



**Bradley D. Sellers, Mayor**  
Dorise Hagwood, Ward 1  
Elona C. White, Ward 3  
Stanley Anderson, Ward 6  
Amber Joyner, Clerk of Council

**Matthew Howard, Council President, Ward 5**  
Andrea Mitchell, Ward 2  
Walter Stewart, Ward 4  
Kimberly Hodge Edwards, Ward 7

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*"You don't make progress by standing on the sidelines whimpering and complaining. You make progress by implementing ideas."  
Shirley Chisholm – submitted by Councilwoman Andrea Mitchell*

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## **WARRENSVILLE HEIGHTS COUNCIL MEETING AGENDA**

**May 18, 2021 at 7:00P.M.**

**VIA ZOOM CLOUD MEETINGS APPLICATION**

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**Call to Order:**

**Attendance:**

**Prayer:** Councilwoman Dorise Hagwood or alternatively, Councilman Walter Stewart

**Minutes:** Regular Meeting May 4, 2021

**Departmental Reports:**

**Live and Emailed Residents' Requests and Comments:**

**Order of the Day:**

**NEW BUSINESS**

- 1. Ord. 2021 - 081**      **COUNCILWOMAN ANDREA MITCHELL (PLANNING COMMISSION CHAIR)**  
ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO APPROVE THE APPLICATION OF LEONARD WASHINGTON, REPRESENTING THE SAME, FOR THE INSTALLATION OF A WOOD DECK LOCATED AT 4512 SPRINGVALE DRIVE, WARRENSVILLE HEIGHTS, OHIO, 44128, PPN 763-02-078.
  
- 2. Ord. 2021 - 082**      **COUNCILWOMAN ANDREA MITCHELL (PLANNING COMMISSION CHAIR)**  
ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO APPROVE THE APPLICATION OF ANTHONY HODEL OF CLEVELAND USED CARS & GUARANTEED AUTO FINANCE, LLC, REPRESENTING SBP LIMITED PARTNERSHIP, FOR A CONDITIONAL USE APPROVAL TO OPERATE OF AN INDOOR AUTOMOBILE SHOWROOM LOCATED AT 4911 COMMERCE PARKWAY, WARRENSVILLE HEIGHTS, OHIO, 44128, PPN 763-41-010.

- 3. Ord. 2021 - 083**      **COUNCILWOMAN ANDREA MITCHELL (PLANNING COMMISSION CHAIR)**  
ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO APPROVE THE APPLICATION OF ISHMAEL MARTIN, REPRESENTING THE SAME, FOR THE CONSTRUCTION OF A SINGLE FAMILY HOME LOCATED AT 22701 VERA STREET, WARRENSVILLE HEIGHTS, OHIO, 44128, PPN 763-10-041.
- 4. Ord. 2021 - 084**      **MAYOR BRADLEY D. SELLERS**  
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LEXIPOL, LLC TO PROVIDE USE OF SUBSCRIPTION MATERIAL FOR AN ANNUAL FIRE POLICY MANUAL AND DAILY TRAINING BULLETINS FOR THE FIRE DEPARTMENT OF THE CITY OF WARRENSVILLE HEIGHTS FOR THE PERIOD BEGINNING FEBRUARY 1, 2021 AND ENDING JANUARY 31, 2022, AND DECLARING AN EMERGENCY.
- 5. Ord. 2021 - 085**      **MAYOR BRADLEY D. SELLERS**  
AUTHORIZING THE ADMINISTRATION OF THE CITY OF WARRENSVILLE HEIGHTS TO AMEND THE SERVICE AGREEMENT WITH MOMENTUM TELECOM, INC. TO PROVIDE VOICE CIRCUIT SERVICES TO THE CITY FOR A TERM OF THREE (3) YEARS, AND DECLARING AN EMERGENCY.
- 6. Ord. 2021 - 086**      **MAYOR BRADLEY D. SELLERS**  
AUTHORIZING THE MAYOR TO EXTEND THE CONTRACT WITH JACKSON, DIEKEN & ASSOCIATES, INCORPORATED TO PROVIDE CERTAIN INSURANCE COVERAGE FOR THE CITY OF WARRENSVILLE HEIGHTS, INCLUDING PROPERTY AND CASUALTY, AND RISK MANAGEMENT, FOR A PERIOD BEGINNING JUNE 1, 2021 THROUGH MAY 31, 2022, AND DECLARING AN EMERGENCY.
- 7. Ord. 2021 - 087**      **MAYOR BRADLEY D. SELLERS**  
APPOINTING KALIN BERRY TO THE POSITION OF POLICE OFFICER IN THE POLICE DEPARTMENT OF THE CITY OF WARRENSVILLE HEIGHTS, AND DECLARING AN EMERGENCY.
- 8. Ord. 2021 - 088**      **MAYOR BRADLEY D. SELLERS**  
APPOINTING TYLER DANKOVICH TO THE POSITION OF POLICE OFFICER IN THE POLICE DEPARTMENT OF THE CITY OF WARRENSVILLE HEIGHTS, AND DECLARING AN EMERGENCY.
- 9. Res. 2021 - 021**      **MAYOR BRADLEY D. SELLERS**  
AUTHORIZING THE ADMINISTRATION TO ENGAGE IN A PUBLIC BIDDING PROCESS TO ADVERTISE FOR AND SOLICIT COMPETITIVE BIDS FOR CLEANING SERVICES AT THE SERVICE DEPARTMENT OF THE CITY OF WARRENSVILLE HEIGHTS.

- 10. Ord. 2021 - 089 COUNCIL PRESIDENT MATTHEW HOWARD**  
AMENDING SECTION 121.02 RULE 2 OF THE WARRENSVILLE HEIGHTS CODIFIED ORDINANCES TO REVISE THE LIST OF STANDING COUNCIL COMMITTEES AND INCLUDE THE APPOINTMENT OF VICE PRESIDENT.
- 11. Ord. 2021 - 090 COUNCIL PRESIDENT MATTHEW HOWARD**  
AMENDING SECTION 121.02 RULE 3 OF THE WARRENSVILLE HEIGHTS CODIFIED ORDINANCES TO ALLOW ELECTRONIC SERVICE FOR NOTICE OF SPECIAL MEETINGS.
- 12. Ord. 2021 - 091 COUNCIL PRESIDENT MATTHEW HOWARD**  
AMENDING SECTION 121.02 RULE 6 OF THE WARRENSVILLE HEIGHTS CODIFIED ORDINANCES TO REVISE THE TIMELINE AND DELIVERY OF REQUESTS FOR LEGISLATION AND THE COUNCIL AGENDA.
- 13. Ord. 2021 - 092 COUNCIL PRESIDENT MATTHEW HOWARD**  
AMENDING SECTION 121.03 MEETINGS OF THE WARRENSVILLE HEIGHTS CODIFIED ORDINANCES TO ADDRESS THE RECORDING AND STORAGE OF MEETINGS, AGENDAS AND MINUTES.
- 14. Ord. 2021 - 093 MAYOR BRADLEY D. SELLERS**  
AUTHORIZING THE ADMINISTRATION OF THE CITY OF WARRENSVILLE HEIGHTS TO PURCHASE A 2021 FORD EXPLORER FOR \$33,333.00 FROM LEBANON FORD, INC., FOR USE IN THE POLICE DEPARTMENT OF THE CITY OF WARRENSVILLE HEIGHTS, PURSUANT TO ARTICLE VI, SECTION 5 OF THE CHARTER OF THE CITY OF WARRENSVILLE HEIGHTS, AND DECLARING AN EMERGENCY.
- 15. Ord. 2021 - 094 MAYOR BRADLEY D. SELLERS**  
AUTHORIZING THE ADMINISTRATION OF THE CITY OF WARRENSVILLE HEIGHTS TO PURCHASE A 2021 CHEVROLET TAHOE FOR \$38,722.00 AND A 2021 CHEVROLET SILVERADO FOR \$31,633.60 FROM TIM LALLY CHEVROLET, INC., FOR USE IN THE POLICE DEPARTMENT OF THE CITY OF WARRENSVILLE HEIGHTS, PURSUANT TO ARTICLE VI, SECTION 5 OF THE CHARTER OF THE CITY OF WARRENSVILLE HEIGHTS, AND DECLARING AN EMERGENCY.

ADD ON

**16. Ord. 2021 - 095    MAYOR BRADLEY D. SELLERS**

AUTHORIZING THE MAYOR TO ENTER INTO A MASTER LEASE AGREEMENT WITH BANK CAPITAL SERVICES LLC D/B/A F.N.B EQUIPMENT FINANCE, A SUBSIDIARY OF FIRST NATIONAL BANK OF PA IN AN AMOUNT NOT TO EXCEED \$1.3 MILLION FOR THE PURPOSE OF PURCHASING VEHICLES FOR PUBLIC SAFETY DEPARTMENTS (POLICE AND FIRE) AND THE PUBLIC WORKS DEPARTMENT, PURSUANT TO ARTICLE VI, SECTION 5 OF THE CHARTER OF THE CITY OF WARRENSVILLE HEIGHTS, AND DECLARING AN EMERGENCY.

OLD BUSINESS

**17. Ord. 2021 - 052    MAYOR BRADLEY D. SELLERS**

AMENDING RULE 5.03 RESIDENCY REQUIREMENTS OF THE RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION OF THE CITY OF WARRENSVILLE HEIGHTS TO COMPLY WITH OHIO LAW CONCERNING RESIDENCY REQUIREMENTS.

1<sup>ST</sup> READ: 04/06/2021

2<sup>ND</sup> READ: 05/04/2021 (with additional changes)

3<sup>RD</sup> READ: 05/18/2021

**Announcements from the Directors:**

**Fire Department**-Chief Herb Waugh

**Chief of Staff**-Kelli Wilson

**Police Department**-Chief Wes Haynes

**Building Department**-Commissioner Benjamin Brown

**Service Department**- Director Ted Sims

**Civic & Senior Center**-Director Jennifer Lastery

**Finance Department**-Director Karen Howse

**Announcements from Council:**

**Law Department**-Director Teresa Metcalf Beasley

**Council President's Comments:**

**Mayor's Comments:**

**Adjournment**

ORDINANCE NO. 2021 - 095

INTRODUCED BY: MAYOR BRADLEY D. SELLERS

**AN ORDINANCE**

**AUTHORIZING THE MAYOR TO ENTER INTO A MASTER LEASE AGREEMENT WITH BANK CAPITAL SERVICES LLC D/B/A F.N.B EQUIPMENT FINANCE, A SUBSIDIARY OF FIRST NATIONAL BANK OF PA IN AN AMOUNT NOT TO EXCEED \$1.3 MILLION FOR THE PURPOSE OF PURCHASING VEHICLES FOR PUBLIC SAFETY DEPARTMENTS (POLICE AND FIRE) AND THE PUBLIC WORKS DEPARTMENT, PURSUANT TO ARTICLE VI, SECTION 5 OF THE CHARTER OF THE CITY OF WARRENSVILLE HEIGHTS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Article VI, Section 5(b) of the Charter of the City of Warrensville Heights (the "City") allows this Council to authorize expenditures exceeding twenty five thousand dollars (\$25,000.00) without public advertising in such emergency situations for the emergency repair or replacement of existing equipment essential for daily operations; and

**WHEREAS**, various vehicles and trucks are essential to the daily operations of the Police, Fire and Public Works Departments of the City, have excessive mileage or require extensive repairs and must be replaced as soon as possible; and

**WHEREAS**, the Administration, after due consideration, has recommended entering into a master lease agreement, substantially based on the terms and conditions reflected in the commitment letter attached as Exhibit A, with Bank Capital Services LLC D/BA F.N.B. Equipment Finance, a subsidiary of First National Bank of PA in an amount not to exceed \$1,300,000.00 to replace said vehicles and trucks pursuant to Article VI, Section 5 of the Charter of the City.

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

**SECTION 1.** The Mayor is hereby authorized to enter into a master lease agreement, substantially with Bank Capital Services LLC D/BA F.N.B. Equipment Finance, a subsidiary of First National Bank of PA in an amount not to exceed \$1,300,000.00 to replace various vehicles and trucks for use in the Public Safety (Fire and Safety) and Public Works Departments of the City of Warrensville Heights (the "City") pursuant to Article VI, Section 5 of the Charter of the City.

**SECTION 2.** This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

**SECTION 3.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City, and for the further reason that this Ordinance must be immediately effective in order to ensure no significant delay will occur in receiving the vehicles as the lead time is five to six months for each vehicle; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

[SIGNATURES TO FOLLOW]

**ORDINANCE NO.      2021 – 095**  
**PAGE TWO**

PASSED: \_\_\_\_\_, 2021

\_\_\_\_\_  
President of Council

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

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Law Director

\_\_\_\_\_  
Mayor



# FNB Commercial Leasing

55 Public Square, Suite 1460  
Cleveland, OH 44113  
Office: 216-331-1909  
Cell: 216-870-2908  
Fax: 216-205-4084  
GardnerMic@fnb-corp.com

May 5, 2021

Karen Howse  
Finance Director  
City of Warrensville Heights

On behalf of F.N.B. Equipment Finance, I am pleased to submit the following proposal to provide financing for the City of Warrensville Heights upcoming equipment purchases, to be more fully described and subject to the terms and conditions outlined herein. The following is a summary of the proposed terms and conditions for the credit facility you are requesting:

This Term Sheet is Non-Binding and for conversational purposes only. The equipment is subject to the review of FNB Equipment Finance's Asset Manager.

**LESSOR:** Bank Capital Services LLC D/B/A F.N.B. Equipment Finance, a subsidiary of First National Bank of PA

**LESSEE:** City of Warrensville Heights

**EQUIPMENT:** Various pieces of equipment to be used by the Police, Fire, and Public Works Department

**EQUIPMENT LOCATION:** Warrensville Heights, OH

**LEASE AMOUNT:** \$1,275,392

**BANK QUALIFICATION:** This proposal assumes that the Lessee will not be issuing more than \$10 million in tax-exempt debt this calendar year. Furthermore, it is assuming that the Lessee will designate this issue as a qualified tax-exempt obligation per the tax act of 1986.

**ASSUMED LEASE COMMENCEMENT:** Not later than September 31, 2021

**LEASE TERM:** Up to 84-month term

**RENTAL PAYMENT:**

Term length	60-month term	84-month term
Lease Amount	\$1,275,392.00	\$1,275,392.00
Interest Rate	2.50%	2.50%
Annual Payment	\$274,524.12	\$200,868.41
Semi-Annual Pmt.	\$136,470.86	\$99,869.76

Due annually or semi-annually in arrears starting at Lease Commencement

**RENTAL ADJUSTMENT:** The Lease Factor and Rental Payment quoted herein will adjust from the proposal date until the Commencement Date based on the yield of the Lessor's matched maturity internal cost of funds. At that date, the Lease Factor and Rental Payment will be set and shall be fixed for the Lease Term.

**END OF TERM OPTIONS:** At the end of the Lease Term, the Lessee, at its option, may purchase the Equipment for \$1.00.

**PAYMENT METHOD:** Direct deductions of annual Rental Payments from the Lessee's First National Bank deposit account or by annual ACH. Each Rental Payment shall be due and payable on either the first or fifteenth day of each payment period (the "Payment Date")

**FEES AND EXPENSES:** Lessor contemplates using standardized documentation and intends to use in-house legal counsel. Lessee will remit a per schedule non-refundable documentation fee of \$250.00 to cover the administrative expenses of processing this transaction in addition to any titling or UCC filing fees. If this transaction necessitates that the Lessor use outside legal counsel, obtain appraisals, or incur any other extraordinary expenses, such costs shall be borne by Lessee.

**DOCUMENTATION:** All documentation and all terms and conditions not covered in this proposal must be satisfactory to Lessor.

**LEGAL TITLE:** Legal title to the equipment during the lease term shall vest in the Lessee, with F.N.B. Equipment Finance perfecting a first security interest.

**AUTHORIZED SIGNORS:** The Lessee's governing board shall provide Lessor with its resolutions or ordinance authorizing this agreement and shall designate the individuals(s) to execute all necessary documentation used herein.

**LEGAL OPINION:** The Lessee's counsel shall furnish Lessor with an opinion covering this transaction and the documents used herein. This opinion shall be in a form and substance satisfactory to Lessor.

**NON-APPROPRIATIONS & ESSENTIAL USE:** The lease documentation shall contain standard municipal lease language including Non-Appropriations and Essential Use provisions.

**FINANCIAL STATEMENTS:** Lessee will furnish year-end and interim financial statements, and other statements as required by Lessor, throughout the Lease Term.

**NET LEASE:** The Lessor is neither a manufacturer of nor a dealer in the Equipment, which is selected by the Lessee. Maintenance, licenses, or use taxes, insurance, and all



costs of operation will be Lessee's responsibility. The lease will be a Net Lease, evidencing the unconditional obligation of Lessee to pay all Rental Payments without setoff or reduction or delay whatsoever. The Lease will contain provisions not outlined in the proposal.

**MATERIAL CHANGE:**

The proposal is based on a preliminary equipment description sent by Lessee to Lessor. In the event that the actual equipment differs in any material respect from the preliminary list, or in the event that there is a material adverse change in the Lessee's financial condition prior to funding, Lessor shall have the right to terminate hereunder without thereby incurring any liability to Lessee.

**PROPOSAL EXPIRATION:**

If not accepted in written form by Lessee, this proposal will expire on May 30, 2021.

Thank you for allowing me this opportunity. Please feel free to contact me with any questions regarding this Proposal.

Very truly yours,



Michael Gardner  
Vice President

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THE ABOVE TERMS AND CONDITIONS ARE HEREBY AGREED TO AND ACCEPTED THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

**City of Warrensville Heights**

By: \_\_\_\_\_