



SHAKER HEIGHTS

City Council Agenda City Hall Council Chambers Monday, January 27, 2020 at 7:00 pm

POLICE OFFICER SWEARING-IN CEREMONY

PUBLIC HEARING

For the creation of a revised Outdoor Refreshment Area as permitted by Ohio law for the consumption of alcohol in specified public areas of the Van Aken Shopping Center.

WORK SESSION

Shaker Library Construction Update

-Amy Switzer, Library Director

-Mike Bertsch, Library Board of Trustees President

Warrensville Center Road/Shaker Boulevard Intersection Improvements Update

-Joyce Braverman, Planning Director

-Jeffrey DeMuth, Chief of Police

Documents:

[2020-01-27 LIBRARY RENOVATION UPDATE TO CITY COUNCIL.PDF](#)
[WARR_SHAKER.PDF](#)

REGULAR MEETING

1. Approval of the minutes of the special meeting of December 2, 2019 and the regular meeting of December 16, 2019 (attached herewith).

Documents:

[SPMN1202.PDF](#)
[COMN1216.PDF](#)

Public Comment on Agenda Items

2. To approve the creation of a revised Outdoor Refreshment Area as permitted by Ohio law for the consumption of alcohol in specified public areas of the Van Aken Shopping Center.
Ordinance No. 20-02
By: Rob Zimmerman
2nd Reading

Documents:

[ORA.PDF](#)

3. Administrative approval of improvements to public land as recommended by the City

Planning Commission for the purpose of improvements at the Nature Center at Shaker Lakes, 2600 South Park Boulevard, pursuant to Section 1212.02 (I) of the City's Zoning Code. (CPC)

Documents:

[NATURE CTR.PDF](#)

4. Administrative acceptance of the approval of the City Planning Commission and confirmation of the granting of a Conditional Use Permit for a Local Sign District for the property at 3700-3704 Lee Road, pursuant to Section 1213.05 of the City's Zoning Code. (CPC)

Documents:

[3700 LEE.PDF](#)

5. Authorizing a professional community engagement and capacity building consultant personal services agreement with Kay Coaching, LLC for continued neighborhood engagement work for the City for the period January 1, 2020 through December 31, 2020, in a total amount not to exceed \$58,000, and declaring an emergency.

Documents:

[KAY.PDF](#)

6. Withdrawing Council's objection to the renewal of the liquor permit of See Investments LLC DBA Swerve Grill, formerly located at 20126 Chagrin Boulevard, Shaker Heights, Ohio, on the basis that the renewal applicant has ceased operation in the City and has entered into an agreement with the City promising not to re-open a business serving alcohol in the future, and withdrawing Council's request for a hearing in Cuyahoga County, Ohio.

Documents:

[SWERVE.PDF](#)

7. Authorizing the City's acceptance of a \$3,633.92 Juvenile Diversion Program grant from the Cuyahoga County Juvenile Court, for the period March 1, 2020, through December 31, 2020, and the City's entering into an Inter-Agency Agreement for said grant, and declaring an emergency.

Documents:

[JUVENILEDIVERSION.PDF](#)

8. Amending Ordinance No. 15-114, as amended by Ordinance No 16-79 and Ordinance No. 16-101, an Ordinance appropriating funds from the General Capital Fund 0401 for the acquisition of equipment and various repairs and improvement projects for various City facilities by appropriating an additional \$66,900 and declaring an emergency.

Documents:

[CITY HALL.PDF](#)

9. Amending Ordinance No. 19-121, an ordinance appropriating funds from the Sewer Capital Improvements Fund No. 402 to provide funding for the repair of mainline sewers, laterals and culverts, by appropriating an additional \$44,167 and declaring an emergency.

Documents:

[PERMIT FEE.PDF](#)

10. Authorizing an agreement with the Northeast Ohio Regional Sewer District to use City Community Cost Sharing funds in the amount of \$44,166.67 to pay a mandatory construction permit filing fee for the Horseshoe Lake Dam project to the Ohio Department of Natural Resources (ODNR), and approving payment of that fee to ODNR, and declaring an emergency.

Documents:

[ODNR.PDF](#)

11. Authorizing a two-year lease renewal agreement with the Shaker Heights City School District for space in the City-owned Stephanie Tubbs Jones Community Building, 3450 Lee Road, for the Innovative Center for Personalized Learning and Family Engagement, and declaring an emergency.

Documents:

[IC.PDF](#)

12. Authorizing a personal services contract with Coventry Land Company, LLC in a total not-to-exceed amount of \$50,000 for professional sustainability consulting services for the period March 1, 2020 through February 28, 2021.

Documents:

[COVENTRY.PDF](#)

13. Authorizing the execution of Then and Now Certificates by the Director of Finance and the payment of amounts due for various purchase orders, and declaring an emergency.

Documents:

[THEN AND NOW.PDF](#)

Public Comment on Other Items

Committees:

CPC: City Planning Commission

To request an accommodation for a person with a disability, call the City's ADA Coordinator at 216-491-1440, or Ohio Relay Service at 711 for TTY users.

Shaker Heights Public Library Renovation Update

Shaker Heights City Council January 27, 2020

Michael Bertsch, Library Board President | michael.bertsch@shakerlibrary.org
Amy Switzer, Library Director | director@shakerlibrary.org



We've been working for over a year on our project

Fall 2018 – Hired a municipal advisor to assist with financing the renovation

January 2019 – Hired RFC Contracting to provide owner's representative services

May 2019 – Received Moody's credit rating of Aa1

June 2019 – Financed Main Library renovation using Certificates of Participation

June 2019 – Hired Bialosky Cleveland as project architects

Summer 2019 – Updated facility assessment for both buildings

August 2019 – Hired Turner Construction as Construction Manager at Risk

December 2019 – Completed Schematic Design Phase

Currently in Design Development phase of planning

There's been robust community outreach.

The design team's survey got a lot of responses from residents throughout the community



896

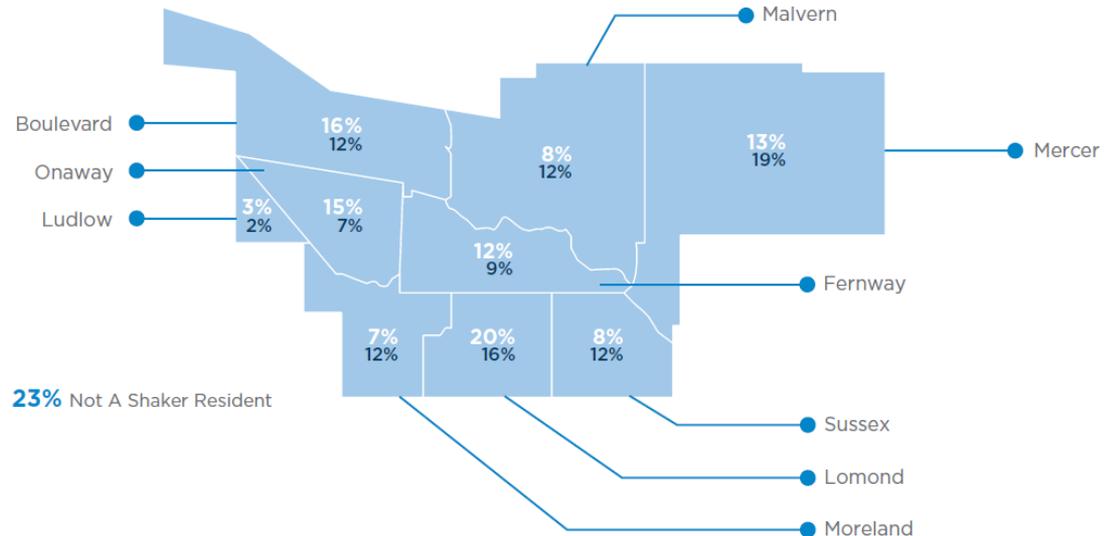
17% of Responses Collected Inside Library

79 on Library Computers

73 on Paper Surveys

Neighborhood Representation

○ % of Survey Responses from Shaker Residents ● % of Shaker Population



We learned some key information.



Users of the Shaker Heights Library highly value the robust physical collection with **66%** of respondents stating they browse the collection.

Spaces Patrons Would Most Like:



17%
MAKER SPACE



16%
INTERACTIVE PLAY SPACE



15%
QUIET READING ROOM

There is interest in:

- Audio, graphic, & video editing tools
- Digital fabrication tools & classes
- Non-traditional lending (sewing machines, tools, musical instruments, etc.)
- Art and cooking classes



Community open houses were well-attended.



Most Valued (more than 15 votes)



Children's Space (50)



Computer Areas (42)



The Collection (42)



Quiet Study Rooms (18)

Most Desired (more than 15 votes)



Cafe (37)



Reading Garden (29)



More Sunlight (18)



Maker Space (17)

Resolving building issues is a priority.

New roof

New HVAC

Repair/replace windows

Address front entry issues

Repair exterior masonry & mortar

Update lighting to LED





So is improving the customer experience

Most public service areas on first floor, with better configuration

- Technology Hub (including creation space) will be on the first floor.
- Local History will move to 2nd floor and that space will be a café (vending).
- All of teen services will be on the first floor, near food and computers.
- Children's Services will move to northeast corner of 1st floor; better size and configuration
- Moving & adding study rooms on first floor.

Meeting rooms, Play & Learn, reading area on second floor



Main Library will be open during renovation.

During construction areas of Main Library will be closed in phases.

For a time meeting rooms will not be available at Main.

For a time there won't be programming at Main.



What about services at the Bertram Woods Branch?

Hours at the Bertram Woods Branch will remain the same during renovation.



Regular programming will continue.



The Dietz Community Room will be available for public use when not in use for library programs/meetings.



When will construction start?

Currently in design development phase; should be done by February 2020

Exterior work may start before interior work (early Spring, weather permitting)

Construction will take approximately a year



Developing construction documents next

- Exterior CD in Feb
- Interior CD in May

Expect to start construction summer 2020



The library renovation offers a Forward Together collaboration opportunity with the schools

Move Family and Community Engagement office and School Registration to second floor of library after renovation

Convenient location for families – parking, public transportation

New families exposed to schools and library services at the same time

Facilitate collaboration between school & library community engagement staff

Thank you!

Any questions?





Memorandum

To: Members of Council

From: Joyce G. Braverman, Director, Planning
Jeffrey DeMuth, Chief of Police

cc: Mayor David E. Weiss
Chief Administrative Officer Jeri E. Chaikin

Date: January 23, 2020

Re: Intersection Improvements at Shaker Boulevard and Warrensville Center Road

The proposed intersection reconfiguration at Shaker Boulevard and Warrenville Center Road was a recommendation of the 2018 *Van Aken District Signal Study*. The project includes upgrades to westbound and eastbound Shaker Boulevard/Warrensville Center Road. The study recommended improvements to enhance vehicle flow, reduce confusion and enhance pedestrian and bicycle safety. The intersection serves many pedestrians and bicyclists, as it is adjacent to Shaker Heights Middle School, Shaker Heights Library, private schools and RTA transit stations.

Two public meetings were held on this project, on October 30, 2019 and on January 22, 2020. The first meeting was attended by over 60 people and produced suggestions, questions, and concerns. The project team responded by completing additional traffic counts at 5 intersections, updating the traffic model and conducting a speed survey on Shaker Boulevard. The plans were revised and presented to the public on January 22. Traffic engineer, Jodi Heflin from HNTB, presented information on existing conditions, the new traffic counts and level of service (LOS) at all the intersections in the project area.

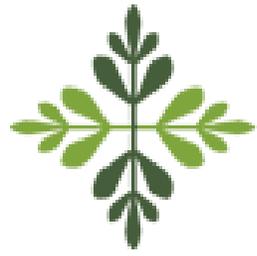
All options close South Park Boulevard and Chesterton Road at Warrensville Center Road. Three options were proposed for the Shaker westbound/South Park connector. Option 1 provides for a two-way connector into South Park Boulevard with no turn lane. Option 2 is a two-way connector with a new right turn lane. Option 3 provides for a one-way south connector to westbound Shaker Boulevard. Option 2 provides a turn lane of only 100 feet and presents a potential for crashes due to the close proximity of the beginning of the lane to Warrensville Center Road. Option 3 reduces the potential for crashes at the South Park connector. All the options improve traffic flow, reduce driver confusion and improve pedestrian and bicycle access. The majority of those in attendance at the January 22 meeting preferred Option 3. Option 3 is recommended by the consultant team.

The next step in the project includes posting the PowerPoint on shakeronline.com, completing Stage 1 plans for ODOT review, and bidding and construction. Construction is anticipated to begin in August 2020.

The PowerPoint from the January 22 meeting is attached. Please contact me with questions or comments.

CITY OF SHAKER HEIGHTS | *Planning*

3400 Lee Road Shaker Heights, Ohio 44120 P 216.491.1430 F 216.491.1431 Ohio Relay Service 711
shakeronline.com www.shaker.life



SHAKER HEIGHTS

**Warrensville Center
Road/Shaker Boulevard
Intersection Improvements**

Public Meeting
January 22, 2020

Agenda

Welcome

Project Summary/Goals

Funding & Process

Progress Since Last Public Meeting

Existing Conditions

Traffic Study Overview

Proposed Improvements

Next Steps

Community Feedback

Project Summary

- Includes both Warrensville/Shaker intersections
 - Eastbound
 - Westbound
- Implements *Van Aken District Signal Study (2018)*
- Study recommendations
 - Reduce the number of side streets
 - Improve signal operations
 - Make shorter, safer crossings for pedestrians
 - Improve bicycle access

Goals

- Improve vehicle flow
- Reduce confusion
- Increase pedestrian safety
- Enhance connections for bicyclists/pedestrians
 - Public and private schools
 - Library
 - Shaker Median multipurpose trail
 - RTA Green Line Warrensville rapid transit station
 - RTA #41 bus

October 30, 2019 Public Meeting – Summary of Comments

- 33 comments; 4 comment cards
- Theme of comments:
 1. **South Park Connector** – potential accidents; right turn lane needed; wrong way traffic on South Park
 2. **Pedestrian & Bike** – support pedestrian experience & shortened crosswalks; ped/bike priority
 3. **Falmouth** – support; Fire response
 4. **Diverted traffic** – locations
 5. **Chesterton** – cut through traffic & speed
 6. **Shelburne/Warrensville** – light timing

Progress Since the Last Public Meeting

- Additional traffic counts at 5 intersections
 - South Park Boulevard / Courtland Boulevard
 - Shaker Boulevard / Courtland Boulevard
 - South Park Boulevard / Sherbrooke Road
 - Shelburne Road / Warrensville Center Road
 - North Park Boulevard / Courtland Boulevard
- Traffic simulation module updates
- Speed survey on Shaker Boulevard by Police Department
 - Survey included 30,325 vehicles
 - Average speed is 37 mph
 - 1.8% of vehicles above 45 mph

Funding

- Project cost estimated at \$373,000
 - \$200,000 grant – Transportation for Livable Communities Initiative (TLCI) program
 - \$173,000 – City Capital Budget
- Construction slated for Summer / Fall 2020

Hathaway Brown School

University School

Proposed project area

Warrensville-Shaker Rapid Station

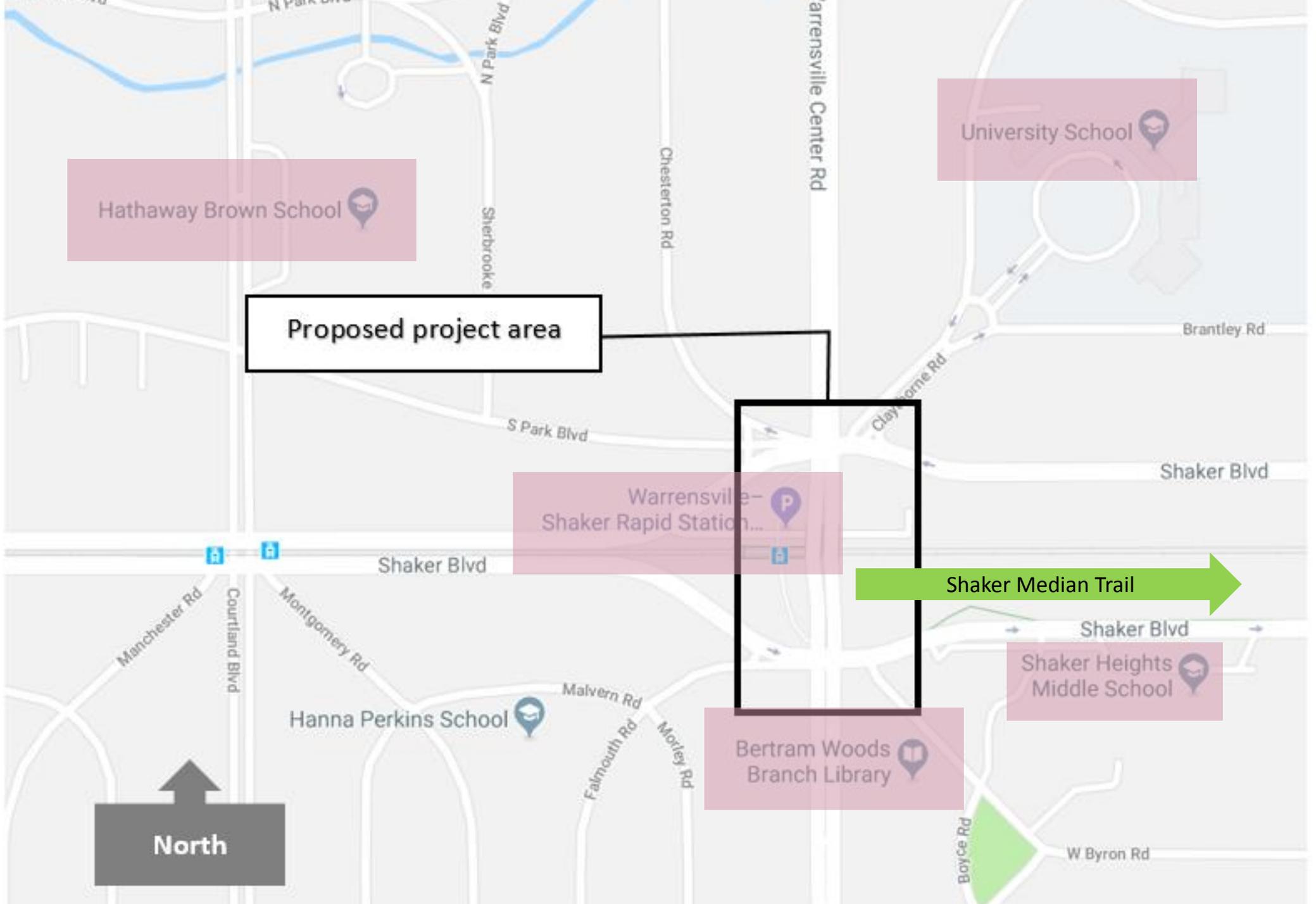
Shaker Median Trail

Shaker Heights Middle School

Bertram Woods Branch Library

Hanna Perkins School

North



Existing Conditions



Existing Conditions - Westbound



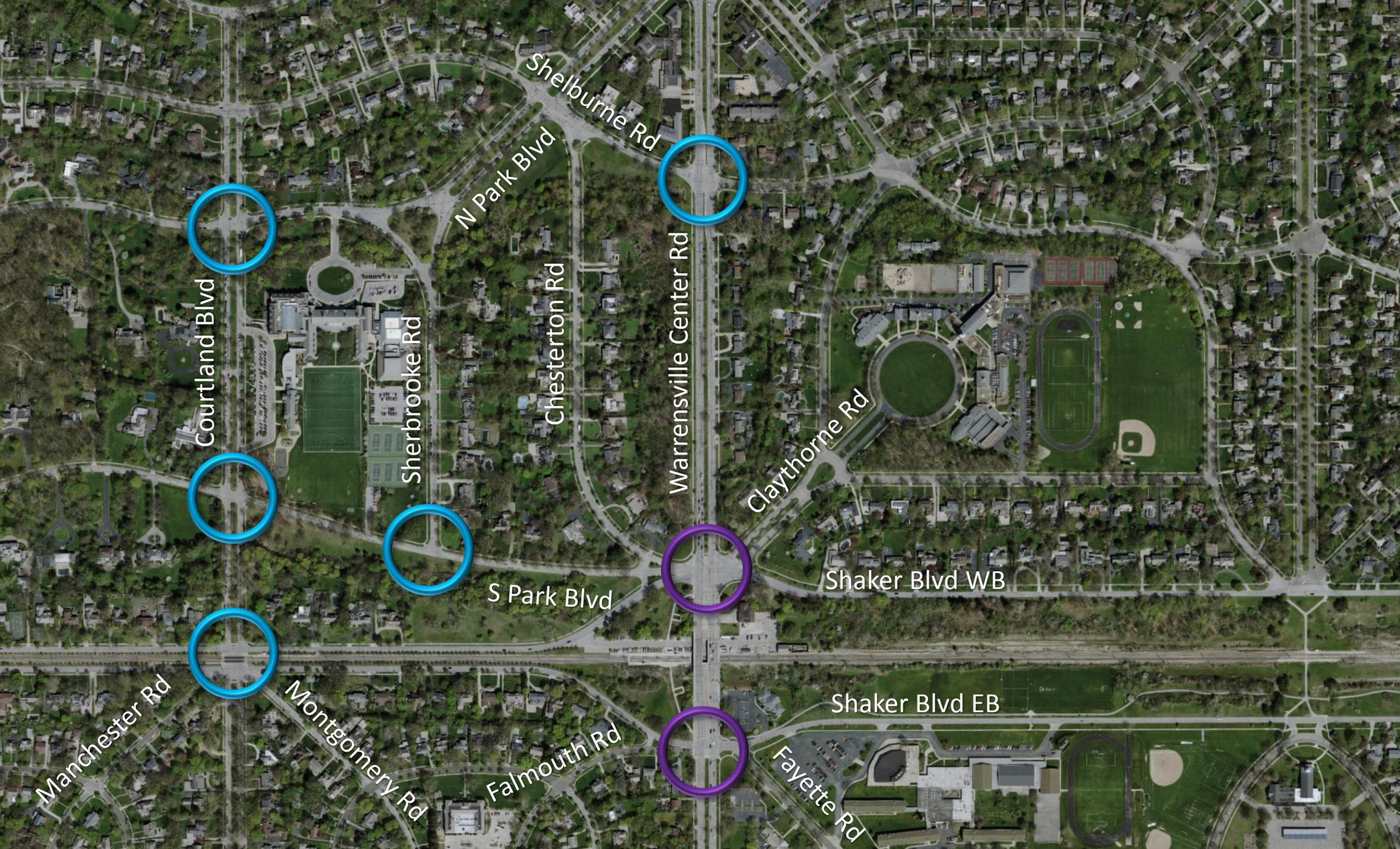
- 7-leg, irregular intersection
- Very long crossing distances
- Lots of asphalt
- Private schools, Fire Station, RTA



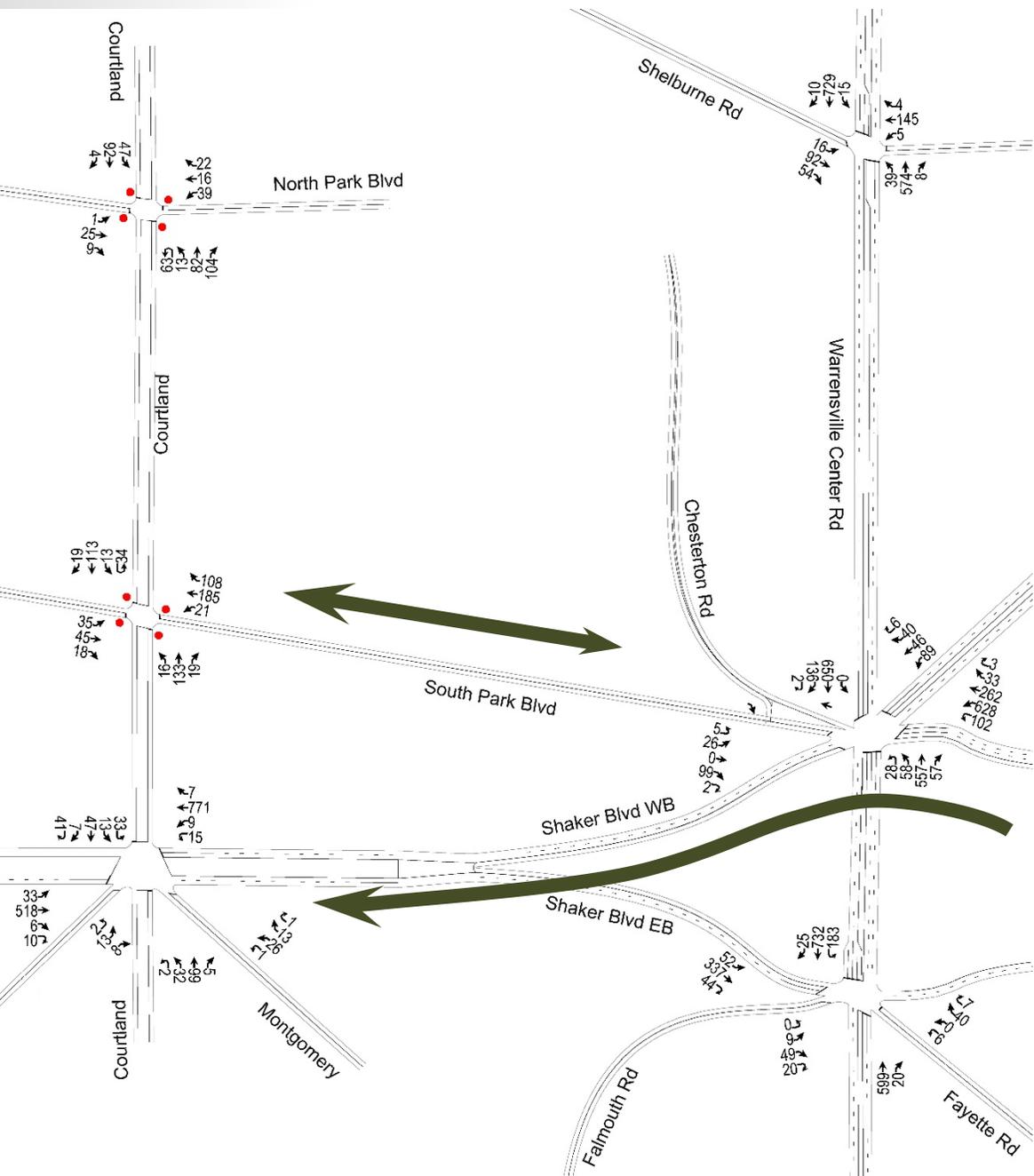
Existing Conditions - Eastbound

- 6-leg irregular intersection
- Middle school, library, trail, RTA
- Many pedestrians
- Long crossing distances

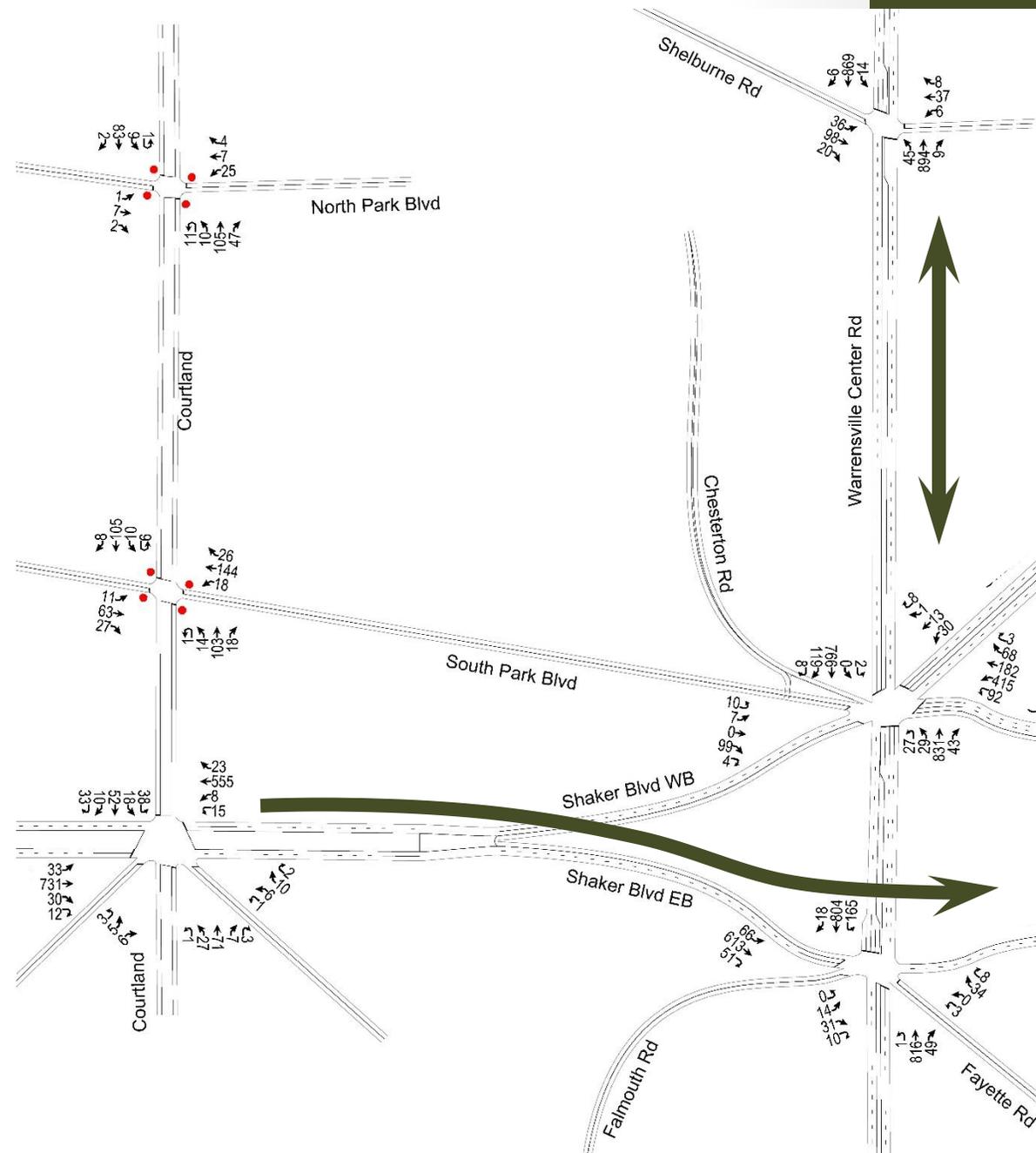




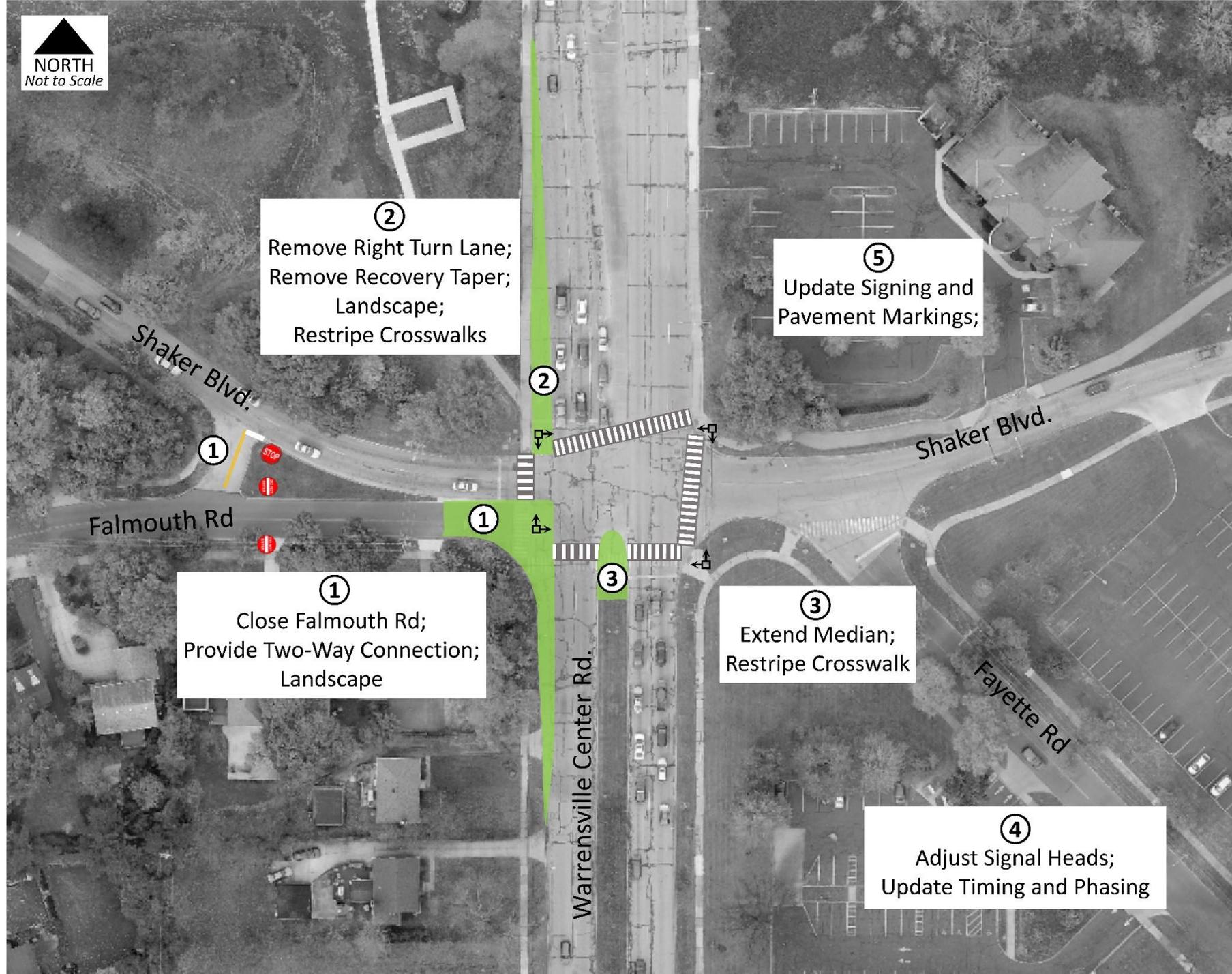
Existing AM Peak Hour Volumes



Existing PM Peak Hour Volumes



Proposed Changes Eastbound



②
Remove Right Turn Lane;
Remove Recovery Taper;
Landscape;
Restripe Crosswalks

⑤
Update Signing and
Pavement Markings;

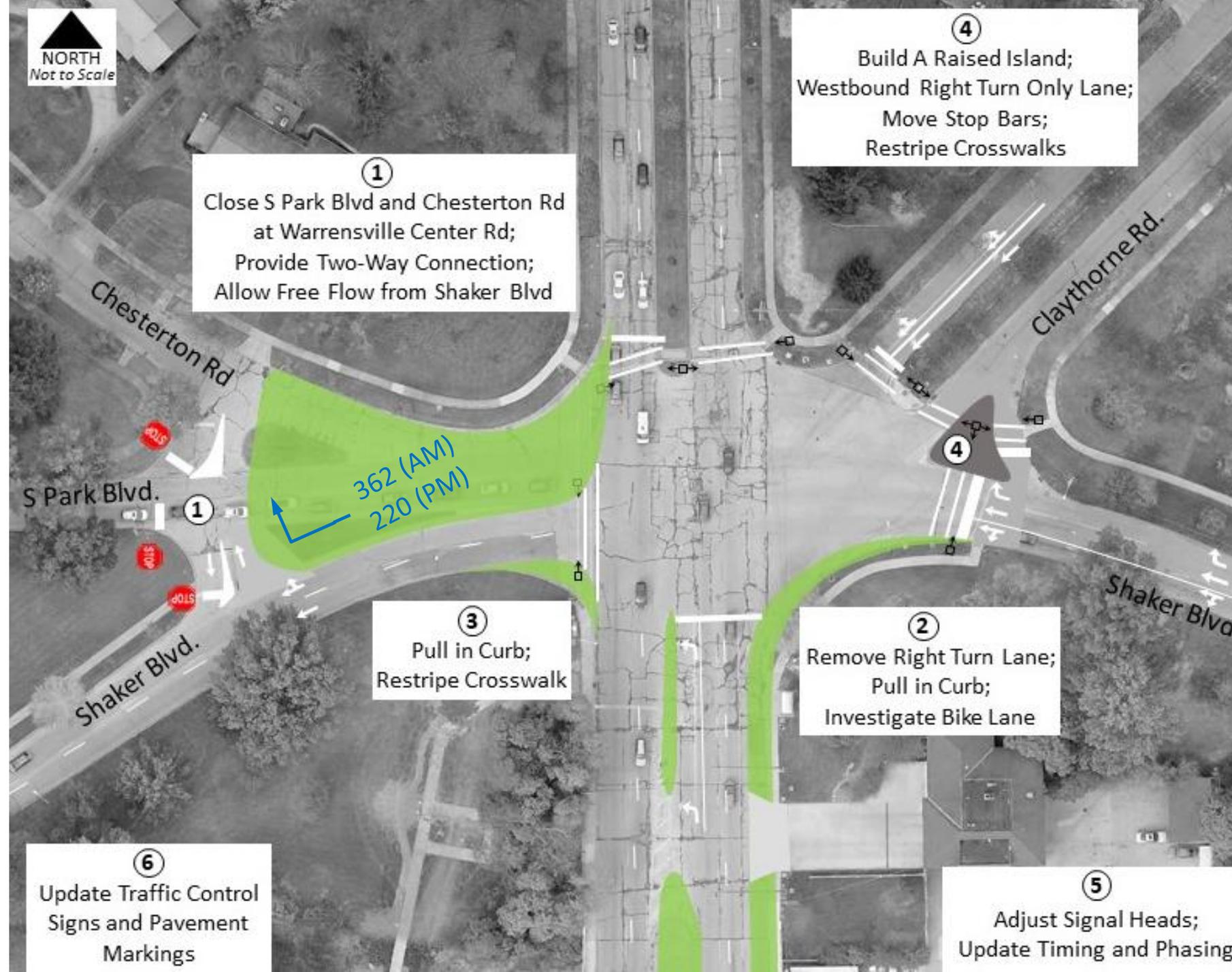
①
Close Falmouth Rd;
Provide Two-Way Connection;
Landscape

③
Extend Median;
Restripe Crosswalk

④
Adjust Signal Heads;
Update Timing and Phasing

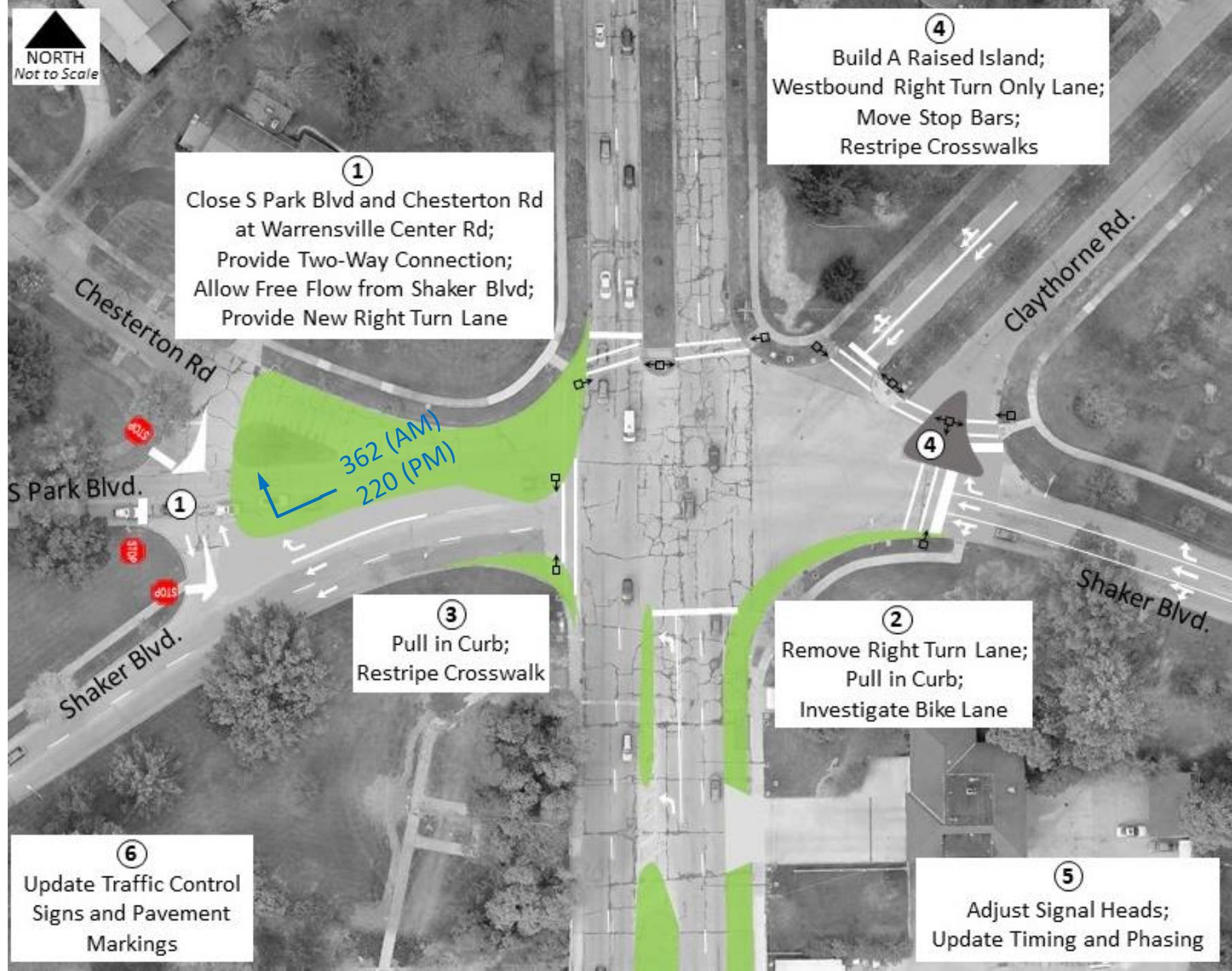
Proposed Changes Westbound

Option 1 2-Way Connection



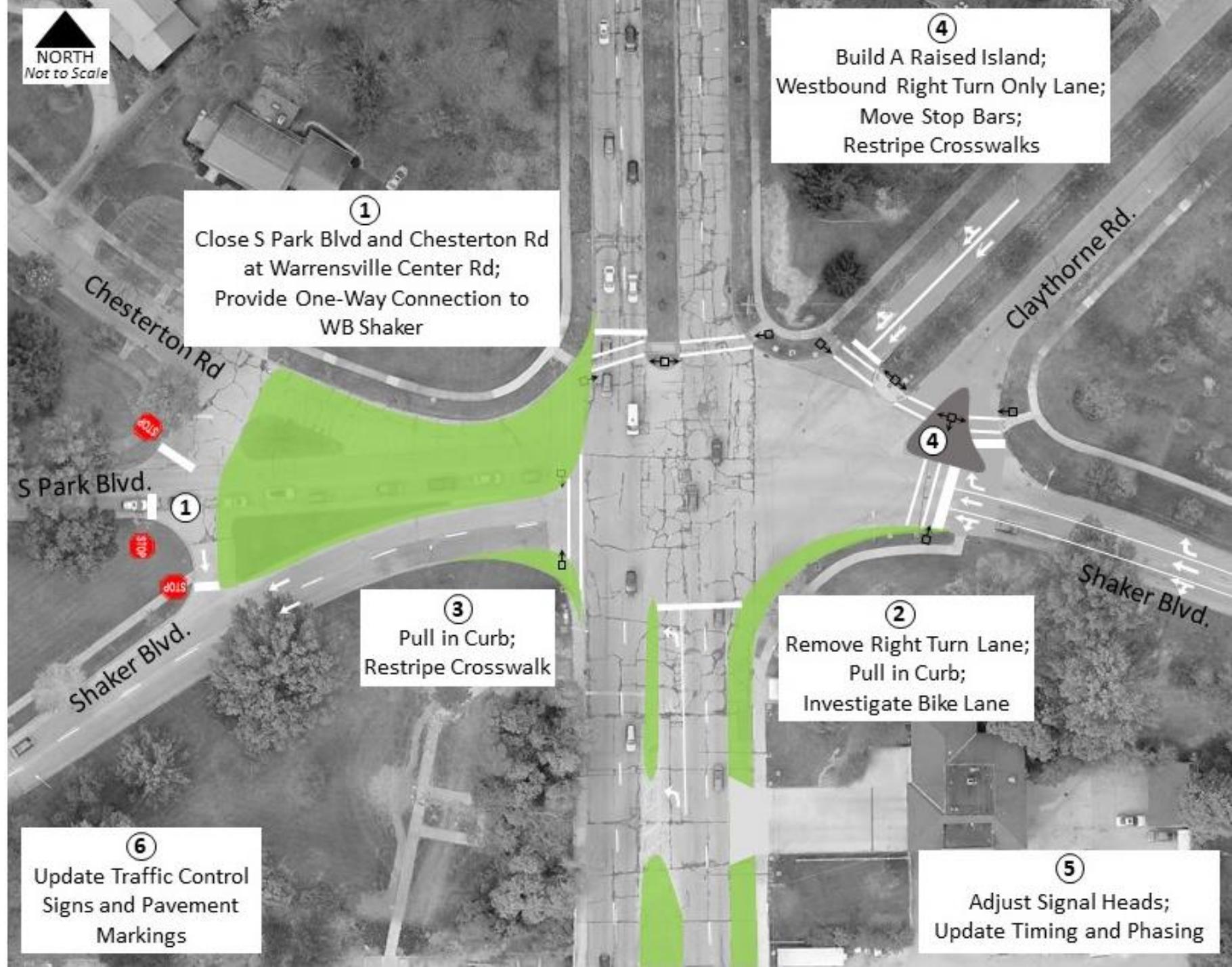
Proposed Changes Westbound

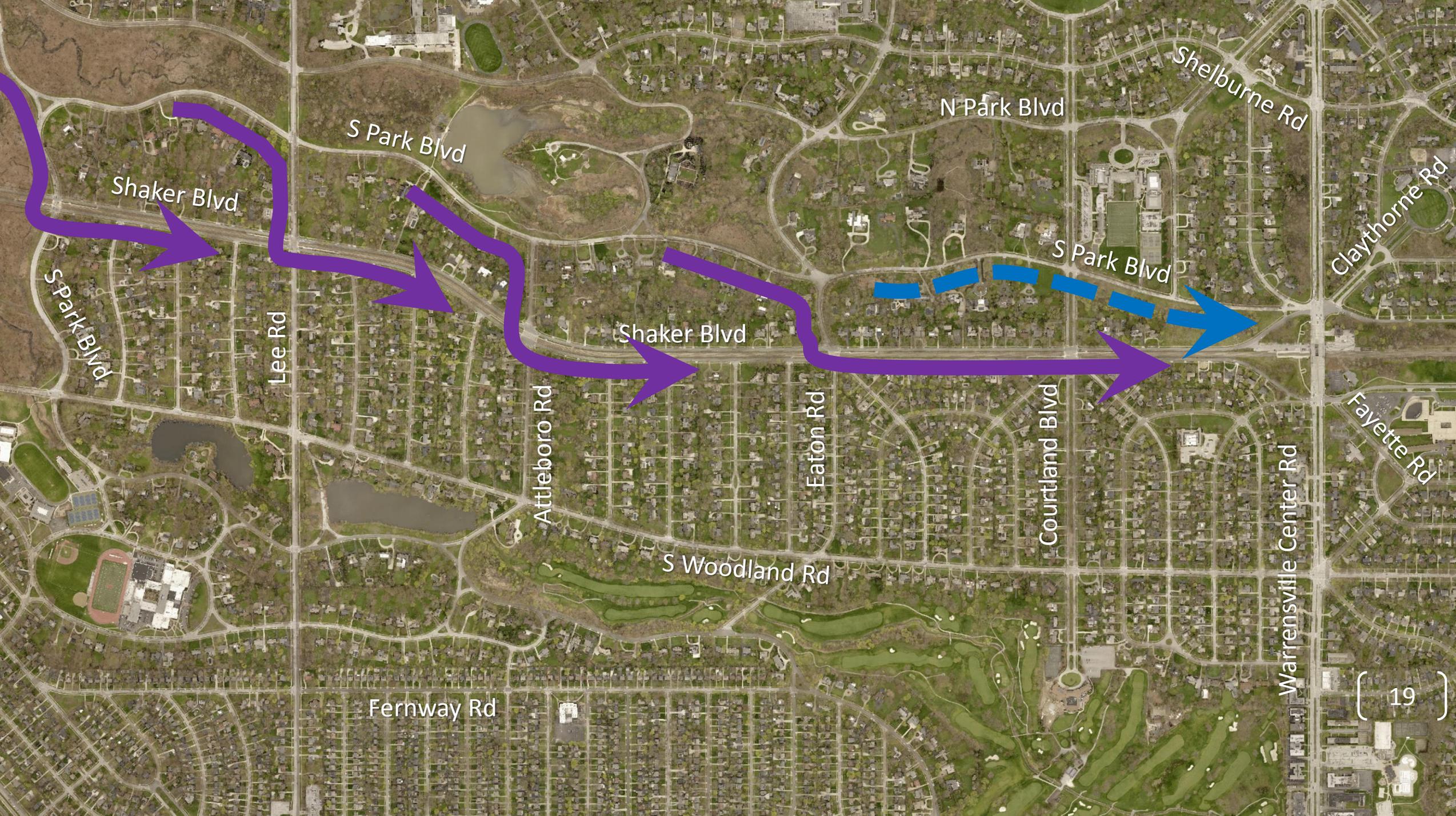
Option 2 2-Way Connection with Turn Lane

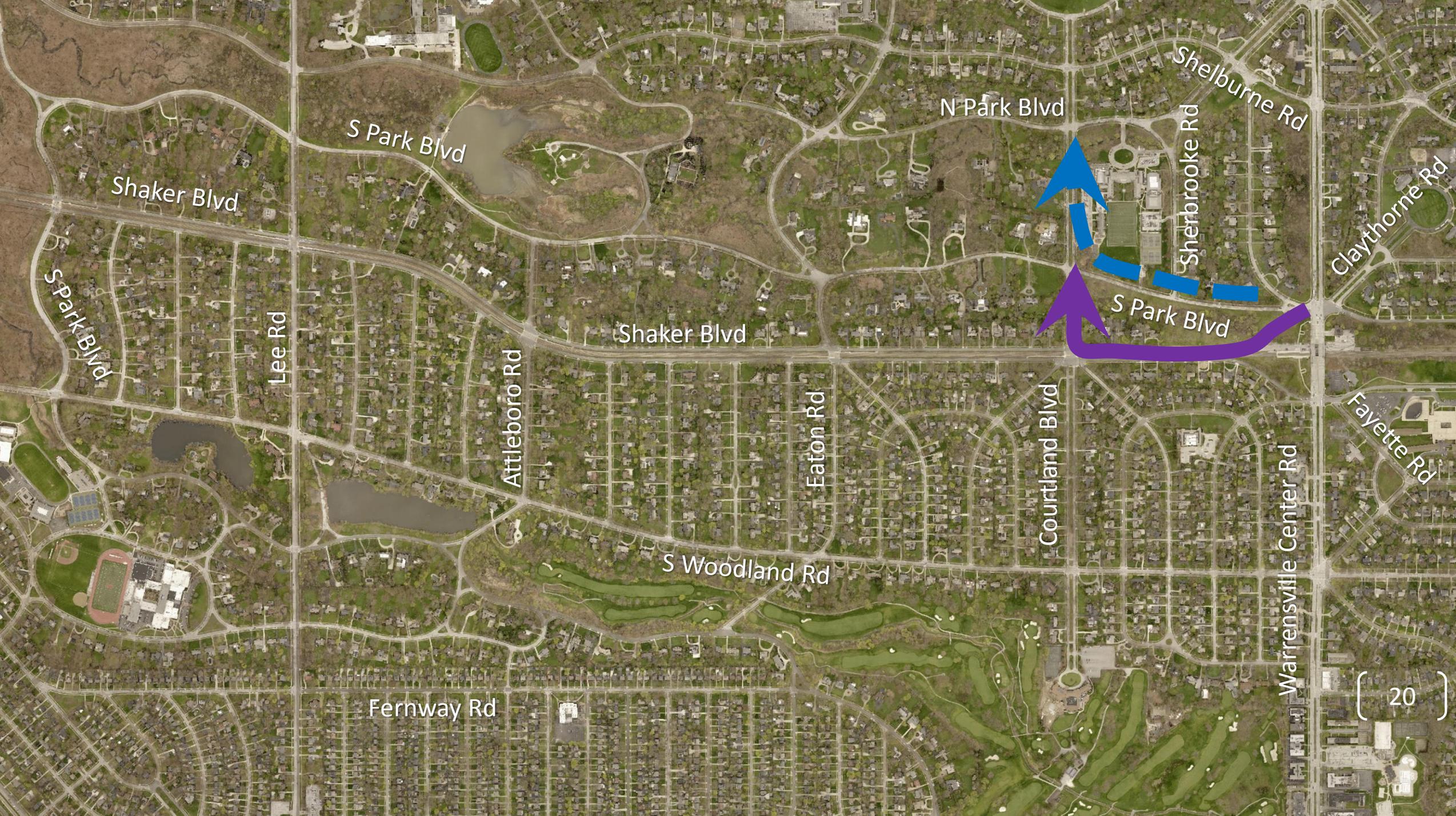


Proposed Changes Westbound

Option 3 1-Way Southbound Connection







Shaker Blvd

S Park Blvd

N Park Blvd

Shelburne Rd

Sherbrooke Rd

Claythorne Rd

S Park Blvd

Lee Rd

Shaker Blvd

S Park Blvd

Attleboro Rd

Eaton Rd

S Woodland Rd

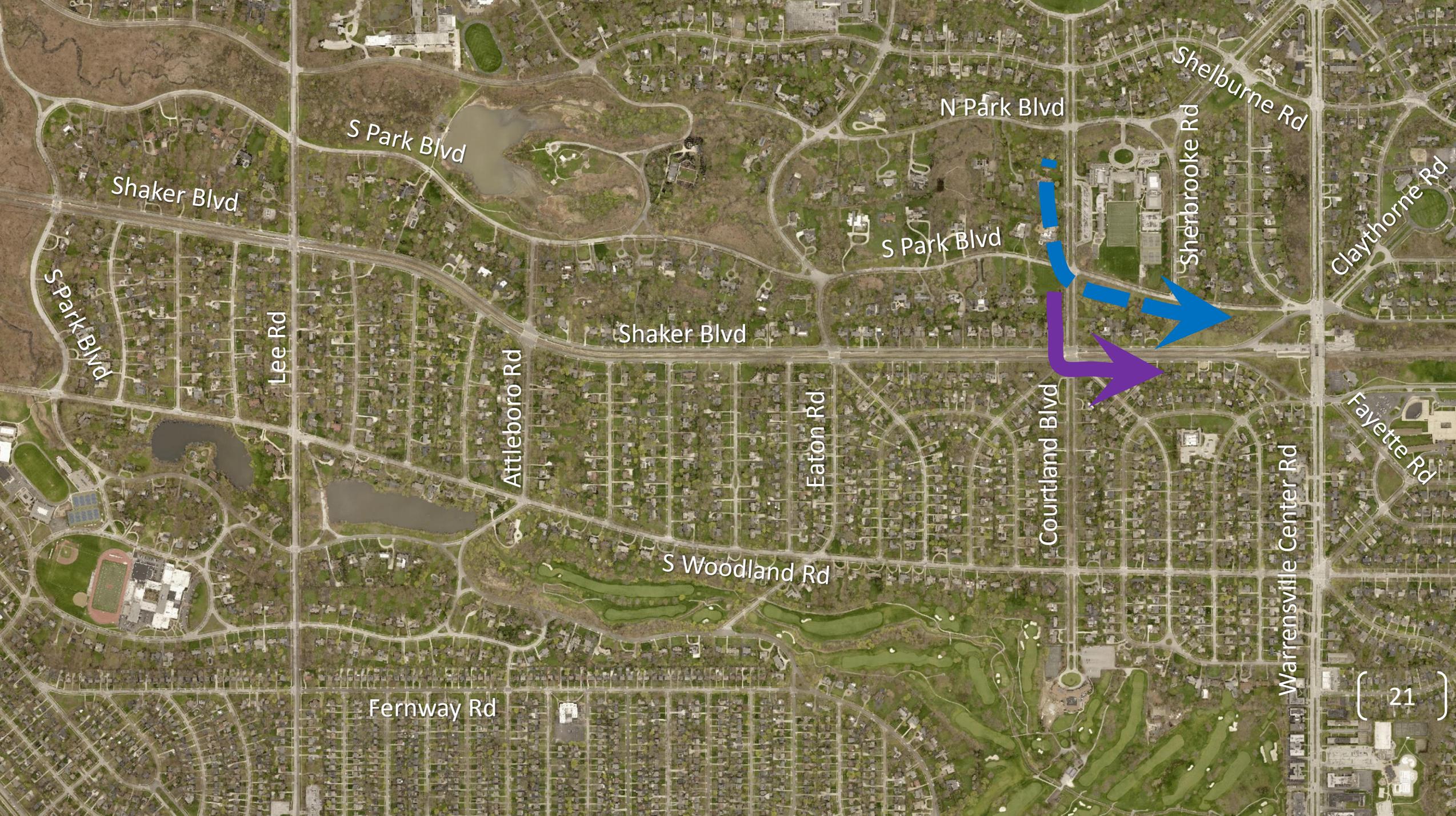
Courtland Blvd

Fayette Rd

Fernway Rd

Warrensville Center Rd

(20)



Shaker Blvd

S Park Blvd

N Park Blvd

Shelburne Rd

S Park Blvd

Lee Rd

Attleboro Rd

Shaker Blvd

S Park Blvd

Sherbrooke Rd

Claythorne Rd

S Woodland Rd

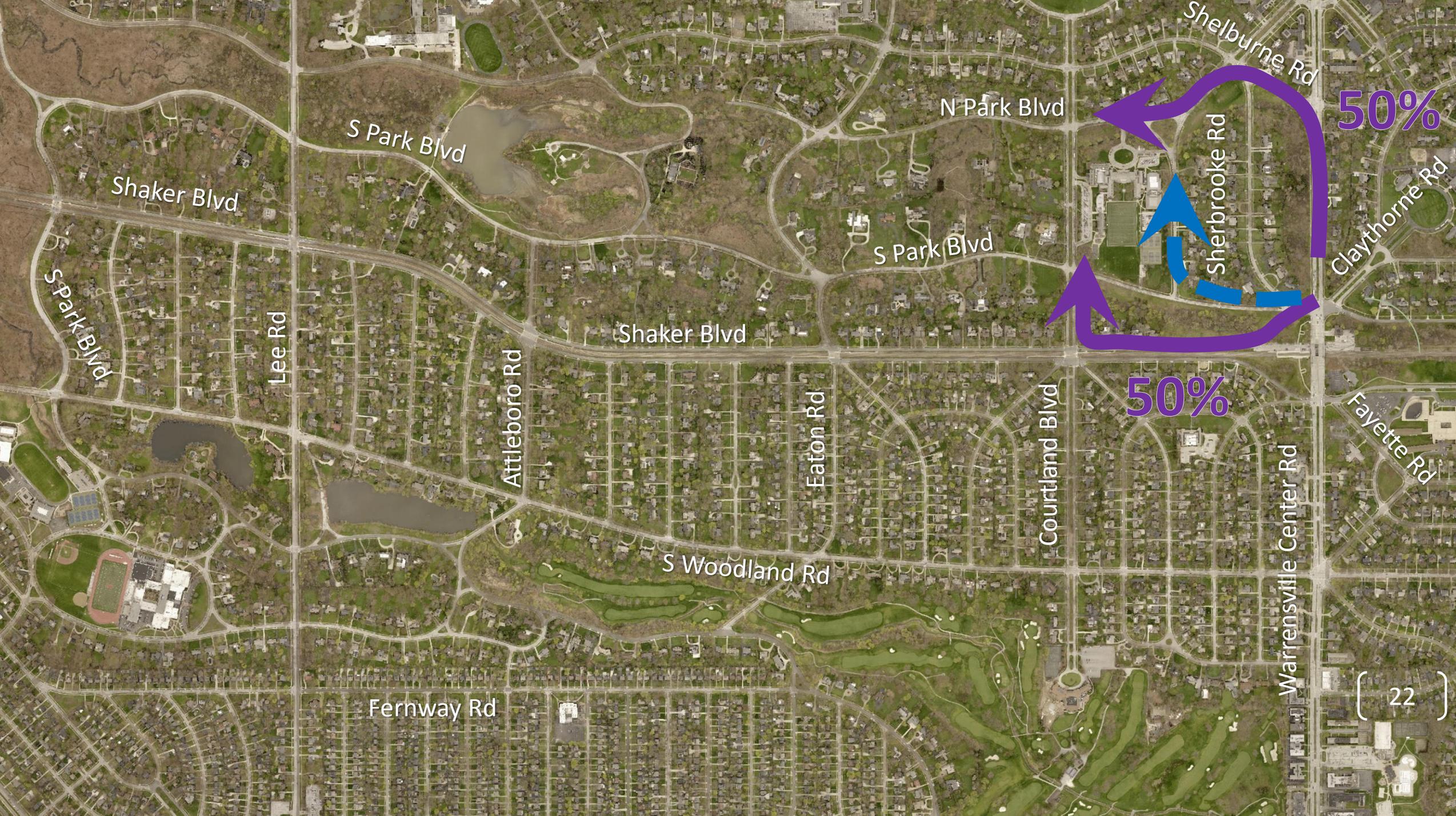
Eaton Rd

Courtland Blvd

Fayette Rd

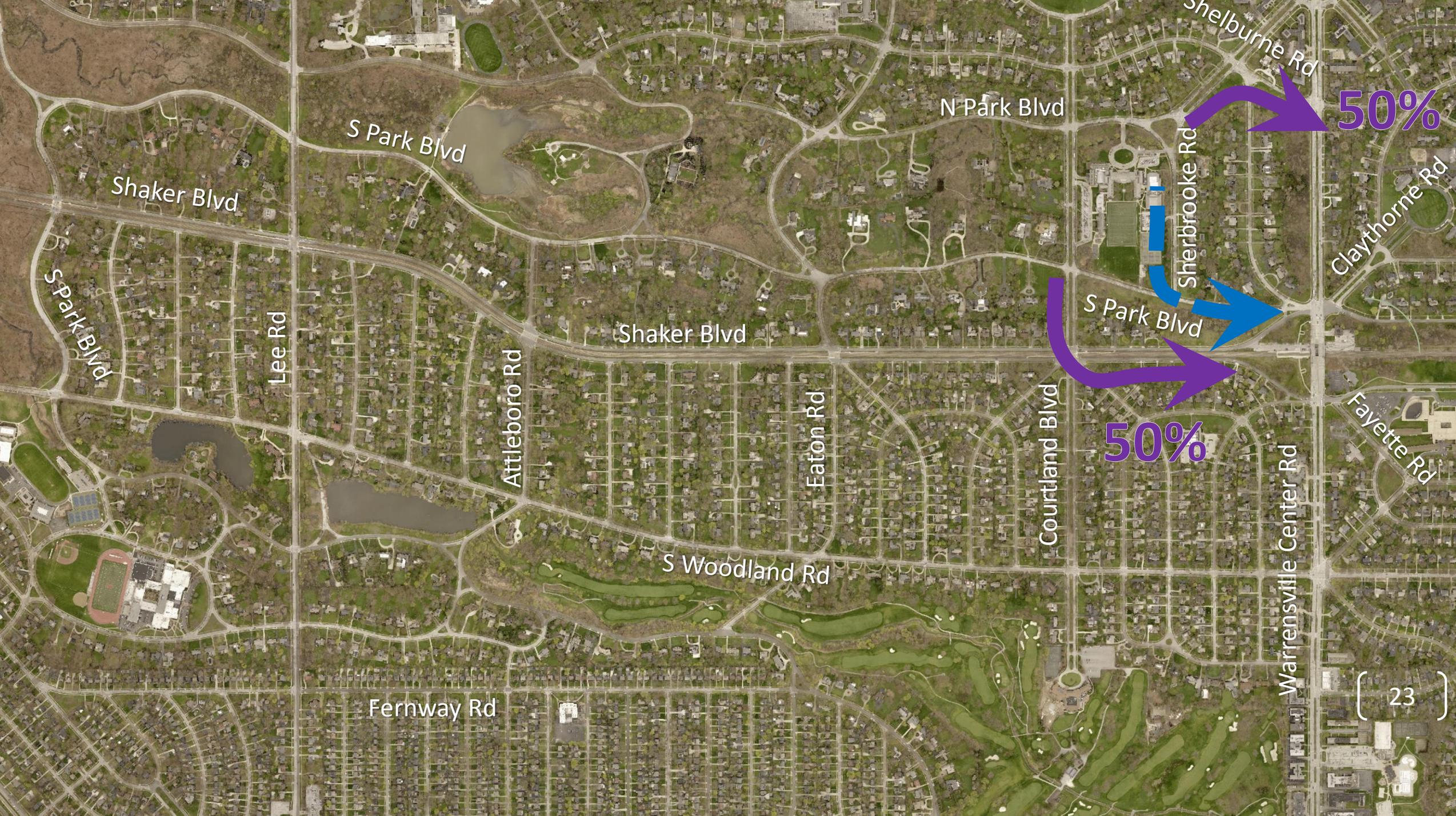
Fernway Rd

Warrensville Center Rd



50%

50%



Shaker Blvd

S Park Blvd

Lee Rd

S Park Blvd

Shaker Blvd

Attleboro Rd

Eaton Rd

S Woodland Rd

Fernway Rd

N Park Blvd

Courtland Blvd

S Park Blvd

Sherbrooke Rd

Warrensville Center Rd

Fayette Rd

Claythorne Rd

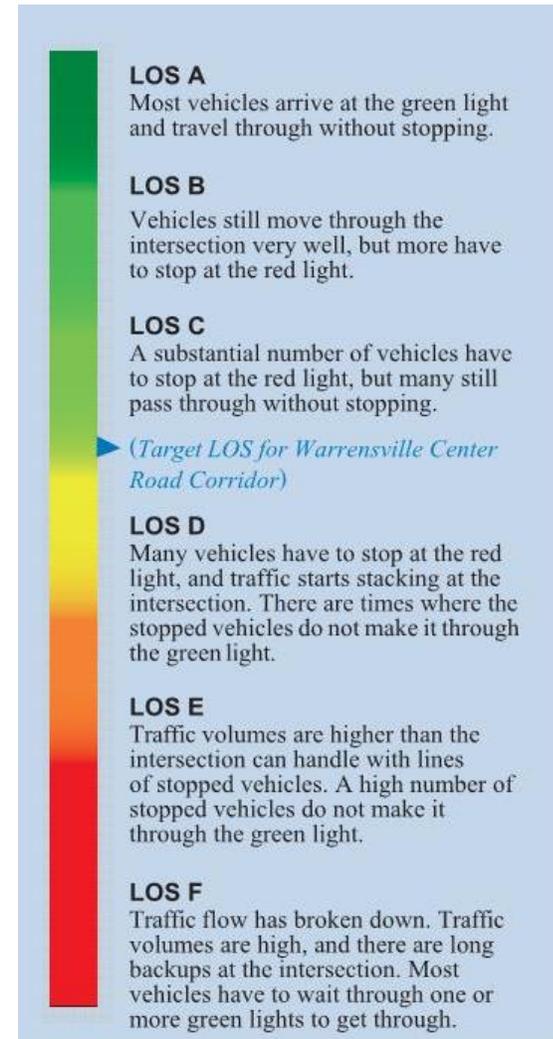
Shelburne Rd

50%

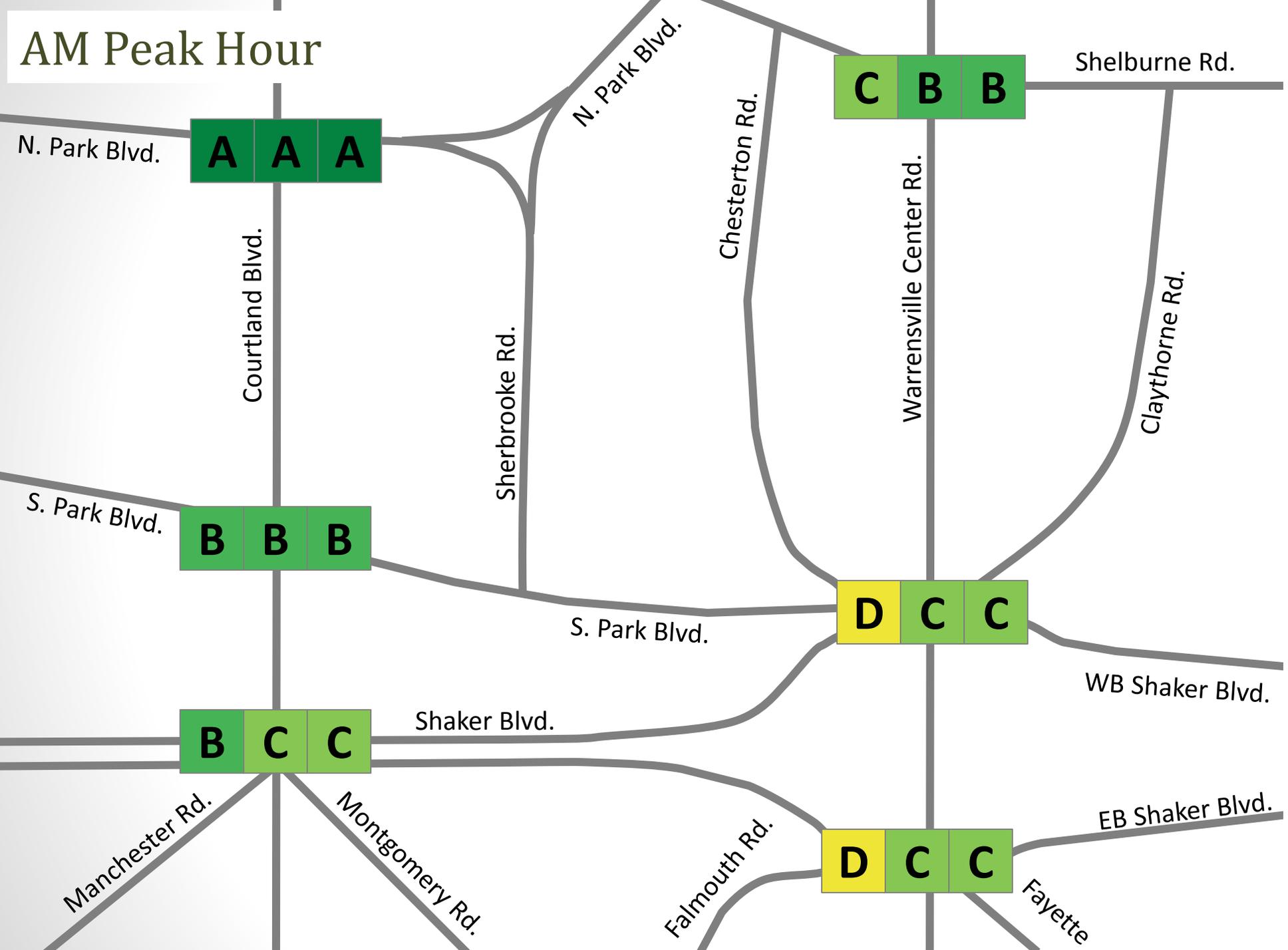
50%

How do we measure traffic flow?

- Level of service (LOS D)
- “Grades” traffic congestion on a scale from A to F
- Target = LOS D
- Traffic analysis tools
 - Synchro
 - SimTraffic

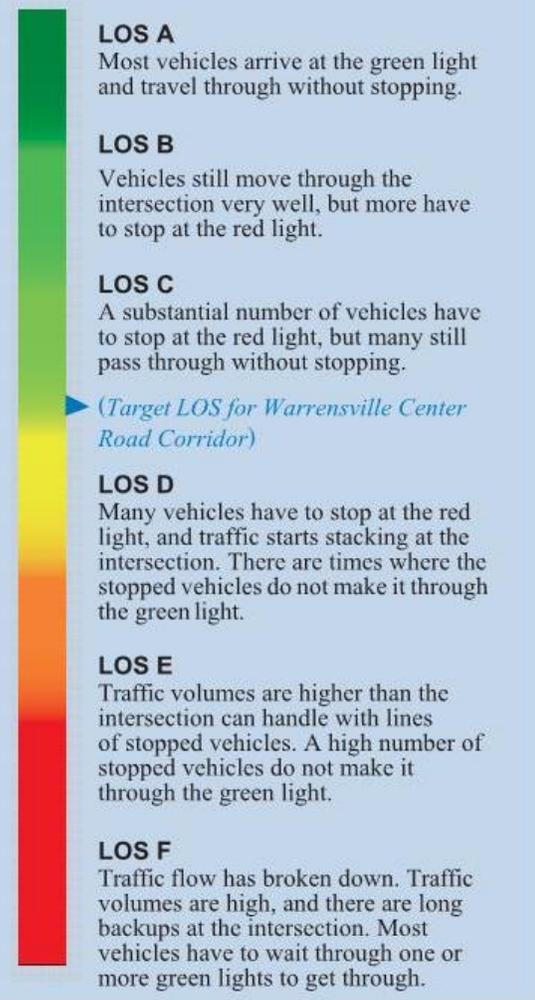


AM Peak Hour

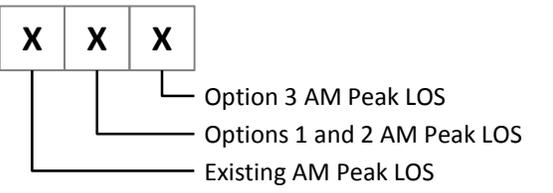


Levels of Service (LOS)

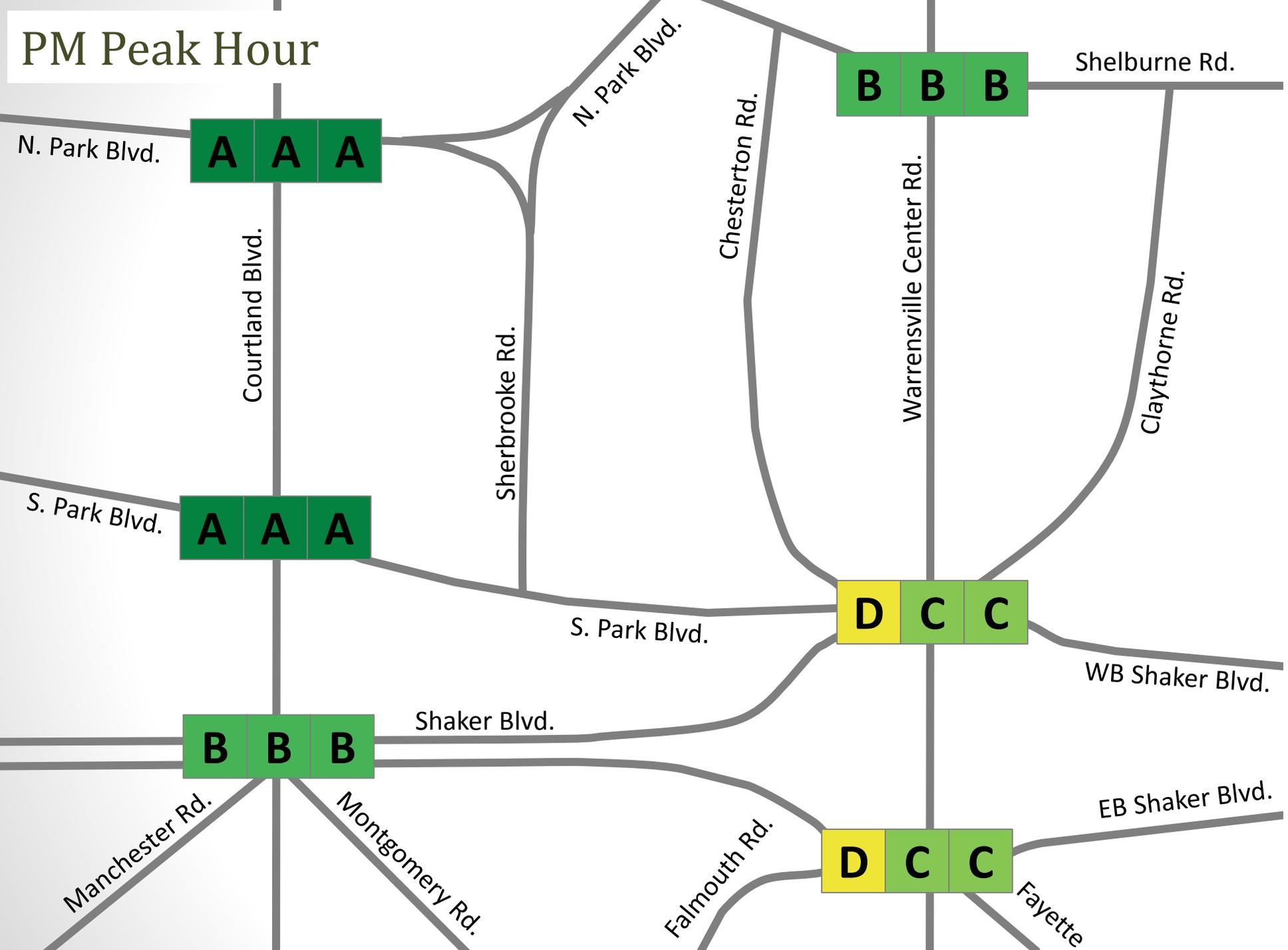
Measure of Traffic Flow



Legend

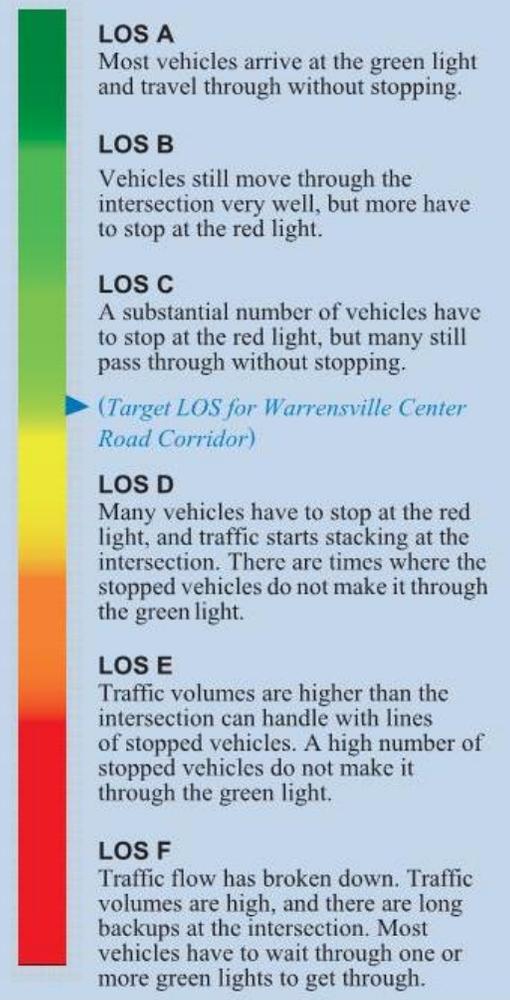


PM Peak Hour

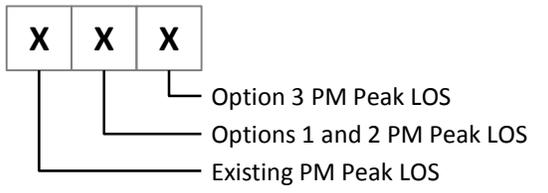


Levels of Service (LOS)

Measure of Traffic Flow

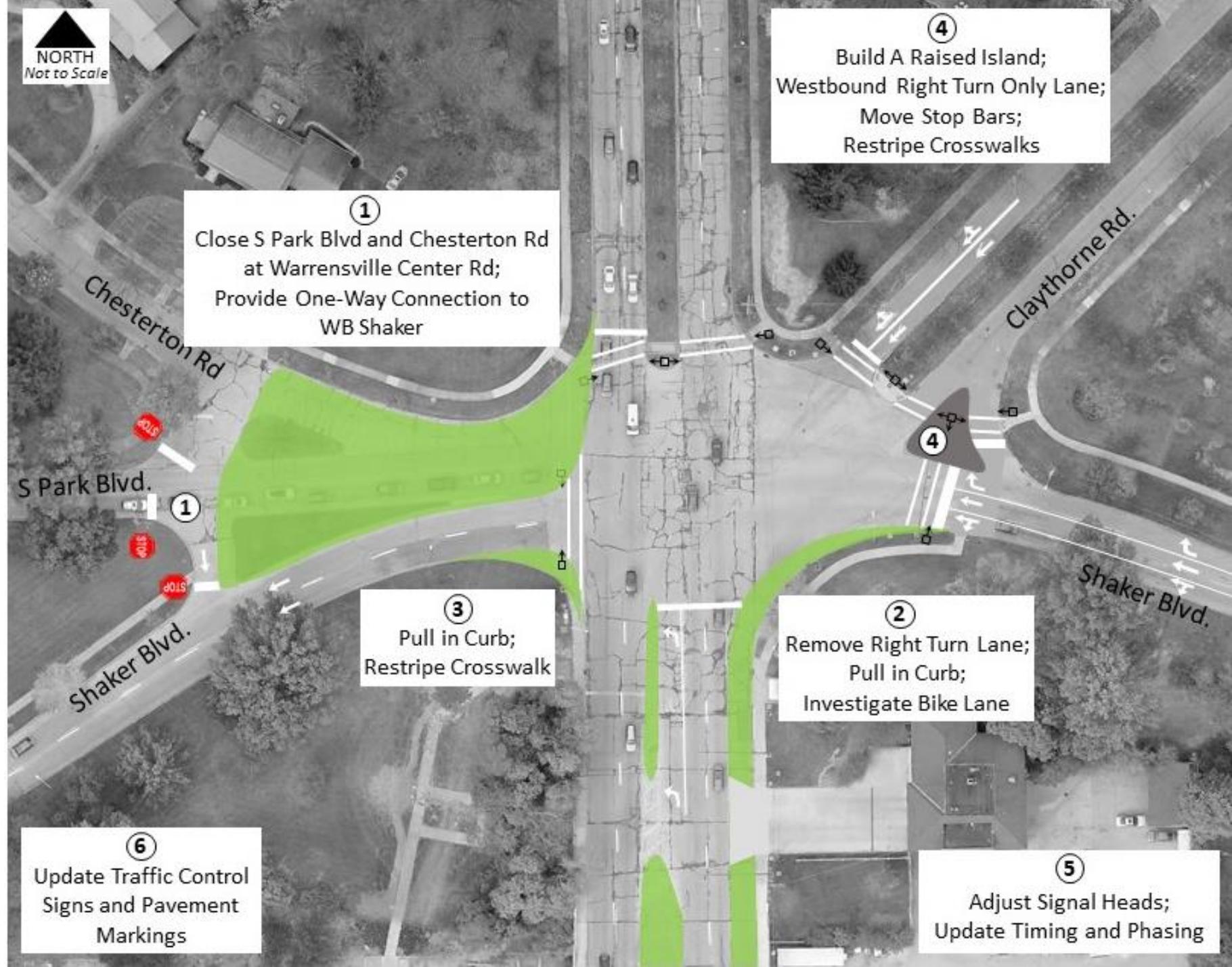


Legend



Recommended Changes Westbound

Option 3 1-Way Southbound Connection



Next Steps

- Plans due to ODOT for review
- Construction

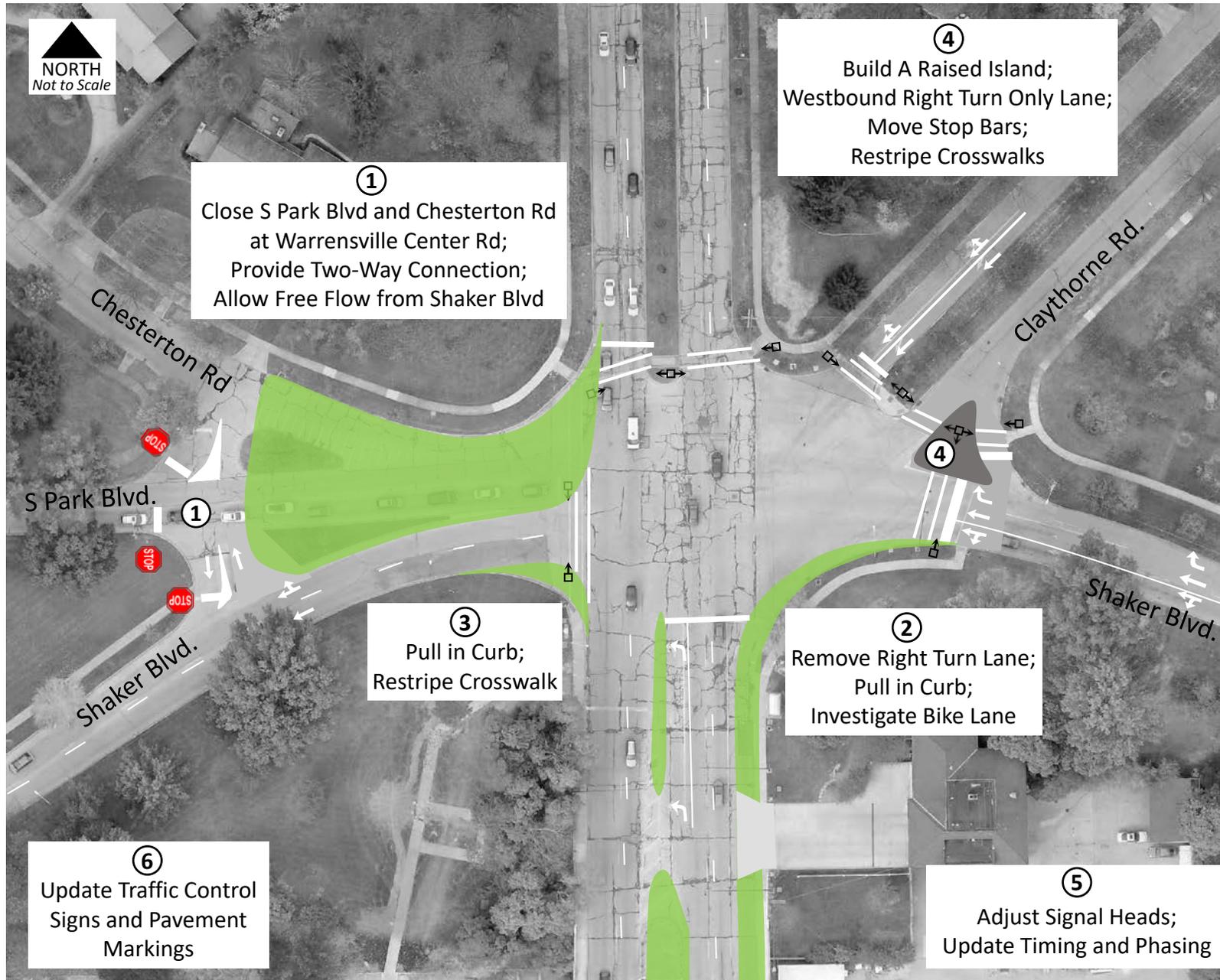
- Timeline of all projects in the area:
 - Dominion gas line replacement projects Spring 2020
 - Intersection Reconfiguration Summer / Fall 2020
 - Warrensville Center paving Spring / Fall 2021
 - County replacement of WCR bridge 2022

Community Feedback

?

Shaker Westbound - Option 1

Two-Way Connection



Pros

- Improves traffic flow at Warrensville Center/Shaker.
- Reduces driver confusion.
- Reduces pedestrian and bicycle crossing distances and conflicts.
- Reduces potential for vehicles driving on the wrong side of S. Park.
- May reduce speeds on S. Park.
- Maintains access from WB Shaker to S. Park.

Cons

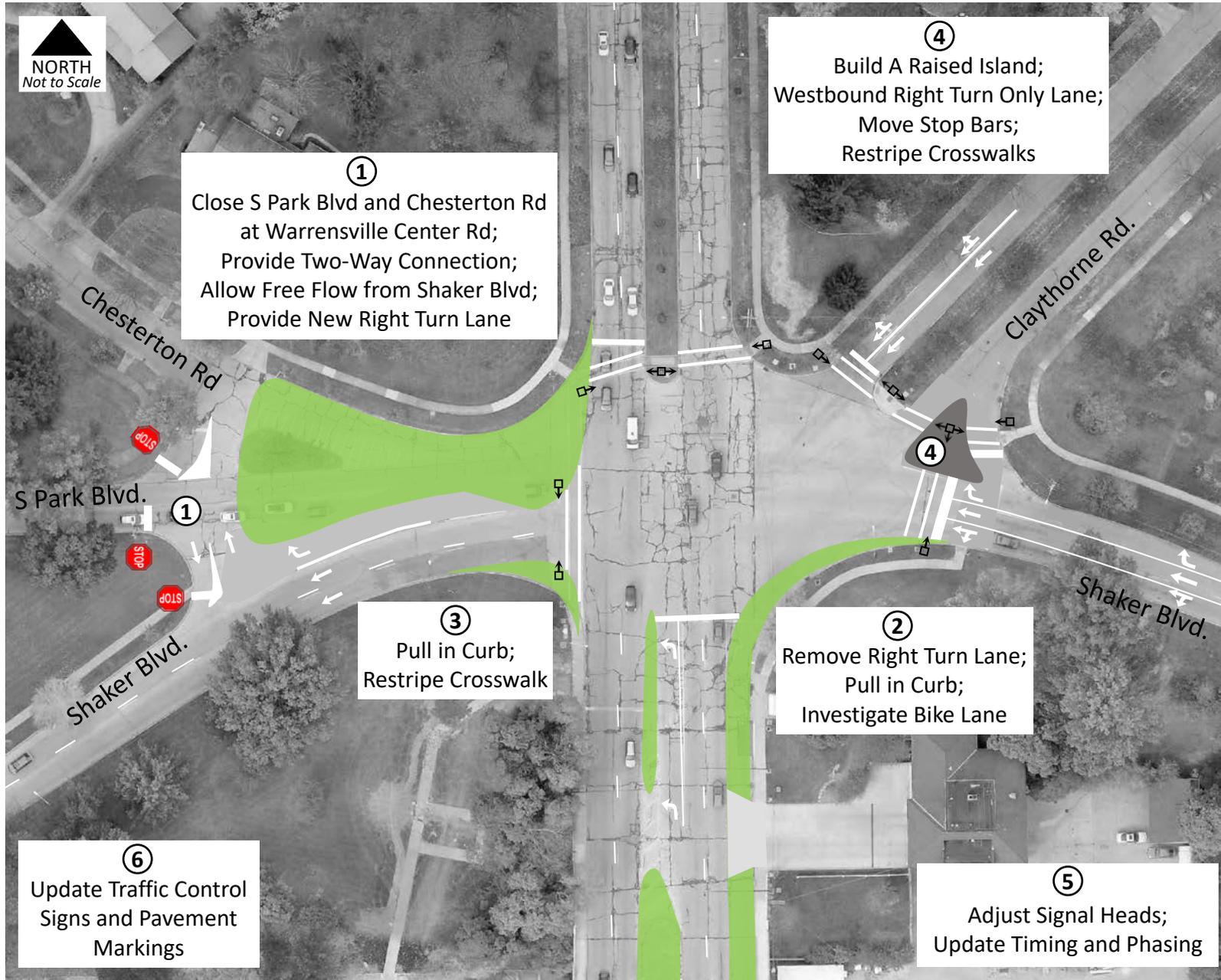
- EB S. Park vehicles must use alternate routes to access Warrensville Center.
- Potential for crashes due to proximity of connector to Warrensville Center intersection.
- Potential for crashes as vehicles on WB Shaker slow to turn onto the connector.

Note:

Surrounding intersections can accommodate re-routed traffic with minor timing adjustments.

Shaker Westbound - Option 2

Two-Way Connection with Turn Lane



Pros

- Improves traffic flow at Warrensville Center/Shaker.
- Reduces driver confusion.
- Reduces pedestrian and bicycle crossing distances and conflicts.
- Reduces potential for vehicles driving on the wrong side of S. Park.
- May reduce speeds on S. Park.
- Maintains access from WB Shaker to S. Park.
- Separates through and turning vehicles with a turn lane on WB Shaker at the connector.

Cons

- EB S. Park vehicles must use alternate routes to access Warrensville Center.
- Right turn lane limited to 100 feet at connector road.
- Potential for crashes due to proximity of connector turn lane to Warrensville Center intersection.

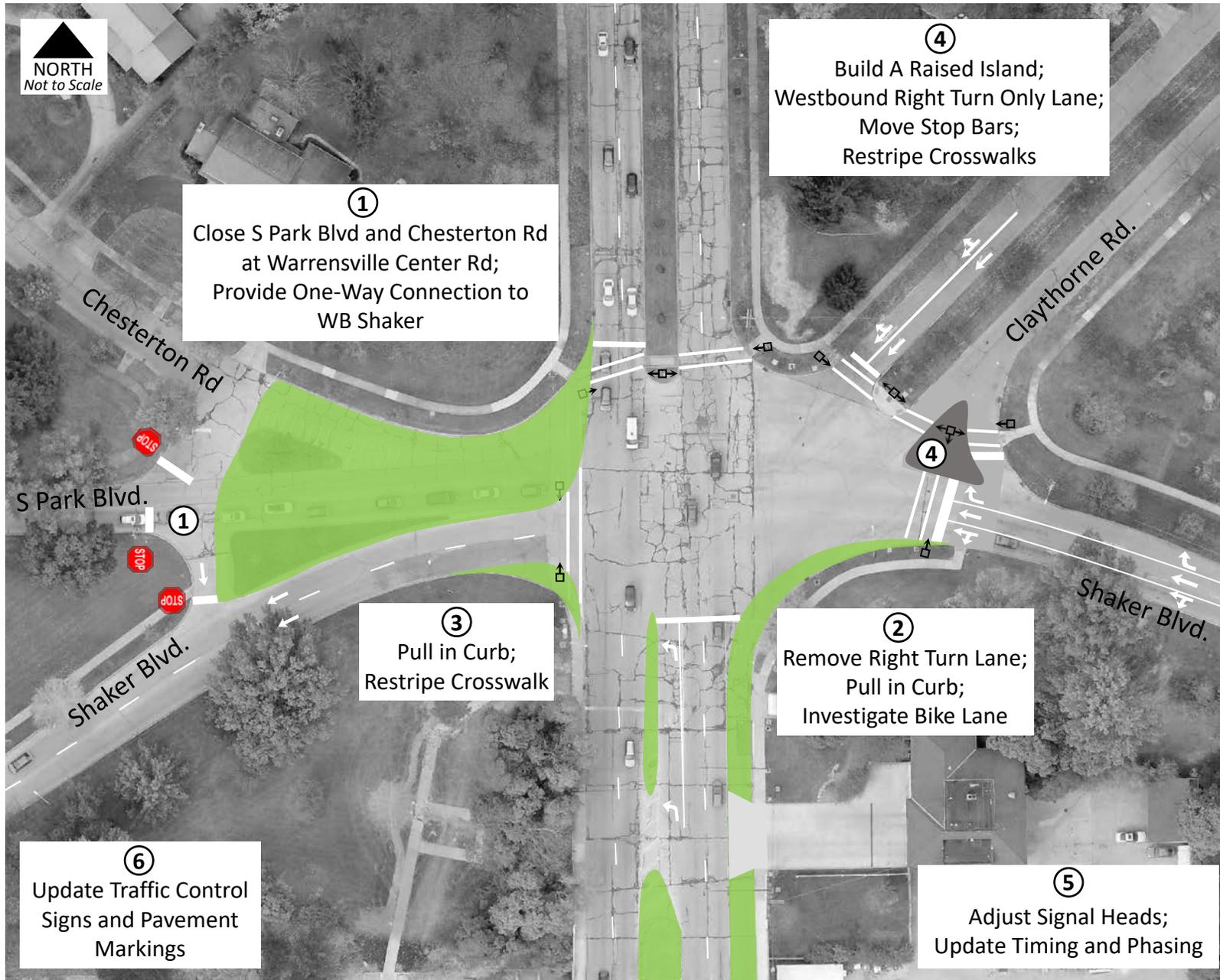
Note:

Surrounding intersections can accommodate re-routed traffic with minor timing adjustments.

Shaker Westbound - Option 3

One-Way Southbound Connection

Recommended



Pros

- Improves traffic flow at Warrensville Center/Shaker.
- Reduces driver confusion
- Reduces pedestrian and bicycle crossing distances.
- Reduces potential for vehicles driving on the wrong side of S. Park.
- May reduce speeds on S. Park.
- Reduces cut-through traffic on S. Park.
- Reduces potential for WB crashes at the connector.

Cons

- EB and WB S. Park vehicles must use alternate routes.

Note:

Surrounding intersections can accommodate re-routed traffic with minor timing adjustments.

them or they can get a year extension. It does not change the variances. Right now they are not acting on the variance on the South Park lot. They are using the variance on the Courtland parking lot and the shed.

Council member Mr. Zimmerman asked that an update be presented to the Finance and Administration Committee.

Council member Mrs. Moore asked if Council can be copied as well.

Mayor Weiss stated that the first public meeting was held in the middle of November for residents to provide input and the Administration to explain where we stand in the process on the Warrensville/Shaker intersection. It was a lengthy meeting with lots of wide ranging comments. We have committed to at least one additional public meeting but we may end up with two more to take further comments and input. There was a lot of good feedback, and we have done additional traffic counts in the general neighborhood in five different locations: Warrensville/Shaker; Shaker/Courtland; South Park/Courtland; North Park/Courtland; and Shelburne/Warrensville so we can understand the potential of the closing of South Park coming across the intersection and the impact that will have and/or a deceleration lane after crossing Warrensville back into South Park.

Director Braverman stated that the traffic counts have been completed and we have contracted with HNTB, our traffic engineer from 2018, to analyze those counts. They will analyze the counts based on keeping the connector open with a deceleration lane; and with total closure, which will tell us where traffic will disperse. At the public meeting that was probably the largest question we received. Testing what happens when it is closed tells us where the traffic will be diverted. The other thing the City did since the public meeting is to have the Police Department conduct a speed survey. At the public meeting there were questions about whether the model used the correct speed for modeling the cars. It is very complicated but the average speed is 37 mph coming through that intersection. A 35 mph speed in the model is sufficient. We are not finding that the average is 45 mph in which case we would need to adjust it. Additional input will happen in January. At that point we will have all the new traffic information, and more sketches from the engineers on how the intersection will look. It is tentatively scheduled for January 22, 2020, but we are still checking calendars. After the first of the year we will send a letter to neighbors with wide distribution providing this update on what we have accomplished and inviting them to the January meeting. We did not want to do it during the holidays because often letters get mixed up with holiday mail. Staff will confirm the date.

Mayor Weiss stated that with input from the Police Chief and neighbors, they did just add recently some signage along South Park: school signs to calm the traffic coming down South Park through that intersection. This is separate but interrelated with the changes from Hathaway Brown.

Mayor Weiss stated that the City applied for Round 3 of the SBA Forgivable Loan funds and asked Economic Development Director Laura Englehart to provide an update.

Director Englehart stated that we have been participating in the SBA Cuyahoga County program since 2014 and they just came out with Round 3 of the program with a very short application window giving us about a week to put it together in mid-October. We found out just before the holiday that Shaker was selected for Round 3. In the past Shaker was part of a two city pilot program, where we put in \$250,000 and the County contributed \$250,000. That pot of funds has been spent down significantly, but we still have about \$140,000 with projects in the pipeline. We have made 12 grants to businesses using that money. A business puts in 10% of their project as equity and the City and County jointly put in 15%, and

an SBA loan covers the remaining 75% for a business expansion, build out, equipment purchase, or whatever helps a small business with access to capital so they can locate or expand here. We did not apply for Round 2 which expanded to six other municipalities, mostly inner ring suburbs. The Economic Development Department was instrumental in Round 2 of helping other cities with forms and process, as well as setting up their programs. We applied for Round 3 since we have a smaller pot of funds available to us and a lot of work in Shaker with business expansion and development. This round is structured a little differently. The County will put in \$150,000 total and the City must match with \$50,000. Staff will come to Council and the Neighborhood Revitalization and Development Committee with more details of the program and requesting an appropriation of \$50,000 from the Economic Development and Housing Reserve Fund for the required match.

Council member Mrs. Moore asked if we expect a Round 4 for this program.

Director Englehart stated that she can ask the County. In Round 1 they did not know if there would be Round 2, and in Round 2 if there would be a Round 3. She will ask to see if they know about Round 4 and if they have a timeline.

Mayor Weiss stated that we are pleased to have another arrow in the quiver and tool in the toolbox.

* * * *

The Mayor invited members of the audience to comment on the proposed 2020 Operating and Capital budget.

No comments were offered.

* * * *

At 7:04 p.m. a Council work session was held.

Interim Finance Director Frank J. Brichacek, Chief Administrative Officer Jeri E. Chaikin, and the department directors gave a presentation on the Capital Budget.

At 7:44 p.m. Council returned to the special meeting.

* * * *

Ordinance No. 19-105, by Mrs. Senturia, amending Section 159.07 of the Administrative Code of the Shaker Heights Codified Ordinances to gradually increase sewer usage fees over a period of four years.

Jeri E. Chaikin, Chief Administrative Officer, stated that we had a great meeting with Cleveland Water Department (CWD). They have been very responsive to us. They gave us updated information about the number of single-family and two-family homes that we have and listed out the various water meter sizes so we could try to determine what types of buildings have certain types of meters. The bad news is that we cannot mix and match for the fixed fee. Everyone must either be charged by water meter size or some other way, like number of units. If we do the number of units we would have to provide that to CWD and keep it updated to be manually entered in their system. For example, the single-family and two-family

homes are about 8,000 of the 8400 water meter accounts, which have meters about one inch or less. There are about 330 meters that are two inches in diameter, which are a mixture of residential and other. As the meter size goes up there are still a few homes mixed in. We are trying to determine the best way to do this. Our original proposal was to charge every property owner a \$2.50 fee, with a philosophy that the higher users would pay more through the MCF usage and every property would pay this fixed fee so we would always have a fixed amount every year which would pay for mainly our debt service on our construction projects. We might have variables with the consumption rate. The larger users would get charged accordingly because of the consumption but everyone would pay the fixed fee for their two sewer lines that connect to the main system. Looking at ways to make that fixed fee more equitable is where we are having trouble because a lot of cities do it by water meter size which for us would not meet every single-family and two-family. We would have to go through thousands of accounts to match the information we have in our databases with CWD.

Mayor Weiss stated that we assumed there was a more direct correlation. There is a strong correlation but not a complete correlation between meter size and single-family homes. There are some outliers. We are trying to figure out the right balance in keeping with the spirit with what we proposed of a \$2.50 fixed fee for single and two-family homes with a mechanism that the CWD can implement effectively. We are struggling a little to work through the practicalities with what the intent was when we initially proposed the fixed fee. We will get there because the vast majority of the 8400 accounts are residential. The balance are a mixture which have created a little bit of a challenge.

Council member Mrs. Moore asked if the budget is based on this calculation and we don't have the final piece in terms of how this will be billed, will we know by the time we take the final vote on the budget.

Mayor Weiss stated that we are working through that. There are a couple different options. We can get this resolved before December 16, 2019 when we hope to approve the budget and the sewer fees. That is the best option. If we are not able to quake it up and down then we have a few fall back positions. We can deal with the single-family piece and defer action on the institutional uses until we have a plan for those. Another option is to ignore it completely meaning not to make any distinction between single-family and commercial for the fixed fee piece and leave it that way or amend it when we have the information. It is safe to assume that we will recommend taking some action so that there is the connection between the budget and the sewer fees. It is complicated. The good news is that the vast majority tied to meter size correlates to homeowners but there are some that don't. We are trying to make sure it is being applied the way we intended it to be applied.

Council member Mr. Zimmerman stated that we have been spending a lot of time on this. He asked from a cost benefit analysis how many times we can split the hair. We are counting on it turning out the right way or the best way possible.

Mayor Weiss stated that at a certain point we must balance many different factors, one of them being simplicity and being able to adequately explain it easily and simply to our residents.

Council member Mr. Zimmerman stated that he is glad the Mayor raised that point. In the ordinance it calls for money to go into a fund for these purposes. He asked if there is a need to go into more detail in the ordinance about specific uses or if the general statement that these are going to be used for maintenance of the uses we have stated is sufficient.

Mayor Weiss stated that from a substantive standpoint nothing has really changed. On the usage fee nothing has changed. That all remains as we have discussed. The only question here is making sure the fixed fee is what we described and is as applicable to residents as we can mechanically do.

Council member Mr. Zimmerman stated that because this is an increase and we are trying to do this gradually obviously along with a public education program which has already started if the Mayor feels a need in the body of the ordinance to be more specific about the uses of the additional dollars beyond what is said here, from a legal standpoint or general resident relations.

Mayor Weiss stated that is something we can look at, but his experience is that most of the information has not been from the ordinance. It is from frequently asked questions, the Mayor's report, and emails that we respond to with questions from residents.

Council member Mr. Zimmerman stated that what made him think of this is the capital presentation where we talked about items more specifically, but this is more general. As long as we are adequately explaining the need and what will be done with the additional dollars this is sufficient.

Mayor Weiss believes the ordinance is certainly adequate from a legal perspective.

William M. Ondrey Gruber, Law Director, stated that the ordinance is not only adequate but he would strongly recommend that we do not put in specific uses. We could add Council's general intent on how additional funds are intended to be used in the short term over the next year or two. If an emergency comes up with the sewers for which we need funds, we will want to be able to spend the funds on that.

Council member Ms. Williams asked about the change in the MCF, what led to that decision and what impact that will have on the budget.

Mayor Weiss stated that the thinking was that this evolved from way back when we went from quarterly fees to monthly fees with a minimum. The Administration and his feeling is that because we are going with a fixed fee that piece would be paid automatically regardless of the usage so for those who used minimal amounts it was a better balance between the usage and amount and the fixed fee. The idea was rather than have a .33 minimum we dropped it down to .1 as the minimal amount of usage. In our conversations with the CWD they disclosed they will not have a minimum MCF, so that if there is no usage, you will not be charged. With a fixed fee there will be an equity and balance. The numbers we calculated were based on overall usage City-wide. It was not tied specifically to that minimum.

Director Gruber stated that CWD told us it is virtually impossible to calculate what amount of usage is attributable to the minimum usage whatever level you place it at in terms of revenue.

Jeri E. Chaikin, Chief Administrative Officer, stated that if there is any reduction we hope it is offset by the new development in the City which wasn't using water before. We have no way to calculate that so any potential increase from that is not included.

Mayor Weiss stated that he thinks our original projections had been conservative using \$2.50 across the board to all accounts assuming that when we made the differential between the commercial and institutional that would be additional resources we would have available. It is now looking like we may not have as much because of the pure number and the issue of being able to track those. What we thought was a very conservative approach may be more accurate for where we end up at the end of the day.

Council member Mr. Williams stated that the majority of meter sizes are from one and a half inch to one inch and asked if that seems to be the prevailing configuration of surrounding cities. The justification for these fees is understood by most of the citizens.

Director Gruber stated that CWD said that is system wide.

Council member Mrs. Senturia asked about the few cases that we think may have the bigger size meter. It doesn't sound like there are very many.

Mayor Weiss stated that the question is how you get to the right answer at the end of the day. He believes there may be some errors in the database and the question is how to correct that. He questions whether it is realistic that residents will appeal and have CWD measure their pipes which is not four inches but only one and a half inches. He feels that is too big of a burden or hurdle for many residents to overcome. It is also possible that the meter size is different. We are trying to make sure that we are true to the intent of both the Administration and Council in how we are applying this and that it is done in a way that is substantively correct and fair and procedurally practical for residents. He is overly sensitive to the fact that he does not want residents to come back and say we said one thing and the bill says something else without being able to explain why or how and the process for getting it changed.

CAO Chaikin stated that CWD is already billing individuals based on their property meter size.

Director Gruber stated that the Northeast Ohio Regional Sewer District (NEORS) is doing the same.

Council member Ms. Senturia stated that the system is already functioning this way and she is okay with this system and to accept it as it is. We need to interface with how CWD does this. If there are serious errors we should address that but she does not think we can solve all of this at the City level. We have to accept what we are interfacing with.

Interim Finance Director Frank Brichacek stated that if there is an issue about the meter size, that appeal would have to go through CWD. If they agree the size is wrong they would correct it which would automatically correct our billing.

Mayor Weiss stated that as we have been able to get more information from CWD we are at the point where we will have to do a sensitivity analysis, ask if it is worth it or simplify it, and move forward. We assumed there would be a much more direct correlation to meter size, but it is not quite that simple.

Mayor Weiss stated that this item would remain on second reading.

* * * *

The Mayor invited members of the audience to comment on Ordinance No. 19-105.

No comments were offered.

* * * *

There being no further business before Council, the Mayor adjourned the meeting at 8:09 p.m.

DAVID E. WEISS, Mayor

JERI E. CHAIKIN, Clerk of Council

Council member Mr. Zimmerman stated that the resolution says it all, but the most important word for him is thoughtful. Julianna Senturia is a very thoughtful person in everything she does. He has worked with her and watched her over the years on Council, and she definitely does her homework. She pays attention to the issues. She sees both sides. When she presents her position, most of the time they are all in agreement but every now and then they are not, it is always thoughtful, balanced and clear. It is not only thoughtful from an intellectual and policy standpoint, but from a personal standpoint. The real test of anyone who has been in public office is if they left the community in which they served better for their service. The answer here is absolutely yes. He thanked her for that. He is also very glad her family is present. We all know that we can't be here without support of family. She has a supportive family who cares about her very much and he thanks her for everything she has done.

Council member Mrs. Moore stated she wishes Council member Mrs. Senturia well going forward and knows she will have a great next chapter. She thanked her for being part of Council.

Council member Mr. Williams stated that while the resolution was outstanding, well written and quite to the point, there was a significant omission in that she is a fellow Bobcat. He chose to sit with her as opposed to anyone else on Council and he has enjoyed these years, her contributions and knows she will be back to visit from time to time. He wished her good luck.

Council member Mr. Malone stated that Council member Mrs. Senturia has really been an indispensable member of this Council for the last 8 years. Shaker residents have really been fortunate to have had her service. Personally, it has been a pleasure for him to work with her. He has learned so much from her working on any number of committees. They will miss her insightful questions, good judgment and also importantly her concern for the entire community, including all of the residents. He knows she will stay involved and has already offered him a few suggestions on future policy issues. He hopes she continues to do so because we are all better off knowing she is engaged.

Resolution was adopted by acclamation.

Mayor Weiss presented a plaque to Council member Julianna Senturia to thank her for her service to the City, along with a gift from a new shop at the Van Aken district.

Council member Mrs. Senturia thanked her family for being here, the many parade marches, carrying the big red wagon with the campaign swag for many years, attending other people's block parties with her and generally having a good sense of humor when she says it's a free for all night for dinner when she has a meeting. She wished the best to all her colleagues. She feels this is a team sport and that is why she prefers not to be called out specifically because Council is about how they all work together and in general she feels they do that pretty well. She encouraged them to continue to do that, in the light of day, to have as many conversations in this room or on the record as possible, and to work towards eventually making access to meetings even simpler through social media and other forms of electronic distribution. She thanked everyone for the warm wishes. She asked those who wished to thank her to do so by joining her in building the Shaker community and on Martin Luther King Jr. Day at the high school which is open to all community members, not just school families. She can be found in the Senior Lounge there working on a range of community building activities.

.. * * * *

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Motion Carried

* * * *

The Mayor invited members of the audience to comment on any of the agenda items.

No comments were offered.

* * * *

Ordinance No. 19-105, by Mrs. Senturia, amending Section 159.07 of the Administrative Code of the Shaker Heights Codified Ordinances to gradually increase sewer usage fees over a period of four years.

Jeri E. Chaikin, Chief Administrative Officer, stated that this item is now on third reading. We have been talking about this for six months and tonight we are recommending the adoption of this item to set new rates for usage of the sewer system in Shaker Heights. The current sewer user rate was set by Council at \$10.50 per MCF of water used in October 2001. That was the last time these rates were increased. The current 10-year capital plan for City sewers requires more than \$36 million. While we have supplemented sewer fee revenue with grants and loans the General Fund has been subsidizing the Sewer Fund at the rate of over \$2.5 million/year. The subsidy started in 2013. This is no longer sustainable because we need to fund the sewers and need to free up funds in the General Fund for other items, particularly the other significant capital items that the City has before it. The sewer fee proposal includes two components: a new monthly fixed sewer charge paid by each property owner and an increase in the MCF rate. The increase in the MCF rate is proposed to go from \$10.50 per MCF to \$12.50 per MCF in 2023, phased in over a four-year period. The monthly fixed fee was looked at a number of different ways from the number of units to water meter size. The final recommendation is that Council enact a \$2.50 monthly fixed fee to all Cleveland Water Department (CWD) accounts including residential, commercial and institutional. Several reasons for this are the fixed fee was intended to go mainly toward capital improvements and the City would know how much revenue we would get, particularly toward the borrowing for capital improvements whereas the MCF fee is variable depending on water usage and rates CWD may increase to collect that fee. Also, when we looked at how many accounts of the 8400 CWD were non-single-family and two-family properties, it would only bring in about \$30,000/year. For all the work it would take to manually compute all those accounts to get them to CWD we felt it was better to keep it at \$2.50. That is how the fee was first proposed so that was the information that was given to the public. For these reasons it is recommended that the new monthly fixed fee and the MCF rate increases with no minimum usage be approved on third reading. This will take about four months to implement. While Council will vote today, the actual rates if approved will not be charged to property owners until May 2020.

Council member Mr. Zimmerman stated that he has had an opportunity to speak with both the Mayor and CAO, who have not heard a lot of community feedback on this. He suspects we will when the bills come. For purposes of the record and our own education he would like to hear from the Administration

exactly what we have been doing to engage the community on this issue and how we are tracking incoming comments on this issue.

Julie Voyzey, Communications and Marketing Director, stated that we have only received one email and two forms from the website and we have responded to all of them. We have posted information on social media, the City's website, in the City E-News, the Mayor's Report, and it was covered by Cleveland.com, so we did a pretty aggressive education campaign. It was also in the *Shaker Life* magazine to educate people in general about sewers. We have pushed it out on all of the communication channels of the City.

Council member Mr. Zimmerman stated that he appreciates that. He remembers when this was placed on first reading and the Mayor's Report came out the next day. Hopefully as May gets closer we can do a little more of this and we will see what kind of response we get. It seems to him that we have done the appropriate things.

Director Voyzey stated that it is anchored on the homepage of the website and it has been since we began this discussion. We will continue to monitor any forms that come in. Since the initial push, we have only received the two questions and one email.

Council member Mr. Williams stated that in his conversation earlier today with the CAO, they spoke about the \$30,000 that will be raised if the rates were raised and asked how much will be contributed by commercial users and if we are comfortable with the amount being paid by each group of users.

CAO Chaikin stated that we do not know what it is and that is part of the difficulty. We have not computed it based on charging a certain rate. Probably for most of the users of the \$30,000 their share is about \$20,000 at \$2.50/month. The MCF charge is different as commercial properties have larger meters and they use a lot more water. Those property owners who use a lot more water will pay for that through the MCF fee. We did calculate the MCF rate that will go into the Sewer Maintenance Fund.

Council member Mrs. Senturia stated that she appreciates us getting to a good balance. We have been doing a lot of research and she suspects that it will be interesting to see what develops with CWD. There could be an opportunity as they clarify their own understanding of data that it might impact us later down the road. Given where we are today and the needs we have to underwrite the budget we are about to start working our way through, she thinks this represents a very fair and balanced approach. She is sensitive to fixed rates increases but appreciates that our usage will be varied so it is a nice balance. Bigger users will pay more if they are using more and yet everyone shares in the cost that it takes to maintain the structure. She cautioned Council over time to pay attention to that fixed rate because as it begins to increase to the \$10 mark it is a noticeable amount in tight budgets, especially for those on fixed incomes. She is comfortable with what we are proposing here but we should keep our eyes open and would ask the Administration a couple years into the program to take a look at how we are doing and to report back to Council at that time with a representative sample of how the billing is going, and what it is producing. She will be happy to stop by to hear that report when it is on the agenda because she does think we want to be sensitive to how it impacts people. To the extent we are willing to ask people if they are concerned about deer eating their flowers it is a reasonable idea to invite people to let us know how the new billing is going six months into it or eight months into it and gather some data to share with the Safety and Public Works Committee. She knows how much time and energy went in to get to this compromise and she thinks it is a fair and balanced approach.

Mayor Weiss stated that in his travels around the community talking about this it has come up many times. That has been the general impression that it is a fair compromise between a usage fee and an acknowledgement that there are certain inherent costs we have to operate the system whether you use a penny's worth of water or not. This will come before Council on a regular basis in trying to increase the transparency having all the dollars come through the Sewer Fund, and issuing debt for some of these repairs. We will be tracking this very closely to make sure the revenues being generated are sufficient to pay the debt. We will have no choice but to keep a close watch on it. He thanked Council member Mrs. Senturia for her comments.

CAO Chaikin stated that although she is presenting this item tonight, this represents many months of work by Interim Finance Director Frank J. Brichacek and his staff, Law Director William Gruber and his staff, Communications and Marketing Director Julie Voyzey and her staff, and in particular Public Works Director Patricia Speese and her staff. They are the teams that put this all together and studied it.

Moved by Mrs. Senturia, and seconded by Mr. Williams, that Ordinance No. 19-105 be enacted as amended.

Roll Call:	Ayes:	Ms. Williams, Mr. Williams, Mr. Zimmerman Mr. Malone, Mrs. Moore, Mrs. Senturia
	Nays:	None

Ordinance Enacted

* * * *

Ordinance No. 19-107, by Mrs. Moore, authorizing a contract with Senior Transportation Connection (STC), for the provision of senior transportation services for the period January 1, 2020 through December 31, 2020, in the maximum amount of \$110,000, and declaring an emergency.

Alexandria Nichols, Recreation Director, stated that since 2009 the City of Shaker Heights has been contracting with Senior Transportation Connection (STC) for the provision of senior transportation services. Between 150 and 250 people register for the service annually. However, not all registered people use the service. STC takes residents on over 4,000 one-way trips per year for a variety of reasons. Trips included in transportation services are for medical appointments, personal rides, and group rides. The service area includes medical appointments for Cleveland Clinic main campus, University Hospitals, as well as other medical facilities in Solon, Willoughby Hills, Euclid and Warrensville. Personal trips and group shopping typically go to surrounding communities. Other locations are considered depending on the situation. To use STC riders pay a \$1 donation per one-way for medical trips, individual trips and group trips and there is a \$5 fare each way for all personal trips. The City is not proposing any changes to rider fees and the cost to residents would remain the same in 2020. Users of the service are allowed to have two round-trip trips per week. This year STC realized they were undercharging for trips and they are proposing some pretty significant changes in the contract for 2020. Proposed changes include raising the fees for individual and medical trips up to \$30 one-way, while group trip fees would increase to \$9.75, and personal trips to \$20. Another contractual change is modifying the fuel escalation cost from \$3/gallon to \$2.50/gallon. By contract STC has the authority to review fuel prices for the upcoming week on Fridays and when fuel prices exceed \$2.50/gallon those fuel prices would increase by ride and by type. The

potential impact on the budget for the fare change and fuel changes are expected to increase spending by about 10%. In 2019 the City budgeted \$100,000 so that is expected to go up to \$110,000 for 2020. Recreation Committee members discussed spending, ridership and how other communities make transportation available. Many other communities use STC and those not using them provide transportation in-house. We have not spent all the money for 2019 for ride costs, so we expect \$110,000 for 2020 to be sufficient. Finance and Administration Committee members discussed service area and qualifications for transportation. Most trips are for medical visits, and this service does go to Cleveland Clinic main campus and University Hospitals main campus. To qualify, riders need to be 60 years of age and Shaker residents. However, most riders have a physical or visual impairment, or financial reason for why they are unable to provide transportation service on their own. This service is critical for those residents who wish to remain in their homes and not leave Shaker for assisted or nursing facilities. One of our goals is to continue to provide this as this is critical for residents who want to remain in their homes. This item is requested as an emergency and with a suspension of the rules in order to expedite the contract by the first of the year.

Council member Mr. Malone stated that this item was reviewed and approved unanimously by the Recreation Committee.

Council member Mr. Malone stated that this item was reviewed and approved unanimously by the Finance and Administration Committee. Chief Administrative Officer Jeri E. Chaikin pointed out that when the City provided senior transportation services in-house about 10 year ago, the cost was roughly \$150,000/year in 2009 dollars. Now to be budgeting \$100,000 through STC is still a significant savings for the City. There are not a lot of other options for municipalities who want to provide this valuable service for all the reasons Director Nichols pointed out. Many people can't afford Uber and do not have a car, but still need to get places. We considered joining a community partnership on aging consortium but the benefits would not have been significant. With few other options this is definitely the best one out there.

Council member Mr. Williams stated that Director Nichols also mentioned rides go to University Circle, but Cleveland Clinic also gets quite a bit of traffic at South Pointe Hospital.

Director Nichols stated that ridership is approximately 65% for medical trips so we know residents are truly using this for critical needs.

It was moved by Mrs. Moore, and seconded by Mr. Malone, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-107 be placed upon its final enactment.

Roll Call:	Ayes:	Ms. Williams, Mr. Williams, Mr. Zimmerman Mr. Malone, Mrs. Moore, Mrs. Senturia
	Nays:	None

Motion Carried

Moved by Mrs. Moore, and seconded by Mr. Malone, that Ordinance No. 19-107 be enacted as read.

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Ordinance Enacted

* * * *

Ordinance No. 19-108, by Mr. Malone, authorizing an agreement with Cuyahoga County and the federal Small Business Administration (SBA) to accept Round 3 SBA-Muni-County Small Business Finance Initiative Funding in the amount of \$150,000 to replenish the SBA Shaker Partnership Loan fund.

Economic Development Specialist Katharyne Starinsky stated that since 2014 the City was part of a pilot program with the City of Cleveland and Shaker Heights. It was structured a bit differently in that the City and the County each committed \$250,000 for a total pot of \$500,000. Of that we have \$143,654 remaining. Now that the County is in Round 3 of funding of these funds we decided this was a good time to reapply. It is a competitive process. We received word that we were chosen to move forward with Round 3 today. The other cities included this year with Shaker Heights are Lakewood and Cleveland Heights. With these funds we would contribute \$50,000 and the County would contribute \$150,000 bringing our available loan funds for next year to \$343,654. The program has been very successful. We have had 12 businesses with loans through the program in the amount of \$356,000 in forgivable loans which leveraged a total of \$2,425,009. It has been a program that has made it so small businesses could expand or so that startups could start here in Shaker Heights. The purpose remains the same which is to provide equity such that a small business would have to put in less funds. The structure of the program is that the business is required to put in 10%. The forgivable loan would be up to 15% with a 75% loan for the project. Typically the forgivable loan is in line with their lease term of usually 3 to 5 years. The City requires the income tax projections that the business has be in line with the City's contribution to the forgivable loan. The overall purpose of this is really to give upfront cost benefit to the business but it also is an opportunity to give them technical assistance through the small business development centers. This means our businesses are not only receiving the funds they need but also getting support. We are requiring they receive support throughout the entire forgivable loan period as well on an annual basis. Since Van Aken district is up and running, we have decided to push our efforts toward the Chagrin and Lee area in Round 3 emphasizing office use for the Lee Road corridor in particular. Very much similar to the pilot years we would be focusing on professional services, health care, engineering, design, etc. This request to Council is to approve an agreement with the County to receive grant funds in the amount of \$150,000 and appropriate \$50,000 from the Economic Development and Housing Reserve Fund. This item is requested as an emergency and with a suspension of the rules to enter into the contract.

Council member Mr. Malone asked if most of the grant recipients have reached their targets. This is another example of staff doing a great job of finding money for us. This is a County program that we participated in as a pilot. It has done well and we have continued to succeed in getting funds from other sources. The Finance and Administration Committee appreciated the focus on Lee Road because we do not know how long these County funds will be available.

Ms. Starinsky stated that our track record is very good although two of the businesses have closed that have received funds. That is the nature of startup funds. There is an element of risk which is why the County is putting their money behind it as well.

Council member Ms. Williams stated that this item was presented to the Neighborhood Revitalization and Development Committee but they did not have a quorum. Members who were present supported this item.

It was moved by Mr. Malone, and seconded by Ms. Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-108 be placed upon its final enactment.

Roll Call:	Ayes:	Ms. Williams, Mr. Williams, Mr. Zimmerman Mr. Malone, Mrs. Moore, Mrs. Senturia
	Nays:	None

Motion Carried

Moved by Mr. Malone, and seconded by Ms. Williams, that Ordinance No. 19-108 be enacted as read.

Roll Call:	Ayes:	Ms. Williams, Mr. Williams, Mr. Zimmerman Mr. Malone, Mrs. Moore, Mrs. Senturia
	Nays:	None

Ordinance Enacted

* * * *

Ordinance No. 19-109, by Mr. Zimmerman, administrative acceptance of the approval of the City Planning Commission and confirmation of the granting of a conditional use permit for the Shaker Heights Animal Hospital at 3505 Lee Road, pursuant to Section 1213.05 of the City's Zoning Code.

Senior Planner Daniel Feinstein stated that the Shaker Heights Animal Hospital currently located at 3612 Lee Road proposes to relocate to the former bank property at the corner of Kenyon/3505 Lee Road. The existing business will continue in much the same fashion in a bit larger facility. The City Planning Commission approved the permit with the following conditions: staff review of the proposed species of shrubs planted; dumpster location being moved towards Lee Road away from the back corner of the parking lot; and the dumpster pickup will be during regular daytime business hours. The applicant is working with staff to comply with those conditions. A conditional use permit requires Council confirmation. This item is requested with a suspension of the rules as they are purchasing the property and want to renovate as soon as possible.

Council member Mr. Zimmerman stated that this item was reviewed and unanimously passed by the City Planning Commission. This business is currently operating in the same zoning district under a conditional use permit so the only thing changing is a growing, successful business moving into a slightly bigger

Council member Mrs. Senturia stated that as a former member of District 11 Local 254 it would be her honor to vote to move this item.

It was moved by Mrs. Senturia, and seconded by Ms. Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-111 be placed upon its final enactment.

Roll Call:	Ayes:	Ms. Williams, Mr. Williams, Mr. Zimmerman Mr. Malone, Mrs. Moore, Mrs. Senturia
	Nays:	None

Motion Carried

Moved by Mrs. Senturia, and seconded by Ms. Williams, that Ordinance No. 19-111 be enacted as read.

Roll Call:	Ayes:	Ms. Williams, Mr. Williams, Mr. Zimmerman Mr. Malone, Mrs. Moore, Mrs. Senturia
	Nays:	None

Ordinance Enacted

* * * *

Ordinance No. 19-112, by Mr. Malone, providing for the issuance and sale of Urban Renewal Bonds on a private or direct payment basis in the maximum principal amount of \$8,650,000 for the purpose of refunding for debt charges savings certain of the City's outstanding Urban Renewal Refunding Bonds, Series 2012, dated April 11, 2012, and declaring an emergency.

Interim Finance Director Frank J. Brichacek stated that in 2012 the City issued urban renewal bonds that were primarily issued pursuant to Chapter 725 of the Ohio Revised Code for improvements in the Shaker Town Center and Sussex areas of the City. Currently the interest rate environment is moving in a direction that would favor refunding these bonds. On the call date we would call these bonds and issue new bonds to replace them. The interest rates aren't quite there yet, but they are moving in that direction. After speaking with bond counsel and our financial advisor, the suggestion was made that the proposed legislation be adopted now as the interest rates move very quickly. Having this ordinance in place will enable us to act quickly should the window of opportunity open. The Finance and Administration Committee suggested we not act unless there is a 5% savings. Staff along with our financial advisor will be monitoring the market and if interest rates move in our direction we will make a decision to go forward, and with this authorization we could do so without having to return to Council although Council would be advised. The options are for a private or public sale depending on which is more favorable. Staff would come back to Council to resend the option not chosen. The current pilot payments from the two TIF districts are not sufficient to cover the debt service on the bonds. The General Fund is currently subsidizing the debt service payments on these bonds. By refunding these bonds, we would start to close that gap and the General Fund would benefit from savings. This item is requested as an emergency and with a suspension of the rules in order to authorize the refunding of the bonds with a private sale of the bonds.

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Motion Carried

Moved by Mr. Malone, and seconded by Mrs. Moore, that Ordinance No. 19-113 be enacted as read.

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Ordinance Enacted

* * * *

Mayor Weiss acknowledged Finance and Administration Committee citizen member Martin Kolb for his attendance on tonight and for all his hard work.

* * * *

Ordinance No. 19-114, by Mrs. Moore, amending Ordinance No. 19-41 making appropriations for the current expenses and other expenditures of the City of Shaker Heights, Ohio for the year ending December 31, 2019, as amended by Ordinance Nos. 19-12, 19-20, 19-41, 19-44, 19-72, 19-82, and 19-94, to amend appropriations in Fund 101, the General Fund, and various other City operating fund, and declaring an emergency.

Interim Finance Director Frank J. Brichacek stated that every year during the fourth quarter we analyze our current appropriations and the need to amend them in order to get the City into compliance for the year. These amendments need to be made so that there is sufficient appropriation authority within the department and the fund budgets to pay all personal services and other expenditure costs. This ordinance is being requested in order to ensure that all funds have sufficient appropriations to finance their projected actual 2019 obligations for amounts which have actually been expended plus open purchase commitments that will exist at the end of the year. Within each fund all departments must have sufficient appropriations allocated in total and by category, including personal services, other, and transfers to finance their projected 2019 actual obligations. Finally it is to make sure that each of the City's funds will end in a positive available fund balance. With that in mind he is proposing that the General Fund appropriations be revised based upon the fact that in 2019 income tax revenue came in significantly above the estimate of \$34.2 million. The final total was \$36,081,000 in round figures, which is approximately a \$1,858,000 increase over what we had estimated. Adoption of the revised sewer user fees plan anticipates that a \$6 million bond issue will be issued in 2020 to finance the next three years sewer capital programs. This relieves the General Fund of the need to transfer \$2 million that was budgeted in 2019 to fund the 2020 program. With that in mind the appropriation changes in two steps. We looked within the Operating Budgets to eliminate over spendings by the category. Based upon that we reallocated \$80,000 within the General Fund between the personal service and other categories. Most of these changes in his opinion were minor and resulted from the fact that the 2019 budget did not reflect an adjustment for the cost of

living adjustments that were granted during 2019. The original adopted budget projected a General Fund balance that would be equivalent to 34.6% of the 2019 Operating Budget. The departments as a whole have typically under spent their annual General Fund appropriations. In the past this under spending enabled the City's General Fund reserve fund balance to grow to over 30%. Having a fund balance at this level has helped us to maintain our AA+ bond rating. For 2019 he is recommending a slightly different approach, that the under spending be reallocated in the amount of \$1,243,000 and increase operating transfers out to provide for increases in the Fire Pension transfer and Economic Development Housing and Reserve Fund transfer to bolster their cash balances, and an increase in the General Capital Fund transfer to fund the 2020 capital budgets. The General Fund revision also includes inter-fund advances which were not part of the 2019 budget. Funds must end the year with at least a zero or positive available fund balance. This appropriation ordinance authorizes an inter-fund advance from the General Fund to central stores, central printing, and central garage internal service funds. The reason this is necessary is to provide for goods and services that were purchased by these funds that have yet to be charged back to the using department. This is truly an inter-fund loan because the \$240,000 will be returned to the General Fund most likely in 2020 as the goods and services are consumed. This is simply a temporary loan between the funds. In the other fund categories we are including in the Economic Development Fund \$50,000 for the SBA program that Council authorized earlier tonight. With the return of the inter-fund loans the central stores internal service fund appropriation is being increased by \$110,000 to allow it to return the \$110,000 loan that the General Fund made to that fund in 2018. The remaining adjustments to the other funds primarily are just reallocated appropriations between the expenditure categories without changing the 2019 appropriations that were adopted previously. This item is being requested as an emergency.

Jeri E. Chaikin, Chief Administrative Officer stated that the general fund transfers chart distributed with the memo for this item tracks the changes in the 2019 budget for the transfers out. She reminded everyone that since we began discussing the 2020 budget earlier this year, the transfers in the 2019 budget all fund 2019 expenditures except for the capital transfers which fund next year's capital budget. The police pension transfer out is the same. The fire pension transfer was increased by \$200,000. Although we only need \$913,000 this year to pay our fire pension obligations, the balance in the fire pension fund is dropping. It is down to \$475,000 and we try to keep a year's worth of pension payments in there, so by transferring the \$200,000 we can build up the balance closer to the \$900,000. The streetlight subsidy remains the same at \$265,000. The recreation subsidy is the same at \$1,500,000. The street maintenance transfer out is the same, but there is no transfer in next year's budget because we have the new revenue from the gas tax fees. This will be the last year of the sewer maintenance transfer of \$502,000. We wanted to bolster the cash balance in the Sewer Maintenance Fund to make sure that we have enough to start out so we added \$250,000 so the total transfer this year is \$752,000. The \$500,000 we have spent, and the extra \$250,000 will help anchor the cash balance in the Sewer Fund for next year. Originally we had no funds budgeted to go into the Economic Development and Housing Reserve Fund. When we first knew of the income tax revenue increases this summer, we recommended transferring \$570,000 of Vision Loan repayments into the Economic Development and Housing Reserve Fund plus an additional \$250,000 for a total of \$820,000. We are now recommending adding another \$300,000 from the under spending: \$250,000 to add to the balance and \$50,000 to be transferred from the Economic Development and Housing Reserve Fund to the Nuisance Abatement Fund to address problem properties in next year's budget. In this year's budget we had \$2.4 million for general capital and \$2 million for sewer capital. We know we have been spending \$7 million/year on capital. When we talked about amending the revenue estimate earlier this year we also talked about the new sewer fee increases so that eliminated the sewer capital transfer and increased our amount for next year's capital to \$5.6 million. At that time we recommended a capital budget of \$5.1 million and an additional \$500,000 going unallocated into the capital fund so that if things came up next year or there were additional things that Council wanted to do

we would have the funds for our significant capital needs. At this point because of the under spending we are recommending increasing that transfer to \$6.4 million and recommending to Council an additional \$750,000 of capital projects for next year and \$450,000 additional to street resurfacing. Of the \$2,000,000 street resurfacing budget we had to reserve \$500,000 for Warrensville Center Road in 2021, so we would like to add \$450,000 to streets for next year so we will be back up to our \$2 million street resurfacing budget. We would like to add an additional \$300,000 to City facilities and maintenance taking up some of Council's recommendations. The first is adding \$30,000 for a Council recording system upgrade that could be recorders, microphones, audio system, or portable recorders used in Conference Room B. This system is 20 years old and you know how much technology has changed in 20 years. We would also like to restore the neighborhood projects that we used to have a few years ago. There are a few neighborhood projects being considered that residents have already requested so we would like to restore that \$30,000 and come up with a way to identify which projects we will consider and hopefully add one each year to the budget. We have talked a lot about Lower Lake and a path, sidewalk or multipurpose trail to connect to the sidewalk at North Woodland and South Park down to Coventry. Obviously, we have to plan first because we have parklands management concerns and sustainability concerns so we would like to have public input and do a plan to see what that connection could be and either seek grants or fund that at a later date. We are also recommending adding another \$150,000 to City facilities maintenance and repairs not specific to City Hall which could be Thornton Park, or the Stephanie Tubbs Jones Community Building as we have a lot of unmet maintenance needs. We already had \$25,000 in next year's budget for furniture, fixtures and equipment and we would like to increase that by \$50,000. We have no budget for when the other departments move to City Hall, we only have funds allocated to renovate the space but we don't have any funds if anyone needs a new chair, etc. That is the history of the transfers. Some of them impact this year and some impact next year. It still leaves the City with a 34% cash reserve in the General Fund. What has not changed is a recommendation since the summer to transfer \$185,000 into a new fund for the 27th payroll that will occur in 2026.

Council member Ms. Williams asked about the \$500,000 that will be unallocated.

CAO Chaikin stated that will leave a \$1.5 million unallocated balance in the General Capital Fund and \$3.5 million unallocated in the Economic Development and Housing Reserve Fund.

Council member Mr. Williams stated that he previously requested to see the income tax receipts for the Van Aken district but he no longer needs that. He can see from the General Fund revenue summary a healthy increase from last year. It looks like between 5 and 6% increase in the budget. He is satisfied that revenue is coming in and he can see it is significant and impressive considering it has only been open for about a year.

CAO Chaikin stated that we are planning to track that and Interim Director Brichacek is working on that. There is at least \$300,000/year of that \$570,000. It may already be covering our debt service for the Van Aken district or close to it.

Council member Mr. Zimmerman thanked the Administration for listening.

Mayor Weiss thanked Council for their patience. There are a lot of moving parts and we did not know where we were going to end until now. When you factor in income tax revenues rebounding, but not 100% of where we projected, the approval tonight of the sewer fees now enables us to reallocate some dollars to significant deferred maintenance items. When you add to that the under spending it enables us

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Ordinance Enacted

* * * *

Ordinance No. 19-117, by Mrs. Moore, appropriating funds from the General Capital Fund 0401 to provide for the purchase of equipment for use by the Fire Department and declaring an emergency.

Interim Finance Director Frank J. Brichacek stated that this item appropriates \$303,000 for Fire Department equipment.

It was moved by Mrs. Moore, and seconded by Ms. Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-117 be placed upon its final enactment.

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Motion Carried

Moved by Mrs. Moore, and seconded by Ms. Williams, that Ordinance No. 19-117 be enacted as read.

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Ordinance Enacted

* * * *

Ordinance No. 19-118, by Mrs. Moore, appropriating funds from the General Capital Fund 0401 to provide for the purchase of equipment for use by the Public Works Department, and declaring an emergency.

Interim Finance Director Frank J. Brichacek stated that this item appropriates \$552,000 for Public Works equipment.

It was moved by Mrs. Moore, and seconded by Mr. Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-118 be placed upon its final enactment.

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Motion Carried

Moved by Mrs. Moore, and seconded by Mr. Williams, that Ordinance No. 19-118 be enacted as read.

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Ordinance Enacted

* * * *

Ordinance No. 19-119, by Mr. Williams, amending Ordinance No. 18-121 an ordinance appropriating funds from the General Capital Fund 0401 to provide for the purchase of equipment for use by the Public Works Department by appropriating an additional \$38,000 for Replacement Truck No. 63 and declaring an emergency.

Interim Finance Director Frank J. Brichacek stated that this item appropriates an additional \$38,000 for the replacement of Truck No. 63 in the Public Works Department.

It was moved by Mr. Williams, and seconded by Mrs. Senturia, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-119 be placed upon its final enactment.

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Motion Carried

Moved by Mr. Williams, and seconded by Mrs. Senturia, that Ordinance No. 19-119 be enacted as read.

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Ordinance Enacted

* * * *

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Ordinance Enacted

* * * *

Ordinance No. 19-122, by Mr. Williams, Appropriating funds from the General Capital Fund 0401 for the acquisition of equipment and various repairs and improvement projects for various City facilities, and declaring an emergency.

Interim Finance Director Frank J. Brichacek stated that this item appropriates \$1,100,066 for new projects for City facilities.

It was moved by Mr. Williams, and seconded by Mrs. Senturia, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-122 be placed upon its final enactment.

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Motion Carried

Moved by Mr. Williams, and seconded by Mrs. Senturia, that Ordinance No. 19-122 be enacted as read.

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Ordinance Enacted

* * * *

Ordinance No. 19-123, by Mr. Williams, amending Ordinance No. 18-122 an ordinance appropriating funds from the General Capital Fund 0401 for the acquisition of equipment and various repairs and improvement projects for various City facilities by appropriating an additional \$75,000 from the General Capital Fund 401 for Fire Station II Emergency Generator System, and declaring an emergency.

Interim Finance Director Frank J. Brichacek stated that this item appropriates an additional \$75,000 for City facilities projects.

* * * *

Ordinance No. 19-125, by Mrs. Moore, appropriating funds from the General Capital Fund 0401 for the acquisition of equipment, the repair and replacement of improvements and design by the Recreation Department and declaring an emergency.

Interim Finance Director Frank J. Brichacek stated that this item appropriates \$215,000 for Recreation Department equipment.

It was moved by Mrs. Moore, and seconded by Mr. Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-125 be placed upon its final enactment.

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Motion Carried

Moved by Mrs. Moore, and seconded by Mr. Williams, that Ordinance No. 19-125 be enacted as read.

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Ordinance Enacted

* * * *

Ordinance No. 19-126, by Mr. Williams, appropriating funds from the General Capital Fund 0401 for the purchase of information technology equipment, software and licenses for use by various city departments and declaring an emergency.

Interim Finance Director Frank J. Brichacek stated that this item appropriates \$138,000 for the acquisition of various software and hardware for the Information Technology Department.

It was moved by Mr. Williams, and seconded by Ms. Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-126 be placed upon its final enactment.

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Motion Carried

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Ordinance Enacted

* * * *

Ordinance No. 19-128, by Mrs. Senturia, adopting a classification and pay plan for various positions in the service of the City, and declaring an emergency.

Human Resources Manager Sandra Middleton stated that this item requests an update of the non-bargaining employee position classification and pay plan for regular full-time and part-time positions. During this time we add, delete, or update descriptions and incorporate any cost of living raises for the following calendar year. In May 2019 Council approved a contract with Baker Tilly to conduct a classification and compensation study. The study objectives include ensuring positions for performing similar work with the same level of complexity are classified together. That study is ongoing and we hope to have recommendations for Council in early 2020. Corrections to Exhibit 1 will be deferred to the study recommendations. This does authorize a 2.25% cost of living increase similar to what was given to bargaining employees in their labor contracts as reflected in Exhibit 2. This item is requested as an emergency and with a suspension of the rules so that the changes may be implemented January 1, 2020.

Council member Mrs. Senturia stated that it would be her pleasure to move approval for this item as we round out the increases to staff who are not represented by a union contract. This is a nice way to end the year as we are making efforts to raise appropriately wages for staff who we know could go to the private sector and find, many times, better work. It is an honor to serve the City no matter the job, and we are lucky to have the amazing, dedicated staff who choose public service over private options.

It was moved by Mrs. Senturia, and seconded by Mrs. Moore, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-128 be placed upon its final enactment.

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Motion Carried

Moved by Mrs. Senturia, and seconded by Mrs. Moore, that Ordinance No. 19-128 be enacted as read.

Roll Call: Ayes: Ms. Williams, Mr. Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mrs. Senturia

Nays: None

Ordinance Enacted

* * * *

The Mayor invited members of the audience to comment on any issues.

John Kellogg of 2700 Green Road stated that he would like to share information on behalf of the Deval Patrick campaign to anyone interested, and will be available in the vestibule after the Council meeting.

* * * *

There being no further business before Council, the Mayor adjourned the meeting at 9:13 p.m.

DAVID E. WEISS, Mayor

JERI E. CHAIKIN, Clerk of Council



Memorandum

To: Members of Council

From: Joyce G. Braverman, Director, Planning

cc: Mayor David E. Weiss
Chief Administrative Officer Jeri E. Chaikin
William M. Ondrey Gruber, Director of Law
Jeff DeMuth, Police Chief

Date: January 14, 2020

Re: Outdoor Refreshment Area in the Van Aken District—Repeal and Replacement

RMS Corporation desires to establish an Outdoor Refreshment Area (ORA) to replace the ORA approved on July 22, 2019 per Ohio Revised Code Section 4301.82. This section of the state code is a recent code addition which allows open containers in entertainment and downtown districts. Originally aimed at large cities, the code has provisions for establishing these districts in municipalities of less than 35,000. The new ORA will include the indoor Market Hall per an opinion from the State Department of Commerce that concludes that the Market Hall is within the ORA boundaries.

The ORC Section 4301.82 provides regulations for establishing a district allowing open containers purchased by vendors of the district. The State makes provisions to establish district boundaries and related signage, establish hours of operations, provide for sanitation and safety plans, and consider area impact. RMS has submitted a petition to Mayor Weiss per the State code. Mayor Weiss is now submitting the petition to City Council.

Council approval is required to repeal the existing ORA and to establish a new ORA. The City process is dictated by State code. The City must comply with the following:

- A public hearing must be held and the City must publish a public notice within 45 days of receiving the petition, the notice requires a two week advertisement. The public hearing is scheduled for January 27, 2020. Notices will be published on January 9 and January 16, 2020 per State requirements.
- Council must act no less than 30 days nor more than 60 days after initial publication of notice on approval of the petition by ordinance.
- The City must notify the State division of liquor control and the Department of Public Safety of the application approval.
- The ordinance must include the boundaries, signage, hours of operation, number of personnel needed for public safety, sanitation plan and manpower, and requirement to service in a plastic cup.
- Council shall review the ORA five years after the date the ORA is created and again every 5 years.
- Council has the authority to dissolve all or part of the ORA with proper notice.

- City administration and RMS may agree to change the plan, within the terms set in the petition, as needed.

RMS has submitted a replacement petition and approval timeline. The petition describes the operation of the proposed ORA district:

- Boundaries of the district are contiguous with the area RMS controls.
- Signs are proposed at 11 locations at the entrances to the district. Signs will contain the hours and rules of operation.
- Plastic cups must be used to serve alcohol and will be printed with the Van Aken District logo and the rules. Cups will be compostable and RMS is working with Rust Belt Riders on the collection details. Cups will be color-coded by establishment.
- Hours and dates of operation are proposed. The ORA will operate year-round.
 - Sunday 11 a.m. to 10 p.m.
 - Monday-Thursday 11 a.m. to 10 p.m.
 - Friday and Saturday 11 a.m. to 12 a.m.
- Additional security will be added during ORA hours.

The replacement petition also contains the following changes:

- Removed seasonal schedule of April 1 through October 31.
- Changed start time each day to 11 a.m.
- Updated permit numbers.
- Updated hours of operations for ORA establishments.
- Revised language on cups.
- Changed language to permit ORA beverage inside other non-liquor service premises within ORA.

This item had first reading on January 13, 2020. The second reading and a public hearing is scheduled for January 27, 2020. Third reading is scheduled for February 10, 2020. Per State code, approval of the petition may occur not earlier than 30 days, but not later than 60 days after the initial public notice. This timing requires that Council act between February 8, 2020 and March 9, 2020. Full information is included in your packet including the RMS petition and timeline.

The ORA is distinguishing the Van Aken District as an unique shopping and gathering place.

Enclosures

ORDINANCE NO. 20-02

BY: Rob Zimmerman

To approve the creation of a revised Outdoor Refreshment Area as permitted by Ohio law for the consumption of alcohol in specified public areas of the Van Aken Shopping Center.

WHEREAS, Ohio law, in Revised Code Section 4301.82, permits a municipal corporation with a population of thirty-five thousand or less to create one outdoor refreshment area (ORA) if the proposed area will include at least four qualified State liquor permit holders and be composed of one hundred fifty or fewer contiguous acres; and

WHEREAS, Ohio law requires that the legislative authority of a municipal corporation must adopt an ordinance that establishes requirements for an ORA to ensure public health and safety within the area, and the law specifies certain information required to be included in the ordinance; and

WHEREAS, in Ordinance 19-47 enacted on July 22, 2019, this Council approved the Petition received on May 22, 2019, from RMS Investment Corporation, the operator of the Van Aken Shopping Center, which thus approved the creation of an ORA in the Van Aken District; and

WHEREAS, RMS has been advised by the Ohio Division of Liquor Control that patrons of the three liquor establishments in the Van Aken District Market Hall are allowed by law to leave the defined premises for each establishment within the Market Hall itself with open containers of alcohol within the rules of the ORA, since the Market Hall is located within the ORA; and

WHEREAS, based on this recent opinion concerning the Market Hall, RMS would now like to revise the ORA's seasonal schedule and the start time to allow the ORA to operate inside the Market Hall throughout the year and, therefore, RMS has submitted a new Petition for an ORA, which Petition is attached to this legislation and is incorporated herein; and

WHEREAS, the attached Petition eliminates the seasonal schedule of the original ORA, changes the start time for the ORA, changes language to permit ORA beverages inside other non-liquor service premises within the ORA, includes the same specific boundaries of the ORA as currently exist, and includes all of the following: updated liquor permit numbers; updated hours of the establishments selling alcohol included in the ORA; street addresses; the number, spacing, and type of signage designating the area; the updated hours of operation for the ORA; the number of personnel needed to ensure public safety in the ORA; a sanitation plan that will help maintain the appearance and public health of the ORA; the number of personnel needed to execute the sanitation plan; and a requirement that beer and intoxicating liquor shall be served solely in landlord provided plastic containers in the ORA, which containers have revised language; and

WHEREAS, the public notices required by Ohio Revised Code Section 4301.82 have been provided, and a public hearing was held on January 27, 2020, after a two week advertisement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. This Council approves the Petition to Shaker Heights City Council for the creation of the Van Aken District Outdoor Refreshment Area (ORA), pursuant to Ohio Revised Code Section 4301.82.

Section 2. This Council determines that all requirements of Ohio Revised Code Section 4301.82, including, but not limited to, public notice, advertisement for two weeks, and a public hearing, have been met.

Section 3. The Van Aken District Outdoor Refreshment Area (ORA) shall be operated as set forth in the Petition of RMS Investment Corporation submitted to the Mayor on December 18, 2019, or as it may be amended from time to time, with the approval of the City.

Section 4. The Clerk of Council is hereby instructed to forward a copy of this Ordinance to the Ohio Division of Liquor Control and to the Investigative Unit of the Ohio Department of Public Safety, in accordance with Ohio Revised Code Section 4301.82.

Section 5. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted

Approved this ____ day of _____, 2020.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council

Coun20/0113REVISEDVanAkenOutdoorRefreshmentArea



PETITION TO
SHAKER HEIGHTS CITY COUNCIL
Van Aken District
Outdoor Refreshment Area

Presented by RMS Corporation and the Shaker Heights Mayor David Weiss



TABLE OF CONTENTS

- I. Introduction
- II. Boundaries of Proposed Outdoor Refreshment Area
- III. Signage
- IV. Hours of Operation
- V. Safety Plan
- VI. Sanitation Plan
- VII. Qualified Permit Holders
- VIII. Official Cup
- IX. Additional Rules and Regulations
- X. Area Impact



I. INTRODUCTION

The Office of the Mayor of the City of Shaker Heights, Ohio and RMS Investment Corporation (the "RMS"), respectfully submit the following application ("Application") to the Council of the City of Shaker Heights, Ohio to approve and enact the Van Aken District Outdoor Refreshment Area ("ORA"), in accordance with R.C. § 4301.82 and Sub. H.B. No. 47 (2015).

Section 4301.82 of the Ohio Revised Code (ORC) authorizes municipalities under 35,000 in population to create Designated Outdoor Refreshment Areas. Upon creation, an outdoor refreshment area allows bar/restaurant patrons to legally walk around a designated outdoor area with an alcoholic beverage that has been served by a liquor-permit-holding establishment. Patrons would be required to stay within a predetermined boundary, and only during locally-established days/times/events.

Council approval of the ORA as set forth in this Application would create an Outdoor Refreshment Area, meeting or exceeding all of the requirements of R.C. § 4301.82, for the economic betterment of the businesses and residents within the ORA, as well as the City of Shaker Heights, by further establishing the Van Aken District, Shaker's downtown, as a destination for entertainment, gathering, and activity.

For decades, the City of Shaker Heights has planned for the redevelopment of the Van Aken District as an exciting, urban, pedestrian friendly district. The Warrensville/Van Aken Transit Oriented Development Plan was adopted in 2010 by the City of Shaker Heights, as a blue print for future improvements to the Van Aken District to boost development opportunities and connectivity. Many plans over the years have noted Warrensville/Van Aken as a core asset of the City of Shaker Heights. The Van Aken District is the culmination of these plans and extensive community meetings to create a unique visual identity for the district, while relating to the rich architectural history of the community. The District has become the commercial center of the City and the gathering place for many in the community. The Office of the Mayor and RMS firmly believe that Council approval of the ORA set forth in this Application will further the City of Shaker Heights in its pursuit of making the Van Aken District Shaker's new downtown.

RMS has a long history of providing adequate security, public health measures, and leadership for the many real estate developments it has managed over the years, and would use that experience to manage, administer, and enforce of the rules and of the ORA with assistance from the City of Shaker Heights. The Office of the Mayor, and many neighborhood stakeholders are very confident that RMS's experience and commitment to the overall advancement of the Van Aken District is the perfect foundation of skills to administer the ORA.



As outlined in this Application, the RMS will be working in conjunction with the Mayor's Office, Shaker Heights City Council, the Shaker Heights Police Department, Shaker Heights Planning Department and Downtown Cleveland Alliance to ensure a safe, professional implementation of the ORA. Through constant communication between the City of Shaker Heights and RMS, the security and sanitation needs will be tailored as time and experience progress, and as contemplated by R.C. § 4301.82.

Respectfully Submitted,

**Office of the Mayor
City of Shaker Heights**

RMS Investment Corporation

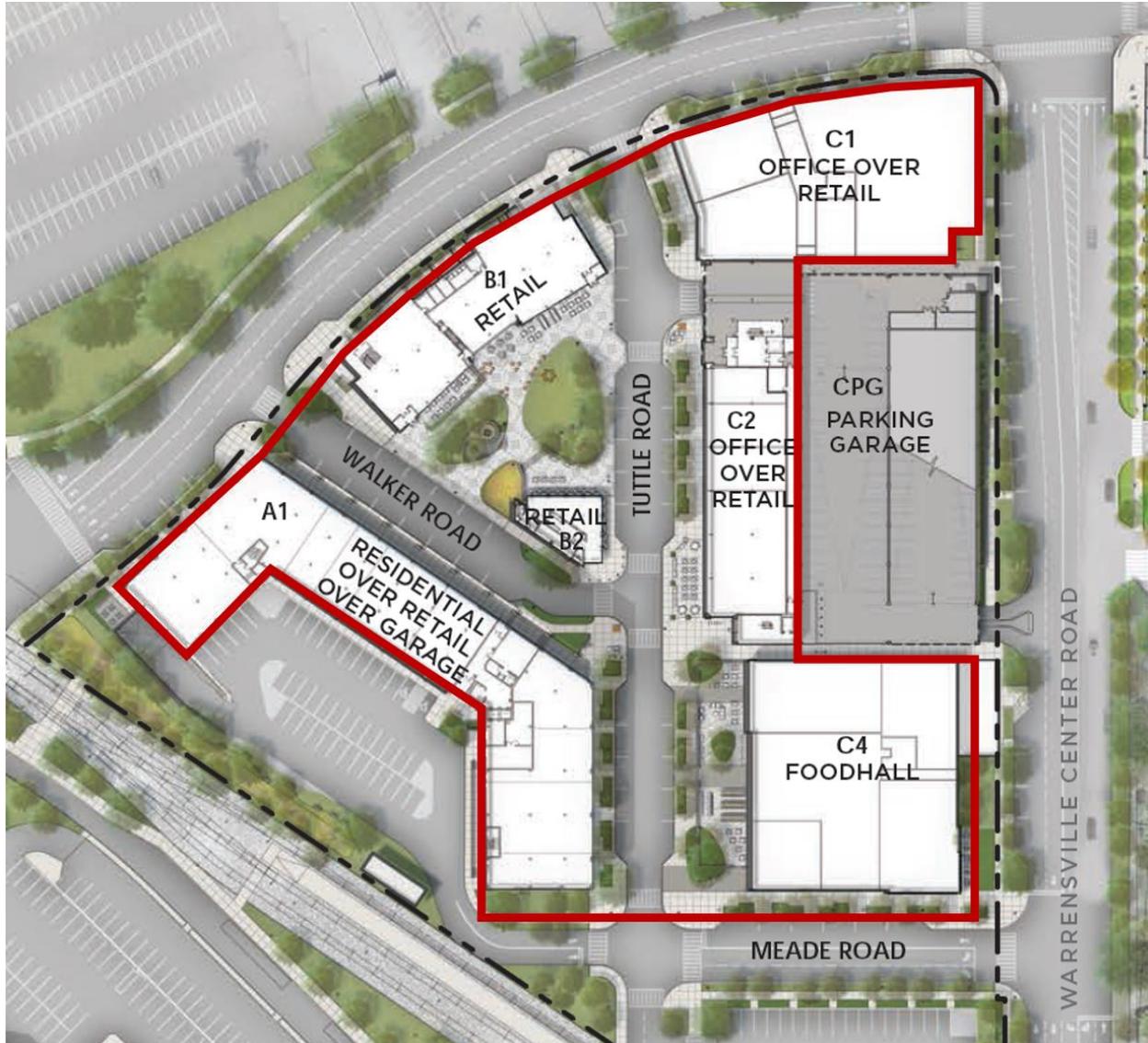
David Weiss, Mayor

Jason Russell, General Manager

DATED: December 18, 2019

II. BOUNDARIES

In accordance with R.C. § 4301.82(D) (3)(b) and (F)(1)(a), the boundaries of the ORA are depicted below and further depicted in Exhibit 1:



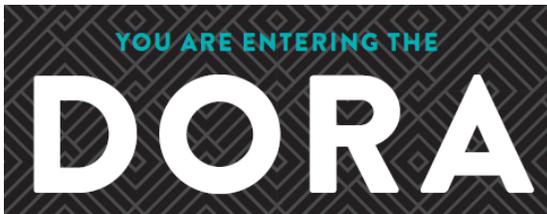
III. SIGNAGE

In accordance with R.C. § 4301 .82(B)(1)(a) and (F)(1)(b), the number, spacing, and type of signage designating the ORA are described as follows:

RMS has determined that approximately eleven (11) sign locations produced by RMS in a style consistent with the brand and design of the Van Aken District to describe the ORA. Signage will be on-display during the timeframe the ORA is in effect. Signs will be removed or covered when the calendar year for the ORA has passed. Signs will be in place for all special events.

The content and style of this signage shall, in sum or substance, consist of the following:

SIGNAGE DESIGN



**DESIGNATED OUTDOOR
REFRESHMENT AREA**



**SUN - THURS
11 AM - 10 PM**

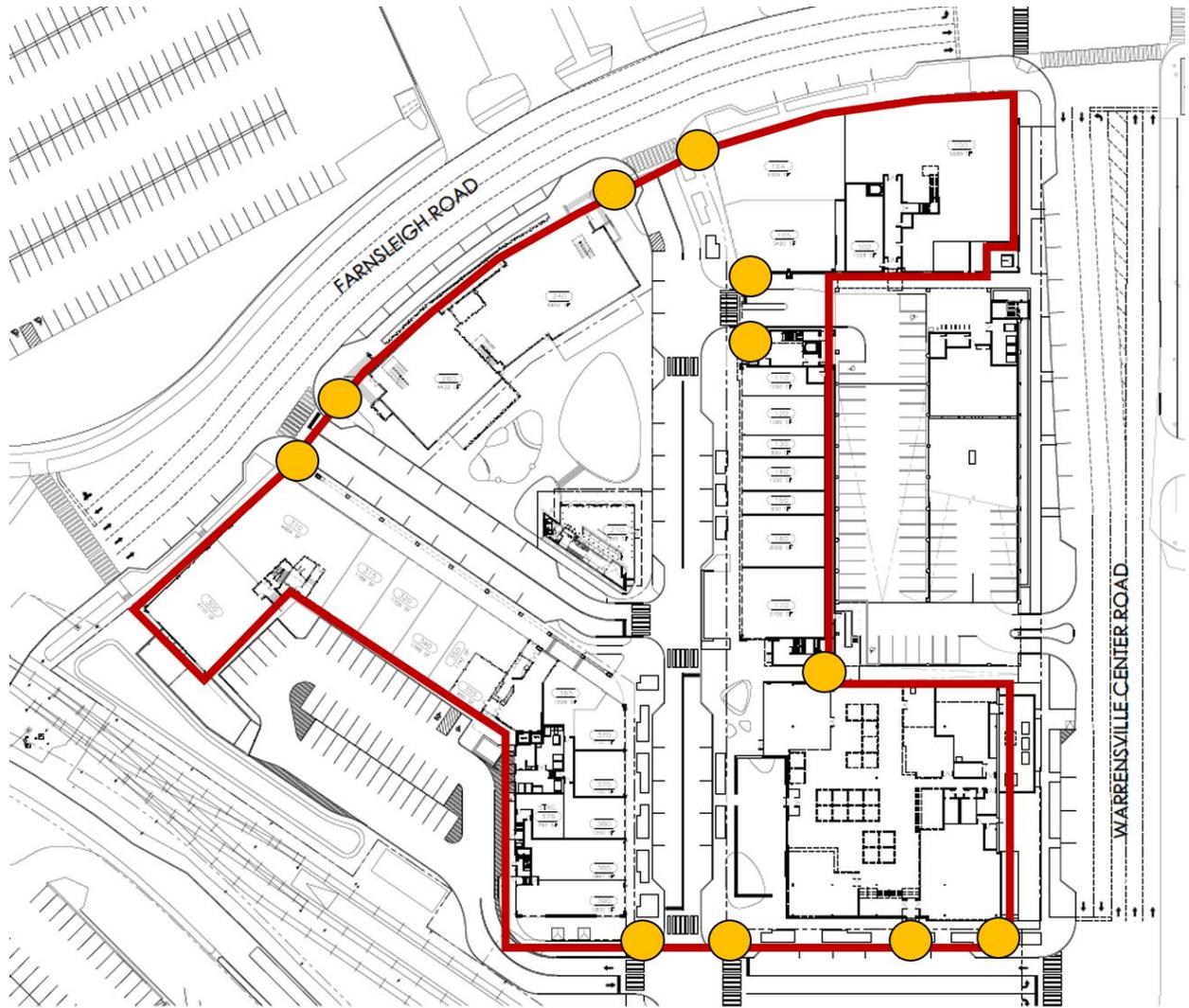
**FRI & SAT
11 AM - 12 AM**



HOW TO ENJOY YOUR DORA BEVERAGE

- Purchase a non-refillable DORA cup and beverage from a participating food/drink establishment and enjoy within the marked boundaries.
- And please, no cans, glass bottles, or beverages from outside vendors within the DORA boundaries

SIGNAGE LOCATIONS





IV. HOURS OF OPERATION

In accordance with R.C. § 4301 .82(F)(1)(c), the hours of operation for the ORA shall be as follows:

Sunday, 11 AM to 10 PM

Monday through Thursday, 11 AM to 10 PM

Friday and Saturday, 11 AM to 12 AM

In the event of a special event, RMS, Mayor's Office and Shaker Heights Police Department may collectively agree to implement the outdoor refreshment area outside of the normal operating dates/times of the ORA, all guidelines set forth in this document will be in full effect.



V. SAFETY PLAN

In accordance with R.C. § 4301.82(B)(5) and (F)(1)(d), the requirements for the purpose of ensuring public safety within the ORA, the Safety Plan that will help maintain public safety within the ORA, and the number of personnel needed to execute the Safety Plan, are as follows :

At the commencement of the ORA, RMS will provide one (1) private security officer to patrol the ORA during ORA hours of operation on Monday through Sunday. In addition, the Shaker Heights Police Department shift patrol officer(s) assigned to patrol zone encompassing ORA will regularly patrol the ORA during all ORA hours of operation as may be practicable and as otherwise permitted in light of the patrol officer(s)'s responsibility to respond to calls for service of reported crime throughout the City of Shaker Heights. These assignments may be tailored as adequate and sufficient for public safety in the City of Shaker Heights in an efficient, ongoing basis.

The Chief of Police of the City of Shaker Heights, in his or her discretion and consistent with the Codified Ordinances of the City of Shaker Heights, may temporarily supplement, modify, or add to these requirements as may be required for any special events within the ORA or as other circumstances may require.

Each month after the commencement of the ORA, continuing for a period of six (6) consecutive months, and once every three (3) months thereafter, the Chief of Police of the City of Shaker Heights, and RMS shall meet and review the requirements herein for the purpose of determining whether updates, modifications, or supplementation to these requirements may be advisable or required, and in said event, such changes shall be presented to Council for consideration and implementation.

The Mayor and Chief of Police of the City of Shaker Heights have determined that the Safety Plan described herein is sufficient to maintain public safety within the ORA. This Safety Plan can be executed with the existing personnel of RMS and the additional personnel described above.



VI. SANITATION PLAN

In accordance with R.C. § 4301.82(B)(5), (F)(1)(e), and (F)(1)(f), the requirements for the purpose of ensuring public health within the ORA, the Sanitation Plan that will help maintain the appearance and public health of the ORA, and the number of personnel needed to execute the Sanitation Plan, are as follows:

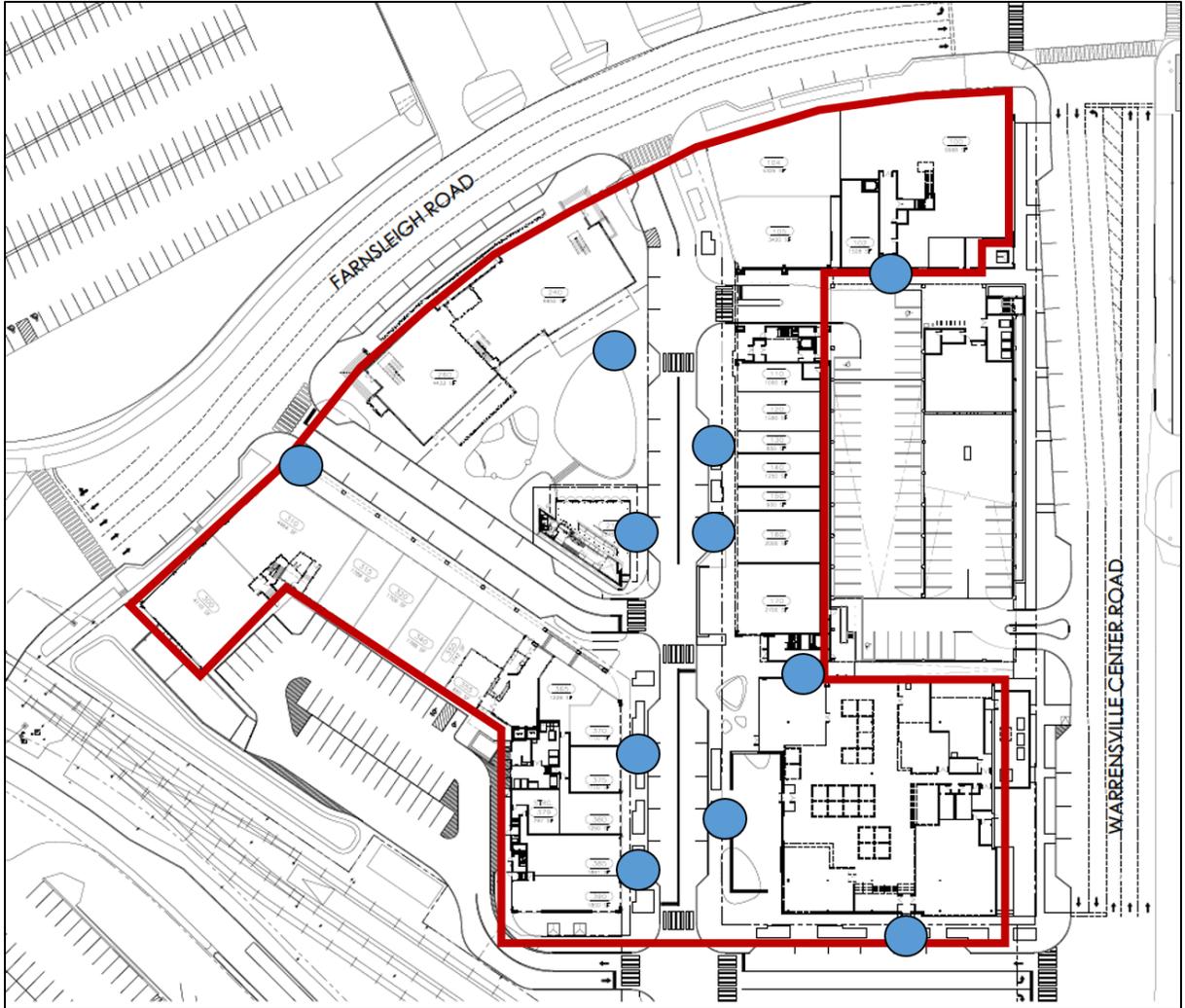
There are currently eleven (11) trash receptacles located throughout the ORA that are serviced daily by RMS. This shall continue upon the commencement of the ORA. Additional trash receptacles may be added within the ORA in the discretion of the RMS or by request by the City of Shaker Heights.

Litter control is the primary responsibility of RMS but receives assistance from the Van Aken District Ambassadors, a collaboration of RMS, City of Shaker Heights, Tower East and University Hospitals. This litter control shall continue upon the commencement of the ORA. In addition, each qualified permit holder located within the ORA shall be responsible for the collection of litter near or around the premises occupied by the permit holder. Compliance with this requirement shall be monitored by RMS. RMS will steadily evaluate the need and frequency of litter control in the ORA to maintain the appearance and public health of the ORA.

RMS currently sweeps the streets within the ORA, twice per week when during non-winter months. RMS will continue this current schedule of street sweeping within the ORA. RMS will steadily evaluate the need and frequency of street sweeping in the ORA to maintain the appearance and public health of the ORA.

The Director of Public Works for the City of Shaker Heights has determined that the Sanitation Plan described herein is sufficient to help maintain the appearance and public health within the ORA. This Sanitation Plan will be executed with RMS personnel with assistance from Van Aken District Ambassadors.

REFUSE RECEPTACLE LOCATIONS





VII. QUALIFIED PERMIT HOLDERS

In accordance with R.C. § 4301.82(B)(3), the ORA will encompass not fewer than four qualified permit holders as defined by R.C. § 4301 .82(A) , each of which are further identified as follows:

	Permit Holder	Address	Classes	Permit Number
1	Craft Collective	3449 Tuttle Road	A1A, A1C, D6	22737240010
2	Banter	3441 Tuttle Road	TBD	TBD
3	Brassica	20301 Meade Road	D1, D2, D6	65721610030
4	Michael's Genuine	3427 Tuttle Road	D5, D6	5896910
5	Nature's Oasis	3385 Tuttle Road	D1, D2	63158180005
6	Manifest	3440 Tuttle Road	D5, D6	5487871
7	Sawyer's	3396 Tuttle Road	D5, D6	2951575
8	Garden City Bar	3386 Tuttle Road	TBD	TBD

Hours of Operation

	Permit Holder	Sunday – Thursday		Friday		Saturday	
		Open	Close	Open	Close	Open	Close
1	Craft Collective	11am	12am	11am	2am	11am	2am
2	Banter	11am	10pm	11am	10pm	11am	10pm
3	Brassica	11am	10pm	11am	10pm	11am	10pm
4	Michael's Genuine	5pm	9pm	5pm	10pm	5pm	10pm
5	Nature's Oasis	7am	8:30pm	7am	8:30pm	8am	8:30pm
6	Manifest	11am	8pm	11am	8pm	10am	7pm
7	Sawyer's	5pm	9pm	5pm	10pm	5pm	10pm
8	Garden City Bar	TBD	TBD	TBD	TBD	TBD	TBD

VIII. OFFICIAL CUP

In accordance with R.C. § 4301 .82(F)(1)(g), beer, wine, and intoxicating liquor shall only be consumed within the ORA as follows :

Beer, wine, and intoxicating liquor shall be served and consumed in the ORA in the specifically designated cup produced and provided by RMS (the "Official Cup"). No other container will be permitted. All ORA beverages must be served in a new, unused, Official Cup. Only one (1) Official Cup per person will be permitted in the ORA. Used Official Cups must be disposed of before entering any establishment in the ORA. Official Cups shall hold no more than sixteen (16) fluid ounces and shall be composed of compostable or recycled plastic materials. The design of the cups will remain consistent, but may vary in color for each qualified permit holder. The content and style of the Official Cup shall, in sum or substance, consist of the following:

RMS will supply each qualified permit holder with an initial PAR supply of one thousand (1000) Official Cups upon commencement of the ORA. Each qualified permit holder may attach a charge on every ORA beverage sold and accompanied by an Official Cup. RMS will charge each qualified permit holder for future supplies of Official Cups.

Official Cup charges collected by RMS may only be used to fund the direct costs incurred by the RMS in the administration of the ORA, or to otherwise directly benefit the operations of the ORA.

Front of Cup	Back of Cup
	<p data-bbox="857 1163 1393 1297">DORA</p> <p data-bbox="857 1331 1393 1432">DESIGNATED OUTDOOR REFRESHMENT AREA</p> <ul data-bbox="844 1486 1377 1648" style="list-style-type: none"> • Purchase a non-refillable DORA cup and beverage from a participating food/drink establishment and enjoy within the marked boundaries. • And please, no cans, glass bottles, or beverages from outside vendors within the DORA boundaries.



IX. ADDITIONAL RULES AND REQUIREMENTS

In accordance with R.C. § 4301.82(B)(5), and in conjunction with all other rules, standards, and requirements set forth in this Application, additional rules and requirements for the purpose of ensuring public health and safety within the ORA are as follows:

- A. A person may have in the person's possession an official ORA cup of beer, wine, or intoxicating liquor at an outdoor location within the ORA if the opened container of beer, wine, or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:
 - i. The permit holder's premises is located within the ORA; and
 - ii. The permit held by the permit holder has an outdoor refreshment area designation.
- B. No person shall do any of the following :
 - i. Enter the premises of an establishment within the ORA while possessing an official ORA cup of beer, wine, or intoxicating liquor acquired elsewhere, unless permitted by the owner of said establishment
 - ii. Possess an opened container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the ORA.
- C. Beer, wine, and intoxicating liquor may only be served and consumed in official ORA cup. In addition to all other rights and remedies pursuant to law, noncompliance by any qualified permit holder with any rule, standard, or requirement set forth in this Application shall constitute a failure to satisfy the public health and safety requirements of the ORA, and shall constitute adequate grounds for Council to request the Ohio Department of Commerce, Division of Liquor Control to revoke or otherwise fail to renew the outdoor refreshment area designation issued to such permit holder pursuant to R.C. § 4301.82(E).
- D. If any provision of this Application is judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder.



X. AREA IMPACT

Pursuant to R.C. § 4301.82(B)(2) and (B)(4), a general statement of the nature and types of establishments that will be located within ORA, and evidence that the uses of land within the ORA are in accord with the master zoning map of the City of Shaker Heights are as follows:

The types of establishments located within the ORA are primarily businesses in the retail, dining, or services. Residential housing within the ORA is limited, and consists exclusively of the 103 unit apartment building in the Van Aken District named Upstairs at Van Aken.

The entirety of the ORA is zoned CM, "Commercial Mixed-Use," pursuant to Codified Ordinances of Shaker Heights, Chapter 1243. No properties located within the ORA are zoned "Residential" as defined by Codified Ordinances of Shaker Heights.

Several cities have realized measured benefits as a result of the implementation of outdoor refreshment districts. Ohio examples include Canton, Lyndhurst, Lorain, Middleton, Toledo and Worthington. Shaker Heights, with the creation of a new downtown hub of activity is uniquely positioned to capitalize on this opportunity.

Both the Office of the Mayor and RMS are confident that the ORA will not only enhance the entertainment and cultural appeal of the Van Aken District, as a destination, but it will also serve to enhance the economic appeal of Shaker Heights and make the area more attractive to businesses and attract new residents to the community. This conclusion is consistent with, and reinforced by, the many plans conducted over the years, by the City of Shaker Heights, to create a vibrant, mixed use development at Van Aken and Warrensville.



Memorandum

To: Members of Council

From: Joyce G. Braverman, Director, Planning
Daniel Feinstein, Senior Planner

cc: David E. Weiss, Mayor
Jeri E. Chaikin, Chief Administrative Officer

Date: January 10, 2020

Re: Improvements to Public Land—Stearn's Trail
The Nature Center at Shaker Lakes—2600 South Park Boulevard

The City Planning Commission recommended approval of improvements to public land for The Nature Center at Shaker Lakes in order to replace the Stearn's Trail.

- The enclosed ordinance approves of the improvements proposed to the Nature Center at Shaker Lakes.
- The City Planning Commission recommended approval of Improvements to Public Land at their January 7, 2020 meeting with the following condition:
 - The mulch path on West Park Boulevard will be located on Nature Center property, outside of the right-of-way.

The Nature Center proposes to reconstruct the Stearn's Trail with essentially the same layout. This includes boardwalk sections, bridges, a trailhead feature, platforms, and a tree house. A new trail entry feature is proposed in the Nature Center parking lot as well as new entries at both South Park and West Park Boulevards. The two West Park entries will be connected with a 3 foot wide mulch path that extends to the Shaker Boulevard sidewalk. The Architectural Board of Review approved the design at their January 6, 2020 meeting. Council approval of improvements to public land is required.

Below are links to the material presented at the City Planning Commission meeting.
January 7, 2020 Planning Commission Agenda and packet:
https://www.shakeronline.com/AgendaCenter/ViewFile/Agenda/_01072020-376

It is requested that this ordinance be passed on first reading so that the project can proceed with design, bidding and construction.

Should you have any questions, please contact me or refer to the action sheet and meeting packet for the January 7, 2020 City Planning Commission meeting.

ORDINANCE NO.

BY:

Administrative approval of improvements to public land as recommended by the City Planning Commission for the purpose of improvements at the Nature Center at Shaker Lakes, 2600 South Park Boulevard, pursuant to Section 1212.02 (I) of the City's Zoning Code.

WHEREAS, the Nature Center at Shaker Lakes proposes to replace the Stearn's Trail; and

WHEREAS, on January 7, 2020, the City Planning Commission, pursuant to Section 1212.03(A)(2)(i) of the Zoning Code, recommended that Council approve improvements to public land proposed by the Nature Center at Shaker Lakes for improvements on the Stearn's Trail.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. This Council hereby approves the improvements to public land at the Nature Center at Shaker Lakes, 2600 South Park Boulevard, as recommended by the City Planning Commission at its meeting on January 7, 2020, pursuant to Section 1212.03(A)(2)(i) of the City's Zoning Code. The approval is based on the following condition:

- a. The mulch path on West Park Boulevard will be located on Nature Center property, outside of the right-of-way.

Section 2. This ordinance is hereby adopted pursuant to Section 1212.02 (I) of the Zoning Code of the City of Shaker Heights as an administrative measure not subject to referendum, and therefore this ordinance shall take effect immediately upon its enactment and approval by the Mayor, or otherwise as set forth in Article IV, Section 3 of the City's Charter.

Enacted _____.

Approved this ___ day of _____, 2020.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council

coun20/0114NatureCenter-ShakerLakesimprovementstopublicland



Memorandum

To: Members of Council

From: Joyce Braverman, Director, Planning
Daniel Feinstein, Senior Planner, Planning

cc: Mayor David E. Weiss
Chief Administrative Officer Jeri E. Chaikin

Date: January 13, 2020

Re: Confirmation of Conditional Use Permit—Local Sign District
3700-3704 Lee Road

The enclosed ordinance confirms the granting of a Conditional Use Permit for 3700-3704 Lee Road in order to establish a Local Sign District. The City Planning Commission approved the Conditional Use Permit at their January 7, 2020 meeting with the following conditions:

1. No portable signs allowed;
2. Projecting signs are limited to 12 square feet and 3 foot projection.
3. The signage requirements will be included in the tenant leases.
4. All signage requires Architectural Board of Review design approval.

A Local Sign District is a designated area of special sign controls, the regulations for which are created specifically for the area to which they will be applied. Once the Local Sign District is approved by the City Planning Commission and Council, it governs the location, type, and size and material of signs on this building in lieu of compliance with the regulations in Chapter 1250 – Signs, subject to the review and approval by the Architectural Board of Review.

The Shaker Heights Development Corporation has purchased the building at 3700 – 3704 Lee, which has three (3) tenant spaces at the corner of Lee and Nicholas Roads. A complete façade renovation has been proposed and approved by the Architectural Board of Review. Part of that façade renovation includes a projecting sign and other signage for the commercial spaces.

It is requested that this ordinance be passed on first reading in order to design and fabricate the signage in order to maintain the construction schedule for the approved façade renovation.

Should you have any questions, please contact me or refer to the Action Sheet and meeting packet for the January 7, 2020 meeting.

ORDINANCE NO.
BY:

Administrative acceptance of the approval of the City Planning Commission and confirmation of the granting of a Conditional Use Permit for a Local Sign District for the property at 3700-3704 Lee Road, pursuant to Section 1213.05 of the City's Zoning Code.

BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. This Council hereby confirms the decision of the City Planning Commission duly adopted at its meeting on January 7, 2020, granting a Conditional Use Permit for a Local Sign District for 3700-3704 Lee Road. The approval confirmed herein is based on the following conditions:

1. No portable signs allowed.
2. Projecting signs are limited to 12 square feet and 3 foot projection.
3. The signage requirements will be included in the tenant leases.
4. All signage requires Architectural Board of Review design approval.

Section 2. This ordinance is hereby adopted pursuant to Section 1213.05 of the City's Zoning Code as an administrative measure not subject to referendum, and therefore this ordinance shall take effect immediately upon its enactment and approval by the Mayor, or otherwise as set forth in Article IV, Section 3 of the City's Charter.

Enacted _____.

Approved this ____ day of _____, 2020.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council

coun20/0114-3700-3704leeroadcond



Memorandum

To: Members of Council

From: Colin Compton, Neighborhood and Housing Specialist, Economic Development

cc: Mayor David E. Weiss
Chief Administrative Officer Jeri E. Chaikin
Economic Development Director, Laura E. Englehart

Date: January 27, 2020

Re: Request to contract with Kay Coaching for neighborhood engagement work.

The Economic Development Department requests City Council's approval to enter into a contract with Kay Coaching in the amount of \$58,000 to continue providing neighborhood engagement services during the period of January 1, 2020 through December 31, 2020. This item is requested for approval on first reading and as an emergency so that our ongoing neighborhood engagement work can continue without interruption or delay.

This memo provides: (1) background on our current neighborhood engagement work with Kay Coaching, (2) resident testimonials and measures of progress, and (3) a discussion of next steps to occur under the newly recommended contract for your consideration today.

I. Background

Since September 2015, the City has conducted neighborhood engagement work in the Moreland neighborhood to better connect residents to their neighbors, build on neighborhood assets, and support resident-led projects and ideas. At that time, Kay Coaching was selected through an RFP process to begin network building in Moreland, including establishing monthly Neighbor Nights and supporting resident ideas and projects stemming from those gatherings. In 2017, the Economic Development Department was assigned to manage this work. Since that time, we have grown from a small group of resident leaders focused primarily on Neighbor Night to a robust group of resident leaders at various levels of deeper involvement in Moreland and beyond. The Economic Development Department recommends continuing and elevating this work with Kay Coaching in 2020.

What is Neighborhood Engagement in Shaker?

“Engagement,” in most cases, is predominately a top-down approach in which an institution internally designs programming and delivers it to the external community. In Shaker, our approach to engagement is different. Using asset-based community development methods, we start first with residents and build up and out from there. According to DePaul University’s Asset-Based Community Development Institute (ABCD Institute), “Building on the skills of local residents, the power of local associations, and the supportive functions of local institutions, asset-based community development draws upon existing community strengths to build stronger, more sustainable communities for the future.”

Using asset-based approaches for our neighborhood engagement work in Shaker, we connect residents to each other and to opportunities in a way that is safe, fun, and productive. This bottom-up approach develops deeper and more genuine relationships with residents by basing connections on what residents are interested in and not solely focusing on City-led initiatives. Unlike traditional neighborhood association structures, this asset-based approach has no hierarchy, no titles or roles, and the work doesn't fall to a small group of residents, leading to burn-out and detachment.

Due to our successful work in Moreland, led by Kay Coaching, both the Library and the Shaker Schools are now exploring asset-based models for their institutions. This includes the school's Family and Community Engagement office and the library's Community Library Collective project.

Neighborhood Engagement: Why Do We Do It?

Neighbors that are connected to one another and to opportunities to participate in civic life lead to a more resilient community. According to Lawrence Community Works, a pioneering community network building nonprofit, "Building your social capital, the number and strength of connections that you have with others, leads to increased opportunity. People get jobs, access resources, improve their neighborhoods, and make friends through the people that they know." We have seen countless examples of this increased connectedness and opportunity during our time working in Moreland. Residents who did not know one another have come together both in good times and in bad to celebrate holidays and birthdays, to discuss ideas and projects, to collaborate on community events, and to support one another in times of grief or hardship. Through networks with their neighbors and with the City, residents have been exposed to new employment, to opportunities for their children, to emergency support, and more. This is community resiliency in action.

Kay Coaching: Who Are They? What Do They Do?

Lee and Kevin Kay are community building and social development practitioners with over three decades experience between them. They are our area's leading practitioners of community network building and have previously worked in the greater Buckeye neighborhood through Neighborhood Connections. They currently focus solely on the Shaker Heights and Larchmere communities.

How Has This Work Changed?

The community network centered in the Moreland neighborhood continues to grow in both size and complexity. As a result, residents are no longer focused solely on Neighbor Night, but on a vast array of community projects around more complex topics such as:

- *Working Towards Racial Harmony*: an ongoing community dialogue begun and led by residents;
- Mercer School: increasing connections, support, and representation of families in Moreland with students at Mercer School;
- Black History Month: oral interviews of Shaker residents and subsequent theatrical production;
- Chagrin-Lee merchants: increasing connections and mutual support between residents and their merchant neighbors in the Chagrin-Lee area;
- Preparing for 2020 home inspections.

II. Resident Narrative and Progress Indicators

Below are residents' responses to the following question: "How has this work affected you or your experience as a resident?" (See the attached addendum for a list of additional resident responses.)

Resident Narrative: How has this work affected you or your experience as a resident?

"The biggest element of appreciation for me is the format of gatherings. It isn't a gripe session. There are opportunities to share concerns and experiences and wishes and be able to get things done relatively quickly..."

"Kay Coaching has kept us on track. They've given us form and structure. Without them, there'd be a loss. What Kevin and Lee have done is invaluable by not trying to influence the flow, but structuring it. There's never any real conflict and Kay Coaching has enough wherewithal to sense when something may be conflicting in order to avoid that."

"The network has been a sounding board for the projects I'm interested in. I can try out ideas and get honest and unbiased views. It has given me an opportunity to visualize what I want to do for the City. I think Shaker will be a beacon for how other cities can operate."

"[The network] allows the community to look out for one another through donations, services, car-pooling and bringing services to the neighborhood that would otherwise be missed. In addition, Kay Coaching offers training programs that have helped me with planning and development, as well as others in the neighborhood."

"Although I have been a homeowner in this area for over 25 years it's only now that I feel comfortable not only walking the neighborhood myself, but allowing my children to enjoy [doing so too]."

"...the Network consistently focuses on positive and creative ways of contributing to the well-being of our neighborhood. Not only do I witness the enthusiasm and commitment my neighbors have about connecting, supporting, and sharing with one another, I am a part of it. Unlike involvement with a community association where much of the focus is political, the Network draws people together socially, and serves as a means of enriching and connecting neighbors for all sorts of reasons."

"For all the years I have lived in Shaker, I have not experienced anything like the Network"

Progress Indicators

- Residents know more of their neighbors
 - Since 2017, we increased our Moreland contact list by 216% (from 79 to 171).
 - These new connections have sparked countless resident-initiated projects, including neighborhood clean-ups, movie nights, game nights, community garage sales, holiday celebrations, theatrical productions, and a *Working Toward Racial Harmony* series.
- Residents have more support
 - Since January 2017, Kay Coaching has hosted approximately 56 leadership-building workshops with residents.
 - Residents have access to one-on-one coaching (including evenings and weekends).
 - More Moreland residents are active leaders. Since 2017, we have more than doubled our group of active leaders within the Moreland network. No residents have dropped out, which is unusual according to Kay Coaching's experience.
 - Leadership continues to adapt and evolve. We are building resident capacity so that residents can spend time tackling hard issues, not doing logistics.

- Residents are more connected to the City
 - Through the neighborhood network, residents have participated with City initiatives such as Forward Together, Shaker Life feature articles, park improvements, and more.
 - Residents have developed direct, personal relationships with City staff.
 - Residents are working together to tackle hard issues including an ongoing *Working Towards Racial Harmony* series, networking with Chagrin-Lee merchants, and more.
 - Resident leaders are now participating with City working groups including the Human Relations Task Force and Landmarks Commission.
- Residents feel differently about their neighborhood (see resident narratives).

Value to the City of Shaker Heights and its residents:

- Residents know more of their neighbors, feel more comfortable interacting with them, and appreciate the benefits of working in collaboration with them.
- Residents have an increased confidence in their ability to bring about positive changes.
- Residents continue to take on a greater degree of responsibility for stewardship of the network and to learn new practices and processes to support their stewardship.
- Residents have a better understanding of City initiatives.
- City staff members enjoy the support, collaboration, and appreciation of residents.

III. Recommendation and Next Steps

To build on our successes to date, the Economic Development Department recommends that the initiative be continued and augmented with Kay Coaching in 2020, as follows:

Continued Support for a Growing Network—Through 2020, Kay Coaching will:

- Provide coaching support to network stewards, including further developing space for deliberation and decision-making as well as designing and selecting events.
- Focus on the “big picture,” plan ahead, allocate attention and energy accordingly.
- Continue to lay basic groundwork for the network, including one-on-one conversations with residents, attending community events to make connections, identifying where network philosophy may be beneficial, supporting and participating in Neighbor Night, following up with residents on ideas discussed at Neighbor Night, and more.

Foster and Support the Increasing Complexity of the Network—Through 2020, Kay Coaching will:

- Support and provide guidance on more complex and deeper projects/issues, as determined by residents (for example, Working Towards Racial Harmony, PTO integration, Black History Month oral interviews and production, and Human Relations Task Force).
- Assist in connecting neighboring residents with business owners and employees in the Chagrin-Lee commercial district, including beginning connections with Lomond residents.

Since 2017, the City has executed two twelve month contracts with Kay Coaching for \$55,000 per contract. The proposed contract for 2020 represents a modest increase due to the time and labor needed to respond to the network’s growth in size and complexity.

The Economic Development Department requests City Council’s approval on first reading and as an emergency to enter into a contract with Kay Coaching in the amount of \$58,000 to continue providing neighborhood engagement services from January 1, 2020 through December 31, 2020.

Addendum: Resident Narrative

“How has this work affected you or your experience as a resident?”

I: *As you know, building community is a process. It takes time and can be complex.... The assistance of Kay Coaching through the establishment of Neighbor Night has helped to provide a necessary platform for accomplishing several things critical to community building:*

- *Discovering residents willing to contribute who had not previously been identified.*
- *Uncovering talents that were not known to other residents*
- *Providing a platform for people with similar interests to connect.*
- *Encouraged and empowered residents to develop a vision for what they would like to see in the community*
- *Created an environment for residents to share by doing things together.*
- *Coming together around celebratory events such as holiday functions*

These are just a few of the successes that I've witnessed. Last, but not least I have been re-energized to participate in community building in Moreland as a result of these experiences.

M: *The biggest element of appreciation for me is the format of gatherings. It isn't a gripe session. There are opportunities to share concerns and experiences and wishes and be able to get things done relatively quickly without having to go through the perceived bureaucracy... This has become a meeting place for neighbors in a positive regard. It's not about complaints, it's about fun stuff and the "everyday..." With lots of working and listening to Kay Coaching, you can learn how to honor and appreciate your immediate neighborhood without excluding your slightly more distant neighbors... The residents decide what is important, fun, or meaningful for us and that doesn't demean what is important to other neighborhoods. We always have other neighborhoods visiting us and I think that will continue.*

A: *The way it has affected me is that it's introduced me to more people than just those in the Moreland neighborhood... I really like that because it gives outsiders the opportunity to interact with Moreland residents and share experiences. I like the diversity of what Neighbor Night has brought. This has helped to bring the Moreland resident back together... I'm really happy that public officials attend Neighbor Night and see what this is all about. They see the good of this and keep it going...*

G: *I've always been taken aback at the energy level at Neighbor Night and I feel that Kay Coaching has kept us on track. They've given us form and structure. Without them, there'd be a loss. What Kevin and Lee have done is invaluable by not trying to influence the flow, but structuring it. I love the idea of neighbors getting together like that. There's never any real conflict and Kay Coaching has enough wherewithal to sense when something may be conflicting in order to avoid that. I look for a lot to happen out of those community gatherings. The network has been a sounding board for the projects I'm interested in. I can try out ideas and get honest and unbiased views. It has given me an opportunity to visualize what I want to do for the City. It's also good that we always have a diversity of people. There can be greater diversity, too, but that can be worked on. More diversity will eventually happen to give us new perspectives. I think Shaker will be a beacon for how other cities can operate.*

C: *...What I've witnessed during the meetings I've attended is very positive. Neighbors get together, share their ideas, thoughts, feelings and work cooperatively to make their neighborhood a better place to live. Also, collaboration with public officials to share opinions and Discuss each person's ideas concerning the problems*

and needs of the neighborhood with...police officers, the mayor, city council representatives and educators of Shaker Heights School System. What I would also like to see is participation from local businesses. Invite business owners/managers to attend our meeting for the purpose to introduce themselves to neighbors...

S: *The [neighborhood network] has given me an opportunity to connect and build relationships with people I never would have connected with on a personal level. The [network] allows you to know what is going on in the neighborhood and other areas, it helps you to support your neighbors and their family members and other programs within not only Shaker, but also other communities. It allows the community to look out for one another through donations, services, car-pooling and bringing services to the neighborhood that would otherwise be missed... In addition, Kay Coaching offers training programs that have helped me with planning and development, as well as others in the neighborhood.*

T: *Here are some of the ways the neighborhood connections have impacted me, my family and neighbors at large. I have talked flowers with my Scottsdale neighbor who is well versed in the field. I have attended one of Sam Hooper's [concerts] where they rocked the house. My granddaughter and I attended a performance with the Sisterhood group. She now wants to participate next year. I have learned techniques to more effectively develop a plan. I speak to neighbors that I did not know before. My daughter made some gardening connections. I feel a much stronger feel of community. Thank you guys for your efforts. I am looking forward to more new and exciting experiences.*

P: *Developing a sense of community has been an important result of the work which Colin and Kevin been an instrumental part of.*

- 1. Although I have been a homeowner in this area for over 25 years it's only now that I feel comfortable not only walking the neighborhood myself, but allowing my children to enjoy [doing so too].*
- 2. Through Neighbor Night I have become more aware of political issues that affect the community and have developed ties that have led to me working on the local campaigns of Mayor Weiss & council Carmella Williams.*
- 3. It is a result of Neighbor Night that I have become the only member of the Shaker Kiwanis chapter from the Moreland neighborhood.*
- 4. On a personal note, when I recently lost my mother, members of the community were able to offer support through the established neighborhood network.*
- 5. Although my 3 children no longer attend Shaker schools, it was through the community network that I participated in recent school groups for finding the new superintendent & implementing the equity plan.*
- 6. Most recently, through the neighborhood work being done, I was able to have needed home repairs addressed. Thank you Colin, for all your hard work and commitment to serving this community. Your efforts are bearing fruit.*

C: *My dreams of living in a community where neighbors and city officials come together on a regular basis to share their joys and sorrows, accomplishments and desires is realized. It is a wonderful experience to feel as one of a greater ONE...our community. Wow, sitting in a circle, sharing food, drinks, thoughts, new and good experiences with a community Family; each having a duty but not boasting titles, Wow! Colin Compton and Kay Coaching... thank you for bringing beauty and solidarity to Moreland.*

D: *"I have lived in Moreland for a total of 32 years. I moved back to Moreland from the Lomond neighborhood in 1985 because the price of a single house was what I could afford. After renting and being a Shaker parent for the first eight years I lived in the city, there was no question in my mind whether I would remain in Shaker. Once I was a homeowner, my involvement in Shaker reached beyond the neighborhoods I happened to live in as I served*

on both the school and library boards. In fact, on many occasions, I questioned whether living in Moreland was where I wanted to remain, however, living next door to one of my very best friends has been the main reason I have not looked elsewhere in Shaker as well as the fact that I can't imagine living in a house without a front porch. I am retired now (kind of...), and one of the other reasons I feel good about Moreland is the Network. Besides the monthly Neighbor Nights that provide a time and location for connecting with neighbors you probably would not know otherwise, the Network consistently focuses on positive and creative ways of contributing to the well-being of our neighborhood. Not only do I witness the enthusiasm and commitment my neighbors have about connecting, supporting, and sharing with one another, I am a part of it. Unlike involvement with a community association where much of the focus is political, the Network draws people together socially, and serves as a means of enriching and connecting neighbors for all sorts of reasons (attending each others' plays and music events, finding a contractor, having a holiday party, chatting while doing craftwork...). It also connects us in a meaningful way directly with the City. For all the years I have lived in Shaker, I have not experienced anything like the Network. It would not have happened nor sustained over the years without the vision and support of the City of Shaker Heights and the work of Kay Coaching. As a Moreland resident, I really like knowing I am a part of a caring, creative, and friendly community. The Network has helped me recognize and be reminded of this wonderful opportunity all the time."

R: *Kay Coaching has been a great benefit to bringing neighbors together. By assisting with Neighbor Night, network meetings, and other events that has branched off from our meetings. It would be a great benefit for them to continue their services in Shaker Heights.*

V: *I would say Kay Coaching definitely provided me with additional skills in engaging my neighbors, primarily that seemingly small connections are powerful in activating a resident and helping them find their own voice and engage in ways they had not considered.*

ORDINANCE NO.
BY:

Authorizing a professional community engagement and capacity building consultant personal services agreement with Kay Coaching, LLC for continued neighborhood engagement work for the City for the period January 1, 2020 through December 31, 2020, in a total amount not to exceed \$58,000, and declaring an emergency.

WHEREAS, the City entered into an agreement on September 1, 2015, with Kay Coaching, LLC (Kay Coaching) to provide a community engagement and capacity building program; and

WHEREAS, since September 2015, the City has conducted neighborhood engagement work within the Moreland neighborhood in order to better connect residents, build on the neighborhood assets, and support resident-led projects and initiatives and Kay Coaching has helped to facilitate the neighborhood engagement work in the Moreland area; and

WHEREAS, the City wishes to maintain its commitment to the neighborhood engagement initiative and build on the success already achieved in the Moreland neighborhood; and

WHEREAS, this Council has determined that the City should enter into a contract for the period January 1, 2020 through December 31, 2020 with said consultant in an amount not to exceed FIFTY-EIGHT THOUSAND DOLLARS (\$58,000).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. Pursuant to Section 141.03 of the Codified Ordinances, the Mayor is hereby authorized to enter into a personal professional services consultant agreement with Kay Coaching, LLC for continued neighborhood engagement work for the City for the period January 1, 2020 through December 31, 2020, in the total amount not to exceed FIFTY-EIGHT THOUSAND DOLLARS (\$58,000). Said agreement shall be in the form as approved by the Director of Law.

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City and further, so that the contract can be entered into as soon as possible to continue the neighborhood engagement work that is ongoing, and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted

Approved this _____ day of _____, 2020.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council



Memorandum

To: Members of City Council

From: William M. Ondrey Gruber, Director of Law

cc: David E. Weiss, Mayor
Jeri E. Chaikin, Clerk of Council

Date: January 27, 2020

Re: **Resolution Withdrawing the Council's Objection to the Renewal of Liquor Permit Swerve Grill - 20126 Chagrin Boulevard**

It is recommended by the Administration that Council adopt a resolution withdrawing its previous objection to the renewal of the liquor permit of See Investments LLC DBA Swerve Grill, formerly located at 20126 Chagrin Boulevard, Shaker Heights, Ohio, on the basis that Swerve has ceased operation in the City and has entered into an agreement with the City promising not to re-open a business in the City serving alcohol.

See Investments LLC DBA Swerve Grille was formerly in operation at 20126 Chagrin Boulevard. On July 15, 2019, the City received a "Notice to Legislative Authorities, Objections to Renewal of Liquor Permits" dated July 10, 2019, from the Ohio Department of Commerce, Division of Liquor Control, informing the City of the impending expiration of all liquor permits in the City, the renewal applications for each liquor permit, and the Council's authority under Ohio law to object to the renewal of a particular liquor permit and to request a hearing.

On August 26, 2019, Council adopted Resolution No. 19-80, by which Council objected to the renewal of the liquor permit for Swerve due to the history of criminal nuisance activity there. On August 28, 2019, the City submitted its objection to the renewal to the State of Ohio Division of Liquor Control. The Division delayed scheduling a hearing at the City's request due to information the City had received that Swerve would be closing by the end of 2019.

While the closing of Swerve would likely make the City objection and the permit application moot, Swerve could still seek to retain the permit for possible transfer to another permit holder, or to use elsewhere in the City, necessitating a hearing in central Ohio. Thus, it was in the best interests of the City to agree with Swerve to withdraw the objection, if Swerve would agree to not re-open elsewhere in the City under that or any other name. The State's Division of Liquor Control informed the City that in order for the City to withdraw its objection to the liquor permit, Council had to adopt a resolution withdrawing the objection.

On December 23, 2019, Swerve and the City entered into a written agreement by which Swerve agreed to cease operations and close its business at 20126 Chagrin Boulevard, and that it would not resume operation at that address or at any location in the City with a liquor permit of any kind, under the full or partial ownership of See Investments LLC, Swerve Grill, or Shelton Goodson, or any successor business entity, or any business or persons affiliated with them. The City agreed in consideration of the agreement by Swerve to close and not to re-open in the City, that the City would formally withdraw its objection to the renewal of the liquor permit, *subject to the approval of City Council*.

On or about December 22, 2019, Swerve Grill permanently ceased its operation at 20126 Chagrin Boulevard.

Therefore, I request that Council adopt a resolution withdrawing its objection to the renewal of the liquor permit for See Investments LLC DBA Swerve Grill, 20126 Chagrin Boulevard on the basis of the written agreement.

It is requested that this resolution, which is attached to this memorandum, be adopted by Council on first reading.

Attachment

[councilmemos/2020/1227-SwerveGrill20126chagrincouncW/ RAWOBJ](#)

RESOLUTION NO.

BY:

Withdrawing Council's objection to the renewal of the liquor permit of See Investments LLC DBA Swerve Grill, formerly located at 20126 Chagrin Boulevard, Shaker Heights, Ohio, on the basis that the renewal applicant has ceased operation in the City and has entered into an agreement with the City promising not to re-open a business serving alcohol in the future, and withdrawing Council's request for a hearing in Cuyahoga County, Ohio.

WHEREAS, See Investments LLC DBA Swerve Grill was formerly in operation at 20126 Chagrin Boulevard, Shaker Heights, Ohio under liquor permit no. 7954334; and

WHEREAS, on July 15, 2019, the City's Clerk of Council received a "Notice to Legislative Authorities, Objections to Renewal of Liquor Permits" dated July 10, 2019, from the Ohio Department of Commerce, Division of Liquor Control, informing the City of the impending expiration of all liquor permits in the City as of October 1, 2019, the renewal applications for each liquor permit, and the Council's authority under Ohio Revised Code (ORC) Section 4303.271(B) to object to the renewal of a particular liquor permit and to request a hearing; and

WHEREAS, on August 26, 2019, this Council adopted Resolution No. 19-80, by which Council objected to the renewal of the liquor permit for Swerve, and on August 28, 2019, the City submitted its objection to the renewal to the State of Ohio Division of Liquor Control; and

WHEREAS, on December 23, 2019, Swerve and the City entered into a written agreement by which Swerve Grill agreed to cease operations and close its business at 20126 Chagrin Boulevard, and that it would not resume operation at that address or at any location in the City of Shaker Heights with a liquor permit of any kind, under the full or partial ownership of See Investments LLC, Swerve Grill, or Shelton Goodson, or any successor business entity, or any business or persons affiliated with the foregoing; and

WHEREAS, the City agreed in consideration of the agreement by Swerve to close and not to re-open in the City, that the City would formally withdraw its objection to the renewal of the liquor permit owned under the name See Investments (no. 7954334), subject to the approval of City Council; and

WHEREAS, on or about December 22, 2019, Swerve Grill permanently ceased its operation at 20126 Chagrin Boulevard.

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

Section 1. This Council withdraws its objection to the renewal of the liquor permit for See Investments LLC DBA Swerve Grill, 20126 Chagrin Boulevard, Shaker Heights, Ohio, operating under liquor permit no. 7954334, on the basis that on December 23, 2019, Swerve and the City entered into a written agreement by which Swerve agreed to cease operations and close its business at 20126 Chagrin Boulevard, and that it would not resume operation at that address or at any location in the City of Shaker Heights with a liquor permit of any kind, under the full or partial ownership of See Investments LLC, Swerve Grill, or Shelton Goodson, or any successor business entity, or any business or persons affiliated with the foregoing.

Section 2. Council withdraws its request that the Division of Liquor Control schedule a hearing in Cuyahoga County, Ohio on its objection.

Section 3. The Clerk of Council is hereby directed to forward a copy of this Resolution to the Ohio Division of Liquor Control, 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005.

Section 4. This resolution is hereby adopted as an administrative measure implementing Section 4303.26 (A) of the Ohio Revised Code, and is not subject to referendum, and therefore this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Adopted

Approved this ____ day of _____, 2020.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council

0127swerveliqorpermitrenewalresolutionWITHDRAWAL



SHAKER HEIGHTS

Memorandum

To: Members of City Council

From: Jeffrey N. DeMuth, Chief of Police 

ec: Mayor David E. Weiss
Chief Administrative Officer Jeri E. Chaikin
Director of Law William Gruber
Director of Finance Frank Brichacek

Date: January 9, 2020

Re: Community Diversion Program Inter-Agency Agreement

The Shaker Heights Police Department is recommending the City enter into an Inter-Agency Agreement with the Cuyahoga County Juvenile Court to accept grant funding for 2020. Specifically, this grant is for ten (10) months (March 1, 2020 – December 31, 2020) and provides \$3,633.92, for the operation of the Community Diversion Program.

The Shaker Heights Police Department runs a Juvenile Diversion Program that is a court supported, community-based sanctioned Program that diverts first-time misdemeanants and status offenders from official court action. The Program permits communities like ours to tailor treatment in penalties to fit the needs of the individual juveniles and the concerns and safety of the community, as well as offering youth the opportunity to avoid an official juvenile court record. For example, grant funds can and are spent on online diversion expenses, skills building groups, restorative justice programs and truancy prevention/intervention programs. The main goal of the Juvenile Diversion Program is to make a juvenile's first offense their last offense.

The majority of the time spent by the magistrates is volunteered time, but the real cost comes in the overtime payments made to an officer who is present at the hearing and a civilian employee who maintains the day-to-day administrative paperwork associated with the Program. The number of man-hours spent participating in programs for the prevention/control of juvenile delinquency has ranged from 100 – 170 throughout the years. Grant funds for the reimbursement of employee expenses are also spent on monitoring community service, hearings/family meetings, family group conferencing, mentoring youth, face to face follow up and phone calls to check in with the youth, family or community provider.

The number of juveniles participating in the Juvenile Diversion Program has varied over the years from as low as 56 to as high as 127. In 2009 a participant fee of \$40.00 was established to help offset the costs, which allows the magistrates the flexibility to waive the fee based on a participant's ability to pay.



CITY OF SHAKER HEIGHTS | Police

3355 Lee Road Shaker Heights, Ohio 44120 P 216.491.1220 F 216.491.1224 Ohio Relay Service 711

shakeronline.com www.shaker.life

Grant funding in the amount of \$3,633.92 is being offered by the Cuyahoga County Juvenile Court for our operation of our Community Diversion Program. This amount, along with our carryover from 2019 of approximately \$26,417.00, will allow us to finance the Program. Funds from the carryover were used for the appropriation to the 2020 operating budget.

Our Department has received grant funding and operated the Community Diversion Program to the benefit of first time juvenile offenders for over 20 years. It is recommended the City accept the grant and enter into the Inter-Agency Agreement with Cuyahoga County Juvenile Court for the operation of the Community Diversion Program in the amount of \$3,633.92.

It is further requested that this item be approved by Council on first reading with a suspension of the rules and as an emergency measure as the Cuyahoga County Court of Common Pleas, Juvenile Division has asked that we accept the funding and sign the contract by January 31, 2020.

JND/sko

ORDINANCE NO.

BY:

Authorizing the City's acceptance of a \$3,633.92 Juvenile Diversion Program grant from the Cuyahoga County Juvenile Court, for the period March 1, 2020, through December 31, 2020, and the City's entering into an Inter-Agency Agreement for said grant, and declaring an emergency.

BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. The Mayor and the Chief of Police are authorized to accept a Juvenile Diversion Program grant from the Cuyahoga County Juvenile Court.

Section 2. The Mayor is authorized and directed to enter into such agreements as may be necessary in conjunction with a Juvenile Diversion Program grant, in the amount of THREE THOUSAND SIX HUNDRED THIRTY-THREE AND 92/100 DOLLARS (\$3,633.92), from the Cuyahoga County Juvenile Court, for the period March 1, 2020, through December 31, 2020, as approved by the Director of Law. The grant does not require any matching funds from the City.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City and further, that it is necessary to meet the Juvenile Court's deadline for grant acceptance and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted _____.

Approved this ____ day of _____, 2020.

DAVID E. WEISS, MAYOR

Attest:

JERI E. CHAIKIN
Clerk of Council

coun20/0108juvdivgrant



Memorandum

To: Members of City Council

From: Patricia Speese, Director, Public Works

cc: David E. Weiss, Mayor
Jeri E. Chaikin, CAO

Date: January 15, 2020

Re: City Hall Electrical Service & Generator Upgrade – additional funding

The City of Shaker Heights' City Hall was completed in 1930. Over the past 90 years there have been many space reconfigurations, renovations and area upgrades. The building has two electrical services. One is a single phase service and the other is a three phase service. Each of these two electrical feeds has its own basement emergency backup generator. These backup generators supply emergency electrical power in the event of a power failure to just less than 50% of the building.

The two generators are approximately 32 years old and have reached the end of their useful life. Neither of the existing electrical feeds have any surge (lightning) protection. Electrical surges in the system can damage or destroy electronic equipment. The new elevator has shut down several times due to electrical power surges, primarily during storms.

The two generators will be replaced with one generator large enough to support all of City Hall operations. This new generator will be located on the roof over the Communications & Marketing offices. The two electrical feeds will be replaced with one three phase electrical service. A three phase electrical service is more efficient than a single phase service. A new main distribution panel will be installed in the basement. Two of the existing electrical panelboards will be upgraded during this project. A surge protection unit will be installed on the new electrical service's main distribution panel.

The project was publicly bid. We have received six bids. The lowest and best bid was \$192,000.00. The Engineer's estimate for the project was \$150,000.00. The Engineer thinks that the project may have come in over-estimate due to the following reasons: 1) Contactors in the Cleveland area are very busy, 2) historical buildings are tough to work in/on and 3) City Hall will remain occupied during construction which means more cleanups and also increases the probability of overtime and after-hours work.

The project had \$150,000.00 appropriated through ordinance #15-114. Project engineering costs have been \$24,900. We are requesting to amend ordinance #15-114 with an appropriation increase of \$66,900 for a total of \$216,900.00. This project will be completed this year. We request that this be passed under suspension of the rules and as an emergency so that the project can move forward.

ORDINANCE NO. 20-
BY:

Amending Ordinance No. 15-114, as amended by Ordinance No 16-79 and Ordinance No. 16-101, an Ordinance appropriating funds from the General Capital Fund 0401 for the acquisition of equipment and various repairs and improvement projects for various City facilities by appropriating an additional \$66,900 and declaring an emergency.

WHEREAS, Ordinance No. 15-114 is to be amended to provide funding for the replacement of the City Hall Electrical Service and Generator Upgrade at an additional cost of \$66,900 for total cost of \$216,900; and

BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. That to provide for the capital expenses of the City of Shaker Heights for the fiscal year ending December 31, 2016, the following appropriation is hereby authorized.

Section 2. That there be and is hereby appropriated from the General Capital Fund No. 0401 the sum of ONE MILLION TWENTY THOUSAND TWO HUNDRED FIFTY-TWO DOLLARS (\$1,020,252) to provide for the acquisition of equipment and the repair, maintenance and improvement of various City facilities as set forth below:

Project	Current Allocation	Revision	Total Allocation
<u>Equipment Replacement/Purchase</u>			
<u>General Building Maintenance & Repairs</u>			
City Facility Repairs and Renovations	370,352		370,352
Consulting Engineer	8,000		8,000
Total	\$378,352		\$378,352
<u>City Hall</u>			
Replace Generator and Transfer Switch	150,000	\$66,900	216,900
Replace Fire Alarm System	35,000		35,000
Total	\$185,000		\$251,900
<u>Community Building</u>			
Flat Roof Replacement & Gutters Reline	75,000		75,000
Total	\$ 75,000		\$75,000
<u>Service Center</u>			
Weight Scale Replacement	75,000		75,000
Total	\$ 75,000		\$75,000
<u>Shaker Family Center Building</u>			
Dry Systems Sprinkler Replacements	90,000		90,000
Retaining Wall Replacement	150,000		150,000
Total	\$240,000		\$240,000
Total	\$953,352	\$66,900	\$1,020,252

Section 3. That all expenditures shall be made within the total appropriation herein provided. "Appropriation" as used means the total amount appropriated for the listed projects. Notwithstanding the financial detail herein presented, the Mayor or Chief Administrative Officer is authorized to transfer budgeted amounts within each project grouping provided that the total amount appropriated for the project grouping is not exceeded. The appropriation herein approved shall lapse only upon completion of all specified projects; therefore, any appropriation balance unexpended at the end of the fiscal year shall be carried forward to subsequent fiscal years.

Section 4. That the City Director of Finance be and is hereby authorized and directed to draw warrants against the appropriations hereinabove set forth upon presentation of proper vouchers.

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City, and this ordinance shall, therefore, take effect immediately upon its enactment and approval by the Mayor.

Enacted January , 2020.

Approved this __ day of _____ 2020.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council



Memorandum

To: Members of City Council

From: Patricia Speese, Director of Public Works
Christian Maier, Assistant Director of Public Works

cc: Mayor David E. Weiss
Chief Administrative Officer Jeri E. Chaikin

Date: January 20, 2020

Re: ODNR – Construction Permit Filing Fee for Horseshoe Lake Dam

On December 9, 2019, representatives of the cities of Cleveland Heights and Shaker Heights meet staff from the Northeast Ohio Regional Sewer District (NEORS) to review the Horseshoe Lake Dam project. The District intends to bid the project in March 2020 and begin construction in late summer / early August. Final completion is anticipated to be December 2021. Please note this schedule is based on ODNR approval of the plans in the first quarter of 2020.

The District will be spending approximately \$9 million dollars on the Horseshoe Lake dam project and have asked the cities of Shaker Heights and Cleveland Heights to pay the Ohio Department of Natural Resources (ODNR) Construction Permit Filing fee of \$66,250. Upon completion of this project, NEORS will have spent roughly \$15 million on improvements to the various lakes and dams within Shaker and Cleveland Heights.

As with our ODNR Annual Dam Safety fee for Horseshoe Lake as a result of the limits in each city, Shaker Heights will pay two-thirds of the fee (\$44,167) and Cleveland Heights has agreed to pay the remaining one-third (\$22,083.33). Public Works is recommending using our NEORS Community Cost Share (CCS) funds to offset Shaker Height's contribution for the ODNR Construction Permit Filing Fee.

As of November 30, 2019 Shaker Height's CCS balance was \$222,643.54. Based on the City's 2019 CCS accrual, our 2020 estimate is approximately \$210,000. Shaker Heights has one more payment of \$100,000 for the Green Lake Dredging project. The UH allocation agreement, also for \$100,000 per year, will be paid off in 2024.

Public Works requests are threefold: authorize the City to enter into an agreement with the NEORS to use our CCS funds in the amount of \$44,167 for the permit fee; appropriate \$44,167 which will be reimbursed to the city from the CCS; and approve payment of the permit fee to ODNR since it exceeds \$25,000. We request that these be passed under suspension of the rules and as an emergency so the permit can be filed with ODNR promptly, enabling the project to move forward.

ORDINANCE NO. 20-
BY:

Amending Ordinance No. 19-121, an ordinance appropriating funds from the Sewer Capital Improvements Fund No. 402 to provide funding for the repair of mainline sewers, laterals and culverts, by appropriating an additional \$44,167 and declaring an emergency.

WHEREAS, Ordinance No. 19-121 is to be amended to provide funding for the Ohio Department of Natural Resources (ODNR) Construction Permit Filing fee of \$44,167; and

BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. That to provide for the capital expenses of the City of Shaker Heights for the fiscal year ending December 31, 2020, the following appropriation is hereby authorized.

Section 2. That there be and is hereby appropriated from the Sewer Capital Improvement Fund No. 402 the sum of \$2,044,167 to provide for the repair of mainline sewers, and laterals and culverts as follows:

Project	Current Allocation	Revision	Total Allocation
<u>2020 Sewer Improvements</u>			
Various Sewer Improvements	\$2,000,000	\$44,167	\$2,044,167
Total	\$2,000,000	\$44,167	\$2,044,167

Section 3. That all expenditures shall be made within the total appropriation herein provided. "Appropriation" as used means the total amount appropriated for the listed projects. Notwithstanding the financial detail herein presented, the Mayor or Chief Administrative Officer is authorized to transfer budgeted amounts within each project grouping provided that the total amount appropriated for the project grouping is not exceeded. The appropriation herein approved shall lapse only upon completion of all specified projects; therefore, any appropriation balance unexpended at the end of the fiscal year shall be carried forward to subsequent fiscal years.

Section 4. That the City Director of Finance be and is hereby authorized and directed to draw warrants against the appropriations hereinabove set forth upon presentation of proper vouchers.

Section 5. This ordinance is hereby declared to be an emergency necessary for the immediate preservation of the public peace, health and safety for the reason that it is necessary for the current operation of the city, and this ordinance shall, therefore, take effect immediately upon its enactment and approval by the Mayor.

Enacted January __, 2020.

Approved this ____ day of _____ 2020.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council



Memorandum

To: Members of City Council

From: Patricia Speese, Director of Public Works
Christian Maier, Assistant Director of Public Works

cc: Mayor David E. Weiss
Chief Administrative Officer Jeri E. Chaikin

Date: January 20, 2020

Re: ODNR – Construction Permit Filing Fee for Horseshoe Lake Dam

On December 9, 2019, representatives of the cities of Cleveland Heights and Shaker Heights meet staff from the Northeast Ohio Regional Sewer District (NEORS D) to review the Horseshoe Lake Dam project. The District intends to bid the project in March 2020 and begin construction in late summer / early August. Final completion is anticipated to be December 2021. Please note this schedule is based on ODNR approval of the plans in the first quarter of 2020.

The District will be spending approximately \$9 million dollars on the Horseshoe Lake dam project and have asked the cities of Shaker Heights and Cleveland Heights to pay the Ohio Department of Natural Resources (ODNR) Construction Permit Filing fee of \$66,250. Upon completion of this project, NEORS D will have spent roughly \$15 million on improvements to the various lakes and dams within Shaker and Cleveland Heights.

As with our ODNR Annual Dam Safety fee for Horseshoe Lake as a result of the limits in each city, Shaker Heights will pay two-thirds of the fee (\$44,167) and Cleveland Heights has agreed to pay the remaining one-third (\$22,083.33). Public Works is recommending using our NEORS D Community Cost Share (CCS) funds to offset Shaker Height's contribution for the ODNR Construction Permit Filing Fee.

As of November 30, 2019 Shaker Height's CCS balance was \$222,643.54. Based on the City's 2019 CCS accrual, our 2020 estimate is approximately \$210,000. Shaker Heights has one more payment of \$100,000 for the Green Lake Dredging project. The UH allocation agreement, also for \$100,000 per year, will be paid off in 2024.

Public Works requests are threefold: authorize the City to enter into an agreement with the NEORS D to use our CCS funds in the amount of \$44,167 for the permit fee; appropriate \$44,167 which will be reimbursed to the city from the CCS; and approve payment of the permit fee to ODNR since it exceeds \$25,000. We request that these be passed under suspension of the rules and as an emergency so the permit can be filed with ODNR promptly, enabling the project to move forward.

ORDINANCE NO.
BY:

Authorizing an agreement with the Northeast Ohio Regional Sewer District to use City Community Cost Sharing funds in the amount of \$44,166.67 to pay a mandatory construction permit filing fee for the Horseshoe Lake Dam project to the Ohio Department of Natural Resources (ODNR), and approving payment of that fee to ODNR, and declaring an emergency.

WHEREAS, the Northeast Ohio Regional Sewer District (NEORS) will spend approximately \$9 million dollars on the Horseshoe Lake Dam project and has asked the City and Cleveland Heights to pay the mandatory Ohio Department of Natural Resources (ODNR) construction filing fee for the Horseshoe Lake Dam project in the amount of \$66,250; and

WHEREAS, the City will pay two-thirds of the fee (\$44,166.67) and Cleveland Heights will pay the remaining one-third of the fee (\$22,083.33); and

WHEREAS, the Director of Public Works has recommended that the City enter into an agreement with NEORS to use City Community Cost Share (CCS) funds to pay the construction permit filing fee for the Horseshoe Lake Dam project in the amount of FORTY-FOUR THOUSAND ONE HUNDRED SIXTY-SIX AND 67/100 DOLLARS (\$44,166.67) to the ODNR; and

WHEREAS, the Charter of the City authorizes Council to make expenditures of the funds of the City without public bidding in dollar amounts exceeding the limit set by Council in specific cases, and this Council has determined to authorize the expenditure of funds in order to pay the mandatory fee required by ODNR.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. This Council hereby authorizes the Mayor to enter into an agreement with the Northeast Ohio Regional Sewer District (NEORS) to use City Community Cost Share (CCS) funds to pay the City's portion of the mandatory construction permit filing fee for the Horseshoe Lake Dam project to the Ohio Department of Natural Resources (ODNR). Said Agreement shall be in the form as approved by the Director of Law.

Section 2. This Council hereby authorizes the City to pay the City's portion of the ODNR construction permit fee for the Horseshoe Lake Dam project from the City's CCS funds in the amount of \$44,166.67.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City and further, so the permit can be filed with the Ohio Department of Natural Resources promptly, enabling the project to move forward as soon as possible, and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted

Approved this ____ day of _____, 2020.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council



Memorandum

To: Members of Council
From: Chief Administrative Officer Jeri E. Chaikin
cc: Mayor David E. Weiss
Date: January 23, 2020
Re: Renewal of Lease with the Shaker Heights School District for use of the Stephanie Tubbs Jones Community Building, 3450 Lee Road, for the School District's Innovation Center for Personalized Learning and Family Engagement (IC)

The Shaker Heights School District leases space in the basement level of the Stephanie Tubbs Jones Community Building for the operation of their Innovation Center for Personalized Learning and Family Engagement (IC). The original 5-year lease expired on July 31, 2019 and the School District desires to extend the lease through July 31, 2021.

The purpose of the IC is:

- to provide high-quality alternative and accelerated learning opportunities for students who are not finding success in the traditional setting,
- to provide a resource center where parents can interact, learn more about navigating the system, and gain access to online information about the schools and student performance,
- to expand options for students who wish to take courses that are not offered at Shaker Heights High School or do not fit into their schedules, and
- to provide professional learning for teachers through partnerships with local colleges and universities.

The operations of the IC are located in the basement level of the STJ Community Building and includes offices, a classroom, a server room, and a Family Engagement Center. School District staff are in the building from 8 – 4:30 p.m. M-F and students are scheduled from 9 – 12 noon and from 1 – 4 p.m. School District staff have after-hours access when needed. The School District pays \$1/year in rent and pays for building improvements and furnishings needed to operate their program, custodial services and for their telephone and internet service. The City pays for utilities.

The term of the original lease was August 2014 through July 2019. With the transition to Dr. Glassner, the new School Superintendent, City and School District staff didn't meet until this past fall to reconfirm the details of the City and School District operations related to the lease, which led to the delay in submitting the lease renewal request to Council. The lease amendment will confirm security arrangements in the building and relieves the City's Public Works Department from any custodial work in the School District's space. The School District's rent will continue to be \$1/annually for this

space. With a shorter lease term, the City's planned relocation of Housing Inspection and Neighborhood Revitalization staff to City Hall in the fall of 2020, and the Forward Together planning being undertaken by the City, School District and Library, changes in use in the STJ Community Building can be considered in the next few years.

It is recommended that Council authorize the renewal of the lease with the Shaker Heights School District for the use of the STJ Community Building, 3450 Lee Road, for the School District's Innovation Center for the period August 1, 2019 through July 31, 2021. This action is requested to be adopted on first reading and as an emergency as the lease term has already begun.

ORDINANCE NO.

BY:

Authorizing a two-year lease renewal agreement with the Shaker Heights City School District for space in the City-owned Stephanie Tubbs Jones Community Building, 3450 Lee Road, for the Innovative Center for Personalized Learning and Family Engagement, and declaring an emergency.

WHEREAS, pursuant to the authority granted by Council in Ordinance No. 14-62, enacted on August 25, 2014, the City entered into a lease agreement on August 20, 2014 with the Shaker Heights City School District for space in the Stephanie Tubbs Jones Community Building, located at 3450 Lee Road, Shaker Heights, Ohio 44120, for the School District's use for the Innovative Center for Personalized Learning and Family Engagement; and

WHEREAS, the City has agreed to continue to provide space in the Stephanie Tubbs Jones Community Building for the School District to house the activities of the Center for the period August 1, 2019 through July 31, 2021.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. This Council hereby authorizes the Mayor to enter into a two-year lease agreement with the Shaker Heights City School District for space in the City-owned Stephanie Tubbs Jones Community Building for the Innovative Center for Personalized Learning and Family Engagement. The Shaker Heights City School District shall pay ONE DOLLAR (\$1.00) per year for the use of City space and facilities. Said agreement shall be in the form as approved by the Director of Law.

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City and, further, as the lease term has already begun, and therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted

Approved this ____ day of _____, 2020.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council

coun20/0114schoolsealerenewalSTJ



Memorandum

TO: Members of Council

FROM: Jeri E. Chaikin, Chief Administrative Officer

CC: Mayor David E. Weiss

DATE: January 27, 2020

RE: Recommendation to Enter into a Contract with Coventry Land Company LLC. in the Amount Not-to-Exceed \$50,000 for Sustainability Consulting Services for the Period March 1, 2020 through February 28, 2021.

Council's Sustainability Committee was established in 2019 to formalize sustainability policies and priorities for the City. The Committee is currently chaired by Council member Anne Williams and includes other Council members and residents as its members. Michael Peters of Coventry Land Company LLC is the consultant who serves as the Sustainability Coordinator for the City and works with the Sustainability Committee. The contract with Coventry Land Company LLC expires on February 28, 2020, and it is recommended that the contract be renewed for a second year.

In 2019, Council began including funds in the General Fund budget for a Sustainability Coordinator to support the Sustainability Committee and provide assistance in making recommendations for, and implementing, energy-efficiency and cost-saving initiatives, and to research and recommend best practices for City-wide sustainability. Funding has been included in the 2020 General Fund budget to continue these services.

Coventry Land Company LLC was selected in 2018 after a competitive request for proposal process to provide consulting services for sustainability initiatives. The contract covered the term of 3/1/2019 – 2/28/20. In addition to managing the agenda for the monthly Sustainability Committee meetings, Mr. Peters' first year accomplishments include:

- Implementing EnergyCAP utility bill tracking and analysis software to reduce City facilities' energy usage.
- Free AHRAE Level 2 audits of major City buildings, identifying recommendations for energy savings, such as lighting retrofits.
- Finalizing idle management pilot project for City vehicles.
- Creating an internal employee Green Team.
- City facilities composting program.
- Residential composting program.
- Obtaining national LEED for Cities grant award.
- Investigating solar power generation for residential properties and City facilities.
- National Drive Electric Week event at the Van Aken district.
- Coordinating promotion of City's sustainability initiatives on shakeronline.com.

Based on Mr. Peters' accomplishments to date, his successful work with the Sustainability Committee, and to provide for continuity in the leadership of the City's sustainability initiatives, it is recommended that Council authorize a contract with Coventry Land Company LLC in the not-to-exceed amount of \$50,000 for sustainability consulting services for the period March 1, 2020 through February 28, 2021. This action is recommended on first reading so that the contract can be in place to continue these services effective March 1st.

Jec20CoventryLandContractRenewal

ORDINANCE NO.

BY:

Authorizing a personal services contract with Coventry Land Company, LLC in a total not-to-exceed amount of \$50,000 for professional sustainability consulting services for the period March 1, 2020 through February 28, 2021.

WHEREAS, Council's Sustainability Committee was established in 2019 to formalize sustainability policies and priorities and Michael Peters of Coventry Land Company, LLC has served as the City's Sustainability Coordinator and works with the Sustainability Committee; and

WHEREAS, the City entered into a contract with Coventry Land Company, LLC for sustainability consulting services for the period March 1, 2019 through February 28, 2020; and

WHEREAS, the City has determined that entering into a new contract with Coventry Land Company, LLC for sustainability consulting services would be cost efficient and continue to support sustainability policies and priorities for the City; and

WHEREAS, the Chief Administrative Officer has recommended that the City enter into a personal services contract for professional sustainability consulting services with Coventry Land Company, LLC, in a total not-to-exceed amount of FIFTY THOUSAND DOLLARS (\$50,000) for the period from March 1, 2020 through February 28, 2021; and

WHEREAS, Section 141.03 of the Codified Ordinances of Shaker Heights authorizes Council, pursuant to the Charter of the City, to approve the expenditure of funds in an amount greater than \$25,000 without formal competitive bidding for personal services.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. The Mayor is hereby authorized and directed to enter into a personal services contract with Coventry Land Company, LLC to provide professional sustainability consulting services, in a total not-to-exceed amount of FIFTY THOUSAND DOLLARS (\$50,000) for the period from March 1, 2020 through February 28, 2021. Said contract shall be in the form as approved by the Director of Law.

Section 2. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted _____.

Approved this _____ day of _____, 2020.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council

coun20/0106coventrylandcompany



Memorandum

To: Members of City Council

cc: Mayor David E. Weiss
Chief Administrative Officer Jeri E. Chaikin

From: John J. Potts, Director of Finance

Date: January 27, 2020

Re: Then and Now Approval

Section 5705.41 (D) (1) requires in part that the fiscal officer certify that amounts required to meet obligations have been lawfully appropriated and are available for expenditure prior to the obligations being incurred. If this is not done the fiscal officer may make such certification, after the fact (commonly referred to as “Then and Now”), however if the amount of the obligation is \$3,000 or more City Council must approve payment within 30 days of such certification.

City Council is requested that Then and Now Certificate presented be authorized on first reading and as an emergency for the transactions listed on Exhibit A and the payments be approved.

EXHIBIT A
 Monthly Then and Now Certification Summary
 December 1, 2019 - January 31, 2020

DEPARTMENT	P/O #	P/O DATE	INVOICE DATE	WARRANT	AMOUNT	DESCRIPTION
CAO	20000058	01/06/20	01/01/20	011020	\$3,336.00	Ohio Municipal League
Finance	20000149	01/09/20	12/31/19	011720	\$113,953.18	US Bancorp Government Leasing and Finance, Inc
HR	20000093	01/07/20	12/16/19	011720	\$3,585.55	UNUM Life Insurance Company of America
HR	20000100	01/07/20	12/16/19	011720	\$6,524.89	UNUM Life Insurance Company of America

ORDINANCE NO.

BY:

Authorizing the execution of Then and Now Certificates by the Director of Finance and the payment of amounts due for various purchase orders, and declaring an emergency.

WHEREAS, pursuant to Ohio Revised Code Section 5705.41(D)(1), the City may not enter into any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the City's Director of Finance that the amount required to meet the obligation has been lawfully appropriated for such purpose and is in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances; and

WHEREAS, Ohio Revised Code Section 5705.41(D)(1) further provides that in such circumstances when no certificate is furnished as required and the expenditure is for \$3,000 or more, the City's Council, as the City's taxing authority, may authorize the drawing of a warrant in payment of amounts due upon such contract or order upon certification by the Director of Finance that there was at the time of the making of such contract or order and at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances; and

WHEREAS, such certificate of the Director of Finance is known as a "Then and Now Certificate," meaning that the funds were available when the contract was made and when the amount due under the contract is paid; and

WHEREAS, the City is issuing Then and Now Certificates in connection with payments due and owing, as shown on Exhibit A attached hereto; and

WHEREAS, this Council's approval is necessary for the execution by the Director of Finance of Then and Now Certificates and to authorize the payment of amounts due under the contracts or orders, requiring the expenditure of \$3,000 or more, subject to the Council-approved Then and Now Certificates.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. The Council of the City of Shaker Heights, pursuant to Section 5705.41(D)(1) of the Ohio Revised Code, hereby approves the execution of Then and Now Certificates by the Director of Finance and authorizes payments due and owing, in accordance with the schedule attached hereto as Exhibit A and incorporated herein.

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City in order to meet the requirements of state law and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted _____.

Approved this ___ day of _____, 2020.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council

coun20/0115thenandnowjan

EXHIBIT A
 Monthly Then and Now Certification Summary
 December 1, 2019 - January 31, 2020

DEPARTMENT	P/O #	P/O DATE	INVOICE DATE	WARRANT	AMOUNT	DESCRIPTION
CAO	20000058	01/06/20	01/01/20	011020	\$3,336.00	Ohio Municipal League
Finance	20000149	01/09/20	12/31/19	011720	\$113,953.18	US Bancorp Government Leasing and Finance, Inc
HR	20000093	01/07/20	12/16/19	011720	\$3,585.55	UNUM Life Insurance Company of America
HR	20000100	01/07/20	12/16/19	011720	\$6,524.89	UNUM Life Insurance Company of America