



SHAKER HEIGHTS

City Council Agenda VIA CONFERENCE CALL DUE TO COVID-19 PUBLIC HEALTH EMERGENCY Monday, April 27, 2020 at 7:30 pm

REGULAR MEETING

1. Approval of the special minutes of March 14, 2020 and the regular meeting of March 30, 2020 (attached herewith).

Documents:

[SPMN0314.PDF](#)
[COMN0330.PDF](#)

Public Comment on Agenda Items

Comments and questions submitted prior to the meeting will be read into the record.*

2. Proclaiming May 2020 as Bike Month in the City of Shaker Heights to promote the many benefits of bicycling and encourage more people to try bicycling.
Resolution No. 20-30
By: Rob Zimmerman

Documents:

[BIKE MONTH.PDF](#)

3. Authorizing the acceptance of a grant from the State of Ohio Safety Grant program for improvements to the Warrensville-Shaker intersection, and declaring an emergency.

Documents:

[CDSG GRANT.PDF](#)

4. Amending Ordinance No. 18-119 and Ordinance No. 19-60, an ordinance appropriating funds from the General Capital Fund 0401 to provide for the purchase of equipment for use by the Police Department and to appropriate funds from the State of Ohio State Safety grant for improvements at the Warrensville-Shaker intersection and to appropriate funds from the Cuyahoga County Department of Development for the 2020 Municipal (CDBG) grant and the 2020 Supplemental (CDSG) grant for the Chagrin-Lynnfield intersection improvements, and declaring an emergency.

Documents:

[APPROPRIATIONS.PDF](#)

5. Authorizing the acceptance of a grant from the Ohio History Connection Certified Local Government Grant (CLG) Program in the amount of \$25,000 for the restoration of 26 original wood windows and 2 doors at Shaker Heights City Hall, 3400 Lee Road, and declaring an emergency.

Documents:

[CLG GRANT.PDF](#)

6. Amending Ordinance No. 17-132, Ordinance No. 18-37, Ordinance No. 18-123, and Ordinance No. 19-124 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 \$25,000 for City Hall Renovation, and declaring an emergency.

Documents:

[CLG APPROPRIATION.PDF](#)

7. Authorizing a contract with ms Consultants in the total not to exceed amount of \$104,826 for professional design and related personal services for the resurfacing of Warrensville Center Road and coordination of the Warrensville Center Road/Shaker Boulevard intersection reconfiguration projects, and declaring an emergency.

Documents:

[WCR.PDF](#)

8. Declaring it necessary to light the streets of the City during the years 2021 and 2022, and providing for the assessment of a portion of the expense thereof, and declaring an emergency.

Documents:

[STREET LIGHTS.PDF](#)

9. Authorizing an agreement with the Ohio Department of Transportation (ODOT) in order to implement the Guard Rail Replacement Project at Warrensville Center Road and Shaker Boulevard, and declaring an emergency.

Documents:

[GUARD RAIL.PDF](#)

10. 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

Comments and questions submitted prior to the meeting will be read into the record.*

Please Note:

For the safety of our staff and residents live audio will be available on a listen-only

basis to the first 80 callers, but public in-person attendance and comment will not be permitted. Residents are encouraged to submit comments/questions regarding items on the agenda or other items not on the agenda at least 6 hours in advance of the meeting by emailing **Jeri E. Chaikin at JERI.CHAIKIN@SHAKERONLINE.COM** or by calling **(216) 491-1424**. Any comments or questions will be read into the record at the meeting. You may listen to the meeting live that evening by calling **1-877-837-3954** and entering code **04272020**. The audio of the meeting will be available the following day on the City's [WEBSITE](#).

***Comments and questions submitted may be edited if excessively lengthy.**

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.

call at 7:30 p.m. every evening for the past week giving feedback and information to key staff. The Fire Chief has spent a good deal of time at the County Emergency Operations Center (EOC) so he can provide information from us in the field as well as to get great information from them.

Fire Chief Patrick Sweeney stated that we started communicating pretty heavily with our partners at the EOC a week or so prior to any confirmed cases being reported in Cuyahoga County. He met with the Mayor and CAO to ramp up internal communications and planning meetings for directors for how we as a City would continue to operate should the situation escalate. It started escalating pretty quickly. This past Monday we had a meeting with all the directors and put out pretty broad objectives to discuss. Specifically, they asked who are the essential individuals they need working in their departments and what are the essential services the City or departments need to provide. They had a very productive meeting and they were given an update on what is going on at the EOC. The County started putting out situational reports before the first cases came out in Ohio. There are representatives from Fire Chiefs, Police Chiefs, Sheriffs, along with representatives from RTA, NEORS, the County Health Department, City (of Cleveland) Health Department, Public Information Officers (PIOs) for the City (of Cleveland) and County and the EOC. They get everyone working together to have real time information as it is coming in. This past Monday the first three cases were confirmed and the County took the lead through the EOC as opposed to the City of Cleveland. Mayor Jackson and the County executives were standing side by side at the first real briefing and behind them were all of the hospital representatives from Metro Health, Cleveland Clinic, and University Hospitals. They were sending a message that they are working closely together on this. They opened the EOC at that time. They were monitoring it virtually before that, but they actually staffed it with these various disciplines. Since then they have been running operational periods from 7 a.m. to 7 p.m. with all of the representatives from these key stakeholders, and putting out situational reports twice each day. Each one of the disciplines puts in information as to what happened during a six hour window. It is fast moving. Things are changing very quickly. We are starting to see EMS agencies respond to these calls. Fire Departments and every discipline are working very closely together. All of the Fire Chiefs in Cuyahoga County are working together assessing their personal protective equipment (PPE), when to wear it, how to put it on, how to take it off, etc. They are working with hospitals to make sure the direction they give out to their various departments is consistent which is key. We want all of the direction coming out to come from one source, funneled into the EOC, vetting it to make sure it is the right message, and then getting it out. They are trying not to have freelance messages. Those are always challenging. They are in constant communication and he is seeing decisive, quick action that needs to be taken, and he believes we are doing the right thing. We will get through this.

Mayor Weiss stated that obviously the things that we can control are the things that we are doing as quickly as we can. We are practicing social distancing whether internally or externally with staff, starting this week moving key functions out of City offices where possible, and working from home. Not everyone has historically had the capability to work from home so they are in the process of getting that for key staff like the Management Team as well as employees responsible for payroll to ensure that will continue seamlessly throughout this process. Wherever we can we will employ social distancing.

Council member Mr. Roeder asked about first responders and PPEs for Fire, Police and Public Works employees. Many of us have the luxury of choosing who we interact with, where we go, and these employees do not. They are in situations he knows in some other cities are causing difficulties. He would like to know what we are doing and if there is anything else we should be doing to protect these employees or give them to be safe.

Chief Sweeney stated a PPE is a hot topic right now so they have taken a picture of all of the Fire Department PPE assets in Cuyahoga County right now. They are starting to look at what Police Departments have as well to share assets. We know how much we have. Some cities have more, some are hurting so we are working together to make sure none of our partners are shorthanded. They have a formula after looking at what happened in Washington State as to how much personal protective equipment, including masks, goggles, gowns, and gloves they had and how much of it they used. Based on that they decided what was logical for how much they feel each Fire Department needs for the next 30 days. Some cities have more than what they think is needed for the 30-day window. They created a spreadsheet to demonstrate to Cuyahoga County, the State of Ohio, and FEMA what our assets and needs are. We are making sure that the first responders are getting clear direction on when to wear it, how to put it on, and how to take it off so that you don't contaminate yourself when you remove it and dispose of it. We are working closely with the Cuyahoga County Health Department. We also work closely with University Hospitals. Most of the Fire Departments in the heights area operate under their medical direction. There are a lot of Fire Departments that work under Cleveland Clinic. We need to make sure that the EMS departments at the three systems are not sending out different messages and are all on the same page. We are working today to make sure their messaging is being sourced into one area before coming out. The messaging they are sending out is not causing great problems operationally, but we don't want any freelance messaging.

Patricia Speese, Public Works Director, stated that Public Works has been in touch with all vendors and are fortunate to have a good supply of PPE necessary for staff. They have ramped up custodial services throughout City buildings where they are working nonstop throughout the day sanitizing all the areas that people touch. Employees typically wear a lot of PPE anyway so they are well prepared, but it has been ramped up. We have installed different sanitation facilities throughout the Service Center and trained employees on how to properly sanitize the equipment after they use it. They are trying to keep everyone in the same truck or vehicle and wiping down handles, steering wheels, and all the things that most commonly spread germs with crews. Typically staff who work outside are more fortunate with the virus because they have a larger work area and not in contact with other people daily. They have taken a lot of measures not to keep the crews together. They no longer congregate near the time clock. They have a good supply of sanitizing equipment for at least a month. Vendors are coming through every day. Monday they expect a big shipment from a major supplier and we have also partnered with the schools to buy a Clorox 360 machine that will sanitize rooms by blowing a chemical solution to sanitize instantaneously.

Council member Mr. Earl Williams asked if there is a universal standard for the sanitizer the state is asking each City to use or are we figuring things out based on our own investigating.

Director Speese stated that there are different mechanisms. There is one-minute sanitation equipment, two minute, and three minute. They are trying to get the most quick and effective product, but training everyone the proper way to use them is somewhat problematic. People think you just spray it on the table and wipe it down. You have to wait a certain time before it is effective. Whatever we have we are prioritizing on high volume areas. We want the best and strongest equipment and chemicals. We are using the standard that we have and she believes it far exceeds the state standards.

Chief Sweeney stated that a lot of these questions that are arising are new to all of us. In addition to the situational report which comes out daily, there is an information resource list that the County is putting together. Guidance on how to sanitize certain types of equipment might be a guide sheet you might see. A lot is being developed and put together in real time. The resource list is growing every day. Guidance in one place for everybody on a wide variety of issues is the goal.

Mayor Weiss stated that we are trying to steer everyone to our website. We are not creating new documentation, but linking to existing information. There is a Coronavirus page on the website.

Council member Ms. Carmella Williams asked about the first responders and if there has been any discussion on how to handle COVID-related emergencies versus standard heart attacks, etc. and prioritizing those calls.

Chief Sweeney stated that what we will probably see coming out this week is us not necessarily responding a rescue squad or an emergency apparatus to the scene of a COVID-19 call. We will start to see teleconferencing calls and medicine. We may be thinking out of the box weighing whether we need to send three paramedics to that house as opposed to taking the information from the dispatch center and getting on the phone talking to them to dig into what is going on before sending a crew there. We will start to see stuff like that happening to limit exposure and to ascertain whether they really need a rescue squad or if they should call their primary care physician. Another guidance that came out is direction for primary answering points to ask the same questions and convey that information to us. We have taken patients already in the area to the hospital that meet some of the criteria. It doesn't mean they have COVID-19 but they will undergo testing. All of that information was questioned at the time of the call, communicated to staff, and that gives them the heads up to have on the proper PPE before they arrive. Things are dialed in at the dispatch center, the information is getting out to our crews. We have done it in a confidential manner. We get alerts when patients meet certain criteria without disclosing any HIPAA information. We still have to be sensitive to that. The County is also super sensitive. They don't tell us if there is a confirmed case but they are assuring us they are monitoring and know who they are and where. The Health Department is charged with monitoring this and making sure they are diligent in staying in contact with them. If conditions of someone self quarantined at home changes they have given them clear direction on what to do. All of the Fire Chiefs would like to know if there is sensitive information they need to be careful about regarding someone in their city, but this process puts them at ease so they are not at undue risk.

Council member Ms. Carmella Williams asked if there is planning in place to communicate or inform business owners and people responsible for larger dwellings like assisted living facilities.

Chief Sweeney stated that they have put out guidance for all health care facilities, long term care facilities, and nursing homes as to what they should be doing. We are reaching out to them to make sure they have the guidelines and are following them. At a national level, the Center for Medicare/Medicaid shifted gears for the vulnerable populations. They have strong regulations that govern those environments and are shifting to infection control measures to make sure that facilities for that high risk population are being maintained in a sanitary manner and that property infection control procedures are in place and being practiced.

Mayor Weiss stated that we also have a lot of outreach through our Economic Development Department. We tried to minimize the number of staff present today but there has been outreach to the business community as well.

Council member Mrs. Moore asked since we do not have accurate numbers in the state of who and how many people have COVID-19 because it is under reported, and since they lack adequate testing kits despite the fact that some of our hospitals announced they are developing their own test kits and more

will be available in the future, what assurance do we have as a City that where there is cause our employees may get tested.

Chief Sweeney stated that we do know how many cases are in Ohio. Information is updated every six hours. As of 7 p.m. last night we had 12. That number is changing. They are hearing the same thing the public is hearing regarding testing stations. It is changing so fast. Over the last 8 – 10 hours we heard that Cleveland Clinic will be opening up a testing drive through on March 14, at 11:00 a.m. in University Circle. He is sure there are requirements before you can get the test. That is changing hourly.

Council member Mrs. Moore asked what assurance we have as an employer if an employee shows symptoms they may get tested.

Chief Sweeney stated that we have a strong relationship with our medical control hospitals. They have always stepped up to the plate for us any time we have had an exposure. It happens more often than you think. We have an infection control policy. If someone in the Fire Department is stuck with a needle there is a strict protocol to follow. When we have an occasion they walk us through the process whether Cleveland Clinic or University Hospitals.

Mayor Weiss stated that we are subject to the same limitations that everyone is. That is why the protocol of deciding who absolutely needs the test versus who does not is important to match the need with the supply. That points out why the social distancing measures are so important. Those are things we can all do with or without a test. The best thing is not get symptoms and the best way to do that is social distancing.

Council member Mr. Malone asked about staffing and limitations on what we can do now. He asked whether directors have concerns about trying to maintain staffing over the next few weeks particularly with family members or kids home from school. We will have a lot more people working from home in Shaker including Police, Fire and sanitation workers. He asked what we can do about maintaining staffing the City.

Chief Sweeney stated that we do have concerns but we are trying to alleviate them with social distancing practices being put in place. We are reducing any unnecessary exposure that we have so that we can focus on just keeping the ambulances and fire trucks staffed. We have met with all of the management team at the Fire Department yesterday to talk about staffing solutions should a number of staff members become sick and how to do that. They have instituted no travel between Fire Station No. 2 and Fire Station No. 1 to tighten things up in the fire stations. The public is not permitted to walk into the buildings to expose those environments. They have stopped all unnecessary measures to go out into the community other than responding to calls. They are hashing through scenarios based on their three 24-hour shifts. If 30% of the work force was quarantined or sick they are discussing how they would shift to two shifts. They have solutions on how Cleveland Heights, University Heights, and Shaker Heights Fire Departments could work together to consolidate some of the services running out of one station for these types of calls. He thinks we are okay.

Council member Mr. Malone asked about child care for employees.

Chief Sweeney stated that issue was raised yesterday. We know a lot of the firefighters' spouses have jobs, they are no different from anyone else having two working parents. He told all three shift battalion chiefs they will exercise extreme flexibility in working with the staff members. They are normally pretty rigid on

vacation, sick, and comp usage but they will step out of the rigid box. He has empowered the three battalion chiefs who keep the shifts running to make the decision. They do not have to call him, just keep the shifts staffed appropriately whatever they have to do.

Director Speese stated that Public Works is basically the same. She reached out to union leadership and told them we would be easing up on a lot of the restrictions as far as advanced notice for vacation time, sick time, etc. They were extremely grateful. We have several members who have asked for vacation time because their children do not have school. We also have prioritized services if 20% of work staff is off, to determine what services would be limited and streamlined. They have gone down to the worst case scenario of what absolutely must be done, and that would be rubbish pickup. We have a three phase approach to the services. The Mayor asked for us to come up with a plan and we have.

Mayor Weiss stated that we are also rolling out on Monday a policy enabling people to use sick time for COVID-19 related child care issues.

Jeri E. Chaikin, Chief Administrative Officer, stated that not only are departments identifying its non-essential services, but what they can do if they are redeployed somewhere else.

Council member Mr. Zimmerman stated that he presumes there has been close communication amongst other mayors in the Mayors and Managers Association. He wants to make sure there has been good sharing of ideas and protocols not only in terms of personnel and safety but also potential legislation.

Mayor Weiss responded that there has been. There is so much to do and there is communication electronically, but everyone has their hands full. It started with day to day issues, but for most of us our time is taken up with 90% Coronavirus issues.

Council member Mr. Zimmerman stated that he is reminding residents of that who from time to time bring issues to him that they would like him to take to the Administration. He understands what staff has been dealing with and residents have understood that. His larger point is to the extent it hasn't been happening, to do what we can to share our good ideas with others and learn from other administrations. He saw the County adopted legislation that is similar to what we are considering today. He wants to make sure there is as much of that information sharing and perhaps consistency if possible.

William M. Ondrey Gruber, Law Director, stated that Mayor Weiss asked Assistant Law Director Lisa Gold-Scott to participate yesterday in a conference call with the Mayors and Managers Association with an update from Tim Cosgrove which involved a question and answer session. There was a directive in the last few days from the Ohio Attorney General to cities about open meetings. He was in touch with the Cleveland office of the Ohio Attorney General to talk about that issue. He has also had communication with the state about using sick time and we have not had a directive from the State Auditor. If the Attorney General says yes we can spend public funds to do this, the auditor will have a say when they do audits. We want to make sure the two offices are communicating and giving us the same directives.

CAO Chaikin stated that she also has summaries of what other cities are doing.

Council member Mr. Zimmerman stated that we should also be sharing with them what we are doing.

Council member Mr. Roeder asked what the command structure is north of us, because this is often what happens in these situations with federal, state and local agencies with different policies. He senses that it is a little unclear right now. There is a lot of communication with the County, but he asked how the state, federal and FEMA pieces are fitting together. He wonders if there is a formal command structure or if we need to deal with different parties and sort through different messages.

Chief Sweeney stated that Cuyahoga County and the City of Cleveland jumped on it quick even before the first cases came out. There were probably a handful of situational reports that were being put together and monitoring in the United States. Governor DeWine and the Ohio Department of Health put out good messaging this week. Chief Sweeney, the State Fire Marshall, the County and City of Cleveland Health Department are all working with the State very closely so it is funneling up very nicely right now. He does not know about what is going on from the state to the Governor and the President.

Mayor Weiss stated that the structure is in place, but questions do come up from time to time about how something might be interpreted under a state of emergency.

Council member Mr. Roeder asked if the EOC is sorting through all of this and is our main reporting body.

Chief Sweeney responded absolutely.

Mayor Weiss stated that what we wanted to do at this moment is to put some things in place today that we hope will not necessarily be applicable, but we want to put the protocols in place where possible. There are not a huge number of things we can do in some cases because we are bound by our Charter. We are obviously sensitive to issues of transparency so we keep that in mind all the time. In general, his directive to Director Gruber was to focus on what things we should be looking at now while we are healthy, not quarantined, and to take action on those things we can only do in a public meeting. One of them is how to minimize the number of meetings versus through telephonic or other ways. He believes we are heading toward converging our work session into a telephonic briefing as an update with no deliberation or action by Council. Then he asked what else we can do to give us flexibility as needed. There are two items being put forward for Council's consideration.

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Ordinance No. 20-16, by Mrs. Moore, approving and authorizing Council to more readily make decisions of an emergency nature if significant numbers of Council Members cannot be present during the current COVID-19 crisis, and to grant the Mayor extraordinary authority to expend funds of the City for certain purchases of goods and services in order to reduce the need for Council meetings, and the duration of such meetings, during the present crisis, and declaring an emergency.

William M. Ondrey Gruber, Law Director, stated that there are two proposals both related to the COVID-19 crisis. We are looking at the scenario in which we couldn't have seven, six or five members of Council attend a Council meeting. Certainly if there is a Council meeting to make decisions, all Council members will be notified as required with plenty of advance notice and have an opportunity to attend, but if for some reason Council members are quarantined, self-quarantined or mandatory quarantined, or ill, they may not be able to attend. One thing we have received confirmation on from the Ohio Attorney General and research is that Council may not make decisions without being in person. We are trying to

plan for the situation in which we can't get all the members of Council or enough members together and if there is some disagreement we are able to have decisions made. There are some cities whose charters allow decisions to be made by majority of a quorum and that is very common among many non-profit boards. Our City Council Charter requires we have four members in attendance as a quorum. The ordinances require four votes to approve any ordinance or resolution. This legislation proposes in the situation in which we cannot garner enough Council members to attend and there is some disagreement, that we are able to pass legislation with the majority of a quorum. That means if there are four members in attendance which is a quorum they can make a decision and a vote of 3:1 would pass the legislation. If there are five members a vote of 3:2 would approve legislation. If there are six or seven members in attendance you would still need a majority, and you would need at least four votes as now. That is not changing. It is a fairly simple proposal. It has ramifications obviously but it clearly will only be used in those circumstances in which we can't get enough Council members and we really need to make a decision and there is some disagreement. The second proposal deals with having authority to spend money. The Charter tells us it is up to Council. Public bidding is required for any contract or expenditure the City makes over an amount that Council is supposed to set except there are certain types of contracts that Council can approve above the amount that they have set without public bidding. It lists the types of contracts that can be approved by Council. That same list is reiterated in the ordinance with the amount Council has set at \$25,000. It can only be changed in January of odd number years. This proposed legislation is not requesting to change that amount but the Charter and ordinances say that Council may in specific cases authorize contracts for amounts higher than the limit beyond the things which are listed. In this case we are proposing everything to continue as normal for expenditures \$25,000 or under, and formal public bidding for expenditures over \$25,000 in all cases that we can if it is not an urgent emergency. We are asking for expanded authority for expenditures up to \$100,000 for professional services, and utility services to enter into contracts for those types of purchases. The ordinance requires the Mayor to advise Council in advance if possible. An example is if a roadway collapsed over a weekend and that has happened along South Park leading into Doan Brook where immediate action was necessary.

Mayor Weiss stated that he knows this is a sensitive topic. What we are trying to do where possible is to provide for some additional flexibility in the event it is needed under these circumstances. This is a temporary measure and it can be terminated or changed by Council at any time. We are not asking for an unlimited amount of time and this is a limited category based on the Charter and our ordinances. It is just the ones that have previously been identified as ones that could be above the initial authority and Council would be provided notice in advance unless staff are unable to do so. Having these added actions in place would enable us going forward to have as few public meetings with us all in person. It may become critical that we do that or when we do have public meetings to minimize the number of items, many of which may be routine that Council would already know about, to allow them to move through them quickly.

Council member Mr. Zimmerman stated that this is a lot to unpack. He believes we all recognize that this is very serious stuff that we are dealing with. He has a number of questions. Focusing on the modification of the voting requirements where the Law Director stated that "if for whatever reason Council members cannot attend," he was not comfortable with what he heard. He does not want to be in a situation where we utilize the legislation because a member or members of Council are out of town because of vacation or for some reason that is unrelated to the COVID-19 crisis. He only wants it used for the reason that it is being brought before us and for a public health crisis that may result in our inability to do business as usual. He does not want it used for any other reason.

Director Gruber stated that the legislation states it is for a period of 90 days, which period may be extended or shortened by Council. Council can vote to end it at the March 30, 2020 Council meeting or

change it in any way. There can also be a special meeting called by Council members and change it or end it. That can be done at any time. The idea is that we are able to meet. There is nothing in the ordinance that says we have to look at the reason that Council members can't attend. The idea is that we have to have a meeting. We are trying to reduce the number of meetings so if something comes up in between and the choice is to make the expenditure and take action or it is over the limit, we would have to hold a Council meeting. If a Council member is on vacation and not sick we may have to call a special meeting to make an expenditure of \$200,000 because of the urgent nature of it. The expenditure may or may not be related to COVID-19 but it may be an emergency that we have to take care of now and need a special Council meeting. This does not limit decision making to the reason that Council members can't attend, it has to do with reducing the number of meetings to once each month and having no committee meetings to consider legislation, as well as to make certain expenditures up to \$100,000 without having a meeting or in the case of a special meeting where Council members can't attend.

Council member Mr. Zimmerman stated that he is still processing this but no matter what under this circumstance the importance of clear and constant communication from the Administration is never more important. If we are talking about reducing the number of meetings and formalizing the social distancing, we are still a City Council and still have statutory obligations to represent the citizens of Shaker Heights. He wants to hear from the Mayor and Administration regularly. That will put a larger burden on them to maybe provide a daily update of what's going on at City Hall that they would otherwise learn from committee meetings, but since they are not having those or Council work sessions, they will need to hear more updates and more often from the Administration. We will have to think about how to do that without overburdening the Administration.

Council member Mrs. Moore stated that she believes what Council member Mr. Zimmerman said was important. Normally we would have committee meetings and some Council members would sit through two hearings on an individual agenda item before getting the Council agenda packet in reasonable proximity to the Council meeting. If they don't have the opportunity to become informed about a given item whether or not it is on the final Council agenda it would be great to have an advance opportunity to digest it so they feel informed. However that can best be accomplished would be great.

Mayor Weiss stated that we can certainly do that, to provide the same level of detail of information in advance of the Council meeting to substitute for the Council committee meetings.

Council member Ms. Anne Williams stated that she shares their concerns and the importance of communication. She stated that the Vice Mayor is a really good conduit for communicating from and to Council. It is important for all of us to stay in communication.

Mayor Weiss stated that this voting proposal is controlled by Council. We will call the meetings in the normal course, it is incumbent upon the members of Council to be there. This is in the event Council is unable to be there. It is in the event of their unavailability if they call and tell us they are unwilling or unable to come to a particular meeting, and how we can conduct business. It is a very limited circumstance and it only gets triggered when Council is unable to attend.

Council member Mr. Zimmerman stated that it is really issue driven as he understands it. We talked about moving the Council meeting to the end of the month because of spring break thinking about scheduling. Irrespective of the reason for absence in this present circumstance we may not be able to put off a meeting and if we can't reschedule it because someone is quarantined or can't get back in the country and there is

legislation that needs to be addressed because of the present crisis we will have to rejigger the rules somewhat. He believes that is what we are saying.

Mayor Weiss stated it is two-fold. To the extent we only have one formal public meeting a month if that is the goal to maximize our social distancing, if something happens two days after the last Council meeting, it may be 30 days to the next Council meeting. If we have a significant expenditure for e.g., \$200,000 we would have to call a special meeting. If it is an urgent matter we will do that because we have to for the health and welfare of the community and we need to hope that all of Council is in town and available, but if for some reason you are not whether work or health related we put ourselves in the best position to make sure that the operations of the City can continue. That is really all we are doing.

Council member Mr. Zimmerman stated that we are balancing fewer meetings with the possibility of true emergency legislation if we need to spend a lot of money to buy whatever to help our safety forces be safe or our residents.

Mayor Weiss stated that this is only in the event we get down to the point where we have an urgent purchase, or an urgent matter, and we call a special meeting and we are short the number of Council members needed.

Council member Mr. Roeder stated that he understands that what we are doing here is contingency planning for all scenarios if members of Council can't make it, but what if the Mayor is unable to be present. If that is the case it would fall to Mr. Roeder as Vice Mayor, and he has not participated in a single one of these meetings. He would be starting from zero. If something happened to both of them it could fall to another member of Council.

Director Gruber stated that is not the case. Unless Council has a meeting and votes to name someone other than the Vice Mayor, the Law Director becomes Acting Mayor if both the Mayor and Vice Mayor are unavailable.

Council member Mr. Roeder thanked Director Gruber for the clarification. The point still stands in terms of overall Council knowledge and what would happen. It is not just about what might be going through the committee meetings but Council is talking with people in the community on a regular basis. The level of knowledge they have now is limited in terms of what we are doing to respond to this crisis. If there is some way to inform Council on a regular basis without it making it too burdensome so they can communicate that and be ready to act quickly with a full deck of information that would be nice. What he is hearing and feeling is it would be nice to the extent possible they have more of a knowledge base to act quickly with full information.

Council member Mr. Zimmerman stated that what comes to mind particularly because of the absence of committee meetings, is to have a weekly conference call if possible to get an update from the Administration on what is going on in terms of COVID-19 and also legislation that they should expect, routine purchases, etc. More of that would make them all feel better and help them communicate better to the residents.

Council member Mrs. Moore stated that with that method if it should be needed you get the collective intellect of the whole Council whereas individual communications by email or digitally in some form you don't benefit.

Director Gruber stated that legally we can have a weekly conference call. Logistically we have been in the mode of trying to cope with every single thing as an emergency. The Administration has dropped everything else that is not absolutely essential to work on employee policies, Council meeting rescheduling and cancelling of meetings, and dealing with school closings. Hopefully we will settle down into a new normal in the next week or so, so that things are not in crisis mode. The Ohio Attorney General reiterated that in what he issued in the last few days. We may have informational questions and answers and discussions, as long as we are not deliberating or voting on items.

Council member Mr. Zimmerman stated that is good. What this is all about is to reorient government so we can continue. Hopefully this process will finish hopefully sooner rather than later and we figure all these things out but the show must go on. We are saying here that when the show must go on, we need to play our various roles. It seems to him what we are talking about is having regular communications or weekly conference calls to get updates but not deliberate or vote which would be a good thing.

Mayor Weiss stated that if we do he recommends it is done on the weekend. He knows that may be a burden but during the week is really tough.

Council member Mr. Zimmerman stated as long as we do it.

Council member Mr. Roeder added that they can also help. There may be things they can do to assist even in the times of complete crisis. He understands the difference between administrative and legislative, but whatever that looks like, whether it means communicating out to everyone what is going on, in the different roles we play, Council is willing to do whatever they can to be a part of the response and assistance.

Council member Ms. Anne Williams stated that on a personal level she thinks the adjustment of votes needed is really creative and she appreciates it. She thinks it is going to work well in case they do have members out at future Council meetings. She really likes the idea of conference calls especially because she has a concern of going up to the \$100,000. She understands the need for it. It is hard to think we are going to do that without knowing what is going on for an extended length of time, like a month between meetings. It is challenging when they have that big gap of time. She appreciates that kind of update to them. Related to that Director Gruber mentioned a contract with Wide Open West, and she asked if there is anything in the pipeline that may come up.

Finance Director John Potts stated that we have a small Information Technology (IT) Department and we are working to have potentially a lot of employees working from home. We are doing that now as a Tier 1 stage. The Administration is making sure that payroll clerks and directors may work from home. If we reach a point where business is happening all at home with 140 to 150 people on the system, the stress of the IT Department will be significant. They may need to co-source or to sign a contract with technical specialists that can help people. That could be significant so that is something we thought of.

Council member Mr. Malone stated that his suggestion was along the lines of what we are talking about to the extent that we do have business that is not COVID-19 related and would traditionally go through committees, it would be nice to continue to include committee members somehow whether just copying them on emails, or to have the memos a few days in advance of what we normally would if there is just one meeting each month. He would suggest at that time that we also copy those committee members who would be responsible for vetting it and inviting their feedback. It would help streamline actual meetings. We may learn something from committee members too. He thinks these are sensible measures.

He was a little hesitant about the 90 days. He is hopeful it will only be 60 days or 30 days, but given that Council can at any time decide to draw back the emergency authority they have given, he thinks these measures make a lot of sense.

Director Gruber stated that the reason he suggested 90 days was only because of the circumstance if Council can't meet at all or cannot get a quorum. As long as Council can meet they can change this at any time even with 3 votes.

CAO Chaikin stated that the Administration cannot spend any money that Council has not appropriated. Any purchase would have to be done with money that is already appropriated. Traditionally we underspend the operating budget every year. This \$50,000 project is not a new \$50,000. We are renewing a contract that expires in 2023. We have to renew it for another 5 years in order to get the additional bandwidth, which is only another \$151 more each month. It is only \$1800/year additional.

Mayor Weiss stated that we appreciate the feedback and we will take all of those comments under advisement.

Council member Mr. Zimmerman stated that the next set of communications from the Administration are really important. The quicker and more comprehensive they can get back to Council and set up regular calls the better.

It was moved by Mrs. Moore, and seconded by Mr. Earl Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-16 be placed upon its final enactment.

Roll Call:	Ayes:	Mr. Roeder, Ms. Anne Williams Ms. Carmella Williams, Mr. Earl Williams Mr. Zimmerman, Mr. Malone, Mrs. Moore
	Nays:	None
		Motion Carried

Moved by Mrs. Moore, and seconded by Mr. Earl Williams, that Ordinance No. 20-16 be enacted as read.

Roll Call:	Ayes:	Mr. Roeder, Ms. Anne Williams Ms. Carmella Williams, Mr. Earl Williams Mr. Zimmerman, Mr. Malone, Mrs. Moore
	Nays:	None
		Ordinance Enacted

* * * *

Ordinance No. 20-17, by Mr. Earl Williams, accepting the lowest and best bid and authorizing a contract with Ronyak Paving, Inc. in the total estimated amount of \$1,688,000 for the 2020 Street Resurfacing Project, and declaring an emergency.

Patricia Speese, Public Works Director, stated that notwithstanding the Coronavirus, this is the time of year that Public Works is extremely busy planning all of the activities for construction season. Issues like street resurfacing, curbs, sewers, and tree planting are taking place right now. We are planning to go full board once this is over with. We went out to bid early for the street resurfacing contract and received five bids from various companies with the lowest bid from Chagrin Valley Paving. It was determined not to be the lowest and best bid by less than 1% due to previous experience with them where their work was deemed to be fair at best and the process was not good for the City. It was not a good experience. She spoke with colleagues who have also dealt with Chagrin Valley, knowing that Ronyak was the next lowest bidder, who stated they would not work with Chagrin Valley again as well. We had more than one issue with Chagrin Valley Paving. Ronyak has been our resurfacing contractor for two years after them and have done a great job. In her tenure with the City the only time she has issued a default of contract letter was for Chagrin Valley Paving notifying their bond counsel and bonding agent. They came in the next day and remedied the situation. When you pull a bond it can be detrimental but that is how bad it was. She cannot stress enough the severity of the issues we dealt with in working with Chagrin Valley Paving. Ronyak Paving was the next lowest bidder by 1% and were determined to be the lowest and best bid which is the criteria we use for awarding bids, according to our Charter. This item is requested as an emergency and with a suspension of the rules in order for them to hit the ground running on April 15 when the asphalt plants open. This is a big year for paving with a lot of streets and a lot of phasing options to meet.

Council member Mr. Zimmerman stated that this item was reviewed and unanimously approved by the Safety and Public Works Committee a week ago Friday. We did not anticipate there would be this explosion of events. The meeting was held at Fire Station No. 2 along with a “push in” ceremony for the new fire truck. The important thing that he thinks all of us know is that from time to time we get a situation where the lowest bid is not the best bid. That was the circumstance. There were a number of questions about it and the director was being very polite and professional by saying their performance was fair at best. They did not meet expectations. From his perspective he is no expert when it comes to this and really relies on the people that we hire and empower to make these decisions because they have to live with it. As we all know if we make a bad decision about something as important and expensive as road repairs and maintenance, we pay that price for years to come because the road is buckling and we could end up spending more money to repair it.

Director Gruber stated that there are different standards under state law. We are a charter city so we have our own standard. Lowest and best bid is not an uncommon standard. Some state agencies have a lowest and responsible bidder standard which makes it much more difficult to not award it to the lowest bidder. The lowest and best bidder standard does not mean that only if the lowest bidder is bad can you award it to the next lowest bidder, but applies if the second lowest bidder is better. You could have two perfectly fine contractors. In fact Chagrin Valley Paving has been used by our Recreation Department for path projects, where there are no disruptions of traffic, or coordination with utilities which is much more complicated with the public. In those cases they had an experience that was fine with Chagrin Valley Paving. They may be adept for that kind of project. We are not saying they have to be a bad contractor in order to award to the second lowest bidder. In this case there happened to be circumstances that we experienced and other cities have experienced which have not been optimal so there are many reasons to not award to the lowest bidder in this case. It is also less than a 1% difference. We often look at the price difference. If we are trying to award to a contractor that was 20% higher there is a higher standard that we need to meet to explain why we are not going with the lowest bidder. There are all sorts of built in contingency amounts so the two bids are virtually identical. The one being lower is basically a technicality. We are really looking at which one is best for the City’s operations in this particular circumstance. Director

Speese has spelled out why we like Ronyak and why we have worked well with them which is the key part of this and why in this circumstance they would be preferable from the technically lowest bidder.

Council member Mr. Earl Williams stated that Director Speese has stated the case very clearly and it is unusually difficult to work with someone when you have contacted their bonding company and put them in a situation of having to work with us again wondering if the bonding company will have problems indemnifying them. This is not a big stretch as far as he is concerned to go with the second lowest bidder.

Council member Mr. Roeder stated that we are looking at a bid amount of \$1,860,000 and the difference between the first and second bid is less than 1% of \$14,000. Any one of the situations mentioned cost more than \$14,000.

It was moved by Mr. Earl Williams, and seconded by Mr. Zimmerman, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-17 be placed upon its final enactment.

Roll Call:	Ayes:	Mr. Roeder, Ms. Anne Williams Ms. Carmella Williams, Mr. Earl Williams Mr. Zimmerman, Mr. Malone, Mrs. Moore
	Nays:	None

Motion Carried

Moved by Mr. Earl Williams, and seconded by Mr. Zimmerman, that Ordinance No. 20-17 be enacted as read.

Roll Call:	Ayes:	Mr. Roeder, Ms. Anne Williams Ms. Carmella Williams, Mr. Earl Williams Mr. Zimmerman, Mr. Malone, Mrs. Moore
	Nays:	None

Ordinance Enacted

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There being no further business before Council, the Mayor adjourned the meeting at 10:26 a.m.

DAVID E. WEISS, Mayor

JERI E. CHAIKIN, Clerk of Council

Ordinance No. 20-19, by Mr. Earl Williams, approving and authorizing execution of a Purchase Agreement under the City's Side Lot Program, for the sale of the City-owned property adjacent to and immediately south of 3625 Stoer Road, Shaker Heights, Ohio (PP# 736-22-063), for a purchase price of \$1.00, authorizing the disposition of City-owned property without competitive bidding, and declaring an emergency.

Kamla Lewis, Neighborhood Revitalization Director, stated that in February 2020, Council approved changes to the City's side lot program. The goal of the changes was to streamline the application process for the applicant and make it more affordable for them to acquire these City owned lots and by doing so saving the City the ongoing costs of maintaining these properties. The main changes included a set price of \$1 per lot, no requirement for any improvements to the lot and that applications would go straight to Council for approval. This application is from the residents at 3625 Stoer to acquire a City-owned vacant lot directly south of their home to add fencing, a playhouse and a therapeutic pacing area. They bought their home in December 2019. The City acquired the vacant lot in April 2014 through the tax foreclosure process. There was never a structure on the vacant lot. This item is requested as an emergency and with a suspension of the rules to enable the applicants to immediately commence the needed steps to survey and consolidate the lot with their home.

Mr. Roeder stated that it is good to see this new side lot approval process in place. This is a more efficient, and faster way of doing this.

It was moved by Mr. Earl Williams, and seconded by Mrs. Moore, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-19 be placed upon its final enactment.

Roll Call:	Ayes:	Mr. Roeder, Ms. Anne Williams Ms. Carmella Williams, Mr. Earl Williams Mr. Zimmerman, Mr. Malone, Mrs. Moore
	Nays:	None

Motion Carried

Moved by Mr. Earl Williams, and seconded by Mrs. Moore, that Ordinance No. 20-19 be enacted as read.

Roll Call:	Ayes:	Mr. Roeder, Ms. Anne Williams Ms. Carmella Williams, Mr. Earl Williams Mr. Zimmerman, Mr. Malone, Mrs. Moore
	Nays:	None

Ordinance Enacted

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Ordinance No. 20-20, by Mrs. Moore, approving and authorizing execution of a Purchase Agreement under the City's Side Lot Program, for the sale of the City-owned property located at 2583-85 Kendall Road, Shaker Heights, Ohio (PP# 736-31-017), for a purchase price of \$1.00, authorizing the disposition of City-owned property without competitive bidding, and declaring an emergency.

Kamla Lewis, Neighborhood Revitalization Director, stated that this application is from the resident at 2584 Cheshire Road to acquire a City-owned vacant lot behind his home located at 2583 Kendall Road, add a greenhouse, and raised bed for a vegetable and flower garden. The applicant bought his home in July 2019. The City acquired the vacant lot in September 2013 from HUD. The previous structure was demolished in 2012. This item is requested as an emergency and with a suspension of the rules to enable the applicant to immediately commence the needed steps to survey and consolidate the lot with his home.

Mayor Weiss stated that that the revised side lot program seems to be working well and he looks forward to seeing more of these.

It was moved by Mrs. Moore, and seconded by Mr. Roeder, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-20 be placed upon its final enactment.

Roll Call:	Ayes:	Mr. Roeder, Ms. Anne Williams Ms. Carmella Williams, Mr. Earl Williams Mr. Zimmerman, Mr. Malone, Mrs. Moore
	Nays:	None

Motion Carried

Moved by Mrs. Moore, and seconded by Mr. Roeder, that Ordinance No. 20-20 be enacted as read.

Roll Call:	Ayes:	Mr. Roeder, Ms. Anne Williams Ms. Carmella Williams, Mr. Earl Williams Mr. Zimmerman, Mr. Malone, Mrs. Moore
	Nays:	None

Ordinance Enacted

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Ordinance No. 20-21, by Mr. Zimmerman, granting a permanent easement to Dominion Energy Ohio (DEO) on City-owned property between Warrensville Center Road and Shaker Boulevard, that is part of Parcel Numbers 733-12-016 and 733-23-020, to relocate the existing gas pipeline, and declaring an emergency.

Patricia Speese, Public Works Director, stated that Dominion Energy Ohio (DEO) has a gas main that runs parallel to the Warrensville Center Road bridge east and westbound near Shaker Boulevard. Warrensville Center Road will be undergoing significant improvements starting with resurfacing next year, but we requested that DEO replace this main so that the bridge which has been weight limited for some

time could be repaired by the County. In order for DEO to do this they had to relocate the gas main which required an easement on City property. This item is requested as an emergency and with a suspension of the rules so that the project can move forward.

Council member Mr. Zimmerman stated that this item was reviewed and unanimously approved by the Safety and Public Works Committee.

Council member Mr. Malone asked about the location of the easement in the event the City wanted to do anything with that parcel of land, if the easement could be moved if necessary and how difficult that would be.

William M. Ondrey Gruber, Law Director, stated that the easement language has not been finalized. It is fairly typical to have language that would provide the City some rights to be able to have it moved at the utility's cost for a public infrastructure project. It may be a limited right but certainly something we will be exploring.

Director Speese stated that typically these are placed deep enough so that it shouldn't be a problem, but this will be discussed with DEO.

Council member Mrs. Moore stated that the memo distributed states it does not appear any trees will be removed as a result of this project. Sometimes unintentionally with gas line projects major roots are severed. She wanted to be sure that if trees die potentially as a result of this project, that DEO will be liable for their replacement or cost of replacement.

Director Speese stated that two or three years ago we revised the right-of-way permits. DEO now must video underground utilities, and are also responsible for all the trees and root structure and their replacement if they fail within a couple years. They have been very good about it.

It was moved by Mr. Zimmerman, and seconded by Mr. Earl Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-21 be placed upon its final enactment.

Roll Call:	Ayes:	Mr. Roeder, Ms. Anne Williams Ms. Carmella Williams, Mr. Earl Williams Mr. Zimmerman, Mr. Malone, Mrs. Moore
	Nays:	None

Motion Carried

Moved by Mr. Zimmerman, and seconded by Mr. Earl Williams, that Ordinance No. 20-21 be enacted as read.

Roll Call: Ayes: Mr. Roeder, Ms. Anne Williams
Ms. Carmella Williams, Mr. Earl Williams
Mr. Zimmerman, Mr. Malone, Mrs. Moore

Nays: None

Ordinance Enacted

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Ordinance No. 20-22, by Mr. Zimmerman, amending Ordinance No. 19-122 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 \$39,260 from the General Capital Fund 0401 for City Hall Fire Alarm Replacement, and declaring an emergency.

Patricia Speese, Public Works Director, stated that the City Hall fire alarm system was last upgraded in 1970. Over the last 40 years there have been significant changes and improvements to the requirements for fire safety. We went out to bid for this project and the bids came in higher than anticipated for construction costs. We refined the plan and went back out to bid. The second bids came in over the State of Ohio's threshold for prevailing wage, so we had to rebid a third time as a prevailing wage project which brought the costs up significantly. We need an additional appropriation of \$39,260 in order for the project to move forward. Fire Chief Patrick Sweeney stressed the importance of this project going forward, especially with upcoming construction at City Hall, which is when buildings are most vulnerable. This improvement is important to protect City Hall. This item is being requested as an emergency so we may enter into a contract immediately.

Council member Mr. Zimmerman stated that this item was reviewed and unanimously supported by the Safety and Public Works Committee. There were a few questions, including one from Mr. Malone who asked about the increased costs. It was recognized that this was clearly a matter of health and safety and something we needed to support.

Council member Mr. Malone stated that unfortunately, it seemed due to the intervening time it increased the construction costs so it is a little more expensive, but this is a very important project and we need to move forward with it.

Council member Mr. Roeder stated that he was surprised by the cost of this. He knows we had to come back twice to increase the cost, but upon reading the memo that was distributed and having conversations with staff at City Hall of course this is something we have to do. It is important for the safety and he understands the historic nature of our building and complexity of some of our systems as well as providers being very busy. Those factors did increase the costs. This project was bid and it is an important project for us to do for safety.

Council member Mr. Earl Williams asked if this will affect the Fire Department's temporary housing at City Hall. As a result of the COVID-19 order we need to accommodate them for a while.

Director Speese stated that this will not affect the Fire Department.

Council member Mrs. Moore stated that this project will begin soon and wondered if because it has been rebid three times if the Coronavirus epidemic will impact the construction and scheduling.

Director Speese stated that as far as we know of as today it should not have any impact, but things change every day with COVID-19. It will take several weeks to get a contract in place so it could change but we will get this done as soon as humanly possible.

It was moved by Mr. Zimmerman, and seconded by Ms. Carmella Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-22 be placed upon its final enactment.

Roll Call:	Ayes:	Mr. Roeder, Ms. Anne Williams Ms. Carmella Williams, Mr. Earl Williams Mr. Zimmerman, Mr. Malone, Mrs. Moore
	Nays:	None

Motion Carried

Moved by Mr. Zimmerman, and seconded by Ms. Carmella Williams, that Ordinance No. 20-22 be enacted as read.

Roll Call:	Ayes:	Mr. Roeder, Ms. Anne Williams Ms. Carmella Williams, Mr. Earl Williams Mr. Zimmerman, Mr. Malone, Mrs. Moore
	Nays:	None

Ordinance Enacted

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Ordinance No. 20-23, by Mr. Malone, administrative acceptance of the approval of the City Planning Commission and confirmation of the granting of a Conditional Use Permit for the construction of an assisted living and memory care facility, with Confluent Development LLC, located at 16900 Van Aken Boulevard, pursuant to Section 1213.05 of the City's Zoning Code.

Joyce Braverman, Director of Planning, stated that the City Planning Commission approved a conditional use permit for this project at their meeting earlier this evening with conditions, including a final landscape plan to be approved by staff including the eastern border with the Greenbrier, an ornamental fence in that location, final review by the Architectural Review Board, and the submission of a subdivision plat. This is for an assisted living facility and conditional use permits require Council confirmation. Confluent will construct a 108-unit, three-story assisted living facility which will employ about 75 employees. The City did execute a Development and Use Agreement with the developer to purchase the City-owned lot, construct this project, and to realign Winslow Road and Winslow Court intersection.

Ms. Braverman stated that at the Planning Commission meeting Council member Ms. Carmella Williams asked how residents could get on the waiting list. The operator says they will establish an onsite sales presence about 6 months prior to completion of construction where residents can place a refundable deposit and establish a priority list. Council member Ms. Carmella Williams also asked if there will be job opportunities for residents. Ms. Braverman stated that it is our goal that all associates come from Shaker Heights and the surrounding communities. Ms. Braverman stated that Harbor Chase is not associated with the Jennings senior facilities here in Cleveland. This item is requested with a suspension of the rules in order for project construction to start in October 2020.

Council member Mr. Malone stated that he believes all of Council heard the presentation at the City Planning Commission meeting earlier this evening, and he hopes he was able to express some of the concerns he heard from a few of them about the extraordinary circumstances we are in holding these meetings telephonically in short order. He does not want there to be, and he believes none of them want there to be, the perception that the public has not been fully apprised of this. This project has been ongoing for quite some time so he asked a few questions along those lines. There will be final approval on the eastern boundary with Greenbrier and final discussions with staff and the developer in hopes that we can create a better buffer, and allow some trees to grow to a greater height. Overall he thinks this is a very good project for the City and has the potential to eliminate or reduce dramatically a lot of our debt over time once the project is in full use and generating income tax for the City. It is consistent in general in his view with the character of the residential neighborhood and looks forward to seeing the project continue.

Council member Mr. Roeder stated that he heard the City Planning Commission vet through the different questions from the community in terms of a variety of issues from parking to headlights and he respects their judgment on that issue. He heard in the City Planning Commission meeting that this would be \$2.9 million in income tax and \$760,000 in real estate. He wanted to confirm the \$2.9 million is the total anticipated gross receipts of the employees and the City would actually get its percentage of that which might be somewhere around \$70,000. He also asked when we would expect the City to receive that revenue, and if they will ramp up the employment with the first year of operation having a slightly smaller number. He wanted to know at what point do we currently anticipate those numbers would be contributing to the City, library and school tax base.

Director Braverman stated that is correct. We anticipate close to \$65,000 annually in estimated income tax receipts as the City's share of the \$2.9 million income tax. This would be when the project is fully completed. The same thing is true with the property tax. That number is when the project is fully completed.

Mayor Weiss clarified that the \$2.9 million is annual payroll. He would expect there would be a ramping up as they begin operations as people start to move in. Property tax will occur faster on the next reappraisal date.

William M. Ondrey Gruber, Law Director, stated that for the property tax the completion will be essentially when the certificate of occupancy is issued and when all improvements are made to the property. It will go back on the property tax roll, but there will be a year lag because the property taxes will be for that year which are owed for the following year. It depends on if there is substantial completion this year or not. If we assume substantial completion next year then the 2021 taxes would be billed in 2022. There may be some incremental increase for 2020 which would appear on the 2021 taxes. We don't know yet. It depends on the timing of the project. Income taxes may lag going up over time as it gets full

occupancy. They may not have a full staff at the beginning. Income tax may increase over time whereas property tax will be set at the point of time when they are completed with the building.

Director Braverman stated that opening is scheduled for April 2022 with full occupancy expected in 2025.

Council member Ms. Anne Williams stated that she was a little concerned with putting this on first reading in terms of getting public comment and input given the unusual circumstances we are in, but she listened to the City Planning Commission and is really impressed with the amount of public comment that was received, and the number of people who responded from the Greenbrier and Avalon Station. She credits the Planning Department for the outreach because it is always difficult and especially difficult when you can't have a public meeting. She asked about the windows and the variance for the percentage. In the diagram the windows looked perfectly reasonable in size and she couldn't imagine them being much bigger to conform to code.

Director Braverman stated that is part of the commercial mixed use section of the Zoning Code aimed at storefront windows. It talks about the amount of glazing or glass and really deals more with how much glass a storefront window would have. The windows that are proposed are in keeping with the type you would see in apartment buildings up and down Van Aken Boulevard. These are not small, undersized or a question of whether there won't be enough light, but the code is written for a commercial building versus this type of building.

Council member Ms. Carmella Williams stated that she is glad for the work of the Planning Department and the diligence of the developer.

Council member Mr. Earl Williams stated that this is a fair housing City and asked to what extent the fair housing ordinance will affect those who need to be in these units for medical reasons who may be considered disabled and how HUD laws come in to play, as well as those who need assisted living who don't become disabled may be affected by these laws. He asked if we could get something in writing from the operator on how they intend to operate in fair housing cities. He is concerned about those who believe a medical or disabled circumstance may trump those who might compete with trying to secure a unit.

Director Gruber stated that is a complicated question. He does not believe the fair housing laws apply to the memory care portion and he does not recall if it applies to assisted living facilities, but he will find out and report back. Both uses are heavily regulated by the State of Ohio and require licenses. The state has strong guidelines on how the operator can solicit or accept residents. This is a private pay facility so it will be for those who can afford to live there. Certainly, we have a public accommodations law in Shaker Heights similar to the County which would apply to prevent discrimination to employees and residents, but that is not a fair housing law.

Council member Mr. Earl Williams stated that he understands that some federal funds are being used to support this project so there is concern about the methodology to select individuals living there and asked to what extent they have used that funding with their development.

Director Braverman stated that she is not aware of any federal funding, but will double check.

Council member Mr. Zimmerman stated that the only thing before us at this moment is the standard for the conditional use permit so he thinks they should stay focused on that. When he served on the City Planning Commission he had the opportunity to work on this project. He is glad to see that it is coming

to fruition and that it was unanimously adopted by the City Planning Commission. This is a good project and it adds a lot to the community not only in terms of tax revenue but also a very significant need for people who need this type of housing and who would like to stay in the community or interested in moving to Shaker because of this additional product. It certainly should not go without saying that development projects may be in peril in this environment right now and we have one. It seems to him that this has been properly vetted by the City and the appropriate committees and commission. He thinks his colleague Council member Ms. Anne Williams made a good point that normally when a project like this is going into a neighborhood you would want to do everything you can to solicit community input. You would perhaps not want to consider it on first reading, but as a longtime member of the City Planning Commission he can't remember the last time there was so much community input in a project. He thinks a lot of that input was incorporated into the project itself. He heard that happen in real time by his former colleagues. He applauds the members and staff for making that happen. While this is certainly an unusual circumstance by not being able to do this in person, he thinks the analysis, vetting and process is working quite well. He intends to support this.

Council member Mrs. Moore stated that in the beginning she was a little concerned about having to assimilate a lot of information and having the City Planning Commission meeting directly precede the Council meeting so they were assimilating this instantaneously. She was very impressed with the amount of public input that was read into the record by Director Braverman and the detail of it. She is very supportive of this issue and feels she could vote on all three agenda items based on the information she has been privy to. She asked about the property tax yield of about \$760,000 when fully built out and the Payments in Lieu of Taxes (PILOTs) that are deposited and fund the urban renewal bond premiums the City pays every year. She wanted to know if when it is fully built out if it would yield about \$570,000/year and if so would it erase the current subsidies or at least a portion for the urban renewal bond.

Finance Director John Potts stated that we have looked at that and when everything is ramped up by 2025 or toward the end of 2024 pulling in the \$570,000 would put the City in a surplus position with respect to the debt service on the bonds if everything stays on target.

Council member Mrs. Moore stated that she knows that the residents of the Greenbrier were very concerned that even though there are no residential units on the first floor, when cars come into the parking lot on the eastern border of the development headlights would shine into the Greenbrier and the memory care unit. She wanted to make sure the landscaping buffer and trees were enough, along with the ornamental fence to really be a true visual buffer so that both buildings would not feel negatively impacted by the traffic and without the landscaping there.

Director Braverman stated that arborvitae shrubs and holly bushes are both evergreen bushes. They will be planted at four feet high and will be like a living wall. They will be rather dense so headlights should not penetrate through that buffer.

Council member Mrs. Moore asked whether as discussed in the City Planning Commission meeting it would be better to eliminate a few parking spaces and enlarge the island creating a larger growth place for the trees to become bigger or whether the trees would serve a better purpose by being put into the eastern buffer with the fence and arborvitae. She asked if the arborvitae go all along the eastern border where would the trees go. It seemed the developer wanted to keep all parking spaces no matter what. She is concerned they will plunk a few trees between the arborvitae and it won't really do any good for the trees and won't enhance the landscaping buffer.

underground system is estimated to be \$360,000. The City is recommending the purchase price be reduced by \$150,000 so the City would share in the cost which was not anticipated. The odd shape parcel is proposed to be squared off in the rear of the site which will provide additional land for the Confluent development and straighten the Winslow Road right-of-way. Confluent will construct the road at their expense. We are expecting ground to be broken in October 2020. In order to facilitate and approve this project staff recommends amendments to the following amendments to the purchase and development agreement: reducing the purchase price by a maximum of \$150,000 to pay for a portion of no more than 50% of the cost of the construction of the underground storm water detention system, and transferring a portion of the City property on Winslow Road to Confluent, as well as the approval of the vacation and dedication plat to straighten Winslow Road. This item is requested as an emergency and with a suspension of the rules so the property closing can be expedited in order to allow Confluent to proceed with an October 2020 ground breaking.

Mayor Weiss stated that we have been working with Confluent and their affiliates and operator for quite some time. They have been extremely professional and diligent in their handling of this project. In the course of any kind of large scale development project like this there are invariably things that neither party anticipated at the time the purchase price was negotiated. Director Braverman has mentioned a number of costs that were unanticipated at the outset, like the flood plain, and underground storm water detention. Much of the reconfiguration of Winslow Road was at our request because we thought it made sense both from a traffic standpoint and was really a win-win benefit. It provides a little extra land that provided a better site plan for Confluent and also resulted in Confluent agreeing to pay those costs. There are always as you go through this process on the ledger debits and credits on each side. At the end of the day we thought the adjustment to the purchase price, particularly in light of the fact that the number of units that were able to be developed on this project exceeded our original estimates so the overall purchase price is already in excess of what we anticipated originally. We thought this was a fair compromise taking into account a lot of different factors as well as the relationship and circumstances under which we are trying now to move forward on this project. We think this is good for the community, and the City economically. There are lots of requests from residents for additional quality places to help house aging parents and others so we thought this was the right thing to do to modify the agreement. On a wide range of things from property tax levels to the NEORS, Confluent has raised fair and reasonable comments in light of unanticipated events and have been responsive to our comments. Thus far they have been a very good developer to be working with.

Council member Mr. Malone stated that the City Planning Commission did not discuss the flood plain issue in any detail so he was hoping there could be an overview of where we expect that detention site to be built. He assumes this will have a benefit for other businesses and residences in the neighborhood as well.

Director Braverman stated that the underground detention will be under the eastern parking lot near the rear area and the flood plain and storm water detention are actually not connected issues. They are two different issues.

Mayor Weiss stated that the flood plain issue has essentially been resolved. That area will eventually be removed from the flood plain.

Director Braverman explained that the flood plain is not related to the detention basin, but with the land and the contour of the land. Right now there is a little dip near Winslow Court and that piece has a few feet that is actually in the flood plain. That has been removed through surveying. Once the building is

built and that dip is filled in another action through FEMA will be taken again to permanently remove the entire site out of the flood plain. This is an ongoing issue with that site where the City has made application in 2005 to remove it from the flood plain. It was removed and then they did an update and put it back in. This has been an ongoing issue with FEMA and this site.

Mayor Weiss stated that this is an example of how the City and Confluent have worked cooperatively in conjunction with each other to resolve an otherwise issue that causes difficulty in the development and financing process. We have been pleased at how cooperative the relationship has been and we have been able to work through every issue that has come up.

Council member Mr. Roeder stated that he would like to highlight a comment that has already been made that bears repeating because it is important. In addition to the ongoing financial benefits from this development that were discussed in the prior agenda item, the City stands to gain approximately \$1.3 million as part of this. That is significant especially in these uncertain times and the volatility that we might experience in coming years. Further as Council member Mr. Zimmerman pointed out, this provides a need not only in our community but in the larger area as well.

Council member Mrs. Moore stated that obviously the benefit of this development to the City economically and for all the people who would be able to use this as a possible resource for their aging friends and relatives the benefit is clear. She wanted to underline that every time we take a greenspace and develop it we create impervious surfaces. We take down trees that have roots that absorb storm water and the price we pay is that we have to create underground storm water detention systems to receive the rain water and run off that normally would have been seeping into the land through natural means. That is a tradeoff for development. In this case she believes there is a net gain not only because of the sum total that we will receive for the purchase of the land and building, but also because of the economic benefit and social benefit to our community.

It was moved by Mr. Malone, and seconded by Mr. Earl Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-24 be placed upon its final enactment.

Roll Call:	Ayes:	Mr. Roeder, Ms. Anne Williams Ms. Carmella Williams, Mr. Earl Williams Mr. Zimmerman, Mr. Malone, Mrs. Moore
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Nays:	None
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Motion Carried

Moved by Mr. Malone, and seconded by Mr. Earl Williams, that Ordinance No. 20-24 be enacted as read.

Roll Call:	Ayes:	Mr. Roeder, Ms. Anne Williams Ms. Carmella Williams, Mr. Earl Williams Mr. Zimmerman, Mr. Malone, Mrs. Moore
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Nays:	None
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Ordinance Enacted

The Mayor asked the Clerk of Council to read into the record public comments received on other items.

Ms. Chaikin stated that no comments were received on other items by email or phone.

* * * *

Mayor Weiss stated that this is obviously an incredibly challenging time. We as a City and this country as a nation, and indeed the world literally are fighting our way through this pandemic of the COVID-19. He recorded a message to employees over the weekend that was sent to employees today and he thought he would mention it because it is applicable not only to our employees but equally applicable to residents and generally to Council. He videoed it from home in keeping with the stay at home order in his front yard where he put up a flag. For those of you who are not aware the Governor requested that we put up flags to show strength and support for our communities and our nation so he hopes they will join him if they can. He wanted to also tell the residents and Council how much he appreciates the incredible efforts and coming together of this community. We should not be surprised in the sense that we do this when we face adversity, but this is something unlike we have ever seen before that has challenged and disrupted our lives both personally as well as at work. Whether you are helping or care for an aging or sick family member or you are trying to keep your kids on track with their school work at home, we all recognize and appreciate the incredible difficulty so many of us are going through. From the work standpoint our hearts go out to those that have either had reduced income or lost work as a result of this incredibly challenging situation. He did not want to miss the opportunity to remind the general public as well as Council on how important it is for us to get through this difficult time depends on how strictly we comply with the stay at home order. Hopefully, people are staying at home as much as possible with perhaps some outdoor exercise and walking. If you do need to leave, maintaining social distancing protocols are vitally important. He has doubled the 6 feet general wisdom to being more than 10 feet away from others. In doing so we will protect the safety of our first responders as well as reduce the burden on an increasingly overwhelmed healthcare system. He would be remiss if he did not comment about incredible efforts that our community has come together to do whether volunteering, replacing elastic on N95 masks, to calls being made to our seniors to ensure they are not left alone physically or emotionally. The work our residents have done is truly remarkable. He can't stop without commenting on our staff, particularly our first responders: Police, Fire and Public Works employees who are truly on the front line, but this goes for all of our employees. People are making incredible sacrifices and working some very long hours, working from home, managing families and family situations while doing an incredible job, and Council has provided the support. It is amazing how we have come together during this challenging time where we each have our own stresses and strains and challenges that we are addressing at home and yet at the same time we are moving forward as a City, state and nation. We will come out the other end of this. We are in this with you and together. He hopes everyone will be healthy and well and thanks them for their service to their community, state and country. He thanked Council for making the first teleconference go smoothly and appreciates all of their guidance and support.

There being no further business before Council, the Mayor adjourned the meeting at 9:09 p.m.

DAVID E. WEISS, Mayor

JERI E. CHAIKIN, Clerk of Council



Memorandum

To: City Council Members

From: Joyce G. Braverman, Director of Planning
Cameron Roberts, Planner

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

Date: April 27, 2020

Re: Recognizing May 2020 as Bike Month in Shaker Heights

This is a request to approve a resolution proclaiming May 2020 as Bike Month in the City of Shaker Heights to promote the many benefits of bicycling and encourage more people to try bicycling.

Sponsored by the League of American Bicyclists, May has been nationally designated as bike month for 63 years to showcase the many benefits of bicycling and encourage more people to try bicycling. In 2020, due to the COVID-19 pandemic, May will continue to be recognized as Bike Month, but the League has postponed Bike to Work Week until September 21-27, 2020 and Bike to Work Day until September 22, 2020. The League of American Bicyclists, the Heights Bicycle Coalition, and bicyclist enthusiasts throughout Shaker Heights and other cities will be promoting greater public awareness of bicycling during this time.

The City of Shaker Heights commits to participate in these nationally recognized events by promoting the benefits of bicycling, promoting regional bicycling efforts and events, and continuing efforts to maintain a bicycle friendly community. These efforts are important for educating bicyclists on the proper and safe operation of bicycles, and motorists on how to properly share with bicyclists, in order to ensure the safety and well-being of all.

The City of Shaker Heights has a longstanding tradition of supporting and reinforcing the power of exercise for good health and recreation, and as a bonus, bicycling is an environmentally sound form of transportation. The City of Shaker Heights has over 100 miles of bike-friendly roads, including some with sharrows to encourage cars and bikes to share the road. Shaker Heights continues to improve its transportation network and connections to other cities through projects that improve the safety and comfort of bicyclists, such as the Shaker Median Trail, Lake-to-Lakes Trail, and the Farnsleigh and Warrensville Center Road Multipurpose Paths.

Additionally, the City of Shaker Heights has bicycle licensing requirements and helmet laws in place and recognizes that bicycling improves the health, well-being, and quality of life of our residents while improving traffic safety and reducing pollution and congestion. As a result of these combined efforts, the City of Shaker Heights is recognized as a bronze-level, Bicycle Friendly Community by the League of American Bicyclists.

This is a request to approve a resolution proclaiming May 2020 as Bike Month in the City of Shaker Heights.

RESOLUTION NO. 20-30

BY: Rob Zimmerman

Proclaiming May 2020 as Bike Month in the City of Shaker Heights to promote the many benefits of bicycling and encourage more people to try bicycling.

WHEREAS, sponsored by the League of American Bicyclists, May has been nationally designated as Bike Month for 63 years to showcase the many benefits of bicycling and encourage more people to try bicycling; and

WHEREAS, notwithstanding the COVID-19 pandemic, May will continue to be recognized as National Bike Month, during which the League of American Bicyclists, the Heights Bicycle Coalition, and bicyclist enthusiasts throughout Shaker Heights and other cities will be promoting greater public awareness of bicycling, although the League has postponed Bike to Work Week until September 21-27, 2020, and Bike to Work Day until September 22, 2020; and

WHEREAS, the City commits to promoting the benefits of bicycling and regional bicycling efforts and events, and to continuing efforts to maintain a bicycle friendly community, which efforts are important in order to educate bicyclists on the proper and safe operation of bicycles, and motorists on how to properly share with bicyclists; and

WHEREAS, the City has a longstanding tradition of supporting and reinforcing the power of exercise. including through bicycling, for good health and recreation, and as a bonus, bicycling is an environmentally sound form of transportation; and

WHEREAS, the City has over 100 miles of bike-friendly roads, including some with sharrows to encourage cars and bikes to share the road, and Shaker Heights continues to improve its transportation network and connections to other cities through projects that improve the safety and comfort of bicyclists, such as the Shaker Median Trail, Lake-to-Lakes Trail, and the Farnsleigh and Warrensville Center Road Multipurpose Paths; and

WHEREAS, the City has bicycle licensing requirements and helmet laws in place and recognizes that bicycling improves the health, well-being, and quality of life of our residents while improving traffic safety and reducing pollution and congestion; and

WHEREAS, as a result of these combined efforts, the City is recognized as a bronze-level, Bicycle Friendly Community by the League of American Bicyclists.

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

Section 1. This Council recognizes and declares the month of May 2020 as Bike Month in the City of Shaker Heights.

Section 2. This resolution is hereby adopted as an administrative measure not subject to referendum, and therefore this resolution shall take effect immediately upon its enactment and approval by the Mayor.

Adopted April 27, 2020.

Approved this ____ day of _____, 2020.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council

0423bikemonthresolution



Memorandum

To: City Council Members

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

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

Date: April 9, 2019

Re: Warrensville- Shaker Intersection Improvements | Acceptance of Grant and Appropriation of State Safety Grant Funds

This is a request to accept a grant and appropriate grant funds received from the State of Ohio Safety Grant program for improvements at the Warrensville-Shaker intersection.

This project will make infrastructure changes at the Shaker Eastbound and Shaker Westbound intersections to increase pedestrian safety and improve vehicle flow. Proposed changes will improve safety for all users by reducing pedestrian crossing distance/time and improving intersection geometry. The exact design will be determined as part of the final engineering process, but recommended changes will:

- Reduce the Shaker WB/Warrensville intersection from a 7-leg to a 5-leg intersection
- Reduce the Shaker EB/Warrensville intersection from a 6-leg to a 5-leg intersection
- Narrow Warrensville Center Road to remove unneeded turn lanes
- Tighten curb radii
- Add pedestrian refuge islands
- Install new pedestrian crosswalks and signals

The city submitted the grant application to the state on March 16, 2020. This application was successful, and the state awarded a \$374,000 grant to the City on March 30, 2020. The grant requires a 10% match which is made up of previously budgeted funds for this project. This grant also supplements a \$200,000 NOACA Grant received in 2019, and \$173,000 from the city's capital fund for engineering, inspection and grant matches.

The total estimated construction cost for the project is \$539,000.

This is a request to accept a grant and appropriate grant funds totaling \$374,000 for construction of the Warrensville-Shaker intersection improvements (into Fund 40111005-552199). Shaker Heights will be reimbursed for this entire amount once the project is completed.

We request that this item be passed on first reading and as an emergency, so that engineering drawings can proceed and be submitted to ODOT. If you have questions or comments, please contact me at Joyce.braverman@shakeronline.com or 216-491-1432.

ORDINANCE NO.

BY:

Authorizing the acceptance of a grant from the State of Ohio Safety Grant program for improvements to the Warrensville-Shaker intersection, and declaring an emergency.

WHEREAS, the City's Director of Planning submitted an application to the State of Ohio for a safety grant on March 16, 2020, for costs associated with improvements to the intersection of Warrensville Center Road and Shaker Boulevard, and such application was approved on March 30, 2020, in the amount of \$374,000 (THREE HUNDRED SEVENTY-FOUR THOUSAND DOLLARS), and this grant does not require matching funds from the City.

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

Section 1. The City is authorized to accept a grant from the State of Ohio Safety Grant program for improvements to the intersection of Warrensville Center Road and Shaker Boulevard.

Section 2. The Mayor is authorized and directed to enter into such agreements as may be necessary in conjunction with said grant.

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 engineering drawings can proceed and be submitted to the Ohio Department of Transportation (ODOT), 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: City Council Members

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

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

Date: April 9, 2019

Re: Warrensville- Shaker Intersection Improvements | Acceptance of Grant and Appropriation of State Safety Grant Funds

This is a request to accept a grant and appropriate grant funds received from the State of Ohio Safety Grant program for improvements at the Warrensville-Shaker intersection.

This project will make infrastructure changes at the Shaker Eastbound and Shaker Westbound intersections to increase pedestrian safety and improve vehicle flow. Proposed changes will improve safety for all users by reducing pedestrian crossing distance/time and improving intersection geometry. The exact design will be determined as part of the final engineering process, but recommended changes will:

- Reduce the Shaker WB/Warrensville intersection from a 7-leg to a 5-leg intersection
- Reduce the Shaker EB/Warrensville intersection from a 6-leg to a 5-leg intersection
- Narrow Warrensville Center Road to remove unneeded turn lanes
- Tighten curb radii
- Add pedestrian refuge islands
- Install new pedestrian crosswalks and signals

The city submitted the grant application to the state on March 16, 2020. This application was successful, and the state awarded a \$374,000 grant to the City on March 30, 2020. The grant requires a 10% match which is made up of previously budgeted funds for this project. This grant also supplements a \$200,000 NOACA Grant received in 2019, and \$173,000 from the city's capital fund for engineering, inspection and grant matches.

The total estimated construction cost for the project is \$539,000.

This is a request to accept a grant and appropriate grant funds totaling \$374,000 for construction of the Warrensville-Shaker intersection improvements (into Fund 40111005-552199). Shaker Heights will be reimbursed for this entire amount once the project is completed.

We request that this item be passed on first reading and as an emergency, so that engineering drawings can proceed and be submitted to ODOT. If you have questions or comments, please contact me at Joyce.braverman@shakeronline.com or 216-491-1432.



Memorandum

To: City Council Members
From: Joyce G. Braverman, Director of Planning
Cameron Roberts, Planner
cc: David E. Weiss, Mayor
Jeri Chaikin, Chief Administrative Officer
Date: April 27, 2020
Re: Chagrin-Lynnfield Intersection Improvements | Appropriation of CDBG Grant Funds

This is a request to appropriate grant funds received from the Cuyahoga County Department of Development 2020 Municipal (CDBG) Grant Program for improvements at the intersection of Chagrin Boulevard and Lynnfield Road.

This project will install enhancements at the Chagrin-Lynnfield intersection to improve ease of crossing for pedestrians and bicyclists. The heavy volume of traffic on Chagrin Boulevard through the intersection (approximately 15,000 cars/day) makes crossing the street difficult without a crosswalk. Enhanced crossing treatments that will be evaluated could include:

- Mid-block crosswalks
- Curb extensions
- Pedestrian safety islands
- High visibility signage
- High visibility pavement markings
- Actuated pedestrian signals

Council authorized the Planning Department to apply for \$150,000 in grant funds via Ordinance 19-101 in November 2019, after review by the Safety and Public Works Committee and Finance & Administration Committee. This application was successful, and Cuyahoga County awarded a \$150,000 grant to the City. This is supplemented by a \$50,000 grant award through the County’s Supplemental Grant (CDSG) program.

The total estimated design and construction cost for the project is \$230,000. In addition to the grant awards, \$30,000 has been allocated for project design in the 2019 Shaker Heights Capital Budget.

Funding Source	Budget Amount
SH Capital Budget (already appropriated)	\$30,000
CDSG Grant	\$50,000
CDBG Grant	\$150,000
Total	\$230,000

This is a request to appropriate grant funds totaling \$150,000 for construction of the Chagrin-Lynnfield intersection improvements in the Capital Budget. Shaker Heights will be reimbursed for this entire amount once the project is completed. We request that this item be passed on first reading and as an emergency, so that design work can begin as soon as possible.



Memorandum

To: City Council Members
From: Joyce G. Braverman, Director of Planning
Cameron Roberts, Planner
cc: David E. Weiss, Mayor
Jeri Chaikin, Chief Administrative Officer
Date: April 27, 2020
Re: Chagrin-Lynnfield Intersection Improvements | Appropriation of CDSG Grant Funds

This is a request to appropriate grant funds received from the Cuyahoga County Department of Development 2020 Supplemental (CDSG) Grant Program for improvements at the intersection of Chagrin Boulevard and Lynnfield Road.

This project will install enhancements at the Chagrin-Lynnfield intersection to improve ease of crossing for pedestrians and bicyclists. The heavy volume of traffic on Chagrin Boulevard through the intersection (approximately 15,000 cars/day) makes crossing the street difficult without a crosswalk. Enhanced crossing treatments that will be evaluated could include:

- Mid-block crosswalks
- Curb extensions
- Pedestrian safety islands
- High visibility signage
- High visibility pavement markings
- Actuated pedestrian signals

Council authorized the Planning Department to apply for \$50,000 in grant funds via Ordinance 19-89 in October 2019, after review by the Safety and Public Works Committee and Finance & Administration Committee. This application was successful, and Cuyahoga County awarded a \$50,000 grant to the City. This is supplemented by a \$150,000 grant award through the County’s Municipal Block Grant (CDBG) program.

The total estimated design and construction cost for the project is \$230,000. In addition to the grant awards, \$30,000 has been allocated for project design in the 2019 Shaker Heights Capital Budget.

Funding Source	Budget Amount
SH Capital Budget (already appropriated)	\$30,000
CDSG Grant	\$50,000
CDBG Grant	\$150,000
Total	\$230,000

This is a request to appropriate grant funds totaling \$50,000 for construction of the Chagrin-Lynnfield intersection improvements in the Capital Budget. Shaker Heights will be reimbursed for this entire amount once the project is completed. We request that this item be passed on first reading and as an emergency, so that design work can begin as soon as possible.

ORDINANCE NO.
BY:

Amending Ordinance No. 18-119 and Ordinance No. 19-60, an ordinance appropriating funds from the General Capital Fund 0401 to provide for the purchase of equipment for use by the Police Department and to appropriate funds from the State of Ohio State Safety grant for improvements at the Warrensville-Shaker intersection and to appropriate funds from the Cuyahoga County Department of Development for the 2020 Municipal (CDBG) grant and the 2020 Supplemental (CDSG) grant for the Chagrin-Lynnfield intersection improvements, and declaring an emergency.

WHEREAS, the State of Ohio has notified the Department of Planning that the City has been awarded a Safety Grant for improvements at the Warrensville-Shaker intersection in the amount of \$374,000; and

WHEREAS, the Cuyahoga County Department of Development has notified the Department of Planning that the City has been awarded a 2020 Municipal (CDBG) Grant for improvements at the Chagrin-Lynnfield Intersection improvements in the amount of \$150,000; and

WHEREAS, the Cuyahoga County Department of Development has notified the Department of Planning that the City has been awarded a 2020 Supplement (CDSG) Grant for improvements at the Chagrin-Lynnfield Intersection improvements in the amount of \$50,000.

NOW, THEREFORE, 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, Council hereby amends Ordinance No. 18-119, enacted December 17, 2018 and Ordinance No. 19-60, enacted on June 24, 2019, and authorizes the following appropriation.

Section 2. That there be and is hereby appropriated from the General Capital Fund account No. 0401 the sum of \$1,239,000 to provide for the purchase of equipment for use by the Police Department and for improvements to the Warrensville-Shaker intersection, as follows:

Project	Current Allocation	Revision	Allocation
<u>Equipment Replacement/Purchase</u>			
Replacement Police Vehicles and Equipment	\$262,000		\$262,000
Warrensville Center Road/Shaker Boulevard Intersection Traffic and Pedestrian Improvements - City Match	373,000	374,000	747,000
Chagrin/Lynnfield Intersection Traffic and Pedestrian Improvements	30,000	200,000	230,000
Total	\$665,000	\$574,000	\$1,239,000

Section 3. 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 4. 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 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

Approved this day of , 2020.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council



Memorandum

To: City Council Members

From: Joyce G. Braverman, Director of Planning
Cameron Roberts, Planner

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

Date: April 27, 2020

Re: City Hall Windows Restoration | Acceptance & Appropriation of CLG Grant Funds

This is a request to accept and appropriate grant funds received from the Ohio History Connection's Certified Local Government (CLG) grant program for the restoration of original wood windows and doors at Shaker Heights' City Hall building.

Approximately \$100,000 in funds are made available each year for the Certified Local Government (CLG) grant program for activities that further historic preservation. The grants are only available to those communities designated as CLG's. Shaker Heights has regularly applied for and received funding through this grant since becoming a Certified Local Government in 1993. CLG grants are federal funds administered by the Ohio History Connection.

In February 2020, the Planning Department submitted a grant application for the restoration of 26 wood windows and 2 doors located within the vacant firehouse space at City Hall. The windows and doors have deteriorated significantly and several are inoperable due to damage and/or age. The Landmark Commission expressed their support for this application at their January 29 meeting. This application was successful, and Ohio History Connection awarded a \$25,000 grant to the City.

The restoration work will supplement the overall renovation of the second floor firehouse as part of the ongoing City Hall Space Study and Plan project. This project intends to renovate the firehouse back to habitable conditions so that the Building and Housing Department can be co-located within the space. The \$25,000 grant award requires a 40% match, which will be allocated from the project budget that is already appropriated in the General Capital Fund 401 for the City Hall renovations.

This is a request to authorize the acceptance and appropriation of grant funds totaling \$25,000 from the Ohio History Connection in the Capital Budget. Shaker Heights will be reimbursed for this entire amount once the project is completed. We request that this item be passed on first reading and as an emergency in order to begin next steps for the project.

ORDINANCE NO.

BY:

Authorizing the acceptance of a grant from the Ohio History Connection Certified Local Government Grant (CLG) Program in the amount of \$25,000 for the restoration of 26 original wood windows and 2 doors at Shaker Heights City Hall, 3400 Lee Road, and declaring an emergency.

WHEREAS, the Certified Local Government Grant (CLG) Program provides local governments an opportunity to protect and enhance properties of historic and architectural significance; and

WHEREAS, the grants are only available to those communities designated as CLGs and the City has applied for and received funding through this grant since becoming a Certified Local Government in 1993; and

WHEREAS, the Director of Planning submitted an application to the Ohio History Connection Certified Local Government Grant Program for funds to restore 26 original wood windows and 2 doors at Shaker Heights City Hall, 3400 Lee Road, a Landmark Property, in the total amount of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000), with a 40% match of City funds being required for this project, and the grant has been awarded.

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

Section 1. The City is hereby authorized and directed to accept a grant from the Ohio History Connection Local Government Grant (CLG) Program, in the total amount of TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for the restoration of 26 original wood windows and 2 doors at Shaker Heights City Hall, 3400 Lee Road.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to accept the foregoing grant, as approved by the Director of Law.

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, in order to accept the grant funds, 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

coun20/041CLGgrant-CityHallWindowRestoration



Memorandum

To: City Council Members

From: Joyce G. Braverman, Director of Planning
Cameron Roberts, Planner

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

Date: April 27, 2020

Re: City Hall Windows Restoration | Acceptance & Appropriation of CLG Grant Funds

This is a request to accept and appropriate grant funds received from the Ohio History Connection's Certified Local Government (CLG) grant program for the restoration of original wood windows and doors at Shaker Heights' City Hall building.

Approximately \$100,000 in funds are made available each year for the Certified Local Government (CLG) grant program for activities that further historic preservation. The grants are only available to those communities designated as CLG's. Shaker Heights has regularly applied for and received funding through this grant since becoming a Certified Local Government in 1993. CLG grants are federal funds administered by the Ohio History Connection.

In February 2020, the Planning Department submitted a grant application for the restoration of 26 wood windows and 2 doors located within the vacant firehouse space at City Hall. The windows and doors have deteriorated significantly and several are inoperable due to damage and/or age. The Landmark Commission expressed their support for this application at their January 29 meeting. This application was successful, and Ohio History Connection awarded a \$25,000 grant to the City.

The restoration work will supplement the overall renovation of the second floor firehouse as part of the ongoing City Hall Space Study and Plan project. This project intends to renovate the firehouse back to habitable conditions so that the Building and Housing Department can be co-located within the space. The \$25,000 grant award requires a 40% match, which will be allocated from the project budget that is already appropriated in the General Capital Fund 401 for the City Hall renovations.

This is a request to authorize the acceptance and appropriation of grant funds totaling \$25,000 from the Ohio History Connection in the Capital Budget. Shaker Heights will be reimbursed for this entire amount once the project is completed. We request that this item be passed on first reading and as an emergency in order to begin next steps for the project.

ORDINANCE NO.

BY:

Amending Ordinance No. 17-132, Ordinance No. 18-37, Ordinance No. 18-123, and Ordinance No. 19-124 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 \$25,000 for City Hall Renovation, and declaring an emergency.

WHEREAS, the Ohio History Connection has notified the Department of Planning that the City has been awarded a Certified Local Grant (CLG) grant for the restoration of original wood windows and doors at Shaker Heights City Hall in the amount of \$25,000.

NOW THEREFORE, 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, Council hereby amends Ordinance No. 17-132, enacted December 12, 2017, Ordinance No. 18-37, enacted on March 26, 2018, Ordinance No. 18-123, enacted on December 17, 2018, and Ordinance No. 19-124, enacted on December 16, 2019, and authorizes the following appropriation.

Section 2. That there be and is hereby appropriated from the General Capital Fund No. 0401 the sum of \$1,478,000 to provide for the acquisition of equipment and the repair, maintenance and improvement of various City facilities as set forth below:

Project	Current Appropriation	Revisions	Allocation
<u>Equipment Replacement/Purchase</u>			
<u>General Building Maintenance and Repairs</u>			
Furniture and Equipment	\$ 25,000		\$ 25,000
Consulting Engineer	8,000		8,000
Total	\$ 33,000		\$ 33,000
<u>City Hall</u>			
Replacement HVAC - Communications and Marketing and Information Technology Department	18,000		18,000
Replacement HVAC Law Department and Conference Room B	60,000		60,000
Repairs and Renovation	630,000	25,000	655,000
Total	\$ 708,000	\$25,000	\$ 733,000
<u>Community Building</u>			
Interior Painting	12,000		12,000
Total	\$ 12,000		\$ 12,000
<u>Fire Station #2</u>			
Storm Sewer Modification	75,000		75,000
Total	\$ 75,000		\$ 75,000

Project	Current Appropriation	Revisions	Allocation
<u>Police/Court Building</u>			
Replacement Boiler	95,000		95,000
Total	\$ 95,000		\$ 95,000
<u>Service Center</u>			
Service Yard Pavement Repairs Improvements	150,000		150,000
Security Yard Gate Replacement	30,000		30,000
Total	\$ 180,000		\$ 180,000
<u>Shaker Family Center Building</u>			
Roof over Gym	200,000		200,000
Total	\$ 200,000		\$ 200,000
3558 Lee Road			
Replacement Garage Roof	150,000		150,000
Total	\$ 150,000		\$ 150,000
Total	\$1,453,000	\$25,000	\$1,478,000

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

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

cc: David E. Weiss, Mayor
Jeri E. Chaikin, CAO
Christian Maier, Asst. Director of Public Works

Date: April 27, 2020

Re: Recommendation for design services on WCR Resurfacing (PID 105725)

As part of the Ohio Department of Transportation (ODOT) proposed projects for the State's 2021 fiscal year, Warrensville Center Road has been programmed for resurfacing between the Farnsleigh Road and northern cooperate limit; the State's 2021 Fiscal Year begins July of 2020. It is our intent to complete the design in 2020 and be in construction in 2021. The project will be an ODOT Local Public Agency (LPA) Project. ODOT's participation in the project is limited only to the construction of the roadway and will fund 80% of this work. The City will be responsible for the additional 20% to resurface Warrensville Center Road.

The City is responsible for paying for design services and other construction items not covered in this project. As part of the design, the consultant will be required to review and recommend bike lane usage within the project limits. After approval from the City, the details will be incorporated into the design drawings. Additional items not paid by ODOT include, but are not limited to, full depth road repairs, ADA compliant ramps, curb & driveway replacement as needed and adjustment of drainage structure castings. ODOT's construction cost estimate for resurfacing is \$2,125,000. The City's estimated portion for the resurfacing is \$1,000,000 to cover our 20% of construction, the cost of design and all of the other items not included. Funding in the amount of \$500,000 was set aside from the 2020 Capital resurfacing budget and the design services will be paid with these funds. The remaining \$500,000 will be included in the 2021 budget process.

In January, 2020 the City solicited proposals for design services for the resurfacing of Warrensville Center Road. The proposals included the technical approach and the experience of the firm and project team. A fee proposal was submitted separately. Public Works received three (3) proposals. The Quality Based Selection (QBS) process, a requirement for projects receiving funding from the State, was used to score the technical merits of the proposals. As part of the QBS process, fee is not used as a scoring criterion. Upon review of the three proposals, it was clear that ms consultants has a firm understanding of the project, its schedule requirements and impact on future projects on Warrensville Center Road such as the Shaker Blvd. / WCR intersection reconfiguration and the WCR bridge replacement project. The client principal for ms consultants, a former director within ODOT, and project team has extensive road resurfacing experience and understands ODOT's design criteria.

Their technical approach was pragmatic and demonstrated efficiencies that will facilitate in meeting project milestones.

The consultant firms that submitted proposals were:

Consultant Firm	Fee	Ranking
ms consultants	\$ 97,544.00	1
GPD Group	\$160,719.00	2
Karpinsi Eng.	\$ 95,403.50	3

Based on the scoring of the different consultants, Public Works interviewed ms consultant’s project team on February 27, 2020.

When reviewing the schedule of future construction projects along the Warrensville Center Road corridor, there was an opportunity to combine the WCR/Shaker Blvd intersection reconfiguration project (PID 111119) with the resurfacing project. Following this approach will be a cost savings during construction, will be less disruptive to the community and will accelerate the time under construction. The City has spoken to ODOT about combining and bidding the projects and they are agreeable to this approach. After our discussions with ODOT, Public Works negotiated a revised fee with ms consultants to help coordinate combining the two projects and developing the bid documents. The revised fee, which includes the WCR resurfacing design, is \$104,826.

Based on their understanding of the project, proposed project team, technical approach and interview, we recommend this contract be awarded to ms consultants for design services for the resurfacing of Warrensville Center Road and coordination with the WCR / Shaker Blvd intersection reconfiguration in the amount of \$104,826. We request that this legislation be passed as an emergency and under suspension of the rules so that so the City can proceed with this much needed improvement.

ORDINANCE NO.

BY:

Authorizing a contract with ms Consultants in the total not to exceed amount of \$104,826 for professional design and related personal services for the resurfacing of Warrensville Center Road and coordination of the Warrensville Center Road/Shaker Boulevard intersection reconfiguration projects, and declaring an emergency.

WHEREAS, the Ohio Department of Transportation (ODOT), under an ODOT Local Public Agency (LPA) Project, has agreed to fund 80% of the resurfacing of Warrensville Center Road from Farnsleigh Road north to the City line, which project is to be designed and managed by the City; and

WHEREAS, to design the resurfacing project a Request for Proposals (RFP) was issued in January, 2020, and ms Consultants submitted a proposal for professional design and related personal services for design services for the resurfacing of Warrensville Center Road in the amount of \$97,544; and

WHEREAS, the proposal of MS Consultants has been determined to offer the best proposal and also meets the budget requirement; and

WHEREAS, the City has determined to combine the design for the resurfacing of Warrensville Center Road with the Warrensville Center Road/Shaker Boulevard intersection reconstruction project and requested a revised fee proposal from ms Consultants to design both projects; and

WHEREAS, ms Consultants provided a revised fee proposal for both projects in the amount of ONE HUNDRED FOUR THOUSAND EIGHT HUNDED TWENTY-SIX DOLLARS (\$104,826); and

WHEREAS, pursuant to Section 141.03 of the Codified Ordinances, the Director of Public Works has recommended the acceptance of the proposal of ms Consultants.

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

Section 1. The Mayor is hereby authorized to enter into a contract with ms Consultants in the total not to exceed amount of ONE HUNDRED FOUR THOUSAND EIGHT HUNDED TWENTY-SIX DOLLARS (\$104,826) for professional design and related personal services for the design of the resurfacing of Warrensville Center Road and Warrensville Center Road/Shaker Boulevard intersection reconfiguration projects. Said contract 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 so that the City can proceed with this

much needed improvement, 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

coun20/0420msconsultantsWCRresurface&WCR-ShakerBlvdrecon



Memorandum

To: City Council

From: Patricia Speese, Public Works Director

cc: David E. Weiss, Mayor
Jeri E. Chaikin, CAO
John Potts, Finance Director

Date: April 6, 2020

Re: **Street Lighting Assessment Renewal– Resolution of Necessity**

Shaker Heights property owners pay a portion of the expenses involved to provide street lighting on all City streets and public roads within the corporate limits. Street lighting helps provide for the public health, safety, and welfare in the City of Shaker Heights. The current rate of assessment per front footage is .88¢. A component of this assessment includes the State requirement that the City contribute at least 2% of the entire cost of the street lighting, approximately \$12,000.

Chapter 145 of the Codified Ordinances of the City establishes the procedures for levying special assessments for City improvements. The procedure includes a Resolution of Necessity, public Notice and that the Public Works Director maintain the plans, specifications and cost estimates on file in her office and make the records available for public inspection. Once the Board of Review has met (if an appeal is filed), ruled on any appeals, and reported to Council, Council may proceed with passing an ordinance in August to actually levy the assessment.

The Notice contains a description of the improvements, the proposed cost, the availability of the plan for public inspection and the property owner's right to appeal the assessment to the Board of Review which consists of the Mayor, Finance Director, Law Director, and the Director of Public Works. Appeals of the assessments can be made by property owners for two weeks after the last newspaper publication.

This assessment is levied on residents property taxes based on the property's front footage at the \$.88 per foot. Once passed, a certified copy of the levying ordinance, along with the assessment spreadsheet file, must be filed with the County Fiscal Officer's office by no later than the second Tuesday in September. The assessments will be processed by the County and will appear on the tax bills beginning with the bill due in January of 2021.

In 2000 the Street Lighting Assessment was \$.84 and was raised to \$.88 in 2004 where it has remained for the past sixteen years.

In 2012 there was a decline in revenue from the assessment along with an increase in electrical rates requiring the City to supplement the fund by \$100,000; for 2017 the supplement was \$235,000; in 2018 the supplement was \$265,000 and currently remains at this figure. This supplement has enabled the City to meet its financial obligations for street lighting.

The revenue generated from the assessment is approximately \$562,000 and the general fund will contribute the balance; 2% or \$12,000 required by law and the \$253,000 additional appropriation for a total City cost of \$265,000. First Energy owns the poles and provides the distribution which has historically involved rate tariffs thereby creating a fluctuation in rates.

While typically this assessment is for a three-year time period, we would like to renew for a two-year time period while the city researches other ways to reduce these costs. Sustainability Coordinator Michael Peters is working on several possibilities such as the city purchasing the lights and converting to LED, contracting with another provider to acquire the lights and financing the conversion, etc. These options are subject to an audit and are in the initial stages therefore a two year renewal of this assessment makes the most sense at this time.

We are requesting that a two-year Street Lighting Assessment be approved which includes the Resolution of Necessity and the assessment at the current rate of \$.88 per front foot as previously levied in order to protect the safety, welfare and public health in the City of Shaker Heights. We ask that this be passed on first reading as an emergency so that the next step in the process can begin to meet the September deadline.

RESOLUTION NO.

BY:

Declaring it necessary to light the streets of the City during the years 2021 and 2022, and providing for the assessment of a portion of the expense thereof, and declaring an emergency.

Whereas, this Council adopted a Resolution of Necessity for street lighting in Resolution 17-51, adopted on May 22, 2017, for a three year period ending December 31, 2020.

BE IT RESOLVED by the Council of the City of Shaker Heights, State of Ohio, three-fourths (3/4) of all members elected thereto concurring:

Section 1. It is hereby determined that it is necessary for the public health, safety, convenience and welfare to light the following named streets and public roads within the corporate limits of the City with electric lights during the years 2021 and 2022, said lighting having been recommended by the Director of Public Works of the City:

STREET LIGHTING

Aberdeen Road	Dorchester Road	Ingleside Road
Albion Road	Douglas Road	Inverness Road
Aldersyde Drive	Drexmore Road	Kemper Road
Almar Dr.	Drummond Road	Kendall Road
Andover Road	Dryden Road	Kenmore Road
Ardmore Road	Duffield Road	Kenyon Road
Ashby Road	East 127 th Street	Keswick Road
Ashford Road	East 128 th Street	Kingsley Road
Ashley Road	East 130 th Street	Landon Road
Ashurst Road	East 140 th Street	Lansmere Road
Ashwood Road	East Belvoir Oval	Larchmere Road
Attleboro Road	Eaton Road	Latimore Road
Avalon Road	Edgerton Road	Laurel Road
Becket Road	Elsmere Road	Laureldale Road
Belvoir Boulevard	Enderby Road	Lee Road
Berwyn Road	Endicott Road	Leighton Road
Boyce Road	Fairhill Road	Lindholm Road
Braemer Road	Fairmount Boulevard	Litchfield Road
Brantley Road	Fairmount Circle	Lomond Boulevard
Brighton Road	Falmouth Road	Ludgate Road
Broxton Road	Farnsleigh Road	Ludlow Road
Bryden Road	Fayette Road	Lyman Boulevard
Byron Road	Fernway Road	Lyman Circle
Calverton Road	Fontenay Road	Lynnfield Road
Carlton Road	Glencairn Road	Lynton Road
Chadbourne Road	Glengary Road	Lytle Road
Chagrin Boulevard	Glenmore Road	McCauley Road
Chalfant Road	Green Road	Malvern Road
Chelton Road	Grenway Road	Manchester Road
Cheshire Road	Gridley Road	Marchmont Road
Chesterton Road	Haddam Road	Maynard Road
Claremont Road	Hadleigh Road	Menlo Road
Claridge Road	Halburton Road	Milton Road
Claythorne Road	Halworth Road	Milverton Road
Clayton Boulevard	Hampstead Road	Montgomery Road
Colby Road	Hardwick Road	Morley Road
Colton Road	Hazelmere Road	Newell Road
Colwyn Road	Helen Road	Nicholas Road
Courtland Boulevard	Hermitage Road	No. Moreland Blvd.
Courtland Oval	Hildana Road	No. Park Blvd.
Coventry Road	Holbrook Road	Normandy Road
Cranlyn Road	Holmwood Road	Northfield Road
Daleford Road	Huntington Road	Northwood Avenue

Norwood Road
Onaway Road
Oxford Road
Palmerston Road
Park Driveway
Park Road
Parkland Drive
Parnell Road
Paxton Road
Pennington Road
Rawnsdale Road
Riedham Road
Rife Court
Rochester Road
Rocklyn Road
Rolliston Road
Rye Road
Scottsdale Blvd.
Sebor Road
Sedgewick Road
Shaker Boulevard
Shaker Glen
Shelburne Road
Shelley Road
Sherbrooke Road
Sherrington Road
Somerset Road

South Green Road
South Woodland Road
South Park
Southington Road
Stanford Road
Stockholm Road
Stoer Road
Strandhill Road
Strathavon Road
Sudbury Road
Sulgrave Oval
Sulgrave Road
Sussex Road
Sutherland Road
Sutton Place
Sutton Road
Sydenham Road
Tolland Road
Torrington Road
Townley Road
Traver Road
Traymore Road
Traynham Road
University Boulevard
Van Aken Boulevard
Wadsworth Road

Warrensville Ctr. Rd.
Warrington Road
Warwick Road
Washington Boulevard
West Belvoir Oval
Westbury Road
Westchester Road
West Park Boulevard
West Sulgrave Oval
Weybridge Oval
Weymouth Road
Wicklow Road
Wimbledon Road
Winchell Road
Winslow Road
Winthrop Road
Woodbury Road
Wrenford Road

Section 2. The plans, specifications and estimates of said improvement now on file in the office of the Director of Public Works be and the same are hereby approved.

Section 3. Two percent (2%) of the entire cost of said street lighting, plus the cost of lighting street intersections, shall be paid for by the City, the entire remainder of said cost and expense shall be assessed on all the lots and lands bounding and abutting the streets and public places named hereinabove.

Section 4. Said assessments shall be paid in two (2) annual installments upon the 2021 and 2022 duplicates for collections in the years 2021 and 2022, shall be certified to the County Fiscal Officer and placed upon the tax duplicate, according to law, and shall be collected as other taxes, provided, however, that a property owner shall have the option of paying his assessments in cash within thirty (30) days from the passage of the ordinance levying such assessments.

Section 5. The Director of Finance of the City shall, immediately upon the passage of this resolution, proceed to make an assessment report upon the above-mentioned streets based upon an assessment of \$.88 per front foot, in accordance with the benefits thereto, indicating the amount of the assessment as to each such lot or land. Corner parcels shall be assessed based upon the parcel's short side frontage plus one-half of the parcel's corner radius. Upon the filing of such report with Council, the Director of Finance shall cause publication of notice of the filing such report to be made once a week for two (2) consecutive weeks in a newspaper of general circulation in the City of Shaker Heights, as provided in Section 145.03 of the Administrative Code of the Codified Ordinances of the City of Shaker Heights. Any complaints or objections against said assessments must be filed with the Board of Review of Assessments within two (2) weeks after completion of the publication of such notice.

Section 6. This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety for the reason that it is necessary to provide for the continuation of the lighting of the streets of the City and to certify the assessments therefore within the time required by law, and this resolution shall, therefore, take effect immediately upon its adoption and approval by the Mayor.

Adopted

Approved this ____ day of _____, 2020.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council

coun20/0422streetlightreso



Memorandum

To: Members of City Council

From: Patricia Speese, Director of Public Works

cc: David E. Weiss, Mayor
Jeri E. Chaikin, CAO
Christian Maier, Asst. Director of Public Works

Date: April 27, 2020

Re: ODOT Guard Rail Replacement at Warrensville Center Road and Shaker Blvd. (PID 111157)

The Ohio Department of Transportation (ODOT) has initiated a project to upgrade guardrail end treatments at the Warrensville Center Road and Shaker Blvd. intersection. Warrensville Center Road is part of the National Highway System (NHS). This project is necessary in order to comply with the safety policy issued by the Federal Highway Administration (FHWA) and is part of a larger ODOT project to upgrade guardrail end treatments on the National Highway System routes within Cuyahoga and Lake Counties.

The entire cost and expense to upgrade the guardrail end treatments will be provided by ODOT. The starting point of the guardrail is referred to as the end treatment. One common treatment is an energy-absorbing end treatment, often called an impact attenuator. It is designed to absorb the energy of an impact (i.e. a car crash). The work will be completed in 2020 by ODOT and no additional work will be required from Public Works. We did let ODOT know about the future bridge replacement at this location to be performed by Cuyahoga County in 2022 and questioned if ODOT's project was warranted.

For safety reasons, ODOT's preference is to proceed with their project despite the bridge replacement project. Upon completion of the project, Shaker Heights will be responsible for the maintenance of the upgraded guardrail end treatments.

Public Works is supportive of this request and recommends the city participate in this program to replace the guardrail end treatments at Warrensville Center Road and Shaker Blvd. at no cost to the City; this will increase the safety of the motoring public. We request that this legislation be passed as an emergency and under suspension of the rules so that ODOT can add the City of Shaker Heights to their project.

ORDINANCE NO.

BY:

Authorizing an agreement with the Ohio Department of Transportation (ODOT) in order to implement the Guard Rail Replacement Project at Warrensville Center Road and Shaker Boulevard, and declaring an emergency.

WHEREAS, ODOT has initiated a project to upgrade guardrail end treatments at the Warrensville Center Road and Shaker Boulevard intersection in order to comply with the safety policy issued by the Federal Highway Administration (FHWA), as Warrensville Center Road is part of the National Highway System (NHS), and this is part of a larger ODOT project to upgrade guardrail end treatments on the NHS routes within Cuyahoga and Lake counties; and

WHEREAS, the entire cost and expense to upgrade the guardrail end treatments will be provide by ODOT and the work will be completed in 2020 with no additional work required by the City; and

WHEREAS, the Director of Public Works has recommended that the City enter into an agreement with ODOT for the Guard Rail Replacement Project at Warrensville Center Road and Shaker Boulevard.

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Ohio Department of Transportation (ODOT) for the Guard Rail Replacement Project at Warrensville Center Road and Shaker Boulevard. 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 ODOT can add the City to their project, 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

coun20/0421ODOTguardrail



Memorandum

To: Members of City Council

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

From: Director of Finance John J. Potts

Date: April 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
Then and Now Certification Summary
March 31, 2020 - April 27, 2020

Dep't	PO #	Invoice Date	PO Date	Warrant	Amount	Vendor	Reason
Public Works	20000737	1/21/20	2/10/20	041720	\$16,092	Lykins Oil Company	Contractual work. When received, the balance on the 2019 PO was insufficient to pay the invoice.
Public Works	20000886	2/29/20	3/2/20	040320	\$10,977	Kimble Recycling	Contractual work. When received, the balance on the 2019 PO was insufficient to pay the invoice.
Public Works	20000854	2/11/20	2/25/20	040320	\$4,300	Solar Testing Laboratories Inc	Contractual work. When received, the balance on the 2019 PO was insufficient to pay the invoice.
Public Works	20000854	2/24/20	2/25/20	040320	\$4,000	Solar Testing Laboratories Inc	Contractual work. When received, the balance on the 2019 PO was insufficient to pay the invoice.
Public Works	20000886	2/16/20	3/2/20	040320	\$10,515	Kimble Recycling	Contractual work. When received, the balance on the 2019 PO was insufficient to pay the invoice.
Public Works	20001066	3/6/20	3/19/20	041720	\$3,666	TD Security LTD	Contractual work. When received, the balance on the 2019 PO was insufficient to pay the invoice.

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

coun20/0421thenandnowapril

EXHIBIT A
Then and Now Certification Summary
March 31, 2020 - April 27, 2020

Dep't	PO #	Invoice Date	PO Date	Warrant	Amount	Vendor	Reason
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Public Works	20000854	2/11/20	2/25/20	040320	\$4,300	Solar Testing Laboratories Inc	Contractual work. When received, the balance on the 2019 PO was insufficient to pay the invoice.
Public Works	20000854	2/24/20	2/25/20	040320	\$4,000	Solar Testing Laboratories Inc	Contractual work. When received, the balance on the 2019 PO was insufficient to pay the invoice.
Public Works	20000886	2/16/20	3/2/20	040320	\$10,515	Kimble Recycling	Contractual work. When received, the balance on the 2019 PO was insufficient to pay the invoice.
Public Works	20001066	3/6/20	3/19/20	041720	\$3,666	TD Security LTD	Contractual work. When received, the balance on the 2019 PO was insufficient to pay the invoice.