four Hundred Eighty Thousand One Hundred Thirty-One Dollars and Twenty-Two Cents (\$480,131.22) for a term of seven (7) years at an interest rate not to exceed 2.58% for the purpose of financing the purchase of a Sutphen Pumper with Custom Monarch Chassis and Necessary Accessories, and to execute any and all documentation necessary to formalize the validity and implementation of that Contract, with an anticipated closing date of on or before March 30, 2022.

**Section 2.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 123 of the Codified Ordinances of the City of Willowick.

**Section 3.** This Resolution constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willowick and further provides for the immediate securing of suitable financing terms for the purchase of a safety vehicle in the Fire Department; wherefore, this Resolution shall be in full force and take effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: \_\_\_\_\_, 2022

\_\_\_\_\_  
Robert Patton, Council President

Submitted to the Mayor: \_\_\_\_\_, 2022

\_\_\_\_\_  
Richard J. Regovich, Mayor

Approved by the Mayor: \_\_\_\_\_, 2022

ATTEST: \_\_\_\_\_  
Angela Trend, Clerk of Council