



SHAKER HEIGHTS

**City Council Agenda
Via Zoom Due to COVID-19
Public Health Emergency
Monday, July 27, 2020 at 7:30 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/91860823849?pwd=UU4vOnI4UIUzbE5VRDZlTnR3S3lGZz09>, Password: 33553400: Description: Council Meeting; or join by phone to listen at 833-548-0282 (toll free); Webinar ID: 918 6082 3849. 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](#).

REGULAR MEETING

1. Approval of the special meeting minutes of June 8, 2020, the special meeting minutes of June 15, 2020, and the regular meeting minutes of June 22, 2020 (attached herewith).

Documents:

[SPMN060820.PDF](#)
[SPMN061520.PDF](#)
[COMN062220.PDF](#)

Public Comment on Agenda Items

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

2. 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 3562 Winchell Road, Shaker Heights, Ohio (Parcel No. 736-20-089), for a purchase price of \$1.00, authorizing the disposition of City owned property without competitive bidding, and declaring an emergency.

Documents:

[3562 WINCHELL.PDF](#)

3. Approving and authorizing a Purchase Option Agreement to sell, and the sale, of City-owned property located at 22469 Fairmount Boulevard, Parcel No. 734-03-018, to Keystate Development, LLC, dba Keystate Homes, for a purchase price of \$1.00, authorizing the

disposition of City owned property without competitive bidding, and declaring an emergency. (NRD), (FIN)

Documents:

[22469 FAIRMOUNT.PDF](#)

4. Authorizing a contract for up to two years with AECOM Technical Services, Inc. in the total not to exceed amount of \$88,923 for professional flow monitoring and field personal services related to sanitary sewer illicit discharge detection and elimination (IDDE) investigations, and declaring an emergency. (SPW), (FIN)

Documents:

[AECOM.PDF](#)

5. Authorizing a personal services contract with RMS Investments for the period August 2020 through August 2021, for the Van Aken District Clean and Safe Program in an amount not-to-exceed \$34,095.30, and declaring an emergency. (NRD), (FIN)

Documents:

[CLEAN AND SAFE.PDF](#)

6. Administrative acceptance of the approval of the City Planning Commission and confirmation of the granting of a conditional use permit for a specialized instructional school, known as Dance by Sha'Ran, located at Christ Episcopal Church, 3445 Warrensville Center Road, pursuant to Section 1213.05 of the City's Zoning Code. (CPC)

Documents:

[3445 WARR.PDF](#)

7. Amending Ordinance No. 19-125, an ordinance appropriating funds from the General Capital Fund 0401, for the acquisition of equipment, and the repair and replacement of Recreation facilities by the Recreation Department, by appropriating an additional \$20,000 from the General Capital Fund 0401 for the replacement and installation of the desiccant wheel on the Thornton Park Ice Rink dehumidifier, and declaring an emergency. (REC), (FIN)

Documents:

[TP ICE RINK.PDF](#)

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

Documents:

[THEN AND NOW.PDF](#)

Public Comment on Other Items

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

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

Committees:

CPC: City Planning Commission
FIN: Finance Committee
NRD: Neighborhood Revitalization and Development Committee
REC: Recreation Committee
SPW: Safety and Public Works Committee

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Resolution No. 20-47, by Mr. Zimmerman, expressing outrage at the murder of George Floyd by the Minneapolis Police Department, and calling for justice, unity, constructive dialogue and action needed to abolish racism, wherever it may exist.

Mayor Weiss stated that as we all are aware the last several weeks have been historic in nature as our community, the nation and the world witnessed the murder of George Floyd and the outrage that was expressed across our community and our nation at this incident. Unfortunately, this is just the latest of similar incidents that have occurred over a number of years which prompted protests and a reaction across our country including in our community as well. It prompted strong reactions from all quarters of our nation and last week a number of things occurred with protests throughout our country. Many people issued statements condemning this senseless act and demanding change. Mayor Weiss was one of many, many people who expressed a profound disappointment and outrage at this occurrence and demanding change. At the end of last week with a wide range of protests and ceremonies throughout our country, including here in Shaker Heights, on Saturday evening there was a peaceful vigil with a number of impressive speakers along with Council member Carmella Williams who spoke very eloquently. In addition to Mayor Weiss' comments and those many others have made about this tragic occurrence, Council would like to express their feelings on this particular topic as well.

Council member Mr. Zimmerman stated that we all know and feel that these are very difficult days for our country. It is true that Shaker Council wants to express its feelings but also its determination to promote positive change. He was honored to be tapped by his colleagues to draft this resolution which he has done with the very thoughtful input of his colleague Council member Ms. Carmella Williams. Working with her underscored for him that positive change starts within ourselves. Trying to see the world and act while walking in the other person's shoes is very important to deal with these very difficult issues. He is sure this resolution is just the beginning. Words do matter but actions matter more. We are committed as a Council and as a community to take the action needed to make our community and our society a better one. He read aloud the resolution expressing outrage at the murder of George Floyd by the Minneapolis Police Department, and calling for justice, unity, constructive dialogue and action needed to abolish racism, wherever it may exist.

Police Chief Jeffrey DeMuth stated that the Police Department echoes the sentiments of Mayor Weiss and the resolution introduced by Council member Mr. Zimmerman. In light of where we are in the country, he would like to share a little bit about where we are in the Shaker Heights Police Department. There was an interview on ABC by Martha Raddatz who interviewed Congress woman Val Demings from Florida, who happens to be a former Police Chief for the Orlando, Florida Police Department and apparently on the short list as a running mate for democratic presidential candidate Joe Biden. More importantly he got to know her 14 years ago as a classmate at the FBI Academy. They sat in alphabetical order, Demings and DeMuth, right next to each other, so they spent a long time together talking about police work and the state of policing back then. He got to know her very well and respects her immensely. She was a beacon of light in law enforcement. She was not the police chief at that time but eventually got promoted. When he saw her comments, he thought that is exactly where we are in the Shaker Heights Police Department. Ms. Demings talked about being painfully honest about the problems confronting the country and police work. She talked about her 27 years of policing and how she worked beside the bravest men and women she ever knew who had a heart of gold. She also talked about of course that not everyone in her police department was perfect. The same can be said of the men and women of the

Shaker Heights Police Department, very brave with hearts of gold, but we are not all perfect. She talked about holding police accountable and providing the necessary oversight. She talked about looking at training standards, use of force policies, and looking at who we are hiring and the diversity of agencies. That is important. As the Chief of Police, he has done that for years. He constantly reviews the policies and practices of our agency, particularly in the use of force and bias free policing. He tries to do that to ensure transparency of our agency and procedural justice for our community. We will continue to analyze those polices and revise them where necessary to better serve our community. We remain committed to recruiting and hiring officers who reflect the community they serve. When you do that you build trust and safer communities. She also said not to wait for the federal government to tell you what to do. Police Chiefs know what is going on in their own agency, and what is right and wrong, so they should change policies on their own. She said to provide police officers the training they need to do their job as necessary. Here in Shaker Heights we have done that. We have provided the training to our police officers, the necessary training for them to be successful, and we have changed policies throughout the years to better serve our community. Martha Raddatz spoke of the democratic house leaders unveiling police legislation that among other things highlighted four points: a police misconduct registry; banning the use of choke holds; racial bias training; and criminalizing lynching. Seven or eight years ago we stopped training the use of the lateral vascular neck restraint. We did that because we understand the high degree of training to apply it and the risk of use, so we don't do it any longer. In his opinion we are ahead of the curve. We have been providing bias free police training for twenty years in the City of Shaker Heights. Eightcantwait.org research that has been proposed for the adoption into police policies recommends eight different things to reduce police use of force. Many of those recommendations have been utilized by our agency for many years in training and policy concerning the police use of force. His opinion is that the general problem in police agencies is until we stop cultures that prevents officers from holding each other accountable we will continue to allow this same cycle of wash, rinse and repeat. In Shaker Heights we are trying to perfect that culture where officers hold each other accountable and we will continue to try to perfect that culture. In reflecting on what Congress woman Val Demings said in her interview we are not perfect, we are going to make mistakes in the future, but he asks the community to seek the truth as to why those mistakes occur. Were they mistakes of the heart of the officer, and if that is the truth, we will deal with those personnel. We have in the past. If it was a mistake of the head, they will provide them with the appropriate training they need to be successful. In the meantime, he as well as every other officer in this agency is committed to every citizen's safety, security and constitutional guarantees. That commitment is unwavering.

Council member Ms. Carmella Williams stated that some may know she signed a Dear Colleague letter, a joint letter with 24 African American elected women in the area. She read parts of that letter and will post it on her Facebook page. She thinks we all can agree that racism is a horrible thing, and that it has been corrosive to our society. She hates the impact it has had not only on her, but people that look like her. She also hates the impact it has had on people like her friend, Chief of Police Jeff DeMuth, who she knows is a good officer. Like he said we are not perfect but they strive to do better. She thinks it would behoove all of us to lean into the work that is necessary and truly make not only Shaker but our nation live up to what we advertise.

Council member Ms. Anne Williams stated that she is thankful for the work that Council member Mr. Zimmerman and Ms. Carmella Williams have done, and appreciates her comments. She also acknowledged the thoughtful comments of Chief of Police Jeff Demuth. She thinks this resolution is a great first step and looks forward to the community conversations which started Saturday night so eloquently at the vigil. She is happy we are taking these steps forward and looks forward to the work ahead of us.

Mayor Weiss stated that when he issued his statement last week he spoke on behalf of himself and also Council and the Administration. He got a number of very positive comments from the community who are in complete agreement and solidarity with us and the comments that have been made by those who find no place for racism in any of its forms wherever it might be found in our community. He will also acknowledge that he received other comments as well that while we often strive to do our best, we have a long way to go. People are anxious to see concrete change, lasting change, and positive change, both general and specific. As many of you have noted, words are important and express our feelings of what we have seen in the past and where we intend to go in the future, but in this instance we need to see action. After last week and all the activities and statements and vigil, now it is time to take the next steps. He has a number of thoughts and he will be reaching out to Council this week to talk about those next steps. We have talked internally and we will get feedback not only from Council but also from our community and start on a committed and devoted basis to making real and lasting change, particularly for those who have been impacted for days, weeks, years and decades. We are committed to do that here in Shaker Heights. As much as we hold diversity and equity, and inclusion as a high ideal in Shaker Heights, we don't always hit the mark. We are pledged to do better and we will.

Moved by Mr. Zimmerman, and seconded by Ms. Carmella Williams, that Resolution No. 20-47 be adopted as read.

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

Resolution Adopted

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Ordinance No. 20-48, by Mrs. 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.

Senior Planner Daniel Feinstein stated that this request is for text amendments to the Zoning Code with regard to the Office Zoning District. The City proposes to add laboratories and research facilities and limited production/processing to Section 1230.03 – Permitted Uses in the Office Zoning District. The Office Zoning District also needs to be added to Section 1263.15 in the conditional use standards. This item is on first reading with a second reading proposed for June 8, 2020, and a public hearing and third reading on June 22, 2020. Both laboratory and research facilities and limited production/processing uses are already listed in two of the City's commercial districts but are limited in their scope by the standards in Section 1263.15. In Section 1260 they are further limited by the definitions in the Zoning Code.

Economic Development Director Laura Englehart stated that Mr. Feinstein talked about the mechanics and she would like to speak a little about the reasons for this request. There are two main reasons for this zoning text amendment. From an economic development perspective the City is seeking to create some greater flexibility aimed toward helping attract new businesses in Shaker, particularly within biomedical and health fields. What we are seeing in the market right now, particularly with the public health pandemic,

is a great deal of uncertainty in the office environment. It is something even pre-pandemic we should have been doing to make Shaker more attractive, and we think helping allow laboratory research in a limited production in our zoned office district really can make it easier for companies to move here and remove the barrier for them to do so. The second reason for this request is that it helps facilitate the expansion of a current Shaker business. Cellular Technology Limited (CTL) is a global biotech company currently located at the corner of Helen Road and Chagrin Boulevard. Just last week they closed on a transaction to purchase a second building down the street on Chagrin, known as the Chagrin Corporate Center. They are staying in their current space and expanding into the new building. They are working on their plan and the zoning change allows them to have some of their current limited production uses of their space move into the new building.

Council member Mr. Malone stated that this item was unanimously approved by the City Planning Commission for the reasons outlined by Mr. Feinstein and Director Englehart. This is a smart change prompted by CTL's expansion but given the economic climate, any new business is terrific to have in the City of Shaker. We are hoping this will make it easier for biotech companies who will not have to seek a conditional use permit as this will be a permitted use. Given that we have very limited office zoning in the City of Shaker Heights, adding flexibility for those Office Zoning Districts is important. These uses were already permissive conditional uses and this makes it a more palatable change.

Mayor Weiss reiterated that we do not have a significant part of the City zoned office, but this is a very wise amendment to provide additional flexibility. We are very pleased that CTL is staying in Shaker and expanding. He thanked the Planning Department and Economic Development Department. We were able to work very quickly and seamlessly with CTL as well as many other businesses here in Shaker to facilitate the transaction that was mentioned. We are pleased to have CTL growing in our community particularly during these challenging times. This is exactly the kind of company we hope to attract more of in Shaker, and hopefully this will enable us to do that.

Mayor Weiss stated that this item will remain on first reading.

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Ordinance No. 20-49, by Mr. Zimmerman, accepting a proposal and authorizing a personal services contract for professional design and engineering services with GPD Group, in the total not to exceed amount of \$34,082, for the Chagrin Boulevard/Lynnfield Road Intersection Improvements Project, and declaring an emergency.

Planner Cameron Roberts stated that this item requests a contract with GPD for design and engineering services for bike and pedestrian improvements at the Chagrin/Lynnfield intersection. This intersection experiences a heavy volume of traffic. Crossing the street, especially northbound and southbound across Chagrin Boulevard is very difficult due to a lack of existing infrastructure. In order to make improvements at this intersection the City applied for and successfully received \$200,000 in grant funding through the County CDBG and CDSG programs. That funding is specifically for construction and improvements at that intersection. In addition to that funding, the City currently has \$30,000 appropriated for design and engineering services in order to find what would be the best solution for making improvements at the intersection. The City issued a request for proposals on May 8, 2020 for the design work to seven different firms in addition to posting it on the City's website. Only one firm, GPD, submitted a proposal for the project. Partnering with them on the proposal, specifically as a sub-consultant for the public engagement portion is Ann Klavora of AK Plans, a recent, former employee of the City's Planning Department.

Together as a team GPD and AK Plans propose a fee of \$34,082 for the design services. An interview committee from the City consisting of employees from the Planning, Public Works and Police Departments conducted an interview of this team via Zoom. GPD submitted a very thorough proposal, they have a lot of experience working on similar projects, and they are also very familiar with this particular intersection being the City's municipal engineer. This was discussed by the Safety and Public Works Committee and there was a concern regarding whether there were any legal issues with Ms. Klavora being on the design team due to her former employment with the City. William M. Ondrey Gruber, Law Director, looked into the issue and reviewed the state's ethics code as well as the state's revolving door policies and determined there were no legal issues and that Ms. Klavora could in fact be on the design team. This item is requested as an emergency and with a suspension of the rules in order to meet grant deadlines for the project.

Council member Mrs. Moore asked since this is for the ease of crossing for pedestrians and bicyclists, what the plans are to ascertain whether the near total of vehicular traffic per day now might warrant the traffic signalization that was removed.

Joyce Braverman, Director of Planning, stated that this recommendation came out of the 2018 HNTB study. There are several ways to warrant a light signal. This intersection just meets one of those standards. We already have the warrant so we do not need to do additional traffic counts to ascertain that qualification.

Council member Mrs. Moore asked if funding would be contingent upon reaching the number required for the state to fund the signalization.

Director Braverman stated that the state will not fund the signalization unless we have a grant or funding through the state to do so. As a City we are able if we have funding to do that.

Council member Mrs. Moore asked if we know for sure that what this grant funds with the \$230,000 that we must spend by March 20 and implement to create an ease of crossing for pedestrians and bicyclists, will not be superfluous or duplicative if at a future point we want to install a signal.

Director Braverman stated that there is no assurances for the future. The City does not have a plan now to do a signal study or City-wide signalization upgrade, and federal funding for that would not be available for at least five or six years from now if we applied. We can always retain a signal at our discretion even if we do have federal funding.

Council member Mr. Zimmerman stated that this item was reviewed and approved by the Safety and Public Works Committee. They took note of the fact that there was only one bid and were told it was because it was a relatively small amount of money. Firms chose not to bid because the opportunity cost did not justify the time and effort for the bid in question. There is not a lot you can do about that when you have a relatively small amount of money. He raised the issue about Ann Klavora being on the design team and was very satisfied with the legal analysis. The committee's unanimous recommendation for approval was subject to the legalities being researched and approved and that was done.

Mayor Weiss stated that this intersection has been the center of discussion by neighbors and community immediately surrounding it since the traffic signal was removed a number of years ago. We received lots of feedback and lots of opinions from members of the community and neighborhood about improvements they would like to see made there. He commended the Planning Department for finding

at those meetings. This item is requested as an emergency and with a suspension of the rules so the work can proceed.

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

It was moved by Mr. Earl Williams, and seconded by Ms. Anne Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-50 be placed upon its final enactment.

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

Motion Carried

Moved by Mr. Earl Williams, and seconded by Ms. Anne Williams, that Ordinance No. 20-50 be enacted as read.

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

Ordinance Enacted

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Ordinance No. 20-51, by Mr. Earl Williams, accepting a proposal and authorizing a personal services contract for professional design and related services with WSP USA Inc., in the total not to exceed amount of \$30,000, for the Warrensville-Van Aken RTA Station Public Realm Site Planning Project, and declaring an emergency.

Principal Planner Kara O'Donnell stated that the Warrensville/Van Aken RTA Station Public Realm Site Planning is an essential part of the Van Aken district redevelopment and a more unified vision of the area which includes the train tracks, platform, busway, and the adjacent rights-of-way on both sides of Van Aken and Tuttle. This year and next year RTA has budgeted \$1.6 million for Phase 1 track replacement, a new train waiting platform, catenary upgrades, site work, and a new comfort station and shelter. They also slated to create a re-closure station which includes four electrical equipment cabinets. We have been allocated \$1.5 million from NOACA for construction of public realm improvements in 2023 and a 20% match from the Shaker Heights capital budget is anticipated for that 2023 appropriation. The consultant will integrate RTA's plan near term work with the City's public realm improvements in a few years. This will allow success in locating all these improvements to enhance the public realm pedestrian experience such as transit waiting facilities, platform location, shelter location and the aesthetics of those shelters as well as benches, bicycle facilities, landscaping, plazas, fencing, green infrastructure and public art. Best

practices research by the consultant will also make sure that of all those near term improvements by RTA this year, RTA won't put something where we wish they would have put it if we had planned further in advance. All of the design will build on the vast public and private investments that have taken place recently as well as take into account future building spaces and make sure that access to the rapid transit and busway is improved. We also issued a request for proposals and received four responses. The selection committee was comprised of Director Braverman, two representatives from RTA and RMS, along with Ms. O'Donnell. They reviewed the proposals for completeness, project approach, project team, relevant experience, references and cost. They unanimously decided that WSP demonstrated the best approach and best qualifications for the project. We were really impressed with their team which included a traffic engineer, urban designers, an architect, as well as an engineer who specializes in transit stations, track designs, and rail operations. They also had a transit operations planner, and a person to help with remote engagement which we think will be helpful as likely a team will be meeting with them via Zoom. They also had an early experience with Van Aken district planning and worked with RTA on quite a few transit stations. Their expertise really was quite impressive as well as their experience working in public realm planning. This contract includes schematic design work as well as best practices research in and around the Van Aken station. The plan will be designed in conjunction with the City, RTA and RMS. This item is requested as an emergency and with a suspension of the rules in order to begin design work as soon as possible to meet RTA's time schedule.

Council member Mr. Malone stated that this item was reviewed and unanimously approved by the City Planning Commission. They were satisfied with the thorough review of all the proposals and selected the one which was the best and most qualified to take on the job.

Council member Mr. Earl Williams asked about the Green Line rapid.

Joyce Braverman, Director of Planning, stated that these are improvements RTA is doing now along the entire Blue Line not just in Shaker. They will be starting at the end of June on some of the track work and then this work will follow early next year. RTA is not planning track work on the Green Line now.

Mayor Weiss commended the Planning Department. While this looks like a relatively small piece of property, it is a key, strategic placement of property between the current improvements on the site as well as future planned improvements. It is a hallmark of our Planning Department to be thinking ahead of improvements that will be made over the next several years and to do this in a very thoughtful way so we don't find ourselves wishing we had done something differently two years prior to doing work. This is also an example of good regional cooperation between both private and public entities and utilities so that we are designing something that will work well for today as well as for future improvements that we certainly have our fingers crossed will come to fruition over the next several years.

It was moved by Mr. Earl Williams, and seconded by Mr. Malone, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-51 be placed upon its final enactment.

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

Nays: None

Motion Carried

Moved by Mr. Earl Williams, and seconded by Mr. Malone, that Ordinance No. 20-51 be enacted as read.

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

Nays: None

Ordinance Enacted

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

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

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Jeri E. Chaikin, Chief Administrative Officer, thanked Information Technology Director Frank Miozzi for cohosting this meeting and helping everyone better understand Zoom webinars.

Mayor Weiss stated that those things which look simple on the surface is always a lot more complicated when you dig down underneath. He acknowledged appreciation for the IT Department, and CAO Chaikin as well as many others for helping successfully navigate our first Council meeting on Zoom.

There being no further business before Council, the Mayor adjourned the meeting at 8:11 p.m.

DAVID E. WEISS, Mayor

JERI E. CHAIKIN, Clerk of Council

The uses are limited by the standards in Section 1263.15 and further limited by the environmental standards in Section 1260. The uses are further detailed by the definitions in Section 1211.

Mayor Weiss stated that he believes Council is pretty well informed on the background on this between committee meetings, briefing sessions and the first reading, relating to a constructive change of our Zoning Code to enable us greater flexibility to continue to attract new businesses to Shaker as well as important for one of our existing office users, CTL.

Council member Mr. Malone stated that this is a good idea for all the same reasons he discussed at the last Council meeting and at the City Planning Commission meeting.

Mayor Weiss reiterated that these are already permitted as conditional uses. We are not adding anything new, but adding it to the Office Zoning District.

Mr. Feinstein stated that we are taking existing uses that we have in a couple of our other commercial zoning districts and adding them to the Office Zoning District. Right now the Office Zoning District has three permitted uses: office, medical office, and playgrounds which we allow in every zoning district in the City. It is quite restrictive and this will open up the possibilities for uses in that Office Zoning District.

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

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There being no further business before Council, the Mayor adjourned the meeting at 7:10 p.m.

DAVID E. WEISS, Mayor

JERI E. CHAIKIN, Clerk of Council

Council member Mrs. Moore asked if the prospective owners were advised that any trees removed should be done with great care and stated that hopefully there is no removal of trees.

Director Lewis stated that based on Mrs. Moore's suggestions when the program was being revised, that language was written in to the agreements which must be signed by applicants.

It was moved by Ms. Carmella Williams, and seconded by Ms. Anne Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-54 be placed upon its final enactment.

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

Motion Carried

Moved by Ms. Carmella Williams, and seconded by Ms. Anne Williams, that Ordinance No. 20-54 be enacted as read.

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

Ordinance Enacted

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Ordinance No. 20-55, by Ms. Carmella Williams, 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.

William M. Ondrey Gruber, Law Director, stated that each year the City publishes all of its codified ordinances with all of the changes Council made over the past year or so. Those ordinances have already been enacted but are just being republished. At the same time, our publisher also provides us with state law changes that have been made over the same time period that impact City ordinances that incorporate state laws. In order for us to enforce City ordinances that mirror state laws we need to keep them up to date with the state law changes. The proposed changes are available in the City's Law Department for inspection, and a summary has been provided in the memo and attachment distributed. The state law changes are required to be made if we want to continue enforcing the state law sections. We incorporate state law in order to bring criminal cases based on our ordinances so the City can get the fines issued for those violations. If we have to file a case under state law then those fines go to the state.

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

Council member Mr. Earl Williams asked about electric bicycles.

Director Gruber stated that they are becoming more and more popular, especially for going up hill.

It was moved by Ms. Carmella Williams, and seconded by Mr. Roeder, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-55 be placed upon its final enactment.

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

Motion Carried

Moved by Ms. Carmella Williams, and seconded by Mr. Roeder, that Ordinance No. 20-55 be enacted as read.

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

Ordinance Enacted

* * * *

Ordinance No. 20-56, by Mrs. Moore, 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.

Finance Director John Potts stated that in early May the Ohio Senate passed what was at the time, Senate Bill 310, authorizing \$350 million of CARES Act funding to local governments for COVID-19 related expenses. In early June the Ohio House passed the bill with additional amendments. It was signed by the governor last Friday and is now effective. The funding is being made available to municipalities for expenses associated with the public health emergency and the distributions are forthcoming. We estimated our distribution to be approximately \$762,000, about 1.4% of Cuyahoga County’s share. It represents approximately 110% of our normal Local Government Fund distribution. In order to receive those funds we are required to obtain legislative authority by our City Council adopting a resolution affirming that the funds can be received and can only be expended to cover costs consistent with the requirements of the CARES Act. The legislation also requires that we encumber the funds by mid-October and spend the funds by the end of December. Otherwise we would have to send them back to

the County. Once received, the Finance Department will place these funds in a special a revenue fund required to be created, the Local Coronavirus Fund, and will monitor the use, and in some cases the reimbursement of COVID-19 costs already expended, and work with the Law Department in keeping the Mayor and CAO updated on what these funds will be applied towards. This item is requested as an emergency and with a suspension of the rules so that we can immediately provide a copy of the ordinance to various agencies in order to receive the funds and establish the special revenue fund.

Council member Mrs. Moore stated that this item was reviewed and unanimously supported by the Finance Committee. There was great praise for the Administration for how early it moved to identify expenses that were related to COVID-19 and to make sure they were tracking all of them. It looks like we were ahead of the curve again. The questions mainly concerned the burden to identify the costs that were encumbered. They wanted to continue to review the progress as our expenses continue with the pandemic.

Mayor Weiss stated that the good news is that this money is provided through the CARES Act to reimburse us for costs that we have expended in connection with the Coronavirus. Unfortunately it does not replace all of the revenues we have lost or had delayed to date which many municipalities have advocated for, but it is a very important first step to at least reimburse communities for significant costs that obviously were never anticipated when we passed our budget at the end of last year. He has not seen such a concerted effort by our Mayors and Managers Association, and a number of other organizations to try to expedite this process and the receipt of these funds. There are many, many communities who are in dire financial straits that are very anxious to receive these dollars. It is very important this was passed so we are pleased to be here today.

Council member Mr. Roeder stated that Director Potts shared with the Finance Committee an estimate of how much he thought we had spent so far and asked if Director Potts believes we will have at least \$761,000 of COVID-19 related expenses by the end of the year.

Director Potts stated that we have been tracking expenses since early in March which is essentially when we are allowed to start the tracking. That number is approximately \$250,000 now. There are probably a few more things we need to add to that. We will be sifting through better explained guidance on this piece of the CARES Act and what we can utilize these funds for, specifically around the areas of payroll for our front line workers. We will be one of many municipalities that will want to better understand that. If we are able to pull in a good chunk of payroll of our front line workers then it is a no brainer that we make it to \$750,000, but we have until the end of December and there are new items like funds for small businesses that can be reimbursed. We are also talking about that as well. He does not want to say effectively that he has accounted for all \$762,000 but that is the task at hand and we have time. He knows that we have \$250,000 now before taking into account any salaries. We are going to do everything we can to show that it was spent on COVID-19 related costs.

It was moved by Mrs. Moore, and seconded by Mr. Roeder, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-56 be placed upon its final enactment.



SHAKER HEIGHTS

Memorandum

To: Members of Council
From: Kamla Lewis, Director, Director of Neighborhood Revitalization
cc: Mayor David E. Weiss
Jeri Chaikin, CAO
Date: July 6, 2020
Re: **Application to Acquire City Owned Vacant Lot at 3562 Winchell Road (PPN 736-20-089) for Side Lot**

Summary

The City has received an application from Dylan & Ricardo Yepez, 3558 Winchell Road, who are interested in acquiring the city owned vacant lot adjacent to their home, 3562 Winchell Road (PPN 736-20-089) 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:** Dylan & Ricardo Yepez, 3558 Winchell Road
- **Proposal summary:** to purchase this vacant lot to use as an enlarged side yard, build a new garage, lay a new driveway and install landscaping, at an estimated cost of approx. \$30-35,000.

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 December 2017, 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 June 2003. There was never a home on this lot.
- Through its vacant lot program, the City so far has sold twenty-four (24) 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 Yopez family application to acquire the City owned vacant lot at 3562 Winchell Road (PPN 736-20-089) 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.



Yopez home at 3558 Winchell Road and adjacent city owned vacant lot at 3562 Winchell Road

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 3562 Winchell Road, Shaker Heights, Ohio (Parcel No. 736-20-089), 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 3562 Winchell Road, Shaker Heights, Ohio (Parcel No. 736-20-089), is a City-owned vacant lot (the "Property"); and

WHEREAS, the owners of the property at 3558 Winchell Road (Parcel No. 736-20-088), Dylan and Ricardo Yepez, submitted an Application for Acquiring City-Owned Residential Lots; and

WHEREAS, the Property will be consolidated with the Yepez property at 3558 Winchell Road (Parcel No. 736-20-088), and the lot will be used as the Yepez side yard; and

WHEREAS, the Director of Neighborhood Revitalization has recommended that the City enter into a Purchase Agreement with Dylan and Ricardo Yepez 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 Dylan and Ricardo Yepez to purchase the City-owned Property located at 3562 Winchell Road, Shaker Heights, Ohio (Parcel No. 736-20-089), for ONE DOLLAR (\$1.00).

Section 2. The Mayor is hereby authorized and directed to enter into a Purchase Agreement with Dylan and Ricardo Yepez for the purchase of the Property, and for the consolidation of the Property with the property of the purchaser at 3558 Winchell Road (Parcel No. 736-20-088). 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 3562 Winchell 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
coun20/0707PPN73620089sidelotyepesz



Memorandum

To: Members of Council
From: Kamla Lewis, Director, Director of Neighborhood Revitalization
cc: Mayor David E. Weiss
Jeri Chaikin, CAO
Date: July 20, 2020
Re: **Application for Option and Acquisition of City Owned Vacant Lot at 22469 Fairmount Boulevard (PPN 734-03-018) for Construction of Custom Home**

Summary

The City has received an application from a custom home builder, Keystate Homes Development of 3187 Old Brainard Road, Pepper Pike. Keystate is interested in acquiring the city owned vacant lot located at 22469 Fairmount Boulevard (PPN 734-03-018) in order to market the lot and build a custom home on it should they find a buyer. They are requesting a 6 month option on the lot (with a second 6 month extension), during which time they would have sole rights to market the lot for sale. This item was reviewed and recommended by the Neighborhood Revitalization & Development and the Finance Committees at their July meetings. There was discussion about the following:

- ***Was the greater benefit to the City of having a home built on the lot vs. use as a side lot discussed?*** Yes, and it has always been determined that the long term value of a new home exceeds that of a side lot.
- ***Is the \$1 offer price by Keystate was consistent with the purchase price by developers of other city owned vacant lots?*** Yes, all 6 vacant lots sold so far for new single family home development have been sold for \$1. There is not a set price as there is a for the side lot program, but no developer has offered us more than \$1. Because of the high cost of redeveloping infill housing regionally, particularly in Shaker Heights, and the frequent gap between development costs and sales prices, incentives are often needed to spur single family home redevelopment. In most of the city, the only incentive we have is the contribution of the value of our available vacant lots.
- ***How do we choose between 2 applications for the same lot?*** Our policy has always been to accept “first best application”, so both timing and what the proposed improvements would contribute to the community are considered. Any application for a lot can be rejected because it is determined that there is a higher and better use, even if there is no competing application at the time. In this case, the developer’s application both came in first and provides greater overall benefit to the community.

Background & Discussion

Application Summary

- **Applicant:** Keystate Homes Development (<http://keystatehomes.com/>)
- **Proposal summary:** to enter into an agreement with the city for a six month option on this vacant lot at a cost of \$1.00, with the opportunity for an extension of this option for an additional six months. If they find a buyer during this time, they will buy the lot from the city for \$1.00. They are flexible on the style of the home subject to the buyer's preferences and adherence to the city's infill guidelines. They expect the sales price to be in the \$300,000 range (see attached sample design and floorplan).

Staff Review of Application

- Keystate Homes Development has not yet built a home in Shaker Heights, but they have been building homes in NE Ohio since 1979. They have won Best Custom Green home for the past 3 years from the Greater Cleveland Home Builders Association, as well as best custom design from the Building Industry Association of Central Ohio.
- The applicant's proposal is consistent with the City goal of developing new homes on vacant lots, and diversifying the housing options available.
- The City has no redevelopment plans for this vacant lot. We have, however, received a side lot application from the adjacent neighbor to the east. They wished to acquire the lot but had no planned improvements proposed.
- Neighborhood Revitalization Department have been in discussions with Keystate for years about building infill in Shaker Heights. They have also met with Planning Department staff to review various potential designs and ensure an understanding of the city's infill design guidelines and Architectural Board of Review (ABR) requirements.
- The City has previously sold 7 vacant lots to builders for new homes: 2 in Moreland to Knez, 2 to Rysar in Lomond and 3 to Zaremba in Lomond. In all these cases, the homes were spec homes. This is our first application to instead enter into an option agreement while the builder seeks a buyer for a custom home.
- The prior home was demolished in 2009 and the lot bought by an adjacent homeowner. The vacant lot became tax delinquent and was transferred to the city through tax foreclosure in August 2015. Since that time, this is the only serious interest we have received in constructing a home on this lot.

Background Information

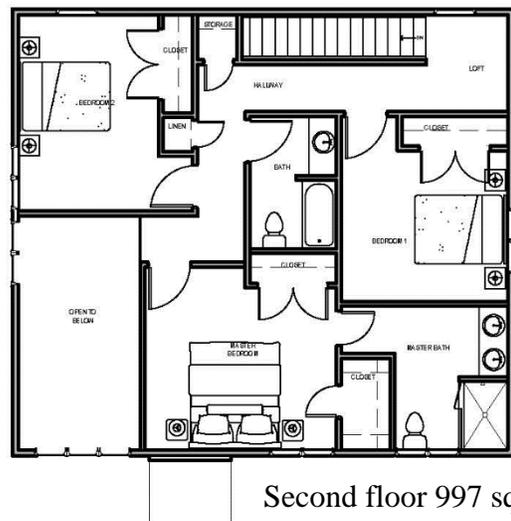
- If the application is approved by Council, the City will enter into an agreement with the applicant that will include all of the conditions and responsibilities. If a buyer is found by Keystate, then approvals of the final design by ABR and of a site plan by the Planning Commission, will be required before transfer of the property to Keystate.

Recommendation

Council is being asked to approve the Keystate application to enter into a 6 month renewable option agreement for the City owned vacant lot at 22469 Fairmount Boulevard (PPN 734-03-018) for \$1.00, for the lot to be marketed for the construction of a custom home, and for this to be approved on first reading and as an emergency to enable Keystate to begin marketing the property as soon as possible.



Vacant lot at 22469 Fairmount Boulevard



ORDINANCE NO.

BY:

Approving and authorizing a Purchase Option Agreement to sell, and the sale, of City-owned property located at 22469 Fairmount Boulevard, Parcel No. 734-03-018, to Keystate Development, LLC, dba Keystate Homes, for a purchase price of \$1.00, authorizing the disposition of City-owned property without competitive bidding, and declaring an emergency.

WHEREAS, the City received an application from a custom home builder, Keystate Homes, to purchase the City-owned vacant lot located at 22469 Fairmount Boulevard (Parcel No. 734-03-018) (the "Property"), in order to market the Property and build a custom home on it should they find a buyer; and

WHEREAS, Keystate is requesting a 6 month option on the Property (with a second 6 month extension), during which time it would have sole rights to market the Property for sale; and

WHEREAS, Keystate's proposal is consistent with the City goal of developing new homes on vacant lots, and diversifying the housing options available in the City; and

WHEREAS, the Director of Neighborhood Revitalization has recommended that the City enter into a Purchase Option Agreement with Keystate Development, LLC, dba Keystate Homes, granting two option periods, for \$1.00 for each period, and for the sale of the Property for the purchase price of \$1.00, and to transfer the Property to Keystate should it exercise its option; and

WHEREAS, this Council has determined that the value to the City of the proposed purchase option and transfer of this vacant lot for the development of a new home on the 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 Keystate Development, LLC, dba Keystate Homes, to purchase the City-owned Property located at 22469 Fairmount Boulevard, Shaker Heights, Ohio, Parcel No. 734-03-018, for ONE DOLLAR (\$1.00).

Section 2. The Mayor is hereby authorized and directed to enter into a Purchase Option Agreement granting Keystate Development, LLC, dba Keystate Homes, two 6 month option periods to purchase the City-owned property located at 22469 Fairmount Boulevard, Parcel No. 734-03-018, at an option price of \$1.00 for each period, and authorizing the sale of the Property to Keystate, if it should exercise its option.

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 22469 Fairmount Boulevard, Parcel No. 734-03-018, 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 marketing and 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

coun20/0727-22469Fairmount-Keystate



Memorandum

To: Members of City Council
From: Patricia Speese, Director of Public Works
cc: David E. Weiss, Mayor
Jeri E. Chaikin, CAO
Christian Maier, Asst. Director of Public Works

Date: July 21, 2020
Re: Recommendation for 2020 & 2021 Flow Monitoring and Field Services for IDDE

Flow monitoring is used to determine a pipe's capacity during various rain events or the frequency of a sanitary sewer overflow (SSO) activates. Typically, sewers are designed to handle a five year rain event. If the level of service is below a five year event, this can be documented and submitted in grant applications. After a sewer project is completed, post construction flow monitoring is done to ensure projects have met the performance criteria. An Illicit Discharge Detection and Elimination (IDDE) investigation can vary in complexity. This types of investigations can entail source track source point pollution at an outfall or determine the location of a cross connected building(s).

On May 12, Public Works distributed Requests for Proposals to four consulting firms for professional services related to Flow Monitoring and field service of Illicit Discharge Detection and Elimination (IDDE). The primary purpose of these services is threefold. One, to collect flow data information that can be incorporated in grant applications such as the NEORS Member Community Infrastructure Program (MCIP) and improve our funding chances. Secondly, the selected consultant could perform post construction flow monitoring as directed. Lastly, the consultant may be tasked with source tracking IDDEs and develop recommendations as requested by the City.

The general scope of services included in the RFP were:

- Pre & Post Construction Flow Monitoring
- Review of Existing Data and Studies
- Manhole Inspection
- Pipe Inspection
- Dye & Smoke Testing
- Development of Preliminary recommendations

The contract would be a task order contract for 2020, with the option to renew in 2021.

On May 29, 2020 Public Works received two (2) proposals. The Quality Based Selection (QBS) process, a requirement for projects receiving funding from the State, was used to score the technical merits of the proposals. As part of the QBS process, fee is not used as a scoring criterion. The consultant firms that submitted proposals were:

Consultant Firm	2020 Fee	2021 Fee	Ranking
AECOM	\$43,073	\$45,850	1
Wade Trim	\$62,250	\$60,000	2

Due to COVID-19, we did not conduct interviews with AECOM. We are very familiar with the project manager and team as they have worked on numerous projects for the city performing similar services. Supplementing their team is the GPD Group which brings a sound understanding of our challenges and intent. AECOM's technical approach is in alignment with our project needs. Funding for these services is part of the overall sewer budget.

Having this bid in place will save the city approximately \$11,000 or close to 30% from what we had paid per project previously.

This request was presented and unanimously approved at the July 10, 2020 Safety & Public Works Committee meeting. The question was raised as asked why only two of the four firm's submitted proposals and it was explained that this is a task that not a lot of firms have experience with providing. This request was presented to the Finance Committee meeting on July 20, 2020 and was unanimously approved.

Based on their understanding of the program intent, proposed project team and technical approach, we recommend this contract be awarded to AECOM for professional services related to 2020 Flow Monitoring and Field Services for IDDE (in the amount of \$43,073) with the option to renew in 2021 (in the amount of \$45,850). We recommend that Council approves the request under suspension of the rules and as an emergency so that we can enter into this contract as soon as possible.

ORDINANCE NO.

BY:

Authorizing a contract for up to two years with AECOM Technical Services, Inc. in the total not to exceed amount of \$88,923 for professional flow monitoring and field personal services related to sanitary sewer illicit discharge detection and elimination (IDDE) investigations, and declaring an emergency.

WHEREAS, sewer flow monitoring, for an illicit discharge detection and elimination (IDDE) investigation, is used to determine a pipe's capacity during various rain events or the frequency of sanitary sewer overflow (SSO) activity, and such data is used for grant applications, as well as for post sewer construction to ensure projects have met required performance criteria; and

WHEREAS, on May 12, 2020, the Public Works Department issued a Request for Proposals to four consulting firms for professional services related to flow monitoring and field services for illicit discharge detection and elimination (IDDE) investigations, and two proposals were received; and

WHEREAS, the proposal of AECOM Technical Services, Inc. has been determined to be the best proposal based upon the Quality Based Selection (QBS) process, a requirement for projects receiving funding from the State of Ohio; and

WHEREAS, AECOM Technical Services, Inc. proposed a fee for this work in the amount of FORTY-THREE THOUSAND SEVENTY-THREE DOLLARS (\$43,073) for the first 12 month period, and FORTY-FIVE THOUSAND EIGHT HUNDRED FIFTY DOLLARS (\$45,850) for the second 12 month period, should the City exercise its option to renew the contract for a second year; and

WHEREAS, pursuant to Section 141.03 of the Codified Ordinances, the Director of Public Works has recommended the acceptance of the proposal of AECOM Technical Services, Inc. and that the City enter into a contract for up to two years for the firm's services.

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

Section 1. The Mayor is hereby authorized to enter into a contract for a period of up to two years with AECOM Technical Services, Inc. in the total not to exceed amount of EIGHTY-EIGHT THOUSAND NINE HUNDRED TWENTY-THREE DOLLARS (\$88,923) for professional flow monitoring and field personal services related to sanitary sewer illicit discharge detection and elimination (IDDE) investigations. Said contract shall be in the form as approved by the Director of Law.

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City and so that the City can proceed with this much needed program to protect the public health and safety, 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

coun20/0727-AECOM-flowmonitor



Memorandum

To: Members of Council
From: Laura Englehart, Director of Economic Development
cc: Mayor David E. Weiss
Chief Administrative Officer Jeri E. Chaikin
Date: July 22, 2020
Re: Clean and Safe Program in the Van Aken District – Authorization to enter into a contract with RMS Investments, or its affiliate

Since September 2018, a Clean and Safe Program has been operating in the Van Aken District pursuant to a contract between RMS and Downtown Cleveland Alliance (DCA). The program is currently financed by RMS, the City, Tower East, and University Hospitals Health System (UHHS). The existing agreement between the City and RMS to jointly fund this program ends on August 18, 2020. This is a request to Council to authorize a new contract between the City and RMS for August 2020 to August 2021 at a cost of \$34,095.30 to the City. On July 8, 2020, the Neighborhood Revitalization and Development Committee recommended approval. On July 20, the Finance Committee recommended approval. The funds are available in the 2020 Economic Development operating budget to pay the City's share of the program cost.

The Clean and Safe Program currently provides “clean” services including trash removal, power washing, and weeding, and “safe” services such as enhancing the sense of safety, visibility, safety escorts, and responding to unusual activity. The program operates from 7am to 12am (midnight), seven days a week. A service area map is attached. A statistical summary of the services provided in calendar year 2019 is also attached.

RMS has indicated that they are very satisfied with DCA's services and costs. Upon review of the services and data provided by DCA, the City and RMS agree that the same results and goals of the program can continue to be met while removing overlapping shifts and reducing costs. DCA Ambassadors would still provide the same services, cover the same footprint, and work during the same hours, but their shifts would no longer overlap. The program has already been operating under these non-peak, non-overlapping hours this summer with no change to the level of services provided (even with the new outdoor spaces created and extra cleaning due to COVID-19). The overall cost reduction results in a decrease of \$10,463.80 for the City based on last year's allocation.

To fund the program for the next year, each participating entity will contribute funds based on number of employees or land area owned. At a total contract price of \$121,768.92 for 2020-2021, RMS has committed to fund at least 55% or \$66,972.91, and the City would fund 28% or \$34,095.30. RMS will fund the remaining balance from other property owners in the district.

On July 8, 2020, the Neighborhood Revitalization and Development Committee recommended to Council that the program should be reauthorized as presented. There was discussion about whether

the contract price remains fixed; for example, additional deep cleaning needs during the public health emergency could create added costs. Because the vast majority of the contract price pays for labor, more frequent cleaning during existing shifts will not add cost, but more significant deep cleaning would likely be outside the scope of the contract. Additional discussion included whether another mandated closure of businesses could reduce costs. Reducing costs would require a reduction in hours, which would mean ambassadors are no longer present at certain times. If this were desirable and able to be done while maintaining sufficient services, the City's costs would remain 28% of any reduced contract price. Finally, a question was posed as to whether ambassadors could assist with reminding patrons to wear masks when required by law or regulations. City staff has already made this request to RMS, and it was received favorably.

On July 20, 2020, the Finance Committee also recommended approval. There was some discussion about the district boundaries and the BP station. The Clean and Safe ambassadors provide services in all public areas within the district boundaries, including surrounding the BP station but not on the private property.

The Economic Development Department requests that Council authorize a new Clean and Safe contract between the City and RMS for August 2020 to August 2021 at a cost of \$34,095.30 to the City. The funds are available in the 2020 Economic Development operating budget to pay the City's share of the program cost.

It is requested that this ordinance be passed on first reading and as an emergency so that RMS can enter into the second year contract with DCA as the current contract year will expire on August 18, 2020.

EXHIBIT A - SERVICE AREA



Only safety services extend into privately owned parking garages and lots

Statistics

January 2019 through December 2019

		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Business Contact	'19	1004	1021	1006	973	807	854	901	957	703	610	534	600	9970
Graffiti - Removed	'19	--	3	--	4	3	7	4	1	2	1	--	6	31
Gum Spots Removed	'19	99	95	161	128	68	27	--	--	--	13	3	9	603
Hazardous Waste Clean-up (human)	'19	1	--	4	2	1	--	2	2	--	--	--	--	12
Hazardous Waste Clean-up (pet)	'19	--	--	--	2	2	8	1	7	2	2	--	--	24
Hospitality Assistance	'19	225	211	205	174	224	304	316	263	172	98	101	97	2390
Panhandling - Aggressive	'19	1	1	2	3	2	6	1	4	1	3	5	--	29
Panhandling - Passive	'19	2	--	--	8	1	2	--	--	7	3	--	2	25
Request Assist - Safety Ambassador	'19	--	--	1	1	--	--	--	--	--	--	--	--	2
Request for Police / Fire / EMS / Assistance	'19	--	--	1	--	--	--	2	--	--	--	--	--	3
Safety Escorts	'19	11	17	26	28	46	74	23	4	15	28	4	1	277
Security Check	'19	1	22	160	226	226	246	226	232	152	130	108	125	1854
Snow Removal (hours)	'19	1	5	1	--	--	--	--	--	--	--	--	14	21
Started Pipe Tour	'19	148	143	126	114	88	84	66	56	42	36	48	43	994
Trash (lbs)	'19	625	825	1450	1230	1775	1475	2101	1927	1628	2051	1627	2175	18889
Weed Abatement (block faces)	'19	--	--	--	1	--	--	--	--	--	--	--	--	1

ORDINANCE NO.

BY:

Authorizing a personal services contract with RMS Investments for the period August 2020 through August 2021, for the Van Aken District Clean and Safe Program in an amount not-to-exceed \$34,095.30, and declaring an emergency.

WHEREAS, the City and RMS Investments agreed to jointly sponsor the Clean and Safe Program in the Van Aken District for a one year period, beginning in the fall of 2018 to coincide with the opening of the Van Aken Development, in order to enhance the revitalization and vibrancy of the District;

WHEREAS, the City first entered into a contract for the Program with RMS for the period September 2018 through August 2019, and RMS contracted with the Downtown Cleveland Alliance to provide the services under the Program, and that contract between the City and RMS was renewed for the period of August 2019 to August 2020; and

WHEREAS, the City and RMS desire to enter into a new contract for the period of August 2020 to August 2021, and RMS will once again contract with the Downtown Cleveland Alliance to provide the services under the Program; and

WHEREAS, it is the recommendation of the Director of Economic Development that the City enter into a contract with RMS Investments for the period of one year, from August 2020 to August 2021, in an amount not-to-exceed THIRTY-FOUR THOUSAND NINETY-FIVE AND 30/100 DOLLARS (\$34,095.30) for the City's share of the cost of the Van Aken District Clean and Safe Program; and

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

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

Section 1. This council hereby authorizes the Mayor to enter into a personal services contract with RMS Investments for one year, from August 2020 to August 2021, for the Van Aken District Clean and Safe Program, in an amount not-to-exceed THIRTY-FOUR THOUSAND NINETY-FIVE AND 30/100 DOLLARS (\$34,095.30). Said contract shall be in the form as approved by the Director of Law.

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City as the current contract will be expiring shortly, 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

Coun20/0727RMSInvestmentsclean&safe



Memorandum

To: Members of Council

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

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

Date: July 20, 2020

Re: Confirmation of Conditional Use Permit
Dance by Sha'Ran — 3445 Warrensville Center Road

The City Planning Commission approved a Conditional Use Permit for Dance by Sha'Ran, a dance studio, at 3445 Warrensville Road at their July 7, 2020 meeting. A Conditional Use Permit requires Council confirmation. The enclosed ordinance confirms the granting of a Conditional Use Permit for a specialized instructional school.

Sha'Ran Marshall proposes to utilize a lower level space in Christ Episcopal Church, formerly occupied by Verb Ballet, for a dance classroom space. Half of the basement level parish hall area of the church and adjacent space will be used for offices and dressing rooms, which is the same spaces previously used by Verb Ballet. The applicant proposes dance classes for various age groups both in-person and in combination with Zoom classes with a maximum of 10 students, but will transition to up to 20 students after COVID-19. Hours are proposed to be Monday – Thursday 9 a.m. to 8 p.m., Friday from 6 p.m. to 10 p.m., and Saturday from 8 a.m. to 1 p.m. A 40-space parking variance was approved for the Verb Ballet use and is applicable in this case. All employees and visitors are proposed to use the church's north parking lot. Council confirmation is required.

It is requested that this ordinance be passed on first reading in order for renovation of the space to commence.

Below are links to the materials presented at the City Planning Commission meeting on July 7, 2020:
https://shakeronline.com/AgendaCenter/ViewFile/Agenda/_07072020-446?html=true

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

ORDINANCE NO.

BY:

Administrative acceptance of the approval of the City Planning Commission and confirmation of the granting of a conditional use permit for a specialized instructional school, known as Dance by Sha'Ran, located at Christ Episcopal Church, 3445 Warrensville Center Road, pursuant to Section 1213.05 of the City's Zoning Code.

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

Section 1. This Council hereby confirms the decision of the City Planning Commission, duly adopted at its meeting on July 7, 2020, granting a conditional use permit to Sha'Ran Marshall, operating as Dance by Sha'Ran, to conduct a specialized instructional school, located at Christ Episcopal Church, 3445 Warrensville Center Road, Shaker Heights, Ohio, pursuant to Section 1213.05 of the City's Zoning Code.

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

Enacted

Approved this ___ day of _____, 2020.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council

Coun20/0727-Sharan-3445Warrensville-condusepermit



SHAKER HEIGHTS

Memorandum

To: Members of City Council
From: Alexandria Nichols, Recreation Director
cc: Mayor David E. Weiss
Chief Administrative Officer Jeri E. Chaikin
Date: July 27, 2020
Re: Request for Capital Appropriation for Replacement Part for Thornton Ice Rink Dehumidifier

In late 2019 the Recreation Department Maintenance staff noticed a lot of condensation in the ice rink and requested a repair technician to look at the dehumidification system and identify the problem. In early 2020 the technician identified that the desiccant wheel on the dehumidifier had gone bad. The desiccant wheel is primary component in the machine responsible for the removal of moisture from the air. This part can be likened to the engine of a car in which a car cannot operate without an engine. Without the dehumidifier, the rink will have increased condensation and this is corrosive to the facility and creates an unsafe skating atmosphere. The cost to replace the desiccant wheel, including labor, is estimated to be about \$20,000.

In 2018, a rink study was conducted and the summary report includes the dehumidifier as a suggested improvement based upon age of the equipment. As a part of Forward Together, the City is considering updates to Thornton Park along with other projects by the City, Schools, and Library in an effort to collaborate on large capital projects. However, this plan has not yet gotten to the phase where serious discussions have begun around rink improvements.

Replacement of the dehumidifier unit is estimated to be between \$100,000 and \$125,000 and these units typically last 20 years. The current dehumidifier was installed in 1998 and if the desiccant wheel is replaced, it is estimated that the unit will have another 10 more years of use before requiring replacement. Replacement of the wheel is aligned with Forward Together plans in that the City is not spending a lot of money on this capital item when future plans could include higher capital spending on the rink.

This item was presented to the Recreation Committee on July 1 and their questions and responses are below.

Question: Other than the desiccant wheel, is the machine in good working order?

Answer: The dehumidifier is in good working order other than the desiccant wheel and when parts require replacement, they are relatively inexpensive to replace.

Question: Why are there no finite installation estimates at the time of the request for the capital appropriation and can this wait until the quotes are final to make the ask?

At the time of the ask, staff had only received the quote for the replacement wheel and one estimate for the installation of the wheel. If this ask were to be delayed until

August, it would further delay the repair to the dehumidifier and staff has been considering opening the rink in August. Recreation Director Nichols offered to change the ask to include a cost to not exceed \$20,000 and it is expected that all three quotes for installation will be received prior to the Finance Committee Meeting. At this time, the only quote for installation is \$1275.00 and this is expected to be the low quote. The cost for the wheel is \$14,851.00 and the projected cost remains lower than the original \$20,000 ask.

Question: Are the companies providing the quotes local?

Answer: All vendors being asked to quote on the installation are local vendors within the northeast Ohio region.

Question: Is there a contingency fund for when unexpected repairs are required?

Answer: There is a City Facilities Repair Fund but this money is not available at this time due to COVID-19.

Question: Does the dehumidifier have an impact on a soft ice spot condition called ponding?

The dehumidifier is responsible for removing moisture from the air and does not impact the quality of the ice.

Further comments from the committee included continuing conversation on rink operations and improvements and the City should be open to new ways of doing business in the future. It should be noted that this facility is a part of the Forward Together initiative that has sort of stalled out due to COVID-19. The committee was concerned that not replacing the desiccant wheel could cause a dangerous and unsafe rink and also contribute to future facility damage due to increased moisture in the rink.

This items was presented to the Finance Committee on July 20 and the questions and answers from the meeting are below.

Question: Do the quotes received to date include the cost for the part as well as installation?

Answer: The quotes for projects include both the part and installation. The quote for the desiccant wheel is \$14,851 and because this is proprietary from the manufacturer, there is only one quote. Installation quotes are separate and the two quotes to date are for \$1,275 and \$3,450. The third quote should be received before the July 27 Council Meeting.

Question: Other than the Recreation Department, are other departments impacted by the COVID-19 reduction in services and is the money needed elsewhere?

Answer: The recreation department was heavily impacted by COVID-19 with some outside facility use permitted and indoor programs and services suspended. Many City capital projects were also suspended and approximately \$250,000 in recreation capital projects were put on hold. There is emergency money available for this project in the general capital fund and to date there are no emergency Public Works projects that require the funds.

During the meeting it was noted that Mayor Weiss and Director Nichols discussed this project and absent movement on the Forward Together initiatives, it makes sense to repair the desiccant wheel to extend the useful life of the dehumidification unit.

Although the rink has been closed since March due to COVID-19, there are discussions about resuming operations on some level and it would be important to have the dehumidifier working properly. The Recreation and Finance Committees recommend that City Council approve a capital appropriation of \$20,000 for the desiccant wheel replacement. It is requested that the City Council approve this capital appropriation not to exceed \$20,000 for the replacement and installation of the desiccant wheel on the Thornton Park Ice Rink dehumidifier. It is also requested that this is approved on first reading and as an emergency so the purchase can proceed as quickly as possible.

ORDINANCE NO. 20-

BY:

Amending Ordinance No. 19-125, an ordinance appropriating funds from the General Capital Fund 0401, for the acquisition of equipment, and the repair and replacement of Recreation facilities by the Recreation Department, by appropriating an additional \$20,000 from the General Capital Fund 0401 for the replacement and installation of the desiccant wheel on the Thornton Park Ice Rink dehumidifier, and declaring an emergency.

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

Section 1. That to provide for the capital expenses of the City of Shaker Heights for the fiscal year ending December 31, 2020, the following appropriation is hereby authorized, amending Ordinance No. 19-125, which was enacted on December 16, 2019.

Section 2. That there be and is hereby appropriated from the General Capital Fund No. 0401 the sum of \$235,000 to provide funding for the following Recreation Department equipment acquisition, repair and replacement projects:

Project	Current Allocation	Revision	Allocation
<u>Park Property and Equipment and Improvements</u>			
Thornton Park Pool - Trash Can Replacement	\$ 10,000		\$ 10,000
Sussex Tennis Courts - Recoating and Crack Sealing	20,000		20,000
Thornton Park Ice Arena Score Board Replacement	20,000		20,000
Thornton Park Replace Entry/Exit Doors	40,000		40,000
Thornton Park Pool Entry Improvements and Shade Structure	50,000		50,000
Thornton Park Ice Arena - Reflective Roof Coating	60,000		60,000
Shaker Median Trail Repair	15,000		15,000
Thornton Park Ice Rink - Dehumidifier Replacement Part	0	\$20,000	20,000
Total	\$215,000	\$20,000	\$235,000

Section 3. That the City Director of Finance be and is hereby authorized and directed to draw warrants against the appropriations hereinabove set forth upon presentation of proper vouchers.

Section 4. That all expenditures shall be made within the total appropriation herein provided. "Appropriation" as used means the total amount appropriated for the listed projects. Notwithstanding the financial detail herein presented, the Mayor or Chief Administrative Officer is authorized to transfer budgeted amounts within each project grouping provided that the total

amount appropriated for the project grouping is not exceeded. The appropriation herein approved shall lapse only upon completion of all specified projects; therefore, any appropriation balance unexpended at the end of the fiscal year shall be carried forward to subsequent fiscal years.

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

Enacted July , 2020.

Approved this __ day of _____ 2020.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council



Memorandum

To: Members of City Council

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

From: Director of Finance John J. Potts

Date: July 27, 2020

Re: Then and Now Approval

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

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

EXHIBIT A
 Then and Now Certification Summary
 April 28, 2020 - July 27, 2020

Dep't	PO #	Invoice Date	PO Date	Warrant	Amount	Vendor	Reason
Recreation	20001446	03/18/20	06/05/20	062620	\$6,156	Hess Print Solutions	Information for the PO was missed due to employee transition.
HR	20001641	07/07/20	07/16/20	072420	\$3,270	Ohio Department of Job and Family Services	2020 PO was not set up for unemployment billings before invoice arrived due to more information needed.

ORDINANCE NO.

BY:

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

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

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

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

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

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

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

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

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

Enacted

Approved this ___ day of _____, 2020.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council

coun20/0727thenandnowJULY

EXHIBIT A
Then and Now Certification Summary
April 28, 2020 - July 27, 2020

Dep't	PO #	Invoice Date	PO Date	Warrant	Amount	Vendor	Reason
Recreation	20001446	03/18/20	06/05/20	062620	\$6,156	Hess Print Solutions	Information for the PO was missed due to employee transition.
HR	20001641	07/07/20	07/16/20	072420	\$3,270	Ohio Department of Job and Family Services	2020 PO was not set up for unemployment billings before invoice arrived due to more information needed.