



SHAKER HEIGHTS

Administration Committee Agenda Via Zoom Meeting Tuesday, June 9, 2020, 8:00 AM

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1. Approval of the March 10, 2020 meeting minutes

Documents:

[ADMINMIN031020.PDF](#)

2. Amending the Codified Ordinances of the City of Shaker Heights to conform to current State law, and declaring an emergency

Documents:

[CODORDUPDATE2020STATELAW MEMO.PDF](#)

3. Department updates

- a. Communications and Marketing
- b. Human Resources
- c. Information Technology
- d. Law

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DRAFT

Administration Committee

Tuesday, March 10, 2020

8:00 A.M.

Shaker Heights City Hall, Conference Room B

Members Present: Carmella Williams, Chairperson, Council Member
Tres Roeder, Council Member
Kim Bixenstine, Resident Member
James Brady, Resident Member
Brian Rosenfelt, Resident Member

Others Present: David E. Weiss, Mayor
Jeri Chaikin, CAO
William Gruber, Law
Sandra Middleton, Human Resources
Frank Miozzi, Information Technology
Julie McGovern Voyzey, Communications and Marketing Director

The meeting was called to order by Chairperson Carmella Williams at 8:04 a.m.

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Approval of the February 11, 2020 Meeting Minutes

Chair Williams asked if there were any changes or comments to the minutes of the February 11, 2020 meeting. There was one correction to the spelling of Chair Williams name.

It was moved by Member James Brady and seconded by Member Kim Bixenstine that the minutes be approved as corrected.

Minutes of the February 11, 2020 meeting were approved as corrected.

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Legislation Appropriating Fair Housing Funds from HUD

Law Director William Gruber stated that since the 1990's, the City, through the Law Department, has conducted a Fair Housing Assistance Program (FHAP) with HUD funding.. The City 's fair housing ordinance is substantially equivalent to Federal Fair Housing law and grants are usually provided annually by HUD for program related expenses. In addition, the City investigates fair housing complaints and administratively enforces the City's Fair Housing law. The City's Fair Housing Review Board may hold hearings to enforce the law.

CITY OF SHAKER HEIGHTS

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The HUD funds available at the beginning of the year were about \$64,000. The Department does not plan to spend all funding within the year, so it is not all appropriated in the yearly budget. Grant amounts may vary, and yearly grants are not guaranteed. Additionally, grants may not be announced until later in the year. Budget funding for 2020 was appropriated at \$35,806. Following approval of the budget, the City entered into an agreement with the Fair Housing Center for Rights and Research (FHC). FHC is a non-profit private entity receiving HUD funding through special grants. They investigate complaints, provide training, and testing to see if landlords are complying with the law. Monies were moved within the budget to fund the contract with FHC and we are asking to restore those funds from the Fair Housing Fund, appropriating them back into the Fair Housing budget in the amount of \$11,000.

The director was asked to provide examples of testing. Director Gruber responded that testing is done when a complaint is received from someone that was turned down for a rental and they believe it was due to discrimination on the basis of race, religion, marital status, children, etc. Testing is done to see if the apartment is still available and if someone who is not in the discriminated category is able to get accepted and get return calls. FHC will do the same type of testing, but only blind testing, as they will be responding to ads.

An inquiry was made about training for these types of investigations to which Director Gruber indicated he as well as staff and board members have received training and will continue to receive training as discrimination has become more subtle.

Chair Williams asked if there are tests done for actual renters as the examples cited have been for people seeking to rent. Director Gruber stated instead of testing, it would be investigated by speaking with others that are currently renting or have rented from the same person in the past.

It was moved by Member Brian Rosenfelt and seconded by Member James Brady that the Committee approve an additional appropriation of HUD granted Fair Housing funds in the amount of \$11,000 and recommend it be presented to the Finance Committee.

The committee unanimously recommended the approval of the additional funds and the item will be presented to the Finance Committee.

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Presentation of Communications and Marketing Department Responsibilities and 2020 Initiatives

Communications and Marketing Director Julie Voyzey displayed an organizational chart of the department which consists of the director, a senior communications and marketing specialist, senior administrative assistant and a part-time communications and marketing specialist.

The department's overall goals are to attract and retain residents and businesses. They market the City, raise brand awareness meaning the City of Shaker Heights, protect the reputation of the City, and communicate with residents and media.

On the communications side, the department manages all external communication such as reports from the Mayor, information on relevant topics, city initiatives, events and responds to resident inquires. The

department strives to do so in a timely, factual, consistent, informative, and transparent manner. The department also manages and coordinates emergency communications. They report to the emergency operations center as the Public Information Officer and with the coronavirus will be front and center in terms of City communications. In response to inquiries regarding the coronavirus, Director Voyzey stated the department works closely with the Fire Chief, who is the primary contact with ECO, and looks to the county regarding emergency topics. The department also provides guidance on communications to City departments to ensure that all forward-facing communications, messaging, and marketing, is consistent and protects the reputation of the City.

The department uses a diverse number of tools to communicate as people obtain their information in a variety of ways. Director Voyzey presented a chart showing the various tools used including social media, Enews, websites, Shaker Life and press releases along with the number of people they reach. The City recently obtained their own YouTube channel and she encouraged members to subscribe.

Communication goals for 2020 include growing the City's social media presence by 15%, increasing ENews open and click rates, and conducting an annual website audit, currently in progress, in accordance with our governance policy. Goals for Shaker Life include pivoting management of the editorial budget to develop a full year around themes reflecting the City's priorities/messaging, promoting magazine content through the shaker.life website and submitting the magazine for a national award. The magazine has won awards in the past and it is an opportunity for free marketing on a national level. In addition, the department is working to formalize a communications plan for emergency planning and procedures as well coordinating the social/media policy with the communications plan.

On the marketing side, the department creates an engaging marketing campaign and high-quality communications, increasing the brand recognition to distinguish the City of Shaker Heights from other Cleveland suburbs to attract and retain residents and businesses. Tools used for marketing are digital advertising through different channels, print ads such as billboards and this year, interactive kiosks downtown, and ads on RTA railcars. Other tools include radio, social media, City and magazine websites and a website dedicated to the Shaker365 marketing campaign. A video series has been developed, showing all different aspects of living in Shaker Heights, which can be seen on YouTube. The videos, as well as everything done, is optimized for mobile viewing. Marketing is also done through Shaker Life and a newly developed realtor kit.

The Shaker365 marketing campaign, anchored around the idea that Shaker is the place, is the biggest component of our marketing work. The tag line invites people to take it in and then entices them to move here for the full experience. The messaging was developed from periodic resident surveys about why they chose Shaker.

The goal of the campaign is to attract residents to Shaker. In 2020, the department is developing tools for realtors to help them sell Shaker, working to increase brand recognition using previous video assets and re-cutting for wider use on social media, and undertaking a Qualtrics survey to measure brand recognition. The department will also pitch one story to a national publication and submit the campaign for a national award, increasing exposure.

Director Voyzey presented a sample of Shaker365 print ads placed in Edible Cleveland, Hemispheres, Shaker Life, Red and White catalog, and an ad that appeared on RTA rail cars. The ads say every day

there is something to discover and the focus varies each day on things such as the schools, home-based businesses, events, arts, etc. The ads are directed back to the Shaker365 website.

Director Voyzey displayed the City’s Instagram page, which contains the branding of the Shaker35 campaign, including photo and videos. Videos are infused on the City’s Facebook page as well. The director also displayed a sample of the Shaker365 billboard ad and the Shaker365 web site.

The department, as mentioned, has been working on a video vignette series and now has twelve videos that have rolled on social media. Video topics have included the schools, Van Aken District, GrooveRyde, and fire mechanic Chuck Bates. The videos tap into the emotional side of what it is like to live in Shaker. The brand video was released yesterday. Director Voyzey played the brand video, “Shaker is the Place”, indicating it is a large part of the attract component and realtor package. When developing the video and other materials, the department works hard at diversity and inclusion.

With respect to realtors, three pieces of marketing material have been developed. One is a postcard, for distribution at open houses. It has the QR code on the back which links to the brand video. Another piece is a swatch book that takes you through the different aspects of what makes Shaker with QR codes that link to specific videos. Lastly, the realtor kit consists of a video card, which will be sold only to realtors for \$25 as they are being printed in limited quantities. The card opens and the videos, including the brand video, Memorial Day parade, schools, etc. play directly on the card. The goal is to provide material that says Shaker Heights offers a living experience that is above and beyond our competitors.

It was asked who was considered major competitors to which the director responded Orange, Pepper Pike, Chagrin Falls, Solon, etc. The Qualtrics survey will ask which communities prospective residents are considering, so there will be more data available.

The committee briefly discussed the “Little Fires Everywhere” Hulu series and the different opinions people may have about it. Director Voyzey stated prior to the podcast, stories about the diversity of the community were posted on social media and she, along with Planning Director Joyce Braverman, interviewed for a Hulu podcast, pivoting the interview to what it’s like to live in Shaker.

An inquiry was made as to the departmental involvement with employee external communications from a customer service perspective. Director Voyzey stated it is usually at the department level and Communications and Marketing does not usually get involved. It was suggested that general customer service training for answering phones be considered and how employees talk about Shaker is consistent. Director Voyzey stated the department does review external letters for other departments.

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Presentation of Law Department Responsibilities and 2020 Initiatives

Law Director William Gruber began his presentation by reviewing law department staff, which consists of the director, assistance law director/housing attorney, chief prosecutor, legal assistant, executive legal assistant, and a law clerk.

The overall goals include promoting efficient, cost-effective government by minimizing risk to the City and assisting the City to operate efficiently, ethically, and legally, and provide high quality legal services.

High quality legal services entail protecting public safety, achieving the City's economic and community development objectives, ensuring compliance with state and federal law on regulations, protecting the City's interests to ensure non-discriminatory and fair application of policy and rules in providing City services and in the use of public properties and rights-of-ways.

The department provides legal services to the City, representing the Mayor and administration, providing counsel to City Council, committees, boards and commissions, and the Shaker Heights Development Corporation, and acting as lawyers for the court. They also staff the Board of Appeals and Fair Housing Review Board, are members of the City's Record Commission, counsel to the Heights-Hillcrest Communications Center (HHCC) and secretary to the Van Sweringen Foundation.

The department's responsibilities include criminal and civil matters. The assistant director acts as director for housing, both civil and criminal code enforcement, and the Fair Housing Program as well as the ADA point person. Outside counsel is hired as needed, but it is managed and overseen by the department to ensure the City's interests are protected. The department also acts as liaison with departments, produces records, and works with witnesses.

Other responsibilities include traffic and criminal matters. The department assists police with preparing and reviewing general orders, public records responses, juvenile diversion programs, police cruiser and body cam issues, Block B training of all police personnel), preparing subpoenas and investigative court orders, and reviewing accident reports to determine whether or not to bring charges.

Traffic and criminal matters also include court trials on Tuesdays for criminal cases, traffic pre-trials, and housing cases. Other cases are scheduled according to court availability. One type of court appearance is felony charges, which are initiated in the City, but not prosecuted by the City although the City prosecutor helps to determine whether it should be a felony charge or misdemeanor. The department handles hundreds of general misdemeanor charges and thousands of traffic cases, including OVI/DVI along with numerous pre-trials where things often get resolved.

Code enforcement includes housing, building, zoning, health, noise, animals, trees, and public nuisances, working with departments to determine what should be done with criminal prosecution as a last resort. This includes helping with administrative search warrants, nuisance orders, property demolitions orders, nuisance abatement orders, etc. Residents cited for code violations can appeal to the Board of Appeals, which hears about 20-25 cases per year. The department handles pre-prosecution hearings for code enforcement to try and resolve matters in lieu of prosecution, such as an elderly resident that is not fixing their housing violations.

In-house counsel is another area of work besides the criminal side. Administration provides counsel to the Mayor, CAO, Council clerk, municipal court, city departments and all the various council committees, boards, and commissions. Other in-house counsel is property and real estate matters in which the department assists with transfers and acquisitions. The department receives tax foreclosure notices from the County's prosecutor's office and reviews/responds to such notices, which has resulted in the City acquiring hundreds of properties over the past 10-15 years. In addition, the department handles property tax issues and exemption application.

Other in-house counsel involves many aspects of economic development projects, including hiring outside counsel, negotiations, review of documents and implementation, as well as Vision Fund loans

and SBA loan agreements. Some current projects are Knez-Southern Moreland D&U, Avalon Station II, County storefront grants and assisting SHDC with acquisition/transfer of properties on Lee Road.

The department handles citizen inquiries on various topics such as trees, chickens, sidewalks, dogs, contractors, indigent burial, nuisances, snow removal, ADA issues, landlords, fair housing and more. The department answers basic questions according to Shaker law, it does not provide legal advice. Law also assists with human resources and personnel issues, acting as liaison with departments on labor issues, Workers' Compensation, etc. They also hire outside counsel to negotiate labor agreements or work on specific labor issues.

Lisa Gold-Scott is the ADA (American's with Disabilities Act) Coordinator for the City, assisting both employees and residents with ADA matters and requests for accommodations. This may include advising on curb ramp and cross walk compliance and recreation program accommodations as well as handling complaints about RTA stops that are inaccessible due to snow or construction.

Each City department is responsible for handling their public records, but the Law Department acts as coordinator, reviewing and responding to public records requests. They determine what is and is not public information. They also attend Records Commission meetings, advise departments regarding records retention schedules, which are required by the State, as well as respond to subpoenas.

The Law Department oversees right-of-way and City property licenses and utilities coming into the right-of-way, the City's natural gas and NOPEC electric aggregation programs responding to complaints regarding utilities. They also oversee and negotiate the City's electric accounts. The new contract, which started this year, will be 100% green power for street lighting and city buildings.

The Fair Housing Program, mentioned earlier, is also part of in-house counseling whereas the department manages grants, investigates, and prosecutes fair housing complaints, and providing education and training. Director Gruber displayed an ad that will appear in the next issue of Shaker life, for an upcoming fair housing educational event for condominiums covering legal requirements and pitfalls, discrimination, and accommodations for the disabled.

The Law Departments reviews and prepares contracts, licenses and other types of agreements as well as prepares legislation and amends codified ordinances.

Civil litigation includes defending the City and administrative boards in court as well as collection actions to resolve damage claims. Other miscellaneous work includes indigent cremations for residents, coordinating film projects, public presentations, and training for City employees.

The committee briefly discussed the City's compliance program in response to an inquiry asking who in the administration is responsible for the compliance program. The City does not have a compliance officer and each department is responsible for their own, although the Law Department may oversee certain aspects. Departments that apply for and receive grants are responsible for their compliance. Director Gruber indicated compliance issues do not come up very often partly because the City has its own experts in-house who are compliant with the law. For example, the Building Department knows the building codes, the Fire Department are experts on local, State and Federal fire codes. It was asked who a contractor would contact if they felt they were discriminated against or compliance was not met by a department. Director Gruber stated they would most like be sent to the Law Department who would work with the department to resolve the issue.

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Chair Williams asked members to think about topics the committee would like to focus on going forward and to send her any suggestions.

It was moved by Member Kim Bixenstine and seconded by Member James Brady that the meeting be adjourned.

There being no further business, the meeting was adjourned at 9:14 a.m.

Carmella Williams, Council Member, Chair
Administration Committee



MEMORANDUM

To: Members of the Administration Committee

From: William M. Ondrey Gruber, Director of Law

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

Date: June 4, 2020

Re: **Amendments to the Codified Ordinances –
To Adopt State Law Changes to Criminal and Traffic Code Sections**

The Administration Committee is asked to recommend to City Council the approval of proposed changes to the City's Codified Ordinances to adopt changes in State laws that are incorporated into the City's Traffic and General Offenses Codes. The changes in State law were made by the Ohio General Assembly since the City last adopted State law changes and re-published the City's Codified Ordinances sections. The last update was made in December 2018.

The City's Codified Ordinances, particularly in the General Offenses Code and the Traffic Code, incorporate portions of State law. Approximately once a year, when we republish the Codified Ordinances, our publisher provides us with the changes to State law made by the General Assembly over the past year or so that require changes to the corresponding City Ordinances in order to have the City's Ordinances remain consistent with and not in conflict with State law.

By amending the City's Ordinances to incorporate the State law changes, the City will be able to enforce these general offense and traffic laws in Municipal Court and the City will retain the fines, rather than the State.

The Walter A. Drane Company, which publishes the City's Codified Ordinances, has provided the City with the proposed State law changes to the General Offenses and Traffic Codes within the City's Codified Ordinances.

The form of the ordinances is that which The Walter A. Drane Company has recommended to all of its municipal clients, and is consistent with the City's existing published Codified Ordinances. Copies of the replacement pages will be available at the Council meeting when the amendments are considered.

Highlights of the changes are as follows:

General Offenses Code

713.01 – Drug Abuse Control Definitions: Extensive changes have been made to this section, amounting to a near-total rewrite, to incorporate new definitions regarding drug abuse, drug-dependent persons, professionally licensed persons, as well as new definitions of cocaine, L.S.D., and fentanyl-related compounds. (Senate Bill (SB) 229 amended Ohio Revised Code (R.C.) Section 2925.01)

713.03 – Drug Abuse; Controlled Substance Possession or Use: Subsection (b)(1)(D) has been narrowed to require controlled substances obtained through a prescription to be for a legitimate medical purpose and not obtained by fraud, deception, or a theft offense. Definitions of “deception” and a “theft offense” have been included in the revised Section 713.01. (SB 229 amended R.C. 2925.11).

713.05 – Permitting Drug Abuse: Subsection (c) has been amended to include references to R.C. 2925.04 and 2925.041, which contain provisions on the illegal manufacture and cultivation of drugs and the illegal assembly and possession of chemicals for the manufacture of drugs respectively. (SB 1 amended R.C. 2925.13).

729.07 – Open Container Prohibited: This Section has been amended to prohibit open containers in motor vehicles inside refreshment areas, whether stationary or not. (House Bill (HB) 62 amended R.C. 4301.62).

733.07 – Public Indecency: This Section has been amended to include a new subsection (d) enumerating factors that would allow a court to classify an offender as a Tier I sex offender/child-victim offender. (HB 92 amended R.C. 2907.09).

733.17 – Dissemination of Private Sexual Images: This new Section would prohibit the dissemination or sending of images of a sexual nature containing an identifiable individual without that individual’s consent. (HB 497 amended R.C. 2917.211).

737.16 – Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternate Nicotine Products; Transaction Scans: This Section has been amended to comply with the increased state legal age to purchase tobacco and nicotine products. It contains new regulations for “transaction scans,” permitting sellers to verify an individual’s age via scanning their identification card. It permits transaction scans as an affirmative defense. The Ohio Revised Code Section dealing with transaction scans has been in effect since 2014. (HB 166 amended R.C. 2927.02; HB 144 amended R.C. 2927.021).

745.10 – Misuse of Credit Cards: This Section has been amended to include a new subsection (a)(3) which prohibits officers, employees, or public servants of a political subdivision from misusing credit card accounts held by the political subdivision. (HB 312 amended R.C. 2913.21).

749.01 – Weapons and Explosives Definitions: This Section has been amended to revise the definition of a sawed-off shotgun in subsections (e) and (k)(7) to exclude weapons with an overall length of at least twenty-six inches and which is approved for sale by the Bureau of Alcohol, Tobacco, and Firearms. (HB 86 amended R.C. 2923.11).

749.06 – Unlawful Transactions in Weapons: This Section has been amended to incorporate minor changes in phrasing and terminology, with no change to the substantive meaning of the Section. The first line of subsection (a) has been revised to read “No person shall do any of the following...”, and subsection (a)(2) has been revised to change the term “him” to “the transferee.” (HB 228 amended R.C. 2923.20).

Traffic Code

1101.04 – Bicycle; Motorized Bicycle; Moped; Electric Bicycle: This Section has been amended to include “electric bicycles” and to group them into three classes. This Section clarifies that “motorized bicycles” or “mopeds” are distinct from electric bicycles. (HB 250 amended R.C. 4501.01).

1101.20 – Motor Vehicle: This Section has been amended to include “electric bicycles” in the definition of “motor vehicle.” (HB 250 amended R.C. 4511.01).

1101.361 – Shared-Use Path: This Section has been amended to narrow the definition of a “shared-use path” to exclude paths intended to be used primarily for hiking, biking, equestrian use, or similar uses, or any other single track or natural surface trail that has historically been reserved for non-motorized use. (HB 250 amended R.C. 4511.01).

1101.51 – Vehicle: This Section has been amended to include “electric bicycles” in the definition of a “vehicle.” (HB 250 amended R.C. 4511.01).

1101.55 – Waste Collection Vehicle: This Section has been created to define a waste collection vehicle as a vehicle used in the collection of garbage, refuse, trash, or recyclable materials. (HB 250 amended R.C. 4511.01).

1103.991 – Committing an Offense While Distracted Penalty: This Section has been created to provide enhanced penalties for committing traffic code violations while distracted by certain electronic communication devices. (HB 95 amended R.C. 4511.991).

1113.01 – Obedience to Traffic Control Devices: This Section has been amended to provide for enhanced penalties for offenses committed while distracted. (HB 95 amended R.C. 4511.12).

1131.40 – Stopping at Grade Crossing: This Section has been amended to provide for enhanced penalties for offenses committed while distracted. (HB 95 amended R.C. 4511.61).

1137.16 – Number of Lights; Limitations on Flashing, Oscillating, or Rotating Lights: This Section has been amended to include “stationary waste collection vehicles” in subsection (c)(1). (SB 127 amended R.C. 4513.17).

1137.27 – Drivers and Passengers Required to Wear Seat Belt; Penalty: This Section has been amended to narrow what exemptions are available to the seat belt requirement. Persons with a signed affidavit from a physician or chiropractor may be exempt if certain new qualifications are met. The affidavit must state that the person has a physical impairment that makes use of a restraining device impossible or impractical, whether the condition is temporary or permanent, and if temporary, how long it is expected to persist. The person may register this affidavit with the registrar, making this information available to law enforcement. This Section has been amended to immunize physicians or chiropractors signing such affidavits from any civil liability arising from the person’s failure to wear a restraining device. (HB 62 amended R.C. 4513.263).

1141.03 – Prerequisites to the Operation of a Commercial Motor Vehicle: This Section has been amended to exempt a “Fire Marshal” operating fire equipment for the fire department from the requirement to hold a commercial driver’s license. (HB 166 amended R.C. 4506.03).

1173.01 – Code Application to Bicycles: This Section has been amended to encompass “electric bicycles” for consistency. (HB 250)

1173.02 – Riding Upon Seats; Handle Bars; Helmets and Glasses: This Section has been amended to encompass “electric bicycles”. (HB 250 amended R.C. 4511.53).

1173.03 – Attaching Bicycle, Sled, or Motorized Bicycle to Vehicle: This Section has been amended to encompass “electric bicycles”. (HB 250 amended R.C. 4511.54).

1173.04 – Riding Bicycles, Motorized Bicycles or Motorcycles Abreast: This Section has been amended to encompass “electric bicycles”. (HB 250 amended R.C. 4511.55).

1173.05 – Signal Devices on Bicycle or Motorized Bicycle: This Section has been amended to encompass “electric bicycles”. (HB 250 amended R.C. 4511.56).

1173.06 – Lights and Reflectors on Bicycle; Brakes: This Section has been amended to encompass “electric bicycles” for consistency. (HB 250)

1173.08 – Riding Bicycle on Right Side of Roadway; Obedience to Traffic Rules; Passing: This Section has been amended to encompass “electric bicycles” for consistency. (HB 250)

1173.09 – Reckless Operation; Control, Course, and Speed: This Section has been amended to encompass “electric bicycles” for consistency. (HB 250)

1173.18 – Electric Bicycles: This Section has been created to regulate “electric bicycles.” This Section defines where each class may be operated; defines who may operate each class; and defines the safety requirements that must be followed when operating each class. (HB 250 created R.C. 4511.522).

Recommendation:

The Administration Committee is asked to recommend to City Council the approval of proposed changes to the City’s Codified Ordinances to adopt changes in State laws that are incorporated into the City’s Traffic and General Offenses Codes.