



SHAKER HEIGHTS

City Council Agenda Via Video and Audio Conference Due to COVID-19 Public Health Emergency Monday, June 22, 2020 at 7:00 pm

For the safety of staff and residents, in-person attendance is not permitted. Join the Zoom meeting from a PC, Mac, iPad, iPhone or Android device. Join online to listen and watch at <https://zoom.us/j/98908477929?pwd=WVM3dmpudUg4c2ZzekhMb2RKTWNWdz09>, Password: 33553400: Description: Council Meeting; or join by phone to listen at 833-548-0282 (toll free); Webinar ID: 989 0847 7929, Password: 33553400. Residents are also 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. The audio of the meeting will be available the following day on the City's [website](#).

PUBLIC HEARING FOR ZONING CODE TEXT AMENDMENTS

1. Amending Section 1230.03, Office Zoning District, and Section 1263.15 of the Zoning Code of the Shaker Heights Codified Ordinances to add laboratories and research facilities and limited production/processing as permitted uses. (CPC)

Ordinance No. 20-48

By: Mrs. Moore

3rd Reading

Documents:

[ZONING.PDF](#)

PUBLIC HEARING FOR 2021 TAX BUDGET

2. Adopting the 2021 Tax Budget of the City of Shaker Heights, Ohio, for the fiscal year beginning January 1, 2021, and submitting the same to the Cuyahoga County Budget Commission through the Cuyahoga County Fiscal Officer. (FIN)

Documents:

[TAX BUDGET.PDF](#)

3. Approval of the special minutes of May 11, 2020 and the regular meeting of May 26, 2020 (attached herewith)

Documents:

[WKMN051120.PDF](#)
[COMN052620.PDF](#)

Public Comment on Agenda Items

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

4. Authorizing the application for and acceptance of a grant in the maximum amount of \$52,472 from the Northeast Ohio Public Energy Council ("NOPEC") Energized Community Grant program for the generator replacement and electrical service upgrade project at Fire Station II, and declaring an emergency. (SUS), (FIN)

Documents:

[NOPEC.PDF](#)

5. 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 3687 Strandhill Road, Shaker Heights, Ohio (Parcel No. 736-15-098), for a purchase price of \$1.00, authorizing the disposition of City owned property without competitive bidding, and declaring an emergency.

Documents:

[3687 STRANDHILL.PDF](#)

6. Amending Part Seven, General Offenses Code, and Part Eleven, Traffic Code, of the Codified Ordinances of the City of Shaker Heights, to conform to current state law, and declaring an emergency. (ADM)

Documents:

[COD ORD.PDF](#)

7. Authorizing the acceptance of funds from Cuyahoga County's "County Coronavirus Relief Distribution Fund" as authorized by Am. Sub. H. B. No. 481, enacted by the Ohio General Assembly, establishing the City's "Local Coronavirus Fund," and requiring that all funds from the County's Fund be deposited in the City's Fund, and that said funds be expended only to cover costs of the City consistent with section 5001 of the federal CARES Act and applicable regulations, and declaring an emergency. (FIN)

Documents:

[HB481.PDF](#)

Public Comment on Other Items

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

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

Committees:

ADM: Administration Committee
CPC: City Planning Commission
FIN: Finance Committee
SUS: Sustainability Committee

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.



Memorandum

To: Members of City Council

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

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

Date: June 16, 2020

Re: Zoning Text Amendment—Office Zoning District permitted uses
Third Reading and Public Hearing

The City Planning Commission held a public hearing and recommended approval of a zoning text amendment to the Office zoning district, Chapter 1230 of the Codified Ordinances, in order to add two new permitted uses. Revisions are proposed to regulations in Section 1230.03, Permitted Uses and Section 1263.15, the Conditional Use section in order to add laboratories and research facilities and limited production/processing to the Office zoning district.

The ordinance was introduced to Council on first reading at the June 8, 2020 meeting, had a second reading at the June 15, 2020 meeting and is now scheduled for a required public hearing and third reading at 7:00 pm. at the June 22, 2020 meeting.

Current office trends support limited production, biotech and healthcare uses. These amendments allows a business with these types of uses to combine operations and locate on one property rather than in two separate properties and zoning districts. The proposed amendments create a more flexible office district, which will attract a wider range of tenants. Laboratories and research facilities and limited processing/production uses have been allowed as a conditional use in the CM Commercial Mixed Use and C-3 Business Commercial zoning districts. Examples of combined and biotech businesses previously approved in the city include:

- CTL Cellular Technology Limited on Chagrin in the CM Commercial Use zoning district.
- MWW1 on Lee Road, a prototype, engineering, processing and office use in the C-3 Business Commercial zoning district.
- LaunchHouse/The Dealership, a shared use facility with a combination office, prototype design, creation, production and assembly uses in the C-3 Business Commercial zoning district.

The Office zoning district is limited in geographical scope and is primarily located on Warrensville Center Road south of Chagrin and on Chagrin east of Warrensville Center. See attached map.

A zoning text amendment review process requires:

- Public Hearing by the City Planning Commission. City Planning Commission makes a recommendation to Council; and

CITY OF SHAKER HEIGHTS | *Planning*

3400 Lee Road Shaker Heights, Ohio 44120 P 216.491.1430 F 216.491.1431 Ohio Relay Service 711

shakeronline.com www.shaker.life

- Council holds three (3) readings on the amendment including a Public Hearing. First reading was held at the June 8, 2020 Council meeting. Second reading was held on June 15, 2020. This is the third reading and required public hearing. The redline of the text amendment and the zoning map are attached below.

Should you have any questions, please contact me, or refer to the meeting packet for the June 2, 2020 City Planning Commission meeting online attached to the agenda at www.shakeronline.com

Added language in red

CHAPTER 1230

O Office District

1230.01 PURPOSE.

The purpose of this district is to provide an environment for office and ancillary uses and facilities. This district should be located along major streets and function as a buffer between commercial and residential districts, where property size or other circumstances preclude commercial development adjacent to residential districts.

1230.02 PLANNING AND ZONING CODE 114

1230.02 LOCATION OF DISTRICT.

An O Office District should be located as a buffer between uses of substantially different character or intensity.

1230.03 PERMITTED USES

The following are permitted uses in the O Office District, pursuant to any additional standards set forth herein.

- A. Medical offices and clinics for the treatment and aid of humans.
- B. Offices.
- C. Parks and playgrounds, public.
- D. Laboratories and research facilities, pursuant to Section 1263.15
- E. Limited production processing, pursuant to Section 1263.15

1263.15 LABORATORIES AND RESEARCH FACILITIES

Laboratories and Research Facilities and Limited Production/Processing Facilities **are permitted uses in the O Office district, and** may be granted a Conditional Use Permit in the C3 and CM Districts.

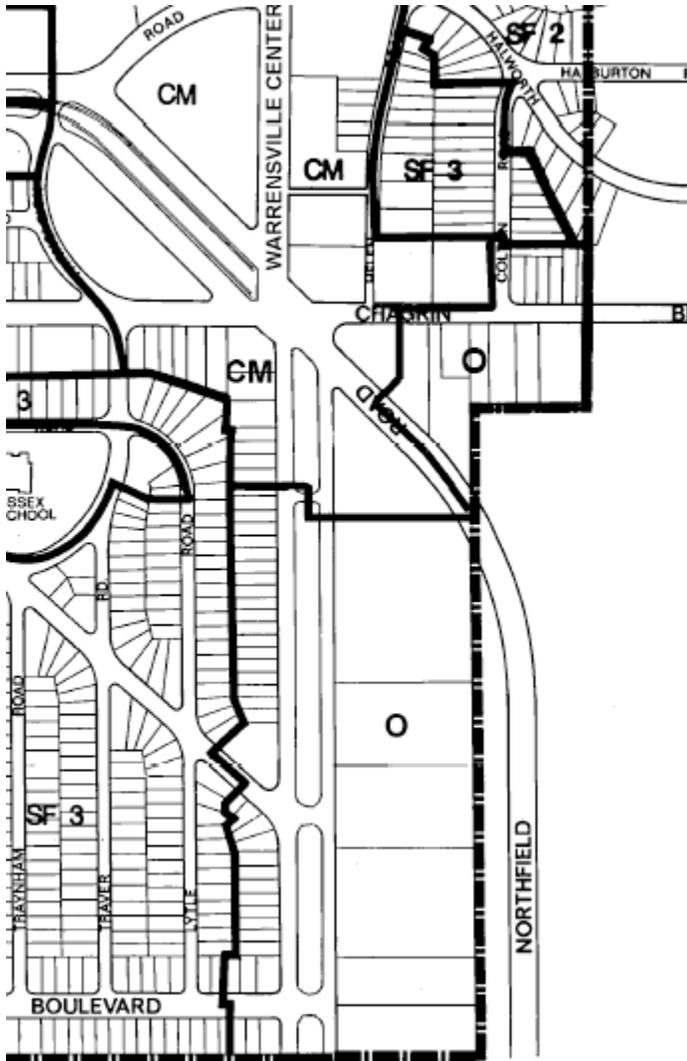
- A. Such uses shall not create a nuisance in terms of their smell, noise, or any other reason, shall comply with the applicable Codes of the City of Shaker Heights and shall be further regulated pursuant to Section 1260.06, Environmental Performance Standards, of this Zoning Ordinance.
- B. Such uses shall be buffered with landscaping pursuant to Section 1253.09, Landscape Buffers and Screening. Where abutting residential districts, such buffer shall include a solid brick wall of at least six (6) feet in height.
- C. Parking lots shall be landscaped pursuant to Section 1253.08, Parking Lot Landscaping. (Ord. 13-16. Passed 5-28-13.)

Existing Definitions - Section 1211

Limited Production/Processing Fabrication, assembly, processing, or similar uses which are entirely conducted indoors and are not disruptive of, or incompatible with, other office, retail, or service uses that may be in the same building or complex. Limited production/processing does not include industrial processing from raw materials.

Laboratory A place devoted to experimental study such as testing and analyzing. Manufacturing is not to be permitted within this definition.

Research Facility A place devoted to experimental study such as testing and analyzing, but not that which includes the use of chemicals or animals or which fails to conform to Section 1260.06, Environmental Performance Standards, of this Zoning Ordinance. Manufacturing is not to be permitted within this definition.



1st Reading - 06/08/20

2nd Reading - 06/15/20

ORDINANCE NO. 20-48

BY: Nancy Moore

Amending Section 1230.03, Office Zoning District, and Section 1263.15 of the Zoning Code of the Shaker Heights Codified Ordinances to add laboratories and research facilities and limited production/processing as permitted uses.

WHEREAS, Section 1230.03 of the Zoning Code was most recently enacted by Ordinance No. 03-67, adopted on June 9, 2003, and Section 1263.15 of the Zoning Code was most recently amended by Ordinance 13-16, adopted on May 28, 2013; and

WHEREAS, Section 1213.07 of the Zoning Code, regarding amendments to the zoning text, requires a public hearing and recommendation from the City Planning Commission, as well as a public hearing and three readings before Council; and

WHEREAS, on June 2, 2020, the City Planning Commission considered and decided to recommend to this Council text amendments to two sections of the Zoning Code regarding the Office Zoning District:

(1) Section 1230.03, to add laboratories and research facilities and limited production/processing as permitted uses in the Office Zoning District; and

(2) Section 1263.15, to add the reference that laboratories and research facilities and limited production/processing are permitted uses in the Office Zoning District; and

WHEREAS, laboratories and research facilities and limited production/processing uses have been existing listed conditional uses in the C-3 and CM commercial zoning districts with no issues; and

WHEREAS, the Office Zoning District is of limited geographical scope in the City, located mainly on Warrensville Center Road and on Chagrin Boulevard near the eastern City line, and is situated just as proximate to residential zoning as the C-3 and CM Commercial zoning districts; and

WHEREAS, laboratories and research facilities and limited production/processing uses will not conflict with other permitted uses in the Office Zoning District, which include office, medical office and public parks; and

WHEREAS, laboratories and research facilities and limited production/processing uses are conditional uses in the commercial zoning districts as those districts allow a mix of uses including residential uses in the same building, while the Office Zoning District does not include residential uses in the same building; and

WHEREAS, it is in the City's interest to allow businesses the flexibility to consolidate operations to include mixes of office, laboratory, research, production and processing on the same property, and to add permitted uses to the Office Zoning District to provide a flexible and vibrant list of uses as businesses adapt to the changing economy; and

WHEREAS, the zoning ordinance change is for the public good and is consistent with the City's adopted land use plans and the purposes of the zoning ordinance, as laboratories and research and limited production and processing are existing commercial uses that are consistent with other uses allowed in the existing Office Zoning District, they will have minimal effects on property values, or the use and enjoyment of neighboring property, they do not affect orderly development, they do not affect adequate utilities or essential public services, and they have been and continue to be suitable uses allowed in commercial zoning districts.

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

Section 1. Section 1230.03, Office Zoning District, and Section 1263.15 of the Zoning Code of the Shaker Heights Codified Ordinances, as heretofore in effect, are hereby repealed.

Section 2. Section 1230.03, Office Zoning District, and Section 1263.15 of the Zoning Code of the Shaker Heights Codified Ordinances, shall be amended and enacted to read as follows:

1230.03 PERMITTED USES

The following are permitted uses in the O Office District, pursuant to any additional standards set forth herein.

- A. Medical offices and clinics for the treatment and aid of humans.
- B. Offices.
- C. Parks and playgrounds, public.
- D. Laboratories and Research Facilities, pursuant to Section 1263.15.
- E. Limited Production/Processing Facilities, pursuant to Section 1263.15.

1263.15 LABORATORIES AND RESEARCH FACILITIES

Laboratories and Research Facilities and Limited Production/Processing Facilities are permitted uses in the O Office district, and may be granted a Conditional Use Permit ~~only~~ in the C3 and CM Districts.

- A. Such uses shall not create a nuisance in terms of their smell, noise, or any other reason, shall comply with the applicable Codes of the City of Shaker Heights and shall be further regulated pursuant to Section 1260.06, Environmental Performance Standards, of this Zoning Ordinance.
- B. Such uses shall be buffered with landscaping pursuant to Section 1253.09, Landscape Buffers and Screening. Where abutting residential districts, such buffer shall include a solid brick wall of at least six (6) feet in height.
- C. Parking lots shall be landscaped pursuant to Section 1253.08, Parking Lot Landscaping.

Section 3. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted

Approved this ____ day of _____, 2020.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council

coun20/0603officeDistristAmendCODORD



Memorandum

To: Members of City Council

From: Director of Finance, John J. Potts

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

Date: June 22, 2020

Re: 2021 Tax Budget Approval

The Ohio Revised Code requires that Ohio city councils adopt a tax budget for the next fiscal year no later than July 15th of the current year and that the adopted tax budget be submitted to the County Budget Commission no later than July 20th. The tax budget represents the City's first estimate of its anticipated financial resources and needs for the coming fiscal year. The primary purpose of the tax budget is to demonstrate the City's need to levy property taxes for the coming fiscal year (2021).

The Ohio Revised Code Section 5705.281 allows county budget commissions, if desired, to waive the adoption of the tax budget requirement. While not waiving the requirement completely, the Cuyahoga County Budget Commission implemented the prescribed alternate tax budget format in order to gather basic fiscal data from County governments while streamlining the process. The City of Shaker Heights' 2021 Tax Budget has been prepared in the prescribed format and it is attached. The City of Shaker Heights has been submitting this alternate format since 2003 when the new requirement was implemented in Cuyahoga County. The alternate format includes four separate schedules and the approved resolution adopting the 2021 tax budget.

Revised Code also stipulates that the tax budget be made available for public inspection. Therefore, a copy of the proposed 2021 Tax Budget is available in the City's Finance Department prior to adoption and submission to the Budget Commission. In accordance with ORC 5705.30, a public hearing is not required prior to the City Council's adoption of the tax budget. However, the City of Shaker Heights in previous years has held such hearings prior to City Council's adoption. Maintaining the public hearing prior to adoption will enable the public to comment if desired. In addition, an advertisement of the 2021 Tax Budget public hearing to be held on June 22, 2020 was published in the Sun News paper on June 4, 2020. The published notification satisfies the ten day advance notice required by Revised Code.

Property tax estimates are officially determined by county budget commissions. The primary purpose of the tax budget is to demonstrate the need to levy property taxes to fund the basic operations of the City of Shaker Heights.

In any given budget year funding needs will always exceed current revenue. In the tax budget the additional need is demonstrated by showing a shortfall between expected revenues and expenditures. If the need demonstrated was less than estimated revenue then the Cuyahoga County Budget Commission could elect to certify a decrease in the City’s inside real estate tax millage. This need is expressed by showing that operating disbursements exceed estimated operating revenues. The additional need in excess of anticipated General Fund resources for the budget year is below.

2020 Tax Budget Summary	
General Fund (Combined)	2021 Estimate
Total Estimated Revenue	\$55,893,912
Total Estimated Expenditures	\$57,312,990
Shortfall (Additional Need)	\$(1,419,078)

The proposed 2021 Tax Budget assumes continuation of the current property tax rates or millage; 4.40 total inside millage and 5.50 total millage specified in the City of Shaker Heights Charter Article VI Sections 10 and 11. The tax budget allocates 0.60 mills (13.6%) of the 4.40 inside millage to fund a portion of the City’s annual contribution to police and fire pensions. The remaining inside millage (3.80) along with all of the voted charter millage (5.50) is credited exclusively to the General Fund to finance City operations and fund debt service on general obligation bonds (refer to schedule below). The actual property tax levies for 2021 will be presented to Council for formal approval by resolution in August. The 2021 Tax Budget was primarily based upon the 2020 operating budget. Adjustments were not made in the 2021 Tax Budget related to the potential future effect of the COVID-19 pandemic as it is unclear at this time what, if any, projected shortfalls will arise.

Summary of Property Taxes Levied – 2021		
Fund / Purpose	Mills	Amount Requested
General Fund – Inside Millage	3.80	\$3,036,847
General Fund – Charter Millage	3.00	2,397,511
General Fund – Charter Millage	2.50	1,997,925
Total General Fund	9.30	\$7,432,283
Police Pension Fund – Inside Millage	0.30	\$239,751
Fire Pension Fund – Inside Millage	0.30	239,751
Total Special Revenue Funds	0.60	\$479,502
Total Millage Levied	9.90	\$7,911,785

This item was presented, discussed and approved by the Finance Committee on June 15, 2020. Finance is requesting that City Council adopt the resolution for the 2021 Tax Budget on first reading and as an emergency, so that we can submit to the Cuyahoga County Budget Commission.

ALTERNATIVE TAX BUDGET INFORMATION

Political Subdivision/Taxing Unit - **CITY OF SHAKER HEIGHTS**

For the Fiscal Year Commencing - **JANUARY 1, 2021**

Fiscal Officer Signature _____ Date _____

COUNTY OF CUYAHOGA

Background

Substitute House Bill No. 129 (HB129) effective June 3, 2002, was enacted by the 124th General Assembly in part to allow a county budget commission to waive the requirement that a taxing authority adopt a tax budget for a political subdivision or other taxing unit, pursuant to Ohio Revised Code (ORC) Section

Ohio Revised Code Section 5705.281

Under the amended version of this section pursuant to HB 129, a county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive the tax budget for any subdivision or other taxing unit. However, the commission may require the taxing authority to provide any information needed by the commission to perform its duties, including the division of the tax rates as provided under ORC Section 5705.04.

County Budget Commission Duties

The county budget commission must still certify tax rates to each subdivision or other taxing unit, by March 1 for school districts and by September 1 for all other taxing authorities under ORC Section 5705.35, even when a tax budget is waived. Also, the commission is still required to issue an official certificate of estimated resources under ORC Section 5705.35 and amended official certificates of estimated resources under ORC Section 5705.36

Therefore, when a budget commission is setting tax rates based on a taxing unit's need, for purposes of ORC Sections 5705.32, 5705.34, and 5705.341, its determination must be based on that other information the commission asked the taxing authority to provide under ORC Section 5705.281, when the tax budget was waived. Also, an official certificate must be based on that other information the commission asked the taxing authority to provide.

County Budget Commission Action

On October 11, 2002, during the Cuyahoga County Budget Commission meeting, the commission with an affirmative vote of all members waived the requirement for taxing authorities of subdivisions or other taxing units (Including Schools) to adopt a tax budget as provided under ORC Section 5705.281, but shall require the filing of this Alternative Tax Budget Information document on an annual basis.

Alternative Tax Budget Information Filing Deadline

For all political subdivisions excluding school districts, the fiscal officer must file one copy of this document with the County Fiscal Officer on or before July 20th. For school districts the fiscal officer must file one copy of this document with the County Fiscal Officer on or before January 20th.

DIVISION OF TAXES LEVIED

(Levies Inside & Outside 10 Mill Limitation, Inclusive Of Debt Levies)
 (List All Levies Of The Taxing Authority)

SCHEDULE 1

I	II	III	IV	V	VI	VII	VIII	IX
Fund	Purpose	Authorized By Voters On MM/DD/YY	Levy Type	Number Of Years Levy To Run	Tax Year Begins/ Ends	Collection Year Begins/ Ends	Maximum Rate Authoriz ed	\$ AMOUNT Requested Of Budget Commission
General Fund	Inside Millage		Continuing	Continuing	1/1/20 - 12/31/20	1/1/21 - 12/31/21	3.80	\$ 3,036,847
General Fund	Current Expenses	11/8/1966	Continuing	Continuing	1/1/20 - 12/31/20	1/1/21 - 12/31/21	3.00	\$ 2,397,511
General Fund	Current Expenses	11/2/1948	Continuing	Continuing	1/1/20 - 12/31/20	1/1/21 - 12/31/21	2.50	\$ 1,997,925
Total General Fund							9.30	\$ 7,432,283
Police Pension Special Revenue	Inside Millage		Continuing	Continuing	1/1/20 - 12/31/20	1/1/21 - 12/31/21	0.30	\$ 239,751
Fire Pension Special Revenue	Inside Millage		Continuing	Continuing	1/1/20 - 12/31/20	1/1/21 - 12/31/21	0.30	\$ 239,751
Total Special Revenue Funds							0.60	\$ 479,502
Total Millage Levied							9.90	\$ 7,911,785

STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

SCHEDULE 2

I Fund BY Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
General Fund Group						
General Fund	\$ 17,943,859	\$ 8,103,783	\$ 44,750,982	\$ 70,798,624	\$ 53,792,541	\$ 17,006,082
Economic Development	4,566,718	-	365,000	4,931,718	693,739	4,237,979
Recreation	204,763	-	2,674,147	2,878,910	2,826,710	52,200
Total General Fund Group	\$ 22,715,340	\$ 8,103,783	\$ 47,790,129	\$ 78,609,252	\$ 57,312,990	\$ 21,296,261
Special Revenue Fund Group						
Street Maintenance & Repair	\$ 929,985	\$ -	\$ 1,323,100	\$ 2,253,085	\$ 1,709,538	\$ 543,547
State Highway Improvement	145,532	-	96,100	241,632	185,462	56,171
Sewer Maintenance	1,034,067	-	1,314,700	2,348,767	1,609,300	739,466
Police Pension	978,255	239,751	1,260,450	2,478,456	1,260,562	1,217,894
Fire Pension	674,972	239,751	1,225,587	2,140,310	1,225,699	914,611
Indigent Driver Alcohol Treatment	53,000	-	17,200	70,200	51,161	19,039
Court Computerized Legal Research	111,155	-	32,400	143,555	88,248	55,308
Court Clerk's Computerization	427,581	-	103,400	530,981	248,008	282,972
Housing Grant	64,825	-	-	64,825	-	64,825
Fair Housing	64,908	-	25,550	90,458	24,806	65,652
Law Enforcement Grants	19,581	-	7,500	27,081	14,017	13,065
Court Alternate Dispute Resolution	106,783	-	33,200	139,983	24,621	115,362
Court Security	56,775	-	9,375	66,150	55,343	10,807
Housing Nuisance Abatement	59,637	-	77,000	136,637	117,907	18,731
Indigent Driver Interlock	19,698	-	15,200	34,898	17,372	17,525
Street Lighting	269,603	-	841,500	1,111,103	963,044	148,060
Tree Maintenance	135,459	-	758,600	894,059	846,188	47,871
Law Enforcement Trust - Local	237,089	-	-	237,089	132,085	105,004
Law Enforcement Trust - Federal	389,686	-	-	389,686	162,393	227,293
27th Pay Reserve Balance	371,400	-	185,700	557,100	-	557,100
Total Special Revenue Fund Group	\$ 6,149,991	\$ 479,502	\$ 7,326,562	\$ 13,956,056	\$ 8,735,753	\$ 5,220,303

STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

SCHEDULE 2

I Fund BY Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
<u>Debt Service Fund Group</u>						
Gen Obligations Debt Service	873,966	-	2,643,149	3,517,115	2,646,151	870,964
Urban Renewal Bonds Debt Service	1,388,782	-	830,000	2,218,782	1,303,966	914,816
Total Debt Service Fund Group	\$ 2,262,748	\$ -	\$ 3,473,149	\$ 5,735,897	\$ 3,950,117	\$ 1,785,780
<u>Capital Projects Fund Group</u>						
General Capital	-	-	5,700,000	5,700,000	5,700,000	-
Sewer Improvement Capital	342,881	-	2,000,000	2,342,881	2,000,000	342,881
Total Capital Projects Fund Group	\$ 342,881	\$ -	\$ 7,700,000	\$ 8,042,881	\$ 7,700,000	\$ 342,881
<u>Internal Service Fund Group</u>						
Central Stores Purchasing	2,107	-	659,900	662,007	659,900	2,107
Central Printing Operation	2,699	-	34,500	37,199	34,500	2,699
Central Garage Operation	70,705	-	1,038,900	1,109,605	1,038,900	70,705
Central Services Operation	529,722	-	830,500	1,360,222	830,500	529,722
Self Insurance Reserve	3,160,755	-	6,017,369	9,178,124	7,712,654	1,465,471
Total Internal Service Fund Group	\$ 3,765,988	\$ -	\$ 8,581,169	\$ 12,347,157	\$ 10,276,454	\$ 2,070,704
TOTAL ALL FUNDS	\$ 35,236,948	\$ 8,583,285	\$ 74,871,009	\$ 118,691,242	\$ 87,975,314	\$ 30,715,929

UNVOTED GENERAL OBLIGATION DEBT

(Include General Obligation Debt To Be Paid From Inside/Charter Millage Only)
 (Do Not Include General Obligation Debt Being Paid By Other Sources)
 (Do Not Include Special Obligation Bonds & Revenue Bonds)

SCHEDULE 3

I Purpose Of Bonds Or Notes	II Date Of Issue	III Final Maturity Date	IV Principal Amount Outstanding At The Beginning Of The Calendar Year	V Amount Required To Meet Calendar Year Principal & Interest Payments	VI Amount Receivable From Other Sources To Meet Debt Payments
Urban Renewal Refunding Bonds, Series 2016	12/27/16	12/27/31	\$2,935,700	\$300,633	\$300,633
Van Aken Sewer Line Improvement Bonds, Series 2013	05/09/13	06/01/28	\$225,000	\$31,163	\$31,163
Urban Renewal Refunding Bonds, Series 2012	04/11/12	12/01/31	\$8,480,000	\$264,179	\$264,179
Various Purpose Improvement Bonds Series 2017	07/29/17	07/26/37	\$2,785,000	\$226,375	\$226,375
Port Authority Van Aken Bonds Series 2017	06/29/17	06/29/37	\$4,450,000	\$275,263	\$275,263
Taxable Industrial Development Bond Series 2017	12/15/17	12/15/26	\$530,000	\$101,200	\$101,200
Totals			\$19,405,700	\$1,198,813	\$1,198,813

VOTED DEBT OUTSIDE 10 MILL LIMIT

(Bonds Or Notes Must Actually Be Issued In Order To Commence Collection Of Property Taxes For Debt Service)

SCHEDULE 4

I	II	III	IV	V	VI	VII
Purpose Of Notes Or Bonds	Authorized By Voters On MM/DD/YY	Date Of Issue	Final Maturity Date	Principal Amount Outstanding At The Beginning Of The Calendar Year	Amount Required To Meet Calendar Year Principal & Interest Payments	Amount Receivable From Other Sources To Meet Debt Payments
Note: The City of Shaker Heights has no debt in this category.						

RESOLUTION NO.

BY:

Adopting the 2021 Tax Budget of the City of Shaker Heights, Ohio, for the fiscal year beginning January 1, 2021, and submitting the same to the Cuyahoga County Budget Commission through the Cuyahoga County Fiscal Officer.

WHEREAS, Ohio Revised Code Section 5705.28 requires the taxing authority of each subdivision to adopt a tax budget for the next succeeding fiscal year by July 15 of each year; and

WHEREAS, Ohio Revised Code Section 5705.281 allows a County to develop, and Cuyahoga County has developed, an alternate tax budget submittal format in order to gather financial data to substantiate the need for property tax revenue in the succeeding fiscal year, which is the primary purpose of the tax budget; and

WHEREAS, the Cuyahoga County Budget Commission requires that a political subdivision advertise in a newspaper its council's intent to consider adoption of the tax budget; and

WHEREAS, the Director of Finance has prepared the 2021 Tax Budget for the City for the fiscal year beginning January 1, 2021; and

WHEREAS, an advertisement of the City's intent to consider adoption of the tax budget, and of a public hearing to be held on June 22, 2020, was placed in the Sun News newspaper on June 4, 2020; and

WHEREAS, the 2021 Tax Budget has been made available for public inspection for at least ten days by having at least two copies available in the Finance Department in City Hall and on the City's website; and

WHEREAS, the Council has held a public hearing regarding the 2021 Tax Budget.

NOW, THEREFORE, be it resolved by the Council of the City of Shaker Heights, State of Ohio:

Section 1. The 2021 Tax Budget of the City of Shaker Heights for the fiscal year beginning January 1, 2021, is hereby adopted as the official tax budget of the City, for the fiscal year beginning January 1, 2021.

Section 2. The Clerk of Council is authorized and directed to certify a copy of the 2021 Tax Budget and a copy of this Resolution and to transmit the 2021 Tax Budget to the Cuyahoga County Budget Commission.

Section 3. 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

Approved this ____ day of _____ 2020.

DAVID E. WEISS, Mayor

Attest:

Jeri E. Chaikin
Clerk of Council

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

CAO Chaikin stated that no public comments were received on any agenda items by email or by phone.

* * * *

Dr. Steven Gordon, M.D., Chair, Infectious Disease, Cleveland Clinic gave a presentation on COVID-19.

Mayor David E. Weiss, Chief Administrative Officer Jeri E. Chaikin, and Finance Director John J. Potts, gave a presentation on the COVID-19 impact on General Fund revenues and expenditures.

* * * *

At 8:44 p.m. it was moved by Mrs. Moore, and seconded by Ms. Carmella Williams that Council go into an executive session to discuss preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

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

Nays: None

Motion Carried

* * * *

At 9:22 p.m. Council returned to the regular meeting.

* * * *

There being no further business before Council, the Mayor adjourned the meeting at 9:23 p.m.

DAVID E. WEISS, Mayor

JERI E. CHAIKIN, Clerk of Council

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

Nays: None

Motion Carried

Moved by Mrs. Moore, and seconded by Ms. Anne Williams, that Ordinance No. 20-39 be enacted as read.

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

Nays: None

Ordinance Enacted

* * * *

Ordinance No. 20-40, by Mr. Zimmerman, 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 3694 Daleford Road, Shaker Heights, Ohio (PP# 735-29-097), 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 the resident of 3690 Daleford wishes to acquire the lot directly south of her property at 3694 Daleford, add fencing, a play structure, and garden and seating area. She bought her home one week ago and moved here from Utah. She will be a faculty member at Case Western Reserve University. The City acquired the now vacant lot in 2012 through tax forfeiture and demolished the structure the same year. 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 her own.

Council member Mr. Zimmerman stated that he noticed there was no information provided regarding the investment intended by the homeowner. He was wondering why it was listed for the prior purchase and not this one.

Director Lewis stated that this is the first application on the new application form since the program changes, which no longer has a requirement for listing the investment dollar amount.

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. 20-40 be placed upon its final enactment.

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

Nays: None

Motion Carried

Moved by Mr. Zimmerman, and seconded by Ms. Carmella Williams, that Ordinance No. 20-40 be enacted as read.

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

Nays: None

Ordinance Enacted

* * * *

Ordinance No. 20-41, by Mr. Zimmerman, accepting a proposal and authorizing a contract with DataWorks Plus in the maximum amount of \$14,807 for the LiveScan System upgrade and hardware replacement for the Police Department, and authorizing the expenditure of funds from the Law Enforcement Trust Fund (LETF), pursuant to Ohio Revised Code Section 2981.13, to make said purchase, and declaring an emergency.

Police Chief Jeffrey DeMuth stated that the LiveScan system is being proposed to be purchased from the Law Enforcement Trust Fund as governed under Ohio Revised Code for this inkless electronic fingerprint and palm printing system used to submit arrest information and prints to the Ohio Attorney General’s Bureau of Criminal Investigation (BCI). Once those prints are electronically received the state’s criminal history database is searched as well as the FBI database. The first system we purchased over 10 years ago and in today’s law enforcement the LiveScan system is the best practice and only acceptable means of fingerprinting by the FBI and the Ohio BCI. As part of our jail relocation agreement, the City of Solon routinely LiveScan’s our arrestees at the Solon jail utilizing their system. However, newly arrested persons are not the only persons required to be fingerprinted. For example, persons seeking expungement for sealing their past criminal records are subject to fingerprinting. More commonly persons who are issued summonses instead of being taken into physical custody for misdemeanor criminal violations and those unable to be fingerprinted at the time of arrest are required to be fingerprinted. Those persons are unable to have their court matters addressed as courts are not allowed by rule of law to preside over the case until the defendants are fingerprinted. Our Solon jail partner will not accept individuals in their facility for the sole purpose of fingerprinting, they will only fingerprint arrestees. To quantify the needs of our police department for this tool, Shaker Heights Municipal Court estimates approximately five cases per court hearing are directed to our jail to comply with the fingerprinting requirements, and overall for the year that equates to about 250 people per year. In 2019, our department was notified that the software on our LiveScan

system had become outdated due to the expiration of the technology support for Windows 7. The proprietary software, hardware and FBI certified printer all needed to be upgraded. We sought bids from three vendors with a fairly wide range of bids and DataWorks was chosen as the lowest and best bidder to upgrade the hardware and software replacement for \$14,807. A portion of the \$70,000 funds approved and appropriated by Council from the Law Enforcement Trust Fund 2020 Police Department Operating Budget will be used for this purchase. This item is requested as an emergency and with a suspension of the rules as they presently have defendants waiting in the queue to have their cases heard in Shaker Heights Municipal Court.

Council member Mr. Zimmerman stated that this seems like a very necessary expense, one we have to make and has essentially already been budgeted.

Council member Mrs. Moore stated that this is reasonable and it was explained where the funds were coming from to pay for this.

Council member Mr. Earl Williams asked about fingerprinting being required for expungement of records and the process involving a court hearing. He has had questions from people eligible for expungement about the process. He asked if those ex-defendants are responsible for anything else to get the expungement journal entry to the various departments or if it is handled by the BCI.

Chief DeMuth stated it depends on where the case was adjudicated. In the Shaker Heights Municipal Court the electronic captured fingerprint is the only acceptable method of fingerprinting that BCI and FBI will accept. When Shaker Heights Municipal Court is doing expungements we want to make sure proper identification is made of the person being expunged and that is done through fingerprinting. They request the fingerprinting first and the Police Department returns the data back to the court to make sure the person being fingerprinted is the person requesting expungement. Once those match then the court returns a process to the Police Department to expunge those records. The process is the same in most courts but varies depending on where it was adjudicated.

Council member Mr. Williams stated that many people don't know about the second step where the court sends the separate order to the Police Department to expunge the record. They may be unsure if the process is complete and apprehensive about applying for a new job without knowing the outcome.

Chief DeMuth stated that is a good point because the Police Department has to certify the journal entry with the court that they have expunged those records.

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. 20-41 be placed upon its final enactment.

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

Motion Carried

Director Speese stated that the vehicle will be in the City's name and we will in effect own the vehicle during the 5-year lease period, and then then the company we purchased it from will pay us \$150,000 to pay off the balance of the lease from the leasing agent.

Director Potts stated that there are 2 agreements. The lease agreement is for 8 years. A separate agreement is from the company we purchased it from to purchase it at the end of year 5 from the City for \$150,000, for the last 3 years of the lease.

It was moved by Mr. Malone, and seconded by Mrs. Moore, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-42 be placed upon its final enactment.

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

Motion Carried

Moved by Mr. Malone, and seconded by Mrs. Moore, that Ordinance No. 20-42 be enacted as read.

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

Ordinance Enacted

* * * *

Ordinance No. 20-43, by Mr. Malone, authorizing the participation of the City of Shaker Heights in a consortium with the Cuyahoga County Solid Waste District and various municipalities for the purpose of requesting bids and making a recommendation to consortium members for recycling processing services, and declaring an emergency.

Patricia Speese, Public Works Director, stated that this is the third time that we have participated with the Cuyahoga County Solid Waste District (CCSWD) consortium for recycling. We have been very successful in the past participating with the consortium with good pricing and good bids. Unfortunately, the entire market has changed significantly and our last five-year bid expires in September. We have continued to receive pennies on the dollar for recyclables but having realized last year during the budget process we would have to begin to pay to have our recycling processed, funding was included in this year's budget. The CCSWD will do the bidding and all of the member communities will review the bids. The cost of fiber and cardboard has increased which may keep the price down somewhat. With the uncertainty in the market we plan to do a two-year bid with two one-year renewal options. Maybe things will be better. This item is requested as an emergency and with a suspension of the rules so we can meet the timeframe for the bids. Each community will then enter its own contract with the awarded vendor.

Council member Mrs. Moore asked about the anticipated costs for the next 12 months. All of Cleveland's recycling is going into the landfill as of now.

Director Speese stated that we are seeing bids anywhere from \$55/ton to \$200/ton. We are hopeful to come in on the low end. If we don't recycle we will pay about \$45/ton to landfill so we will incur a cost either way. Obviously recycling is what we want to do. Along with Cleveland, Richmond Heights discontinued recycling due to the costs.

Council member Mr. Malone stated that he read Cleveland was considering joining the consortium and asked if that would negatively affect our rates with their poor compliance and contamination levels.

Director Speese stated that Cleveland is not considering our consortium, but she feels it would have a negative affect if they joined our consortium. Contamination in recycling became a horrible problem when they went to the big recycling containers for the automated .systems because you can't see what is in it. If it is contaminated they won't recycle it.

Council member Mr. Malone stated that we currently receive \$.06/ton for recyclables and will need to start paying perhaps \$55/ton, so that is not great. Given that each City may opt out he asked if the price is subject to change depending on the number of communities that opt out.

Director Speese responded that the bid price does not change. The vendors bid on everything with the understanding of how much each City usually collects. The bidders understand they enter into bids individually with each city. If the bid is good, she can't imagine a city not wanting to participate.

It was moved by Mr. Malone, and seconded by Mrs. Moore, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-43 be placed upon its final enactment.

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

Motion Carried

Moved by Mr. Malone, and seconded by Mrs. Moore, that Ordinance No. 20-43 be enacted as read.

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

Ordinance Enacted

* * * *

Ordinance No. 20-44, by Ms. Anne Williams, authorizing an agreement between the City of Shaker Heights as the Local Public Agency (LPA) and the Director of Transportation, 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.

Patricia Speese, Public Works Director, stated that this item was approved by Council last month. However, we will not be working with the Ohio Department of Transportation, they will be doing the project, but this otherwise remains the same.

It was moved by Ms. Anne Williams, and seconded by Mr. Roeder, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-44 be placed upon its final enactment.

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

Motion Carried

Moved by Ms. Anne Williams, and seconded by Mr. Roeder, that Ordinance No. 20-44 be enacted as read.

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

Ordinance Enacted

* * * *

Ordinance No. 20-45, by Ms. Anne Williams, authorizing the City to apply for and accept a Northeast Ohio Regional Sewer District (NEORS) grant in the approximate amount of \$112,500, from the NEORS Member Community Infrastructure Program (MCIP), for design services for the Lynnfield/Lomond Sanitary Sewer Overflow (SSO) Mitigation Project, and to enter into any needed agreement(s) with NEORS to receive such funds, and declaring an emergency.

Patricia Speese, Public Works Director, stated that the Northeast Ohio Regional Sewer District (NEORS) has the Member Community Infrastructure Program (MCIP), from which we have been extremely successful obtaining grant funds for two sanitary sewer overflows (SSOs). They have changed the process to allow for the design of a project as long as the design is done within 12 months. Then you can apply for the construction which must be completed within 24 months. We could not design and get the work done within 24 months to tackle the largest SSO we have in our community that affects the largest number of people. We are going to participate in this newer criteria they have established and only

apply for the design. This SSO affects a tremendous amount of people and when it rains it is not unusual to walk down Lomond and smell raw sewage from the overflow. The design cost we have estimated at \$225,000, will involve a full mile of new pipe going down Lomond to Sherrington and connect to Chagrin. We don't know for sure but will be determined during design if most of the streets to the west up to Palmerston are also affected. This is a very complex area with sewer pipes coming in from multiple directions but they are all undersized and cause sanitary sewage to back up onto Lomond. This is the biggest sewer project challenge we have had and may cause the removal of 10 – 14 large trees. If we are awarded the grant we will ask for the designer to investigate an alternative solution. The residents are supportive of anything which can help mitigate the problems they have incurred for a long time. The City would be responsible for 50% which is \$112,500.

Council member Mr. Earl Williams stated that we have allocated about \$2 million/year to our sewer fund and asked if the \$225,000 will come from the operating budget.

Director Speese stated that the 50% or \$112,500 will come from the capital budget. The passage of the dedicated funding source makes this so incredibly important and enables us to plan these types of huge projects.

Council member Mrs. Moore stated that she has received complaints from residents on Sherrington about flooding, but not specifically sewer flooding. That happens closer to Townley, Stoer and Lynnfield. She wondered if the potential elimination of this SSO will result in less flooding to properties with heavy rain events since the storm sewers sometimes flow into the sanitary sewers.

Director Speese stated that is the case here and it would have a huge benefit. We don't want to say we are eliminating the SSO, but we are controlling it. In our research we did find a lot of complaints from residents on Sherrington about flooding, which is from this SSO. That is why a mile of new pipe needs to be installed.

Council member Mrs. Moore stated that where we are dedicated to preserving mature trees, this SSO is so important that most residents would support this work notwithstanding the loss of the trees.

Mayor Weiss added that there will be public meetings, this is only for the design work.

It was moved by Ms. Anne Williams, and seconded by Mrs. Moore that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-45 be placed upon its final enactment.

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

Motion Carried

Moved by Ms. Anne Williams, and seconded by Mrs. Moore, that Ordinance No. 20-45 be enacted as read.

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

Nays: None

Ordinance Enacted

* * * *

Ordinance No. 20-46, by Ms. Carmella Williams, amending Ordinance No. 19-115 making appropriations for the current expenses and other expenditures of the City of Shaker Heights, Ohio for the year ending December 31, 2020, to amend appropriations in Fund No. 0101, the General Fund (within Municipal Court), Fund No. 0302, Fund No. 0214, and declaring an emergency.

Finance Director John Potts stated that this item amends Ordinance No. 19-115 in Fund 0101, Fund 0302 and Fund 0214. Last month we awarded the refunding of the Urban Renewal Bonds to Chase and in order to reflect that transaction on our ledgers we need Council to approve an additional appropriation in the Debt Service Fund from \$1.3 million to \$9.9 million. The Shaker Heights Municipal Court received a grant in the amount of \$14,805 from the Ohio Supreme Court so we are asking to approve this additional appropriation so the court may expend those funds. The Law Department is requesting Council approve an additional appropriation within the City's Fair Housing Fund of \$11,000 to allow the program to pay a current invoice and additional expenses. This item is requested as an emergency and with a suspension of the rules to ensure we can update our records in a timely manner.

Council member Ms. Carmella Williams stated that this item was reviewed and supported by the Administration Committee.

It was moved by Ms. Carmella Williams, and seconded by Mr. Earl Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-46 be placed upon its final enactment.

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

Nays: None

Motion Carried

Moved by Ms. Carmella Williams, and seconded by Mr. Earl Williams, that Ordinance No. 20-46 be enacted as read.

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

Nays: None

Ordinance Enacted

* * * *

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

CAO Chaikin read aloud the following comments received by Sara Schiavoni of 2940 Morley Road:

“First, I wanted to offer my appreciation and thanks to Director Braverman for all her hard work on the Warrensville/ Shaker reconfiguration project. The minutes from the 4/27 meeting indicate that not only was she (and her team) able to secure another substantial grant for the project but that she also worked with Public Works to combine the reconfiguration with the Warrensville resurfacing plan. This will certainly decrease the disruption to the neighborhoods and is greatly appreciated. I look forward to seeing the final plans for the project.

Second, I wanted to echo some of the comments from Council members in support of the city hosting a kind of Tele Town Hall or Facebook Live session where residents can ask questions they may have about what's going in the city and how we're responding to our current situation. I try to stay on top of what's going on in the City, but during this time have found it more difficult and having an opportunity to hear from City leaders in an interactive way would be much appreciated.

Lastly, I wanted to thank the administration for taking the time to thoroughly evaluate the possibility of opening Thornton Pool this summer. I'm sure this was an extremely difficult decision to make and it may be unpopular with some residents, but the process by which you made the decision was transparent and considered resident input-- in the end, this is all we can ask for.

Thank you all for your dedication to the city during this very difficult time.”

Mayor Weiss stated that we all take our hats off to Director Braverman for her track record and success in finding dollars where we need them. He appreciates the comment regarding the pool. It was a difficult decision but he thinks it was the correct one. We seem to have gotten very positive feedback that we took the time to explore all of our options but at the end of the day the safety, health and welfare of our community comes first. We are in discussions with the League of Women Voters regarding a broader discussion around a Tele Town Hall. We deferred our State of the City address due to the pandemic with the outbreak happening at about the same time. We will look forward to doing that in the next 30 – 45 days. We cancelled a number of committee meetings early on for a wide range of reasons including our focus on the pandemic and the health and safety of our community, but we are now ready to roll back out our committee meetings. We will start having committee meetings again in June and the City is in the process of adopting the Zoom platform for those meetings so we intend to use that going forward as soon as we can get the kinks worked out and become more adept at that technology.

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There being no further business before Council, the Mayor adjourned the meeting at 8:49 p.m.

DAVID E. WEISS, Mayor

JERI E. CHAIKIN, Clerk of Council



Memorandum

To: Members of City Council
From: Michael Peters, Sustainability Coordinator
cc: Mayor David E. Weiss
Chief Administrative Officer Jeri E. Chaikin
Date: June 22, 2020
Re: **Northeast Ohio Public Energy Council (NOPEC)
Energized Community Grant Application**

The City is a member of the Northeast Ohio Public Energy Council (NOPEC). NOPEC is a regional council of governments formed under Chapter 167 of the Ohio Revised Code to administer electric and/or gas aggregation programs for communities. NOPEC currently serves over 200 communities who have been authorized by ballot to purchase electricity or gas on behalf of their citizens.

Shaker Heights offers its residents electric aggregation through NOPEC but currently administers our own gas aggregation program approved by a vote of our residents.

NOPEC's Energized Community Grant Program provides funds to member communities to implement energy savings or energy infrastructure measures. In 2019 the City received \$55,958 in grant funds that were applied to the \$150,000 replacement of the aging generators and electrical service upgrades at City Hall at 3400 Lee Road. For 2020, \$52,472 is available, based on 7,496 accounts in 2019 at \$7 per account. The number of NOPEC accounts in the city has been on a declining trend, with 8,635 accounts for 2017 and 7,994 accounts for 2018.

The grant agreement entered into in 2018 between the City and NOPEC remains in effect for the 2020 grant application, but Council approval is required for the application. We propose applying to use the \$52,472 to go toward the \$75,000 electrical service upgrade and emergency generator replacement at Fire Station II, 2801 Warrensville Center Road.

When we receive the \$52,472 in grant funds it will be deposited in Fund 401, the General Capital Fund, to offset the City funds allocated to this project.

This application was approved by the Sustainability Committee on June 11, 2020 and Finance Committee on June 15, 2020. Both support the continued energy efficiency improvements this grant affords the city as it also modernizes critical infrastructure. The Finance Committee noted the amount has been declining over the past several years in line with the decline of household accounts subscribed to NOPEC. One Committee Member noted that he had switched his account to a non-NOPEC 100 percent renewable plan (the current NOPEC plan is 13 percent renewable by default with a 100 percent opt-in option). Conversations with NOPEC regarding this trend are ongoing.

CITY OF SHAKER HEIGHTS

3400 Lee Road Shaker Heights, Ohio 44120 P 216.491.1400 F 216.491.1465 Ohio Relay Service 711
shakeronline.com www.shaker.life

Council is requested to approve the grant application to NOPEC in the amount of \$52,472 for the generator replacement and electrical service upgrade project at Fire Station 2 on first reading and as an emergency in order to apply prior to the June 30th deadline.

ORDINANCE NO.
BY:

Authorizing the application for and acceptance of a grant in the maximum amount of \$52,472 from the Northeast Ohio Public Energy Council ("NOPEC") Energized Community Grant program for the generator replacement and electrical service upgrade project at Fire Station II, and declaring an emergency.

WHEREAS, the City is a member of the Northeast Ohio Public Energy Council ("NOPEC"), which is a regional council of governments formed under Chapter 167 of the Ohio Revised Code to provide electric and natural gas aggregation services to communities throughout Ohio; and

WHEREAS, NOPEC's Energized Community Grant Program provides funds to help member communities implement energy savings or energy infrastructure measures, and the City's grant is \$52,472 for 2020, based on the number of customers enrolled in the NOPEC electric aggregation program; and

WHEREAS, the grant funds will be used toward the \$75,000 generator replacement and electrical service upgrade project at Fire Station II.

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

Section 1. The Mayor is authorized to apply for and accept a grant from the Northeast Ohio Public Energy Council ("NOPEC") Energized Grant program for the generator replacement and electrical service upgrade project at Fire Station II.

Section 2. The Mayor is authorized and directed to enter into such agreements as may be necessary in conjunction with grants in the maximum amount of \$52,472 from the Northeast Ohio Public Energy Council ("NOPEC") Energized Community Grant program for the generator replacement and electrical service upgrade project at Fire Station II, as approved by the Director of Law. The grant does not require any matching funds from the City.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City and in order to apply prior to the June 30th deadline, 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

coun20/0616NOPECgrant



Memorandum

To: Members of Council
From: Kamla Lewis, Director, Director of Neighborhood Revitalization
cc: Mayor David E. Weiss
Jeri Chaikin, CAO
Date: June 3, 2020
Re: **Application to Acquire City Owned Vacant Lot at 3687 Strandhill Road (PPN 736-15-098) for Side Lot**

Summary

The City has received an application from Ryan and Samantha Ciriaco, 3683 Strandhill Road, who are interested in acquiring the city owned vacant lot adjacent to their home, 3687 Strandhill Road (PPN 736-15-098) in order to expand their lot. Under the new side lot program process, qualified applications come directly to Council for action after staff review. The set price for acquisition of lots as side yards is \$1.00.

Background & Discussion

Application Summary

- **Applicant:** Ryan & Samantha Ciriaco, 3683 Strandhill Road
- **Proposal summary:** to purchase this vacant lot to use as an enlarged side yard, and eventually add approx. \$6,500 of fencing and play equipment.

Staff Review of Application

- The applicants' property is not in foreclosure, they are current in their property taxes, and there have been no criminal nuisance activity complaints. They have no outstanding Housing or Zoning Code violations. They purchased their home in Shaker Heights in March 2016, and are owner occupants of this single family property.
- The applicants' proposal is consistent with the City and neighborhood goal of expanding the size of lots in the neighborhood to enable households to have larger yards without selling their home and moving elsewhere.
- The City has no redevelopment plans for this vacant lot.
- Staff considers that the use of the lot as described would be an improvement over it being maintained by the City as a vacant lot. It currently costs the City approx. \$615 per year to maintain a vacant lot.

Background Information

- In February 2020, the City modified its Side Lot Program to make City owned vacant lots more readily available to the adjacent neighbors.

- If the application is approved by Council, the City will enter into an agreement with the applicant that will include all of the conditions and the buyer's responsibilities. The buyer will have to seek Planning Commission (CPC) approval for the consolidation of the lots. If there are variance requirements, they may also have to seek Zoning Board approval. Only once all these conditions are met would the property be transferred.
- The property was acquired by the City in September 2008. The previous house on the lot was demolished by the City in January 2009.
- Through its vacant lot program, the City so far has sold twenty-three (23) vacant lots.
- One additional vacant lot on Rolliston is being leased to a community group for use as a Community Garden.

Recommendation

Staff recommends approval of the Ciriaco family application to acquire the City owned vacant lot at 3687 Strandhill Road (PPN 736-15-098) for \$1.00 and utilize it as an expanded side yard, and that this be passed on first reading and as an emergency in order to enable the applicant to immediately commence moving forward with their plans.



Ciriaco home at 3683 Strandhill and adjacent city owned vacant lot at 3687 Strandhill

ORDINANCE NO.

BY:

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 3687 Strandhill Road, Shaker Heights, Ohio (Parcel No. 736-15-098), for a purchase price of \$1.00, authorizing the disposition of City-owned property without competitive bidding, and declaring an emergency.

WHEREAS, in February 2020, the City modified its Side Lot Program, which was originally created in 2008, and which makes City-owned vacant lots available for purchase for \$1.00 by adjacent neighbors to encourage them to acquire the lots to enhance their properties and the neighborhood, and to thereby reduce the costs incurred by the City in maintaining such lots; and

WHEREAS, the property located at 3687 Strandhill Road, Shaker Heights, Ohio (Parcel No. 736-15-098), is a City-owned vacant lot (the "Property"); and

WHEREAS, the owners of the property at 3683 Strandhill Road (Parcel No. 736-15-099), Ryan and Samantha Ciriaco, submitted an Application for Acquiring City-Owned Residential Lots; and

WHEREAS, the Property will be consolidated with the Ciriaco property at 3683 Strandhill Road (Parcel No. 736-15-099), and the lot will be used as the Ciriaco side yard; and

WHEREAS, the Director of Neighborhood Revitalization has recommended that the City enter into a Purchase Agreement with Ryan and Samantha Ciriaco for the Property, for the purchase price of ONE DOLLAR (\$1.00); and

WHEREAS, this Council has determined that the value to the City of the proposed transfer of this vacant lot and its consolidation with the purchasers' adjacent property, as well as the elimination of the City's maintenance costs, provides sufficient consideration and value to the City to justify the sale of the property for \$1.00, and Council hereby declares that this property is not needed by the City for governmental purposes.

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

Section 1. This Council hereby accepts the offer of Ryan and Samantha Ciriaco to purchase the City-owned Property located at 3687 Strandhill Road, Shaker Heights, Ohio (Parcel No. 736-15-098), for ONE DOLLAR (\$1.00).

Section 2. The Mayor is hereby authorized and directed to enter into a Purchase Agreement with Ryan and Samantha Ciriaco for the purchase of the Property, and for the consolidation of the Property with the property of the purchaser at 3683 Strandhill Road (Parcel No. 736-15-099). Said Purchase Agreement shall be in the form as approved by the Director of Law.

Section 3. Pursuant to the terms of said Purchase Agreement, the Mayor is further authorized and directed to sell the City-owned property located at 3687 Strandhill Road, Shaker Heights, Ohio, on the terms and conditions set forth in the Purchase Agreement and without advertising further for competitive bids.

Section 4. 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 to enter into the Purchase Agreement in order to expedite the sale of this City-owned property to reduce the use of City resources to maintain the lot for which there is no municipal purpose, 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
coun20/0616PPN73615098sidelotciriaco



MEMORANDUM

To: Members of Council

From: William M. Ondrey Gruber, Director of Law

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

Date: June 17, 2020

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

Council is asked to approve 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).

CITY OF SHAKER HEIGHTS | Law

3400 Lee Road Shaker Heights, Ohio 44120 P 216.491.1440 F 216.491.1447 Ohio Relay Service 711
shakeronline.com www.shaker.life

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).

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:

At its meeting on June 9, 2020, the Administration Committee approved the recommendation to City Council that it should approve of the 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.

Council is requested to adopt the proposed ordinance, which will enact the changes to the Codified Ordinances as described in this memo, on first reading and as an emergency in order to allow the City to continue to enforce the City’s ordinance provisions that incorporate State law.

ORDINANCE NO.

BY:

Amending Part Seven, General Offenses Code, and Part Eleven, Traffic Code, of the Codified Ordinances of the City of Shaker Heights, to conform to current state law, and declaring an emergency.

WHEREAS, the Ohio General Assembly has during the past year revised a number of provisions of state law that have been incorporated previously into the City's Codified Ordinances; and

WHEREAS, the Ohio General Assembly has revised the State Traffic Code and various Criminal Code sections by Senate Bill 127 (effective October 29, 2018), House Bill 95 (effective October 29, 2018), Senate Bill 1 (effective October 31, 2018), House Bill 312 (effective November 2, 2018), House Bill 250 (effective March 8, 2019), House Bill 92 (effective March 20, 2019), House Bill 497 (effective March 22, 2019), Senate Bill 229 (effective March 22, 2019), House Bill 86 (effective March 28, 2019), House Bill 228 (effective March 28, 2019), House Bill 62 (effective July 3, 2019); and

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform to current State law as required by the Ohio Constitution.

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

Section 1. That the sections of the Codified Ordinances of the City of Shaker Heights presently in effect that are being amended by this Ordinance, as indicated in Section 2 of this Ordinance, are hereby repealed.

Section 2. That the following sections are hereby added or amended as respectively indicated in order to comply with current State law.

General Offenses Code

713.01	Drug Abuse Control Definitions. (Amended) (R.C. 2925.01)
713.03	Drug Abuse; Controlled Substance Use. (Amended) (R.C. 2925.11)
713.05	Permitting Drug Abuse. (Amended) (R.C. 2925.13)
729.07	Open Container Prohibited. (Amended) (R.C. 4301.62)
733.07	Public Indecency. (Amended) (R.C. 2907.09)
733.17	Dissemination of Private Sexual Images. (Added) (R.C. 2917.211)
737.16	Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternate Nicotine Products. (Amended) (R.C. 2927.02, and 2927.021)
745.10	Misuse of Credit Cards. (Amended) (R.C. 2913.21)
749.01	Weapons Definitions. (Amended) (R.C. 2923.11)
749.06	Unlawful Transactions in Weapons. (Amended) (R.C. 2923.20)

Traffic Code

1101.04	Bicycle, Motorized Bicycle, Moped, Electric Bicycle. (Amended) (R.C. 4501.01)
1101.20	Motor Vehicle. (Amended) (R.C. 4511.01)
1101.361	Shared-Use Path. (Amended) (R.C. 4511.01)

- 1101.51 Vehicle. (Amended) (R.C. 4511.01)
- 1101.55 Waste Collection Vehicle. (Added) (R.C. 4511.01)
- 1103.991 Committing an Offense While Distracted Penalty. (Added) (R.C. 4511.991)
- 1113.01 Obedience to Traffic Control Devices. (Amended) (R.C. 4511.12)
- 1137.16 Number of Lights. (Amended) (R.C. 4513.17)
- 1137.27 Drivers and Passengers Required to Wear Seat Belts. (Amended) (R.C. 4513.263)
- 1141.03 Prerequisites to Operation of a Commercial Motor Vehicle. (Amended) (R.C. 4506.03)
- 1173.01 Code Application to Bicycles. (Amended)
- 1173.02 Riding Upon Seats. (Amended) (R.C. 4511.53)
- 1173.03 Attaching Bicycle to Vehicle. (Amended) (R.C. 4511.54)
- 1173.04 Riding Bicycles and Motorcycles Abreast. (Amended) (R.C. 4511.55)
- 1173.05 Signal Device on Bicycle. (Amended) (R.C. 4511.56)
- 1173.06 Lights and Reflector on Bicycle. (Amended)
- 1173.08 Riding Bicycle on Right Side of Roadway. (Amended)
- 1173.09 Reckless Operation. (Amended)
- 1173.18 Electric Bicycles. (Added) (R.C. 4511.522)

Section 3. That the complete text of the Traffic and General Offenses Code sections listed above are set forth in full in the current Replacement Pages to the Codified Ordinances which are hereby described in Appendix A, which is attached to this ordinance, and the Replacement Pages are incorporated by reference into this ordinance, and are available for viewing in the City's Department of Law. The listing in Appendix A, and the incorporated Replacement Pages shall constitute sufficient publication of new matter contained in each Section listed above.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that there exists an imperative necessity to ensure that certain sections of the City's ordinances are consistent and not in conflict with state law, and therefore to facilitate the administration of justice, the daily operation of various City departments, and avoid practical and legal entanglements, 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
coun20/0617CodORdStateUpdate

APPENDIX A

GENERAL OFFENSES CODE

713.01 Drug Abuse Control Definitions.

- Extensive changes have been made to this section regarding the definitions of drug abuse, drug-dependent persons, and professionally licensed persons. (Senate Bill (SB) 229 amended Ohio Revised Code (R.C.) Section 2925.01(B) and (W))
- The changes add new definitions for cocaine, L.S.D., and fentanyl-related compounds. (SB 229 amended R.C. Section 2925.01(X), (Y), and (KK))

713.03 Drug Abuse; Controlled Substance Possession or Use.

- The changes require controlled substances obtained through a prescription to be for a legitimate medical purpose and not obtained by fraud, deception, or a theft offense. (SB 229 amended R.C. 2925.11).
- The changes include definitions of "deception" and a "theft offense". (SB 229 amended R.C. 2925.11(b)(1)(d)).

713.05 Permitting Drug Abuse.

- The changes 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.

- The changes 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.

- The changes include a new subsection 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.

- The changes 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.

- The changes comply with the increased state legal age to purchase tobacco and nicotine products. (HB 166 amended R.C. 2927.02; HB 144 amended R.C. 2927.021).
- The changes include new regulations for "transaction scans." (HB 166 amended R.C. 2927.02; 2013 HB 144 amended R.C. 2927.021(A)(4) and (5)).
- The changes permit transaction scans as an affirmative defense. (HB 166 amended R.C. 2927.02; 2013 HB 144 amended R.C. 2927.021).

745.10 Misuse of Credit Cards.

- The changes 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.

- The changes 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.

- The changes incorporate minor changes in phrasing and terminology, with no change to the substantive meaning of the Section. (HB 228 amended R.C. 2923.20).
- The first line of subsection (a) has been changed to read "No person shall do any of the following...", and subsection (a)(2) has been changed the term "him" to "the transferee." (HB 228 amended R.C. 2923.20).

TRAFFIC CODE

1101.04 Bicycle; Motorized Bicycle; Moped; Electric Bicycle.

- The changes include "electric bicycles" and group them into three classes. (HB 250 amended R.C. 4501.01).
- The changes clarify that "motorized bicycles" or "mopeds" are distinct from electric bicycles. (HB 250 amended R.C. 4501.01).

1101.20 Motor Vehicle.

- The changes include "electric bicycles" in the definition of "motor vehicle." (HB 250 amended R.C. 4511.01).

1101.361 Shared Use Path.

- The changes 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.

- The changes include "electric bicycles" in the definition of a "vehicle." (HB 250 amended R.C. 4511.01).

1101.55 Waste Collection Vehicle.

- The changes 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.

- The changes 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.

- The changes provide for enhanced penalties for failure to heed traffic control devices while distracted. (HB 95 amended R.C. 4511.12).

1137.16 Number of Lights; Limitations on Flashing, Oscillating, or Rotating Lights.

- The changes include "stationary waste collection vehicles" in subsection (c)(1)'s regulation of vehicle lights. (SB 127 amended R.C. 4513.17).

1137.27 Drivers and Passengers Required to Wear Seat Belt; Penalty.

- The changes narrow what exemptions are available to the seat belt requirement. (HB 62 amended R.C. 4513.263).
- Persons with a signed affidavit from a physician or chiropractor may be exempt if certain new qualifications are met. (HB 62 amended R.C. 4513.263(C)(3)).
- 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. (HB 62 amended R.C. 4513.263(C)(3)(a)-(c)).
- The person may register this affidavit with the registrar, making this information available to law enforcement. (HB 62 amended R.C. 4513.263(C)(4)).
- 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(C)(6)).

1141.03 Prerequisites to the Operation of a Commercial Motor Vehicle.

- The changes 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.

- The changes apply existing regulations to "electric bicycles". (HB 250 amended R.C. 4511.53).

1173.03 Attaching Bicycle, Sled, or Motorized Bicycle to Vehicle.

- The changes apply existing regulations to "electric bicycles". (HB 250 amended R.C. 4511.54).

1173.04 Riding Bicycles, Motorized Bicycles or Motorcycles Abreast.

- The changes apply existing regulations to "electric bicycles". (HB 250 amended R.C. 4511.55).

1173.05 Signal Devices on Bicycle or Motorized Bicycle.

- The changes apply existing regulations to "electric bicycles". (HB 250 amended R.C. 4511.56).

1173.06 Lights and Reflectors on Bicycle; Brakes.

- The changes encompass "electric bicycles" for consistency. (HB 250)

1173.08 Riding Bicycle on Right Side of Roadway; Obedience to Traffic Rules; Passing.

- The changes encompass "electric bicycles" for consistency. (HB 250)

1173.09 Reckless Operation; Control, Course, and Speed.

- The changes encompass "electric bicycles" for consistency. (HB 250)

1173.18 Electric Bicycles.

- The changes regulate "electric bicycles." (HB 250 created R.C. 4511.522).
- This Section defines three classes of electric bicycles and 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).



Memorandum

To: Members of City Council

From: Director of Finance, John J. Potts

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

Date: June 22, 2020

Re: House Bill 481 – Authorization to Receive Funds and Establish Fund

On May 6, 2020 the Ohio Senate unanimously passed Senate Bill 310 authorizing the distribution of \$350 million of federal CARES Act funding to local communities across Ohio for COVID-19 pandemic-related expenses. On June 4, 2020 the Ohio House passed the bill with additional amendments. The bill was sent to the Governor for signature and will become effective immediately upon the Governor's signature.

This funding will be made available to counties, municipalities and townships for necessary expenses associated with the current public health emergency and will be distributed based on the proportion of Local Government Fund revenue allocated to them in 2019.

The funding excludes Ohio's six jurisdictions with populations over 500,000 since they already qualify for a direct payment from the CARES Act (City of Columbus and Cuyahoga, Franklin, Hamilton, Montgomery and Summit counties). Municipalities within those jurisdictions, however, are still eligible for the funding appropriated in H.B. 481.

The Office of Budget and Management and the Ohio Department of Taxation have released a spreadsheet with estimated distributions each county will receive under SB 310. It is projected that Shaker Heights would receive a 1.4% distribution of Cuyahoga County's share (\$55.6 million) of the \$350 million allocation, or \$761,850.

As further detailed in the legislation, in order to be eligible to receive the funds once the Bill is enacted, the legislative authority of a municipality is required to adopt a resolution or ordinance affirming that the funds so received may be expended only to cover costs consistent with the requirements of the CARES Act.

The current legislation, as drafted, would require that we encumber the funds by October 15, 2020, and expend the funds by December 28, 2020. The Finance Department, in consultation with the Law Department will monitor the use of these funds, once received, to ensure compliance.

The CARES Act provides that payments may only be used to cover costs that –

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

The legislation requires that money received be deposited into a new fund to be named the Local Coronavirus Fund, which the fiscal officer shall create for that purpose. The Finance Department is proposing to establish a special revenue fund designated Fund 0285 Local Coronavirus Fund. The attached legislation establishes such fund as permitted by Ohio Revised Code Section 5705.13 (B).

This item was presented, discussed and approved by the Finance Committee on June 15, 2020. Finance is requesting that City Council adopt the proposed legislation on first reading and as an emergency, so that we can provide a copy of this Ordinance to the Cuyahoga County Budget Commission, Cuyahoga County Auditor and the Ohio Director of Budget and Management, establish a new Special Revenue fund and prepare to receive the funds.

ORDINANCE NO.

BY:

Authorizing the acceptance of funds from Cuyahoga County's "County Coronavirus Relief Distribution Fund" as authorized by Am. Sub. H. B. No. 481, enacted by the Ohio General Assembly, establishing the City's "Local Coronavirus Fund," and requiring that all funds from the County's Fund be deposited in the City's Fund, and that said funds be expended only to cover costs of the City consistent with section 5001 of the federal CARES Act and applicable regulations, and declaring an emergency.

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136, (the CARES Act) was signed into law by the President of the United States on March 27, 2020; and

WHEREAS, the Ohio General Assembly established a process for distributing funds provided by the "Coronavirus Aid, Relief, and Economic Security Act" in Am. Sub. H. B. No. 481 of the 133rd General Assembly (H.B. 481); and

WHEREAS, H.B. 481 requires subdivisions receiving funds under Section 1 of the act, to pass legislation affirming that funds from the County Coronavirus Relief Distribution Fund may be expended only to cover costs of the subdivision consistent with the requirements of section 5001 of the CARES Act as described in 42 USC 801 (formerly 42 USC 601), and any applicable regulations before receiving said funds; and

WHEREAS, this Council intends that the City should apply for and accept funding authorized in H.B. 481 that is received by Cuyahoga County, and that the City shall meet all of the requirements set forth in said State legislation.

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 funds from Cuyahoga County's "County Coronavirus Relief Distribution Fund" (hereinafter referred to as the "County Fund"), as authorized by H.B. 481.

Section 2. The "Local Coronavirus Fund" of the City of Shaker Heights (hereinafter referred to as the "City's Fund") is hereby established, as "Fund #0285 - Local Coronavirus Fund," and the Director of Finance for the City is directed that all funds provided to the City from the County's Fund shall be deposited into the City's Fund.

Section 3. All funds provided to the City from the County's Fund shall be expended only to cover necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease (COVID-19), that are expenditures not accounted for in the City's most

recently approved budget as of March 27, 2020, and are incurred during the period that begins on March 1, 2020, and ends on December 30, 2020, and otherwise are costs of the City consistent with section 5001 of the Coronavirus Aid, Relief, and Economic Security ("CARES") Act, 42 USC 801 (formerly 42 USC 601) and its applicable regulations.

Section 4. The Director of Finance is hereby authorized and directed that, on or before October 15, 2020, he shall pay any unencumbered balance of money in the City's Fund to the County Treasurer, on or before December 28, 2020, he shall pay the balance of any money in the City's Fund to the state treasury in the manner prescribed by the Director of the Ohio Office of Budget and Management, and he shall provide any information related to any payments received under H.B. 481 to the Director of the Ohio Office of Budget and Management, as requested.

Section 5. The Mayor is authorized and directed to enter into such agreements as may be necessary in conjunction with said County Funds.

Section 6. The Clerk of Council is hereby directed to provide a copy of this Ordinance to the Cuyahoga County Budget Commission, and to certify signed copies of this ordinance, and to provide said certified copies to the Cuyahoga County Auditor and the Ohio Director of Budget and Management.

Section 7. 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 the City is required to adopt this legislation in order to be eligible to receive necessary emergency financial assistance during the ongoing COVID-19 pandemic from the State of Ohio through Cuyahoga County, 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