



## SHAKER HEIGHTS

**City Council Agenda  
Via Zoom Meeting Due to  
COVID-19 Public Health Emergency  
Monday, August 24, 2020 at 7:30 pm**

**For the safety of staff and residents, in-person attendance is not permitted. Join the Zoom meeting online as a viewer or listener and to provide public comment during the meeting from a PC, Mac, iPad, iPhone or Android device at <https://zoom.us/j/98834757189?pwd=SW03TFpYVjNLV0YyTHINMVJPNDJSOT09>, Password: 33553400; Description: Council Meeting; or join by phone at 833-548-0282 (toll free); Webinar ID: 988 3475 7189, Password: 33553400. International**

**numbers available at <https://zoom.us/u/ahwKbeuA>. Residents may also submit comments/questions regarding items on the agenda or other items not on the agenda 6 hours in advance of the meeting by emailing Jeri E. Chaikin at [jeri.chaikin@shakeronline.com](mailto:jeri.chaikin@shakeronline.com) or by calling (216) 491-1424. Comments or questions submitted prior to the meeting 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 regular meeting minutes of July 27, 2020 (attached herewith).

Documents:

[COMN072720.PDF](#)

Public Comment on Agenda Items

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

2. Enacting new Section 135.17 of the Administrative Code of the Shaker Heights Codified Ordinances relative to providing maternity and paternity leave to certain City employees. (ADM), (FIN).

Documents:

[EMP LEAVE.PDF](#)

3. 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 3646 Daleford Road, Shaker Heights, Ohio (Parcel No. 735-30-049), for a purchase price of \$1.00, authorizing the disposition of City owned property without competitive bidding, and declaring an emergency.

Documents:

[3646 DALEFORD.PDF](#)

4. Authorizing a contract with Kimble Transfer and Recycling, at a cost of \$69 a ton for year one, \$71.07 a ton for year two, \$73.20 for optional year one, and \$76.13 a ton for option year two, for recycling processing services, and declaring an emergency. (SPW), (FIN).

Documents:

[RECYCLING.PDF](#)

5. Authorizing an Agreement of Cooperation with Cuyahoga County for the emergency repair of South Woodland Road Culvert No. 3, and declaring an emergency.

Documents:

[CULVERT.PDF](#)

6. Authorizing an amendment to the contract between the City and Greenman-Pederson, Inc. (GPI) to extend the term of the contract for the Warrensville Center Road Streetscape Improvements Project, and to modify the cost for services in the amount of \$8,589, which will bring the total contract amount to \$242,533, and declaring an emergency. (SPW), (FIN).

Documents:

[GPI.PDF](#)

7. Authorizing the City's application for and acceptance of a grant in the total amount of up to \$275,000 from the Ohio Department of Transportation ("ODOT") for pedestrian and infrastructure improvements at the South Woodland Road/Warrensville Center Road intersection, and declaring an emergency. (SPW), (FIN).

Documents:

[HSIP.PDF](#)

8. Authorizing the acceptance of a \$177,487.68 grant, on behalf of 33 communities, from the Federal Emergency Management Agency, through the Assistance to Firefighters COVID-19 Grant funding program, to purchase personal protective equipment, and declaring an emergency. (SPW), (FIN)

Documents:

[FEMA.PDF](#)

9. Approving acceptance of a 2020-2021 State Board of Emergency Medical, Fire and Transportation Services Grant from the Ohio Department of Public Safety, Division of Emergency Medical Services, for the purchase of EMS supplies for the Fire Department Rescue Squads, and declaring an emergency.

Documents:

[EMS.PDF](#)

10. Amending Ordinances No. 19-121 and No. 20-09, ordinances appropriating funds from the Sewer Capital Improvements Fund No. 402 to provide funding for the repair of mainline sewers, laterals and culverts, by appropriating an additional \$100,000, and declaring an emergency. (SPW), (FIN)

Documents:

[CULVERT APPROP.PDF](#)

11. Amending Ordinance No. 20-46 making appropriations for the current expenses and other expenditures of the City of Shaker Heights, Ohio for the year ending December 31, 2020, in Fund No. 0101, the General Fund, and declaring an emergency. (SPW), (FIN)

Documents:

[FIRE APPROP.PDF](#)

12. Establishing as a Special Revenue Fund, called the "CRA Fee Fund," in the fund accounts of the City, and declaring an emergency. (FIN)

Documents:

[CRA.PDF](#)

13. Determining to proceed with the lighting of streets and levying assessments of a portion of the expense thereof on the listed streets for the years 2021 and 2022, and declaring an emergency.

Documents:

[STREET LIGHTS.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.

#### 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; personnel matters, including the appointment, employment, dismissal, discipline, promotion, demotion or compensation of one or more public employees or officials; and for the purchase, sale or development of real property where premature disclosure of information would give an unfair competitive or bargaining advantage to a person, or otherwise adversely effect the general public interest.

#### Committees:

ADM: Administration Committee

FIN: Finance Committee

SPW: Safety and Public Works 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.*



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

Nays: None

Motion Carried

\* \* \* \*

It was moved by Ms. Anne Williams, and seconded by Mr. Earl Williams, that the minutes of the regular meeting of June 22, 2020, be approved as recorded.

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

Nays: None

Motion Carried

\* \* \* \*

Mayor Weiss stated that in keeping with past meetings during the pandemic, we try to keep them as close to live meetings taking public comment first on agenda items and then an opportunity at the end of the meeting for public comment on any other items beyond the agenda. We have also provided the opportunity for comments and questions to be submitted prior to the meeting, which will be read into the record.

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

CAO Chaikin stated that Annette Sutherland from the League of Women Voters had a few questions which we were able to answer for her in advance so we do not need to read them into the record.

\* \* \* \*

**Ordinance No. 20-57, by Mrs. Moore, approving and authorizing execution of a Purchase Agreement under the City's Side Lot Program, for the sale of the City-owned property located at 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.**

Kamla Lewis, Neighborhood Revitalization Director, stated that Council is accustomed by now to receiving these requests over the past several months. This application is to acquire a City-owned property located at 3562 Winchell Road by the residents adjacent to the lot who propose to enlarge their property, build a new garage, lay a new driveway, and install landscaping at an estimated cost of approximately \$30,000 to \$35,000. The applicants meet all the criteria of the program. The City has no redevelopment

plans for this vacant lot and has owned it since June 2003. There was never a home on this lot and this is the first application we have received for this property. As part of the revised program process these items come directly to Council for approval. This item is requested as an emergency and with a suspension of the rules so that the next steps in the process may commence.

It was moved by Mrs. Moore, and seconded by Ms. Carmella Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-57 be placed upon its final enactment.

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|------------|-------|--|
| Roll Call: | Ayes: | Mr. Zimmerman, Mr. Malone<br>Mrs. Moore, Mr. Roeder, Ms. Anne Williams<br>Ms. Carmella Williams, Mr. Earl Williams |
|            | Nays: | None   |

Motion Carried

Moved by Mrs. Moore, and seconded by Ms. Carmella Williams, that Ordinance No. 20-57 be enacted as read.

|            |       |  |
|------------|-------|--|
| Roll Call: | Ayes: | Mr. Zimmerman, Mr. Malone<br>Mrs. Moore, Mr. Roeder, Ms. Anne Williams<br>Ms. Carmella Williams, Mr. Earl Williams |
|            | Nays: | None   |

Ordinance Enacted

\* \* \* \*

**Ordinance No. 20-58, by Mrs. Moore, 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.**

Kamla Lewis, Neighborhood Revitalization Director, stated that this application is from a custom homebuilder, Keystate Homes, who has been working with City staff for at least the past five years getting to know the City to understand the City's housing market and design requirements. They selected the City-owned property at 22469 Fairmount Boulevard. They would like the opportunity to have an option to hold the property for six months during which time they would have the exclusive right to market the property for sale and build a custom home, with the opportunity for an extension for an additional six months if they are unable to sell it within the first six months. This item was discussed at both the Neighborhood Revitalization and Development Committee and the Finance Committee. They discussed the pros and cons to the community and City of having a home built on the lot versus being used as a side lot. That was particularly pertinent in this case in that after the application was received from Keystate, the neighbor adjacent to the property also applied to acquire it as a side lot. They discussed the issue of whether the \$1 price being offered is consistent with the price we have received from other

developers on City-owned vacant lots for single-family development and it is consistent. Although one place in the memo on this item says we have sold six of these properties, we have actually sold seven. They were all sold for \$1 and the logic of the City is that the greatest benefit we get from this property is the increased property value. Given our higher standards for construction we would much rather that money went into a quality home than a home with lesser materials. In addition, in most parts of the City we don't have any other incentives we offer for single-family infill other than the value of the land we contribute to the deal. Most of you are aware in most of the first ring suburbs currently still the price of building a home far exceeds the amount one can make from the home. There was also discussion around how we choose between two applications if they come in simultaneously, although these did not. We have always accepted the first best offer, meaning City and Neighborhood Revitalization Committee at that time felt it was very important that the City have the flexibility in this program because every lot is different in size, location and potential uses; and market conditions change. What might be the best use at one time might be quite different at another time. We have certainly seen an uptick in the number of inquiries we are getting currently around new housing construction while three or four years ago absolutely nothing was happening on that front. This lot was privately owned previously and the house on it was demolished by the owners in 2009. The lot was purchased by the adjacent homeowner, but the lot was not consolidated. The lot became tax delinquent and the City ended up acquiring it through tax foreclosure in 2015. These two applications are the first two we have received for this property since then. Keystate Homes are well known in northeast Ohio and have been building homes since 1979. They have won a number of awards. They are transferring from the first to second generation and have worked extensively with the City staff to understand our requirements. They are very excited to have this opportunity. This item is requested as an emergency and with a suspension of the rules to enable Keystate Homes to begin marketing the property as soon as possible.

Council member Ms. Anne Williams stated that this item was reviewed and supported by the Neighborhood Revitalization and Development Committee. The discussion was reflected in the comments made by Director Lewis and included in her memo. They were all impressed with the fact that we now have a little competition for these lots between a developer and possibly a resident. The Committee was happy to see this new change of events and interest in infill housing.

Council member Mrs. Moore stated that this item was reviewed and approved by the Finance Committee with one dissenting vote regarding this being the first offer we have had from a private developer for a side lot outside of the Knez project in Moreland. There might have been a question about whether \$1 should be the price for a private developer, but after a complete explanation that feeling was not shared by the rest of the Committee.

Director Lewis stated that she did follow up with that member of the Finance Committee to make sure she understood why the dissenting vote and it was in response to the question of if we got more money up front could we use that perhaps to subsidize other areas of City development, but the Finance Committee member was not aware that we do one of these sales every year so that money would not contribute significantly to make a difference in the City budget. They also thought that if we ask for more money from developers we could use it to help existing homeowners do home repairs. Director Lewis explained our home repair program and the monies the City has historically very generously put forward through its General Fund and they were glad to hear it.

Mayor Weiss stated that because the option is unusual he assumes the primary reason is the significant marketing dollars and investment they will make in this project.

Director Lewis stated that this is unusual but not unusual in that the Knez agreement is very similar except that we did not charge for an option, we reserved properties, five at a time for Knez. The difference is that Knez agreed to build a spec home so quibbling over an option amount was not really worth it. The spec home build was a far greater investment for the City at that point in time. We certainly have done option agreements for other types of land transactions and yes this is the effort for the developer to be able to try to sense out the market.

Council member Mr. Malone asked about the proposal from the adjoining neighbor. He would like to understand better going forward if we are in these scenarios hopefully where there are a lot of people interested in a property. He asked if the criteria was derived from the original program established a number of years ago.

Director Lewis stated that the criteria was best qualified at that time and that is what we have applied since then. There are lots for example that we don't even put forward at all that we have reserved because we felt they were better for infill, like any double or triple lots. A lot may have been made available when it was a single lot, but if the City acquires the lot adjacent to it our policy has been to not make those any longer available to adjacent neighbors and reserve them for infill. Infill clearly gives the City the greatest opportunity. Since part of our goal through the Housing Plan is to encourage infill housing and diversify the housing stock we knew we needed a wider range of different sized lots. For that reason double and triple lots were particularly important. Regarding the other applicant for this lot, they simply wanted to acquire the property and consolidate it with their own. They were not proposing any improvements at this time.

Council member Mr. Malone stated that we have approved side lot applications when there have been no improvements suggested and asked if the conversation would have been different if they had suggested improvements. He also asked if this lot was reserved for infill housing.

Director Lewis clarified that prior to March 2020 all applications to be qualified required improvements. That was the change that was made this year. Only applications that Council approved this year did not have that requirement, but all applicants have still proposed improvements to the property. This is actually the first one we have received that did not. That would not have made a difference in this case because there was a timing issue. Keystate Homes submitted their application in November 2019, significantly before the application of the neighbor. This lot was available for a side lot or infill. This is one of the smaller lots on Fairmount. There had been a house on it so we knew it was feasible, but were not sure if the market would support a house on that lot.

Council member Mr. Malone stated that it is encouraging that a company like Keystate Homes is interested in developing a property on Fairmount.

Director Lewis stated that at the Mayor's request at the next Neighborhood Revitalization and Development Committee meeting we will have a discussion about the entire program and how we look at infill versus side lots and other uses so we can get some current community input into that process.

Mayor Weiss stated that we have seen an uptick in the number of side lot applications, so clearly between external forces and Director Lewis' suggestions to modify the program with Council's approval, we have seen some greater success in the side lot program. Now we are beginning to see a little uptick on potential infill. We are at that point where the potential like this situation with an interest as a side lot and as a development. Having some further conversation about the goals and how we recommend to proceed

makes sense. The goal is twofold for infill. There is obviously the land value so property taxes will go up but also if it's owned and there is income tax being generated that is significant as well. It is worth having more conversation with the Committee and public about it. It is encouraging that we are seeing a little more activity on both sides.

It was moved by Mrs. Moore, and seconded by Ms. Carmella Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-58 be placed upon its final enactment.

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

Motion Carried

Moved by Mrs. Moore, and seconded by Ms. Carmella Williams, that Ordinance No. 20-58 be enacted as read.

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|------------|-------|--|
| Roll Call: | Ayes: | Mr. Zimmerman, Mr. Malone<br>Mrs. Moore, Mr. Roeder, Ms. Anne Williams<br>Ms. Carmella Williams, Mr. Earl Williams |
|            | Nays: | None   |

Ordinance Enacted

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**Ordinance No. 20-59, by Mr. Zimmerman, 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.**

Patricia Speese, Public Works Director, stated that we are very aggressively pursuing remediation of our sewers throughout the City and one of the key components to measure our success is to use flow monitoring, which will tell us before we start a project how much infiltration is getting in the sewer during a storm, getting in to the sanitary sewer also which should not be occurring, and how much occurs after we have made our improvements. Obviously we hope to see a reduction. It is also necessary in our sanitary sewer overflow projects to measure the success of those as well. They occur every year for several years to ensure that the repairs are consistently successful. What we have done in the past is gone out for quotes for each project. Rather than having to go through that entire process we thought it would be better to seek proposals for a year at a time and get somebody under contract, save administrative time and cost, and enable us to perform the service to apply for grants. Going into a grant we know how much infiltration we have. If during a storm we have 75% infiltration, in our grant application we can be very specific. We went out for proposals for flow monitoring to four different firms and only two responded. It is a niche market and we reviewed the proposals with a quality based performance review without

knowing the cost, based solely on its merits. Fortunately the lowest submission was the best, AECOM. They have done some testing for us in the past. They are very good in this arena. By having this tool, we really enhance our ability to provide great data for every project that we perform. If this proposal is successful it will probably be a routine proposal that we will submit every two or three years to Council for approval. It is another tool in the toolbox to improve the sewers, measure our success, and going out for a multi-year bid will maximize our savings. This item is requested as an emergency so we can start monitoring the sewers as soon as possible.

Council member Mr. Zimmerman stated that this item was reviewed and unanimously approved by the Safety and Public Works Committee. There were no technical questions raised at all about the need or mechanics behind this, but why there were so few bidders.

Council member Mrs. Moore stated that this item was reviewed and unanimously supported by the Finance Committee. They were impressed with the multi-year contract and the \$11,000 savings we received, approximately 30% over what we had paid for past projects.

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. 20-59 be placed upon its final enactment.

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

Motion Carried

Moved by Mr. Zimmerman, and seconded by Mr. Earl Williams, that Ordinance No. 20-59 be enacted as read.

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

Ordinance Enacted

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**Ordinance No. 20-60, by Mrs. Moore, 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.**

Laura Englehart, Economic Development Director; joined by Jason Russell, RMS Van Aken District General Manager, stated that she will make a few remarks before turning things over to Mr. Russell to provide more information about how the Clean and Safe program has been working. It has been in place

for two years in the Van Aken District in which there are Ambassadors that are providing clean and safe and hospitality services throughout both the newly constructed RMS owned portion of the Van Aken District as well as a number of areas outside the immediate new construction. We like to look at it as the greater Van Aken District and are seeking to invite the community to come to all parts of the larger greater Van Aken District and want to make sure that we are keeping the same level of services, of cleanliness and safety, throughout the entire commercial district. The program has been in place for two years and the request tonight is to enter into a contract with RMS for a third year. RMS enters into a separate contract with the Downton Cleveland Alliance (DCA) to provide the services and the City along with Equity Engineering (E2G), University Hospitals, and RMS jointly provide funding for the program. The City's portion is 28 % of the total contract cost and has been over the last couple of years. That percentage is based on the amount of land that the City owns in the district. The percentage of the other entities have contributed is based on their land area as well as the number of employees in the district and any additional services that may be required based on employee counts. This year the contract price is going down. Mr. Russell can provide more detail but there have been different levels of shifts that have been provided by the Ambassadors in the district. We have not used peak hours this year largely due to the pandemic and some reduced activity in the district, but particularly during this public health crisis cleaning and safety services are of utmost concern and services have certainly continued. We have seen that we can provide the same level of good services without having overlapping shifts and that reduces the total contract price. The City's portion of the proposed contract would be \$34,095.30.

Jason Russell stated that this year we were scheduled to go into our normal peak time in April and as a cost saving measure they decided to keep it at the non-peak scheduling because with the stay at home order there really wasn't a lot of people out. They did not want to bring on the third person to provide additional services as they normally would during peak hours. In May and June when they reopened and people were returning to the district, they recognized they were still getting the same level of service as during the non-peak hours with the summer peak hours so they decided to stay with the non-peak hours. Especially given the contract renewal time in August and still some economic uncertainty for the rest of this year and perhaps into 2021 as well, they thought it was prudent to stay at non-peak hours for the entire calendar year for the upcoming contract to keep costs in check and still maintain the same level of service geographically and throughout the hours of the day. They still have someone from 7 a.m. to midnight every day in the district providing clean and safe services. One of the benefits of the service is that we have had the same people for almost the entire time. The night Ambassador has been with us the entire two years of the contract so everyone knows him, whether they are in the district, Tower East, or University Hospitals. He makes himself known and outside of the cleaning and security the hospitality is part of it. They always know there is someone there who knows who you are. The morning Ambassador has been with us about 18 months. To have that continuing staff of Ambassadors here with a smiling face has been extremely helpful for them in the district collectively.

Director Englehart stated that there was good discussion at both the Neighborhood Revitalization and Development and Finance Committees partially focused on reduced activity during the stay at home order and whether the contract price changes. We obviously need to maintain a level of cleaning services particularly now so it is really important those services be maintained even in times of reduced activity to make sure the community remains safe. Further discussion included flexibility in the contract or if it was a fixed price. We do not anticipate there will be any changes. However, the City's portion of the total contract price will remain 28%. If we do decide at some point that services can or should be reduced further, the City's portion would also be reduced further. However, if there are additional deep cleaning that is not included in the proposed contract. We can be assured that our investment is capped but it could potentially be reduced if that is something that is necessary in future times.

Council member Ms. Anne Williams stated that this item was reviewed and unanimously supported by the Neighborhood Revitalization and Development Committee. There was great appreciation for how this program has been run and they look forward to its continued involvement in the district.

Council member Mrs. Moore stated that this item was reviewed and unanimously supported by the Finance Committee. There is a saving on this contract price and the only criticism was why it could not extend to more properties on Warrensville. It is so successful there is clamoring for more.

Council member Mr. Malone stated that he would be remiss if he did not raise the issue of this idea being expanded to the Lee Road Corridor. He thinks this program has been terrific for the Van Aken district and this is not necessarily the best time to ask businesses to contribute to a business improvement district due to the pandemic but he would like to see the City think a little more about expanding this ideas to the Lee Road Corridor and perhaps even addressing it in the budget process this fall. He thinks that district needs cleanliness and safety. While people may not be visiting for lunch the way they do elsewhere, he still thinks there is a lot that can be done there. He asked if Director Englehart could update us on talks regarding a business improvement district in the future.

Director Englehart stated that we have two very active business associations in Shaker Heights: one in the Van Aken district; and one in the Chagrin/Lee district. There has been conversation in both about additional services, joint activity, moving forward together and how we could be providing similar clean and safe type services in the Chagrin/Lee area. In terms of actually forming a business improvement district, which is a legal process that forms a new entity, and there is ultimately an assessment placed on properties that help fund the effort, the conversation has started, but the pandemic has put those discussions on hold for now. It is a really difficult time to ask businesses and property owners to contribute to something taking more money out of their pocketbook at a challenging time for those types of services. The business associations are certainly talking about it and the City, RMS and the other property owners in the Van Aken district are continuing to think about what it looks like long term, how it might be structured, and what it would look like down the road.

Mayor Weiss thanked Mr. Russell for his good work at the Van Aken District along with Director Englehart and the Economic Development Department.

It was moved by Mrs. Moore, and seconded by Ms. Anne Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-60 be placed upon its final enactment.

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

Motion Carried

Moved by Mrs. Moore, and seconded by Ms. Anne Williams, that Ordinance No. 20-60 be enacted as read.

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|------------|-------|--|
| Roll Call: | Ayes: | Mr. Zimmerman, Mr. Malone<br>Mrs. Moore, Mr. Roeder, Ms. Anne Williams<br>Ms. Carmella Williams, Mr. Earl Williams |
|            | Nays: | None   |

Ordinance Enacted

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**Ordinance No. 20-61, by Mr. Malone, 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.**

Joyce Braverman, Director of Planning, stated that this item is for a conditional use permit for Dance by Sha’Ran, a dance school in the lower level of Christ Episcopal Church. Dance by Sha’Ran proposes to use about half of the lower level space at Christ Episcopal Church, for offices, dressing rooms, as well as the dance class studios. Classes will be for various age groups from children to adults and be limited to 10 people and Zoom classes until the pandemic lessens when 20 students will be the maximum. The hours of operation are Monday through Thursday, 9 a.m. to 8 p.m.; Friday, 6 a.m. to 10 p.m.; and Saturday, 8 a.m. to 1 p.m. Parking will be in the northern parking lot. This is the same space once rented by Verb Ballets with a parking variance already for this location. Council confirmation is required for conditional use permits. This item is requested with a suspension of the rules so renovations can begin in this space.

Council member Mr. Malone stated that this item was reviewed and unanimously approved by the City Planning Commission. There was very little discussion as this is very similar to the use that Verb Ballets had for the space. The discussion was confirming there will be no increase in parking, or odd hours. It will be very similar to Verb Ballets.

Mayor Weiss added that this is a new business to Shaker so we are always happy to see that as well.

Council member Mr. Earl Williams asked about church services in the same space where this dance studio will be occupied.

Director Braverman stated that the dance classes will be in the basement in the former parish hall. This is an area that has not been used by the church in over a decade and has been rented for that entire time.

It was moved by Mr. Malone, and seconded by Ms. Anne Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-61 be placed upon its final enactment.

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

Nays: None

Motion Carried

Moved by Mr. Malone, and seconded by Ms. Anne Williams, that Ordinance No. 20-61 be enacted as read.

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

Nays: None

Ordinance Enacted

\* \* \* \*

**Ordinance No. 20-62, by Mr. Earl Williams, 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.**

Alexandria Nichols, Recreation Director, stated that in late 2019 the Recreation Department maintenance team noticed we were having a lot of condensation inside of the rink, so we had a repair technician come out and take a look at the dehumidification system. He noticed that the desiccant wheel in the dehumidifier had gone bad and this is the primary component that is responsible for removal of the moisture from the air. Without the dehumidifier the rink has increased condensation and this can be corrosive to the facility and also create an unsafe skating atmosphere. This is very similar to an engine in a car in that if your engine goes, the car will die as well. The cost to replace the desiccant wheel including labor is estimated to be less than \$20,000. In 2018 we did a rink study and in the summary report they concluded that the dehumidifier was up for potential improvements based upon the age of the equipment. The current unit was installed in 1998. The estimated cost to replace a dehumidifier is between \$100,000 and \$125,000 and they typically last about 20 years. If we were to just replace the desiccant wheel we estimate we can get another 10 years of use to life prior to replacing the entire unit. This does align with Forward Together in that the City is considering updates to Thornton Park along with other capital projects in collaboration with the schools and library to partner on large capital projects. Replacement of the wheel works with this plan because we are not spending a lot of money and buying ourselves some time since we do not know what the future plans would be. The Recreation Committee was concerned about not replacing the wheel and causing dangerous skating conditions and contributing to future facility damage. The Finance Committee discussed the cost for replacement and asked where the money would be allocated. Staff received three quotes for the installation with the lowest at \$1,275, added to the cost of the desiccant wheel of \$16,126 for parts and labor, gives a total cost of \$19,501. If we were to delay

this work until August if would further delay repair to the dehumidifier and the Recreation Department is considering opening the rink in a couple of weeks on a limited basis for heavy users. There are emergency funds available for this project in the General Capital Fund and to date there have been no emergencies in Public Works that require these funds. This item is requested as an emergency and with a suspension of the rules so we can move forward with the purchase as quickly as possible.

Council member Mr. Earl Williams stated that this item was reviewed and approved by the Recreation Committee. We need to get the desiccant wheel installed. We have several different potential users of the rink that will be ready and able to get in there as soon as possible.

Council member Mrs. Moore stated that this item was reviewed and unanimously approved by the Finance Committee.

It was moved by Mr. Earl Williams, and seconded by Mrs. Moore, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-62 be placed upon its final enactment.

|            |       |  |
|------------|-------|--|
| Roll Call: | Ayes: | Mr. Zimmerman, Mr. Malone<br>Mrs. Moore, Mr. Roeder, Ms. Anne Williams<br>Ms. Carmella Williams, Mr. Earl Williams |
|            | Nays: | None   |

Motion Carried

Moved by Mr. Earl Williams, and seconded by Mrs. Moore, that Ordinance No. 20-62 be enacted as read.

|            |       |  |
|------------|-------|--|
| Roll Call: | Ayes: | Mr. Zimmerman, Mr. Malone<br>Mrs. Moore, Mr. Roeder, Ms. Anne Williams<br>Ms. Carmella Williams, Mr. Earl Williams |
|            | Nays: | None   |

Ordinance Enacted

\* \* \* \*

**Ordinance No. 20-63, by Mr. Zimmerman, 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.**

John Potts, Finance Director, stated that there are two items requiring Then and Now Certificates during this time period. This item is requested as an emergency and with a suspension of the rules so the payments for these transactions may be approved.

It was moved by Mr. Zimmerman, and seconded by Mrs. Moore, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-63 be placed upon its final enactment.





## Memorandum

To: Members of Council  
From: Sandra J. Middleton, Human Resources Manager  
cc: Mayor David E. Weiss  
Chief Administrative Officer Jeri E. Chaikin  
Date: August 24, 2020  
Re: **Proposed Revision to Non-Bargaining Employee Benefits**

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In October 2019, non-bargaining employees completed a perception survey. The survey asked employees what other forms of compensation or benefits they would like to see the City offer. One of many responses received was paid maternity/paternity leave.

The City gathered data on compensation structure and benefit offerings from other communities and counties. We found that Beachwood, Newburgh Heights, Cincinnati, Columbus and Dayton, Ohio offered paid maternity/paternity leave to employees. Each city's policy was different. The benefit ranges from four (4) weeks to twelve (12) months of paid leave time, with compensation for the leave ranging from 70% in Cincinnati, Dayton and Columbus, to 100% of salary in Beachwood and Newburgh Heights.

In considering the potential budget impact of offering a paid maternity/paternity leave policy, I looked back at how many newborn children were added to our insurance policy in 2019. There were 11 newborns added to our policy in 2019. The average salary of a non-bargaining employee is \$69,703. Assuming we offer six paid weeks of maternity/paternity leave and eleven (11) employees took the full six weeks, the cost to the City would be \$88,469, based on the average salary. Although the \$88,469 is an estimate based on several assumptions, it is a good indicator of the potential impact to the budget.

Both union OPBA Police contracts and the Firefighters union contract contain maternity leave language. The following recommendation is for non-bargaining employees only.

I recommend that the City offer non-bargaining employees paid maternity/paternity leave. Here is an outline of the proposed benefit:

- Eligible Employees:** Any non-bargaining employee with a least 12 months of service and worked 1250 hours or more in the preceding year.
- Purpose:** Birth, adoption, foster placement of a child.

**Duration:** Maximum of 6 weeks. Must be taken within the first 12 months of the event. Must be used concurrently with FMLA.

**Benefit:** 100% pay for a maximum of 6 weeks per event.

This recommendation was presented to the Administration Committee at their August 11 meeting. The Administration Committee discussed the impact on the budget and was pleased to hear that this benefit adds minimal additional cost. Most employees have accrued sick/vacation time to use for absence related to childbirth or foster child placement. The new benefit would allow them to keep their accrued time and use the proposed paid benefit. The Administration Committee voted to recommend adding the proposed maternity/paternity leave to the compliment of benefits to non-bargaining employees.

The request was presented to the Finance Committee on August 17, 2020 and a discussion was held about how the proposed policy works with FMLA. The Finance Committee unanimously approved adding the maternity/paternity leave to the compliment of non-bargaining employees benefits.

It is requested that Council approve the new maternity/paternity leave policy for non-bargaining employees suspending the rules and authorizing upon first reading.

ORDINANCE NO.

BY:

Enacting new Section 135.17 of the Administrative Code of the Shaker Heights Codified Ordinances relative to providing maternity and paternity leave to certain City employees.

WHEREAS, the Human Resources Manager of the City has recommended that the City should add a maternity and paternity benefit for certain City employees in order to respond to the needs of existing employees, and to make City employment benefits more attractive to prospective employees; and

WHEREAS, this Council has determined to modernize the City's employment benefits and respond to the needs of employees by adding a maternity and paternity benefit for certain City employees.

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

Section 1. New Section 135.17 of the Administrative Code of the Codified Ordinances of the City of Shaker Heights is hereby enacted as follows:

135.17 MATERNITY AND PATERNITY LEAVE.

(a) Maternity and paternity leave shall be granted to any non-bargaining employee with at least 12 months of service as a City employee, who has worked 1,250 hours or more in the 12 months preceding the date the leave first begins.

(b) Maternity and paternity leave shall be available to any employee who experiences the live birth of their own child, the legal finalization of the adoption by the employee of a child, or the legal placement of a foster child with the employee (each of which is referred to as an "event").

(c) An employee eligible for maternity or paternity leave may take a maximum of 6 weeks total of such leave, beginning within six weeks prior to the scheduled date of the event. The leave may be taken consecutively or intermittently. Such leave must be taken no later than the end of 12 months after the occurrence of the event. The leave must be used concurrently with Family and Medical Leave Act (FMLA) time to the extent FMLA time is available to the employee. The employee taking maternity or paternity leave shall receive 100% of their normal pay during the leave, and shall be considered an employee for the purpose of receiving all benefits (e.g. accrual of sick and vacation time).

(d) Interpretations of this section, as may be required on a case-by-case basis, may be made by the Mayor, whose decision shall be final.

(e) The provisions set forth herein shall not apply to any employee of the City who is a member of a collective bargaining unit with which the City has a written collective bargaining agreement.

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

Enacted

Approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
DAVID E. WEISS, Mayor

Attest:

\_\_\_\_\_  
JERI E. CHAIKIN  
Clerk of Council

Coun20/0819Section135.17-maternity-patrnrityleave-NEWCODORD



# SHAKER HEIGHTS

## Memorandum

To: Members of Council  
From: Kamla Lewis, Director, Director of Neighborhood Revitalization  
cc: Mayor David E. Weiss  
Jeri Chaikin, CAO  
Date: August 17, 2020  
Re: **Application to Acquire City Owned Vacant Lot at 3646 Daleford Road (PPN 735-30-049) for Side Lot**

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### Summary

The City has received an application from Alisha Flores of 3642 Daleford Road, who is interested in acquiring the city owned vacant lot adjacent to her home, 3646 Daleford Road (PPN 735-30-049) in order to expand her 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:** Alisha Flores, 3642 Daleford Road
- **Proposal summary:** to purchase this vacant lot to use as an enlarged side yard.

#### Staff Review of Application

- The applicant's property is not in foreclosure, she is current in her property taxes, and there have been no criminal nuisance activity complaints. She has no outstanding Housing or Zoning Code violations. She purchased her home in Shaker Heights in July 2020, and is an owner occupant 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 March 2016 as a donation from the lender. The previous home was demolished in July 2016.
- Through its vacant lot program, the City so far has sold twenty-five (25) 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 Flores application to acquire the City owned vacant lot at 3646 Daleford Road (PPN 735-30-049) 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.



Flores home at 3642 Daleford Road and adjacent city owned vacant lot at 3646 Daleford 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 3646 Daleford Road, Shaker Heights, Ohio (Parcel No. 735-30-049), 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 3646 Daleford Road, Shaker Heights, Ohio (Parcel No. 735-30-049), is a City-owned vacant lot (the "Property"); and

WHEREAS, the owner of the property at 3642 Daleford Road (Parcel No. 735-30-048), Alisha Flores, submitted an Application for Acquiring City-Owned Residential Lots; and

WHEREAS, the Property will be consolidated with the Flores property at 3642 Daleford Road (Parcel No. 735-30-048), and the lot will be used as the Flores side yard; and

WHEREAS, the Director of Neighborhood Revitalization has recommended that the City enter into a Purchase Agreement with Alisha Flores 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 purchaser's 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 Alisha Flores to purchase the City-owned Property located at 3646 Daleford Road, Shaker Heights, Ohio, Parcel No. 735-30-049, for ONE DOLLAR (\$1.00).

Section 2. The Mayor is hereby authorized and directed to enter into a Purchase Agreement with Alisha Flores for the purchase of the Property, and for the consolidation of the Property with the property of the purchaser at 3642 Daleford Road, Parcel No. 735-30-048. 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 3646 Daleford 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

coun20/0819PPN73530049sidelotflores



## Memorandum

To: Members of City Council

From: Patricia Speese, Director, Public Works

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

Date: August 24, 2020

**Re: Enter into Agreement with Kimble Transfer & Recycling for processing of recyclables**

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In May, Council approved the participation of the City in the Cuyahoga County Solid Waste District's (CCSWD) Consortium request for competitive bids for recycling processing. The Cities of Beachwood, Cleveland Heights, Independence, Lyndhurst, Pepper Pike, Shaker Heights, Solon, University Heights, Warrensville Heights and the Villages of Moreland Hills, Highland Hills and Woodmere are participating in the recycling consortium.

The recycling market has gone down considerably over the past several years and the consortium members were aware that paying for disposal of recyclables was inevitable.

The CCSWD sought an Invitation to Bid in the Plain Dealer on May 31, 2020 and June 3, 2020 for recycling processing services. The CCSWD received only two bids for this service; Kimble Transfer and Recycling (our current vendor) and Rumpke Waste and Recycling Co.

Prior to going out to bid, the Public Works Directors of the participating communities requested that we bid out the processing of recyclables which are collected in blue bags separately. All but two communities prohibit this type of disposal. We felt since the cost of processing is more when blue bags are involved, it would benefit the majority to do it this way.

Another topic discussed at great length was the volatility in the recycling market and did we want to be locked into a five-year contract. This is the way we have done it for the past ten years. As a result of this discussion, we felt it was in everyone's best interest to solicit bids for two-years with two additional one-year renewals for a grand total of four years.

The cost for processing recyclables in blue bags started at \$96.00 a ton all the way to \$126.08 a ton. Since Shaker Heights uses recycling buckets we will not be paying these additional costs.

The bids for processing loose recyclables are as follows:

| Recycling Processing Services (loose materials) |                   |                   |                             |                             |
|---|-------------------|-------------------|-----------------------------|-----------------------------|
| Bidder  | Yr 1<br>Price/ton | Yr 2<br>Price/ton | Option Yr<br>1<br>Price/Ton | Option Yr<br>2<br>Price/Ton |
| Kimble  | \$ 69.00          | \$ 71.07          | \$ 73.20                    | \$ 76.13                    |
| Republic/BFI                                    | no bid            | no bid            | <i>no bid</i>               | <i>no bid</i>               |
| Rumpke  | \$ 120.00         | \$ 120.00         | \$ 123.00                   | \$ 126.08                   |
| WMI   | no bid            | no bid            | <i>no bid</i>               | <i>no bid</i>               |

Any load with an estimated contamination rate of 22% or more will be rejected at the facility. The good news with the lowest bidder, Kimble Transfer & Recycling, is that they are the vendor we have been using for the past five-years with great results. Each community will enter into their own contract with Kimble Transfer & Recycling.

Anticipating that we would begin paying for processing of recyclables when our current contract expires in September, \$30,000 was included in the 2020 budget. This should be sufficient to cover these costs for the final four months of the year. Our yearly costs will be in the \$90,000 range. The cost to landfill solid waste currently costs \$47 a ton and will be \$48.50 in 2022 and \$50.00 in 2023.

This request was presented to the Safety & Public Works Committee at their August 7, 2020 meeting and passed unanimously. Council Chair Zimmerman stated sometimes you have to pay to do the right thing, which is the case with this request.

This request was also presented to the Finance Committee on August 17, 2020; it passed unanimously. There was a question about the variance in the unit costs between Kimble and Rumpke; typically when we see a significant difference in unit costs, it is a result of risk management and if a company wants to take the risk. Kimble Transfer & Recycling has worked with the City of Shaker Heights and understands our expectations and there are less unknowns for them.

Based on the results of the competitive bidding process and our experience with the low bidder, it is recommended that Kimble Transfer & Recycling be awarded the contract for processing recyclables at a cost of \$69 a ton for year one; \$71.07 a ton for year two; \$73.20 for optional year one; and \$76.13 a ton for option year two. We are requesting this ordinance be passed under suspension of the rules and as an emergency so that we can enter into a new contract before our current contract expires next month.

ORDINANCE NO.

BY:

Authorizing a contract with Kimble Transfer and Recycling, at a cost of \$69 a ton for year one, \$71.07 a ton for year two, \$73.20 for optional year one, and \$76.13 a ton for option year two, for recycling processing services, and declaring an emergency.

WHEREAS, the Cuyahoga County Solid Waste District agreed to facilitate the creation of a consortium (the "Consortium") including the cities of Shaker Heights, Beachwood, Cleveland Heights, Independence, Lyndhurst, Pepper Pike, Solon, University Heights, Warrensville Heights and the Villages of Moreland Hills, Highland Hills and Woodmere, to obtain recycling processing services for the participants in the Consortium; and

WHEREAS, in Ordinance No. 20-43 enacted on May 26, 2020, Council authorized the City's continued participation in the Consortium; and

WHEREAS, on behalf of the participants in the Consortium, on May 31, 2020 and June 3, 2020, the Cuyahoga County Solid Waste District published a request for proposals in the Plain Dealer for the recycling processing services; and

WHEREAS, two responsive proposals were submitted to the Consortium for the recycling processing services; and

WHEREAS, staff from the communities participating in the Consortium met to consider the proposals, and following discussion, unanimously recommended that the communities participating in the Consortium award the contract for the recycling processing services to Kimble Transfer and Recycling, which best demonstrated the capacity to perform all services requested within the request for proposals; and

WHEREAS, the Director of Public Works has recommended that the City enter into a contract with Kimble Transfer and Recycling, at a cost of \$69 a ton for year one, \$71.07 a ton for year two, \$73.20 for optional year one, and \$76.13 a ton for option year two, as a member of the Consortium with the Cuyahoga County Solid Waste District and the communities participating in the Consortium.

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

Section 1. The Mayor is hereby authorized to enter into a contract with Kimble Transfer and Recycling, at a cost of \$69 a ton for year one, \$71.07 a ton for year two, \$73.20 for optional year one, and \$76.13 a ton for option year two, for recycling processing services as a member of the Consortium with the Cuyahoga County Solid Waste District and the communities participating in the Consortium. 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, 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

coun20/0820kimbletransfer



## Memorandum

To: Members of City Council  
From: Patricia Speese, Public Works Director  
cc: David E. Weiss, Mayor  
Jeri E. Chaikin, CAO  
Date: August 24, 2020  
Re: **Enter into an Agreement between Cuyahoga County for the emergency repair of South Woodland Culvert No. 3 & Appropriation**

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In the spring of 2020, Public Works staff noticed a large sinkhole had started to develop along the curb line and catch basin in the general area of 23450 S. Woodland (just east of Green Road). Further investigation revealed the sink hole was a result of the 3-foot x 7-foot box culvert running under S. Woodland having collapsed. This culvert conveys storm water from the Shaker Blvd. median, travels in a southerly direction and outlets at Green Rd. & Bryden Road. This is the upstream portion of the Mill Creek Watershed.

Understanding time was of the essence, Public Works removed trees on the outlet side of the culvert in the spring of 2020 to avoid any conflicts with ODNR and the prohibitions with tree removal to protect the Indiana Bat. The design was started shortly thereafter. The general scope of the project consists of replacing the culvert under S. Woodland, grading of the outlet area, installation of new headwall/wing walls, placement of rock channel protection and restoration. The engineer's construction cost estimate is \$251,416.55; bids were received July 31, 2020 and are being reviewed, but fall within this estimate.

Since South Woodland is a County road, we reached out to the County to see if they could provide any emergency financial aid to protect South Woodland Road. The County Council approved this request and are able to provide 50% of the cost up to \$100,000 for the replacement of this culvert. The \$100,000 will need to be appropriated as a result of this award.

This request was presented to the Safety & Public Works Committee on August 7, 2020 and approved unanimously. Council Member Malone raised the question as to where the City's portion would come from and Director Speese responded that it would come out of the Sewer Capital Fund, which has funds set aside for emergency repairs.

This request was also presented to the Finance Committee on August 17, 2020, and was approved unanimously. There was a question about the County's responsibility to pay for the culvert replacement in full and not just 50%. The South Woodland culvert is owned by the City of Shaker Heights. County-owned-culverts are based on their size and have a larger span than the South Woodland culvert. Specific to this culvert, the City is primarily concerned about the conveyance of storm water; the County's principal reason for participating is ensuring safety for motorists. South Woodland is a County Route.

Another question asked at the Finance Committee was about NEORSD or the City of Cleveland contributing funds for the culvert project. NEORSD's storm water responsibilities are dependent on drainage area; for the District to have responsibility, the drainage area needs to be larger than 300 acres. The drainage area for the South Woodland culvert is less than the required 300 acres. This culvert conveys flow for the Mill Creek Watershed and is not part of the Parklands which is owned by the City of Cleveland. As such, Cleveland does not have any ownership or responsibility for this culvert.

We recommend entering into an Agreement with Cuyahoga County for the emergency repair of the South Woodland Culvert No. 3, at a contribution rate of 50%, up to a maximum of \$100,000, and to appropriate the \$100,000 into the Sewer Capital Fund. We are requesting this ordinance be passed under suspension of the rules and as an emergency so that we may obtain the funds for this project which has already been bid.

ORDINANCE NO.

BY:

Authorizing an Agreement of Cooperation with Cuyahoga County for the emergency repair of South Woodland Road Culvert No. 3, and declaring an emergency.

WHEREAS, the City of Shaker Heights (the "City") has recognized the need for the emergency repair of South Woodland Road Culvert No. 3 in the City of Shaker Heights (the "Improvement"); and

WHEREAS, Cuyahoga County (the "County") will be contributing fifty percent (50%) of the cost of the construction, including the supervision and administration of the construction, for the Improvement; and

WHEREAS, the County requires that the City enter into an Agreement of Cooperation with the County that sets forth the roles and responsibilities and financial commitments for the Improvement.

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

Section 1. The Mayor is hereby authorized to enter into an Agreement of Cooperation with Cuyahoga County for the emergency repair of South Woodland Road Culvert No. 3 within the City of Shaker Heights' corporate limits, and this Council hereby agrees as follows:

A. CONSENT. That it is declared to be in the public interest that the consent of the City be and such consent is hereby given to the County to participate in the cost of construction of the above-described Improvement.

B. COOPERATION.

1. That the City will cooperate with the County in the emergency repair of South Woodland Road Culvert No. 3 in the City of Shaker Heights.

2. That the City will arrange for the preparation of construction plans and specifications, including necessary engineering reports for the Improvement, under current County standards for construction of County roads and bridges.

3. That the City will arrange for the supervision and administration of the construction project.

C. FUNDING.

1. That the City hereby agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the project.

2. That the County shall contribute 50% of the cost of construction and construction engineering and inspection of the project, up to a maximum of \$100,000, which is determined to be eligible by the Cuyahoga County Engineer's policies. To determine funding eligibility, the County shall be notified immediately of any significant changes to the scope of work and/or construction cost.

D. MAINTENANCE. That upon completion of said Improvement, the City will thereafter keep said highway open to traffic at all times, and:

1. Maintain the Improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for such maintenance.

2. Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the County and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits.

3. After construction of the project is complete, the City agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency (O.E.P.A.).

E. TRAFFIC. That upon completion of said Improvement, the City will thereafter keep said highway open to traffic at all times, and:

1. Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the Improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code.

2. That the street or highway shall be and hereby is designated a through highway as provided in Section 4511.07(A)(6) Ohio Revised Code.

3. That stop signs affecting the movement of traffic on said street or highway within the roadway being improved shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met.

4. That no rule or regulation shall be enacted restricting the use of the improved road and/or structure by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage shall be rescinded.

5. The City shall regulate parking in the following manner: Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code unless otherwise controlled by local ordinance or resolution.

F. RIGHT-OF-WAY.

1. That all existing street and public right-of-way within the City which is necessary for the aforesaid Improvement shall be made available therefor.

2. That in the event any additional right-of-way is required, the County will arrange for the acquisition.

G. UTILITIES.

1. That the County will make arrangements with and obtain agreements from all privately owned public utility companies whose lines or structures will be affected by the said Improvement, and said companies have agreed to make any and all necessary arrangements in such a manner as to be clear of any construction called for by the plans of said Improvement, and said companies have agreed to make such necessary arrangements immediately after notification by the City.

2. That the County will pay the cost of alterations of governmentally owned utility facilities which come within the provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's *Real Estate Policies and Procedures Manual* to the same extent that it participates in the other costs of the project, provided,

however, that such participation will not extend to any additions or betterments of existing facilities.

3. The City shall cooperate with the County to make all arrangements of governmentally-owned utilities and/or appurtenances thereto which do not comply with the Provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's *Real Estate Policies and Procedures Manual*, whether inside or outside the corporate limits, as may be necessary to conform to the said Improvement.

4. That the construction, reconstruction, and/or arrangement of all utilities shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the Improvement, and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provision of the Ohio Department of Transportation Construction and Material Specifications.

H. MISCELLANEOUS.

1. That if the County is formally requested by City Resolution to include the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the Improvement), sidewalks, alternate bid items, or other items in the Improvement that are in addition to those now existing and not provided for elsewhere in this Ordinance, the County will do so, provided that this construction meets with the approval of the County and the City; and that the City agrees to pay, or make arrangements for the payment of, the cost of said additional construction and the cost of preliminary and design engineering, and construction supervision.

2. That the City shall be solely responsible for the certifications or obligations made or agreed to in Sections F-1, G-1, G-3, and G-4, and hereby agrees that the County shall be and is hereby released from any and all damages or claims of the City arising from or growing out of the certifications or obligations made or agreed to in Sections F-1, G-1, G-3, and G-4 hereinabove.

3. For the purpose of this Ordinance, the agent for the County and liaison officer on the matter contained herein shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of the Engineer's staff as the Engineer may designate.

4. By enacting this Ordinance, the City agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. The City also agrees to be bound by the provisions of Chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of Cuyahoga County.

I. AUTHORITY TO SIGN.

1. That the Mayor of the City is hereby empowered and directed on behalf of the City to enter into agreements with the County necessary to complete the planning and construction of this Improvement.

2. That the Mayor of the City is hereby empowered and directed on behalf of the City to make application to the County for approval to use County Motor Vehicle License Tax Funds for the Improvement.

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 to expedite highway improvements to promote highway 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

Coun20/0820S.Woodlandculvert



## Memorandum

**TO:** City Council Members

**FROM:** Joyce Braverman, Director of Planning

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

**DATE:** August 18, 2020

**SUBJECT:** **Warrensville Center Road Streetscape Improvements  
Construction Administration/Inspection Services Contract Amendment**

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This is a recommendation to amend and extend a professional services contract with Greenman-Pederson, Inc. (GPI) for construction inspection and administration of the Warrensville Center Road Streetscape Improvements project. This type of consultant is required by the Ohio Department of Transportation (ODOT) when Federal funding is involved in a project, and acts as the City's onsite construction manager and inspector for the duration of the project.

Primary streetscape construction activities include concrete sidewalks, curbs, asphalt pavement, ADA ramp installation, pedestrian lighting, landscaping and signage along the east side of Warrensville between Scottsdale and Farnsleigh, and along the north side of Farnsleigh between Warrensville and Thornton Park.

GPI was originally selected in 2019 and the contract was approved by Council in April 2019 through Ordinance 19-33. GPI was chosen through a Request for Qualifications which was posted on the ODOT website for three weeks per ODOT consultant contract administration requirements beginning March 11, 2019. Six letters of interest were submitted by the April 1 deadline. A selection committee reviewed the letters of interest and ranked them according to ODOT criteria.

GPI submitted a cost proposal in the total amount of \$233,949. The original contract is effective through August 1, 2020. The construction job was originally to be complete by June 1, 2020. Perk has completed 98% of the work. However, their sub-consultant, Trafftech, has experienced delays due to delivery issues related to COVID-19 and is behind in securing parts for the job. Since the construction is delayed, GPI's work inspecting and managing the job needs to be extended. GPI has requested an additional fee of \$8,589.00 to complete the job. This will bring the amended contract to \$242,533.00.

This item was reviewed by the Safety and Public Works Committee on August 7, 2020. The Committee recognized the need for extended time for the construction inspection services due to delays caused by COVID-19 and recommended approval. This request was also reviewed and approved by the Finance Committee on August 17, 2020.

### Recommendation

This is a recommendation to amend a professional services contract with Greenman-Pederson, Inc. (GPI) for construction inspection and administration of the Warrensville Center Road Streetscape Improvements project by \$8,589.00 for a total not-to-exceed amount of \$242,533.00.

The contract will be funded with Shaker Heights capital funds for Van Aken District construction, which were appropriated via Ordinance 08-87 and 08-127. Federal grant funds will also be used to reimburse this expense up to 80%.

It is requested that this item be passed on first reading and as an emergency in order to meet the construction project schedule.

ORDINANCE NO.

BY:

Authorizing an amendment to the contract between the City and Greenman-Pederson, Inc. (GPI) to extend the term of the contract for the Warrensville Center Road Streetscape Improvements Project, and to modify the cost for services in the amount of \$8,589, which will bring the total contract amount to \$242,533, and declaring an emergency.

WHEREAS, pursuant to Ordinance No. 19-33, enacted on April 22, 2019, the City entered into a professional construction administration and inspection services contract with Greenman-Pederson, Inc. (GPI) on May 15, 2019 for the Warrensville Center Road Streetscape Improvements Project, in the total not-to-exceed amount of \$233,949; and

WHEREAS, the project was to be completed by June 1, 2020, but construction has been delayed due to delays related to COVID-19; and

WHEREAS, the City and GPI have agreed to modify the current contract as follows:

- i. To extend the term of the agreement until December 31, 2020; and
- ii. To provide additional compensation in the amount of \$8,589 for the extended duration of the work.

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 amendment with Greenman-Pederson, Inc. (GPI) for the Warrensville Center Road Streetscape Improvement Project to extend the term of the contract and to increase the compensation by \$8,589. Said amendment 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 to keep the project on its new schedule, and therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted

Approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
DAVID E. WEISS, MAYOR

Attest:

\_\_\_\_\_  
JERI E. CHAIKIN  
Clerk of Council



## Memorandum

To: City Council Members

From: Joyce G. Braverman, Director of Planning, Planning  
Kara Hamley O'Donnell, Principal Planner, Planning

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

Date: August 17, 2020

Re: **ODOT Safety Grant—Warrensville Center Road-S. Woodland Road Intersection**

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This is a request to authorize a grant application to, and to accept a grant from, the Ohio Department of Transportation (ODOT) Highway Safety Improvement Program (HSIP) Safety Grant. The Ohio Department of Transportation dedicates about \$102 million annually for engineering improvements at high-crash and severe-crash locations for ODOT staff and local governments to make improvements on any public roadway.

The Planning Department will apply for a grant not to exceed \$275,000 to pay for engineering and implementation of pedestrian and infrastructure improvements at the South Woodland Road intersection with Warrensville Center Road, as recommended in the 2018 *Van Aken District Signal Study* prepared by HNTB. (See the map/diagram attached to this memo.) This dangerous intersection has various geometric and traffic operational issues that negatively affect travel for motorists, pedestrians, and cyclists. The often-congested intersection is located within a block of the GCRTA Green line rapid stop and Shaker Middle School, to which many students walk and bike. In the past 3 years, unfortunate accidents have resulted in two fatalities from an automobile accident.

Proposed traffic changes will result in curb changes and reduce the number of signal phases and the required cycle length, which will reduce vehicle delays. It will allow a shorter crosswalk length. Installing a new controller capable of supporting nine phases will allow the intersection to operate in a fully-actuated mode, which will improve the overall operational efficiency and further reduce delays. Restriping the South Woodland approaches to provide exclusive left turn lanes and providing actuated, lead-left phasing will address problems with through-traveling traffic being blocked by turning vehicles. Providing two through lanes in the westbound direction will maximize the existing intersection capacity and reduce queue lengths for the heaviest direction of travel.

The proposed countermeasures improve operations, reduce driver confusion, and improve safety for all users -bikes, pedestrians and cars - by creating a more conventional intersection, reducing pedestrian crossing distance/time, rerouting pedestrians to crosswalks that are more visible to oncoming traffic, and improving intersection geometry. Pulling in curb returns and landscaping existing paved areas will reduce the overall intersection area, shorten pedestrian crossing distance and time, and reduce bicycle clearance times.

Proposed Warrensville Center Road/South Woodland Road improvements will complete the recommendations of the 2018 *Van Aken District Signal Study* which recommended improvements to the following intersections:

- Warrensville Center Road/Shaker Boulevard (2021 construction),
- Warrensville Center Road/South Woodland Road,
- Warrensville Center Road/Farnsleigh Road (completed),
- Chagrin Boulevard/Lynnfield Road (2020 construction), and
- Farnsleigh Road/Van Aken Boulevard/Shaker Plaza Drive (completed).

All improvements, with the exception of Warrensville Center Road/South Woodland will be completed by 2021.

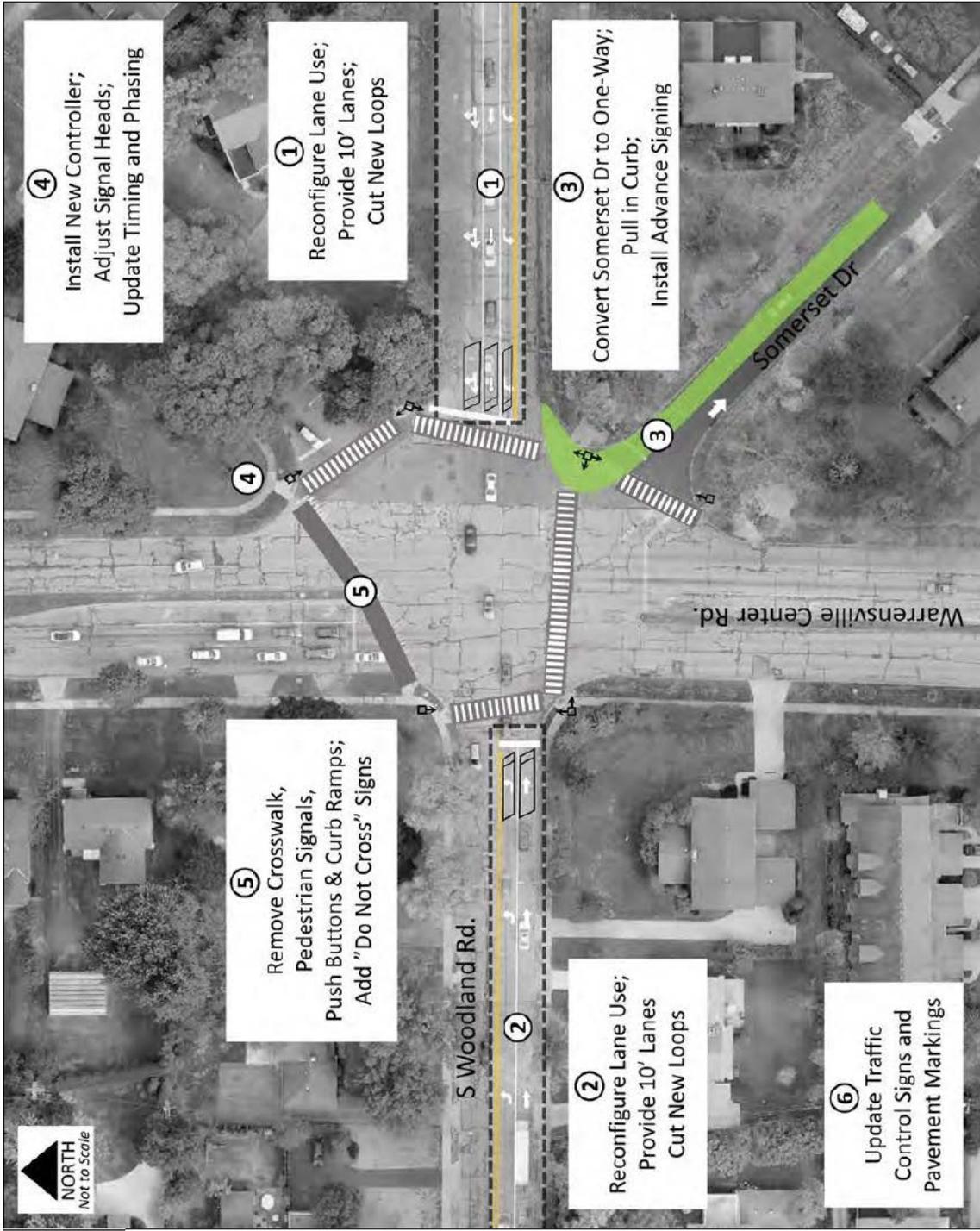
This is a request to authorize a grant application to ODOT for \$275,000 for engineering and construction; City contribution of approximately \$12,500 for Construction Management Construction Inspection (CMCI), and a 10% local match of \$27,500 is required, resulting in a \$40,000 City cost for this project. This \$40,000 was in the 2020 Capital Budget, but was deferred as part of the \$5 million+ of expenses removed from the budget due to projected revenue losses. If we receive the grant, the \$40,000 match would come from the \$1.5+ million balance in the General Capital Fund.

ODOT's HSIP grant applications under \$500,000 are accepted on a rolling basis, though the large-project grant deadline is September 30; we propose to work with City Engineer GPD to submit an application for this reimbursable grant in early September in hopes of an expedited review. This may also permit the project implementation to be coordinated with Warrensville Center Road repaving scheduled for 2021.

The Safety and Public Works Committee and Finance Committee reviewed this request for authorization of an application for, and acceptance of, a grant of up to \$275,000 from ODOT. A \$40,000 City contribution is required (\$27,500 grant match, \$12,500 CMCI), and sufficient funds would need to be budgeted from the overall unallocated dollars in the capital budget to meet this requirement.

On August 7, 2020, the Safety and Public Works Committee approved the request with a discussion about coordination with the Warrensville resurfacing and clarification about the City's match. On August 17, 2020, the Finance Committee approved the request. Both Committees recommend this request to City Council for final approval. We request that this item be passed on first reading and as an emergency, in order to meet the grant deadline.

Figure 12: Long-Term Countermeasures (Warrensville Center Rd./S Woodland Blvd.)



ORDINANCE NO.

BY:

Authorizing the City's application for and acceptance of a grant in the total amount of up to \$275,000 from the Ohio Department of Transportation ("ODOT") for pedestrian and infrastructure improvements at the South Woodland Road/Warrensville Center Road intersection, and declaring an emergency.

WHEREAS, the City's Director of Planning has recommended that the City apply to the Ohio Department of Transportation (ODOT) under the Highway Safety Improvements Program (HSIP) for support in funding pedestrian and infrastructure improvements at the South Woodland Road/Warrensville Center Road intersection, in the total amount of up to TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$275,000); and

WHEREAS, this grant requires a City contribution of approximately \$12,500 for Construction Management Construction Inspection (CMCI), and a 10% local match of \$27,500, resulting in a \$40,000 City cost for this project.

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 apply for and accept a grant from the Ohio Department of Transportation, in a total amount of up to TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$275,000) for pedestrian and infrastructure improvements at the South Woodland Road/Warrensville Center Road intersection, and hereby authorizes the Mayor to accept any related grant awards for the purposes set forth in the authorized grant application. The grant requires a City contribution of approximately \$12,500 for Construction Management Construction Inspection (CMCI), and a 10% local match of \$27,500, resulting in a \$40,000 City cost for this project.

Section 2. The Mayor is hereby authorized and directed to work cooperatively with ODOT, abide by all ODOT policies, and to enter into such agreements with ODOT and other agencies as may be necessary for the application for and receipt of ODOT grant funds and related funding, as provided by law. Said agreements shall be in the form as approved by the Director of Law.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City, and further, that the application and supporting legislation for grant funds authorized herein must be provided by September 30, 2020, 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

coun20/0819ODOT-HSIPgrant-WCR-S.Woodlandintersection



**MEMORANDUM**

**To:** Members of Council  
**From:** Patrick Sweeney, Chief of Fire  
**C:** David E. Weiss, Mayor  
Jeri E. Chaikin, CAO  
**Date:** August 24, 2020  
**RE:** Assistance to Firefighters Grant – COVID-19 Supplemental Program

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The Shaker Heights Fire Department, on behalf of 33 communities in Cuyahoga County, made application for a FEMA Assistance to Firefighters (AFG) COVID-19 Grant. This AFG grant became available during the early stages of the current pandemic emergency to provide funding to Fire Departments in need of procuring personal protective equipment for Firefighters responding to the medical needs of citizens who may be infected with COVID-19.

As with many FEMA Grant opportunities, making application through a regional partnership as opposed to a single agency application, in a coordinated manner, has a higher likelihood of being approved for federal funding. In doing so, one municipality needs to be willing to take the lead on the application process and act as the fiduciary for the group if the application is approved for federal funding. After discussing this with Shaker Administration, the Shaker Heights Fire Department agreed to be the lead agency in making the grant application along with acting as the fiduciary for any awarded grant funds.

While completing the grant application, a total of 33 Fire Departments in Cuyahoga County requested to be a part of the grant request and via a memorandum of understanding, agreed to reimburse Shaker Heights for each city’s portion of a required 10% grant match. The total federal grant request for the 33 communities is \$177,487.68 with a total applicant match (10%) of \$17,748.77. This equates to a total project amount of \$195,236.45 for the purchase of COVID-19 personal protective equipment. This equipment consists of N95 masks, Surgical Masks, Eye Protection, Shoe Covers, and Gowns. This equipment has been identified as essential for Firefighters providing emergency medical care to residents in our communities.

With much assistance from the Law Department, a memorandum of understanding (MOU) was drawn up between the City and all other participating communities. (*See the MOU attached to the legislation accompanying this memorandum.*) This MOU outlines the grant application process, what the grant funding will provide to each department, and required a representative from each department to acknowledge, via signature, the required match that will need to be reimbursed back to the City of Shaker Heights. The reimbursement process will be initiated via an invoice generated to each municipality from the Fire Department.

This item was presented to the Safety and Public Works Committee on August 7, 2020. Councilmember Sean Malone wanted to make sure that this grant would not place undue administrative responsibilities onto the City of Shaker Heights. Chief Sweeney explained that this grant application process involved much help from the Law Department and that future administrative duties will be minimal and will be mostly managed by the Fire Department. This item was passed by Safety and Public works with no further discussion.

Additionally, this item was presented and approved by the Finance Committee on August 17, 2020. Citizen member Lalley asked about the possibility of another community being unable to provide the 10% match reimbursement to The City of Shaker Heights. Chief Sweeney explained that if a city was unable to meet their financial match obligations, the equipment that was secured for that department would be made available to other communities willing to pay the required match for that equipment.

The Fire Department recommends that Council accept the awarded \$177,487.68 FEMA AFG COVID-19 funds. Additionally, Council is requested to appropriate the total project cost of \$195,236.45 to the Fire Department operating budget. This will allow the Fire Department to start the procurement process of this critical protective equipment as expeditiously as possible. All of this appropriation request will be reimbursed to the City of Shaker Heights with the exception of \$868.34 which is the required match from Shaker Heights.

We respectfully ask that an ordinance in support of this request be passed under suspension of the rules, and as an emergency to allow the Fire Department to purchase allowable items as quickly as possible.

ORDINANCE NO.

BY:

Authorizing the acceptance of a \$177,487.68 grant, on behalf of 33 communities, from the Federal Emergency Management Agency, through the Assistance to Firefighters COVID-19 Grant funding program, to purchase personal protective equipment, and declaring an emergency.

WHEREAS, the City applied for a grant, on behalf of 33 communities, from the Assistance to Firefighters COVID-19 Grant Program, through the Federal Emergency Management Agency, to fund the purchase of personal protective equipment; and

WHEREAS, the City entered into a Memorandum of Understanding (MOU) with 33 Fire Departments in Cuyahoga County who requested to be a part of the grant application process and agreed to reimburse the City for their portion of a required 10% grant match which totals \$17,748.77, for a total project amount of \$195,236.45 (and the MOU is attached to this legislation and incorporated herein); and

WHEREAS, the City was awarded a grant from the Assistance to Firefighters COVID-19 Grant Program, through the Federal Emergency Management Agency, in the total amount of ONE HUNDRED SEVENTY-SEVEN THOUAND FOUR HUNDRED EIGHTY-SEVEN AND 68/100 DOLLARS (\$177,487.68); and

WHEREAS, the grant requires a minimum cash match from the City in the total amount of \$868.34, which is available in the Fire Department's operating budget.

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

Section 1. The City is hereby authorized and directed to accept a \$177,487.68 grant from the Federal Emergency Management Agency (FEMA) through the Assistance to Firefighters COVID-19 Grant funding program, to purchase personal protective equipment, to purchase said equipment, and to distribute the equipment according to the terms of the attached Memorandum of Understanding after receipt by the City of payment by each city of its match amount. This grant requires a minimum cash match from the City in the total amount of \$868.34, which is available in the Fire Department's operating budget.

Section 2. The Mayor is authorized and directed to enter into such agreements as may be necessary in conjunction with a grant in the total amount of ONE HUNDRED SEVENTY-SEVEN THOUAND FOUR HUNDRED EIGHTY-SEVEN AND 68/100 DOLLARS (\$177,487.68) from the Federal Emergency Management Agency (FEMA), through the Assistance to Firefighters COVID-19 Grant funding program, as approved by the Director of Law.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City and further, in order to allow the Fire Department to purchase the protective equipment as quickly as possible during the current pandemic, 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

coun20/0818FEMAFiregrant-PPE

# Assistance to Firefighters Grant – COVID-19 Supplemental Program EMW-2020-FG-02887 Memorandum of Understanding

WHEREAS, the 33 participating communities listed below and located in Cuyahoga County, Ohio (the "Communities") have come together to collaborate and to make an application for the 2020 Assistance to Firefighters Grant – COVID-19 Supplemental (the "Grant"); and

WHEREAS, the Communities have agreed to enter into a collaborative agreement in which the City of Shaker Heights Fire Department will be the lead agency and named applicant and the other Communities will be partners in the application (the "Collaborative"); and

WHEREAS, the Communities herein desire to enter into a Memorandum of Understanding setting forth the matching amount each Community will contribute, how much PPE each Community will receive and the services to be provided by the collaborative.

Now, therefore, the Communities listed below agree as follows:

## 1) Collaborative Communities:

The Communities that are the members of the Collaborative are as follows:

| <u>Department</u>  | <u>EIN</u> | <u>PPE Total Cost</u> | <u>Community Cost Share</u> |
|--------------------|------------|-----------------------|-----------------------------|
| Beachwood          | 346000211  | \$10,375.40           | \$1,037.54                  |
| Brooklyn           | 34600347   | \$5,459.83            | \$545.98                    |
| Brooklyn Heights   | 3460044    | \$1,263.03            | \$126.30                    |
| Chagrin Falls      | 341047668  | \$3,344.70            | \$334.47                    |
| Cleveland Heights  | 346000820  | \$14,283.00           | \$1,428.30                  |
| Cuyahoga Heights   | 34600820   | \$1,150.14            | \$115.01                    |
| East Cleveland     | 34600688   | \$12,458.62           | \$1,245.86                  |
| Euclid             | 34600965   | \$21,032.39           | \$2,103.24                  |
| Gates Mills        | 346001205  | \$514.18              | \$51.42                     |
| Highland Heights   | 346001377  | \$3,264.01            | \$326.40                    |
| Highland Hills     | 3466779344 | \$1,438.09            | \$143.81                    |
| Independence       | 346001474  | \$3,875.10            | \$387.51                    |
| Lakewood           | 346001633  | \$13,809.96           | \$1,381.00                  |
| Lyndhurst          | 346001741  | \$5,135.71            | \$513.57                    |
| Mayfield Heights   | 346001842  | \$8,179.15            | \$817.91                    |
| Mayfield Village   | 346001844  | \$2,734.02            | \$273.40                    |
| Middleburg Heights | 346001879  | \$6,414.12            | \$641.41                    |
| Newburg Hts        | 346002011  | \$1,186.44            | \$118.64                    |
| North Olmsted      | 346002048  | \$8,507.37            | \$850.74                    |
| North Royalton     | 346002054  | \$6,529.56            | \$652.96                    |

|                      |           |             |            |
|----------------------|-----------|-------------|------------|
| Oakwood Village      | 346003713 | \$3,873.85  | \$387.38   |
| Olmsted Twp.         | 346002098 | \$3,923.28  | \$392.33   |
| Orange               | 346002105 | \$2,153.32  | \$215.33   |
| Pepper Pike          | 346002182 | \$2,360.16  | \$236.02   |
| Richmond Heights     | 340928475 | \$4,132.53  | \$413.25   |
| Rocky River          | 346002316 | \$6,066.26  | \$606.63   |
| Seven Hills          | 346002606 | \$2,477.16  | \$247.72   |
| Shaker Heights       | 346002615 | \$8,683.43  | \$868.34   |
| Solon                | 346002686 | \$6,502.02  | \$650.20   |
| Strongsville         | 346002751 | \$12,192.43 | \$1,219.24 |
| University Heights   | 346002925 | \$4,609.82  | \$460.98   |
| Warrensville Heights | 346002992 | \$6,604.30  | \$660.43   |
| Woodmere             | 346003121 | \$704.78    | \$70.48    |

## 2) Collaborative Project Development

The Collaborative Communities recognize the need to apply for the Assistance to Firefighters Grant – COVID-19 Supplemental Program to support the regional Personal Protective Equipment (PPE) needs to safely respond to COVID-19 emergency calls. This Grant will allow the participating Communities to obtain additional PPE for the next six months while using U.S. Centers for Disease Control (CDC) and Department of Health & Human Services best practices for PPE reuse.

All PPE will meet CDC, NIOSH and NFPA 1581 Standard on Infection Control Programs specifications for safe use for infectious diseases including COVID-19 response. All 33 participating communities identified current critical PPE needs, and their PPE requests were based on expected COVID-19 responses using a conservative burn rate formula. The proposed distribution to each collaborative partner is listed below:

| Department           | N95 Masks | Surgical Masks | Eye Protection | Shoe Covers | Gowns |
|----------------------|-----------|----------------|----------------|-------------|-------|
| Beachwood FD         | 679       | 5500           | 42             | 4076        | 1359  |
| Brooklyn FD          | 356       | 2884           | 25             | 2137        | 712   |
| Brooklyn Heights FD  | 72        | 585            | 29             | 433         | 144   |
| Chagrin Falls FD     | 203       | 1644           | 50             | 1218        | 406   |
| Cleveland Heights FD | 926       | 7500           | 78             | 5558        | 1853  |
| Cuyahoga Heights FD  | 64        | 520            | 30             | 385         | 128   |
| East Cleveland FD    | 818       | 6620           | 46             | 4905        | 1635  |
| Euclid FD            | 1380      | 11171          | 79             | 8278        | 2759  |
| Gates Mills FD       | 24        | 195            | 24             | 144         | 48    |
| Highland Heights FD  | 208       | 1685           | 26             | 1249        | 416   |
| Highland Hills FD    | 86        | 698            | 24             | 517         | 172   |
| Independence FD      | 247       | 2000           | 31             | 1482        | 494   |
| Lakewood FD          | 889       | 7200           | 90             | 5335        | 1778  |
| Lyndhurst FD         | 334       | 2704           | 26             | 2004        | 668   |
| Mayfield Hts FD      | 534       | 4322           | 37             | 3203        | 1068  |
| Mayfield Village FD  | 173       | 1400           | 25             | 1037        | 346   |
| Middleburg Hts FD    | 420       | 3400           | 26             | 2519        | 840   |
| Newburgh Hts. FD     | 69        | 561            | 24             | 416         | 139   |
|                      |           |                |                |             |       |

| Department          | N95 Masks | Surgical Masks | Eye Protection | Shoe Covers | Gowns |
|---------------------|-----------|----------------|----------------|-------------|-------|
| North Olmsted FD    | 554       | 4483           | 42             | 3322        | 1107  |
| North Royalton FD   | 424       | 3431           | 35             | 2542        | 847   |
| Oakwood FD          | 232       | 1879           | 65             | 1392        | 464   |
| Olmsted Twp FD      | 253       | 2051           | 24             | 1520        | 507   |
| Orange FD           | 124       | 1006           | 47             | 745         | 248   |
| Pepper Pike FD      | 148       | 1200           | 24             | 889         | 296   |
| Richmond Hts FD     | 268       | 2172           | 22             | 1609        | 536   |
| Rocky River FD      | 395       | 3200           | 29             | 2371        | 790   |
| Seven Hills FD      | 148       | 1200           | 42             | 889         | 296   |
| Shaker Hts FD       | 562       | 4547           | 51             | 3369        | 1123  |
| Solon FD            | 411       | 3324           | 61             | 2463        | 821   |
| Strongsville FD     | 793       | 6422           | 61             | 4759        | 1586  |
| University Hts FD   | 296       | 2400           | 31             | 1778        | 593   |
| Warrensville Hts FD | 432       | 3500           | 27             | 2594        | 865   |
| Woodmere FD         | 34        | 274            | 31             | 203         | 68    |

### 3) Development of Application

The application process was initiated and carried out by the Shaker Heights Fire Department. The Shaker Heights Fire Department entered all required data and detailed information. The information was requested by the Shaker Heights Fire Department; each department provided their own information for the grant application and information was submitted to the Shaker Heights Fire Department for entry in the application. This application process has strengthened the collaborative efforts across all of Cuyahoga County between participating Communities and will improve operational safety of all participating Communities.

### 4) Roles and Responsibilities

The City of Shaker Heights will be the fiscal agent responsible for all financial aspects of the Grant, including receiving of Grant funds, purchasing the PPE, distributing the PPE to the Communities, completing Grant reports, and correspondence related to the Grant.

The City of Shaker Heights will purchase the PPE with the Grant funds and the full *applicant's matching share* of the Grant. Shaker Heights will send an invoice to each Community for its respective matching share.

Each Collaborative Community's matching share of the total *applicant share* shall be calculated as 10% of the grant amount awarded to each Community, as set forth in Section 1 above. Any unforeseen additional expenses to effectuate the Grant beyond the applicant share will be split equally between all collaborative partners.

Once a Community pays its matching share, then the PPE will be released to that Community of the type and in the quantities as set forth in Section 2 above. If a Community fails to pay its share within sixty (60) days after the date of the invoice sent by Shaker Heights, then its portion of the PPE may be redistributed to the other Communities after payment of the matching share by any Community receiving an additional share of PPE.

Participating Communities agree to follow the requirements as outlined in the 2020 Grant Application and this MOU. The Collaborative Communities also agree to continue to follow CDC and HHS best

practices for extending the use of PPE to ensure obtained PPE is not needlessly prematurely discarded.

**Collaborative Communities Matching Share Calculation**

| Total Federal Grant | Total Applicant Match (10%) | Total Project Amount | Number of Collaborative Communities | Total Community Share                               |
|---------------------|-----------------------------|----------------------|-------------------------------------|---|
| \$177,487.68        | \$17,748.77                 | \$195,236.45         | 33                                  | Varies According to amount of PPE – see chart above |

The Collaborative Communities agree to pay to the City of Shaker Heights their matching share of the total matching share in a timely manner after receipt of an invoice.

**5) Receipt of Grant Funds**

The roles and responsibilities described above are contingent on the City of Shaker Heights Fire Department receiving funds requested for the project described in the 2020 Assistance to Firefighters Grant – COVID-19 Supplemental Program Grant application. Responsibilities under this Memorandum of Understanding shall coincide with the Grant period.

**6) Miscellaneous**

By entering into this Agreement, each Community agrees on behalf of itself, its officers, employees and agents, that all documents requiring a Community's signature may be executed by electronic means, and that the electronic signatures affixed by the Community to this document shall have the same legal effect as if that signature was manually affixed to a paper version of the document. The Community also agrees on behalf of the aforementioned entities and persons to be bound by the provisions of Chapter 1306 of the Ohio Revised Code as they pertain to electronic transactions.

Each Community releases, for itself and its employees, officers, officials and agents, the City of Shaker Heights, its employees, officers, officials, and agents, from any and all claims, demands, and/or causes of action, legal or equitable, whether arising out of contract, tort, or otherwise, related to the Grant, the PPE, and the use of the grant funds and/or PPE by any Community.

***Each Community's Fire Chief, as its Community's authorized representative, has indicated the approval of the Chief's Community of the terms herein by signing below as of the date indicated.***

Chief   
Beachwood Fire Department

Date 6-3-2020

Chief   
Cleveland Heights Fire Department

Date 6/3/2020

Chief   
Chagrin Falls Fire Department

Date 6/3/2020

Chief   
East Cleveland Fire Department

Date 6/4/2020

Chief *Joseph M. Madal*  
Euclid Fire Department

Date 6-4-2020

Chief *Will R F*  
Highland Heights Fire Department

Date 6/4/2020

Chief *Wanda Spald*  
Lyndhurst Fire Department

Date 6/4/2020

Chief *Raymond Knight*  
Mayfield Village Fire Department

Date 06/04/2020

Chief *[Signature]*  
Orange Fire Department

Date 6/04/20

Chief *Shirley B. B...*  
Richmond Heights Fire Department

Date 6/4/2020

Chief *See Attached*  
Solon Fire Department

Date \_\_\_\_\_

Chief *[Signature]*  
Warrensville Hts. Fire Department

Date 6/04/20

Chief *P. Thomas Robinson*  
Gates Mills Fire Department

Date 6/5/2020

Chief *[Signature]*  
Highland Hills Fire Department

Date 6/3/20

Chief *Leo Elliott*  
Mayfield Heights Fire Department

Date: 6-5-20

Chief *Paul Tapp*  
Oakwood Village Fire Department

Date 06/04/2020

Chief *[Signature]*  
Pepper Pike Fire Department

Date 06/04/2020

Chief *[Signature]*  
Shaker Heights Fire Department

Date 06/03/2020

Chief *B. D. Ph...*  
University Heights Fire Department

Date 6/3/2020

Chief *Johnny Brewington*  
Woodmere Fire Department

Date 6/4/2020

Chief [Signature]  
Brooklyn Fire Department

Date 6/4/2020

Chief [Signature]  
Cuyahoga Heights Fire Department

Date 6/4/2020

Chief Timothy P. Dunphy  
Lakewood Fire Department

Date 6/4/2020 (2)

Chief Brian H. Huggenbultum  
Newburgh Heights Fire Department

Date 6/4/2020

Chief [Signature]  
North Royalton Fire Department

Date 6/3/20

Chief [Signature]  
Rocky River Fire Department

Date 6-8-20

Chief John D. Brown, Chief  
Strongsville Fire Department

Date 6/3/2020

Chief [Signature]  
Brooklyn Heights Fire Department

Date 6-4-2020

Chief [Signature]  
Independence Fire Department

Date 6-4-2020

Chief [Signature]  
Middleburg Heights Fire Department

Date 6/3/2020

Chief [Signature]  
North Olmsted Fire Department

Date 6/4/2020

Chief [Signature]  
Olmsted Township Fire Department

Date 6/3/2020

Chief [Signature]  
Seven Hills Fire Department

Date 6-3-2020

Chief \_\_\_\_\_  
Euclid Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Highland Heights Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Lyndhurst Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Mayfield Village Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Orange Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Richmond Heights Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Solon Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Warrensville Hts. Fire Department

Date 6-5-2020

Chief \_\_\_\_\_  
Gates Mills Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Highland Hills Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Mayfield Heights Fire Department

Date: \_\_\_\_\_

Chief \_\_\_\_\_  
Oakwood Village Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Pepper Pike Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Shaker Heights Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
University Heights Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Woodmere Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Euclid Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Highland Heights Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Lyndhurst Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Mayfield Village Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Orange Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Richmond Heights Fire Department

Date \_\_\_\_\_

MAYOR  
Chief *[Signature]*  
Solon Fire Department

Date 6-8-2020

Chief \_\_\_\_\_  
Warrensville Hts. Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Gates Mills Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Highland Hills Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Mayfield Heights Fire Department

Date: \_\_\_\_\_

Chief \_\_\_\_\_  
Oakwood Village Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Pepper Pike Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Shaker Heights Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
University Heights Fire Department

Date \_\_\_\_\_

Chief \_\_\_\_\_  
Woodmere Fire Department

Date \_\_\_\_\_

**Mike Carroll**

---

**From:** mike celiga <mceliga\_ecfd@yahoo.com>  
**Sent:** Thursday, June 4, 2020 10:37 AM  
**To:** Mike Carroll  
**Subject:** Fw: MOU

[Sent from Yahoo Mail on Android](#)

----- Forwarded Message -----

**From:** "mike celiga" <mceliga\_ecfd@yahoo.com>  
**To:** "Patrick Sweeney" <patrick.sweeney@shakeronline.com>  
**Sent:** Thu, Jun 4, 2020 at 9:58 AM  
**Subject:** MOU

Good morning,

I am sending this email to ask that this serves as my signature as it pertains to the AFG PPE MOU. The city of East Cleveland understands the intent of the MOU and agrees to its purpose. Please accept this as the signature required as I am out of town and dont have a timeline of my return.

Michal J. Celiga, Fire Chief

[Sent from Yahoo Mail on Android](#)



**MEMORANDUM**

**To:** Members of Council

**From:** Patrick Sweeney, Chief of Fire

**C:** David E. Weiss, Mayor  
Jeri E. Chaikin, CAO

**Date:** August 24, 2020

**RE:** 2020-2021 Ohio Department of Public Safety-Division of EMS Grant

---

The Shaker Heights Fire Department applied for and was awarded \$2846.43 for the 2020-2021 State Board of Emergency Medical, Fire, and Transportation Services Grant. The Fire Department is requesting Council approval to accept the awarded \$2846.43 grant funds and to appropriate the same amount into the Fire Department operating budget. No matching funds are required from the City.

This grant is administered by the Ohio Department of Public Safety, Division of Emergency Medical Services, and is to improve and enhance EMS and trauma patient care in Ohio through the provision of grant funding for equipment, training, and research. The funding source for the grant program is fines levied in the State of Ohio for seat belt violations.

The Fire Department has been awarded grant funds from this same program in past applications which have been used to purchase EMS equipment (cardiac EKG leads, immobilization equipment, diabetic monitoring devices, etc.) for all ALS squads and training programs as stipulated in the Ohio Department of Public Safety (ODPS) EMS Grant rules. This grant has been supported by the City in the past and has assisted the Fire Department in securing equipment and training aids.

The Fire Department recommends that Council accept and appropriate \$2846.43 to the Fire Department operating budget for the purpose of purchasing EMS supplies for the Fire Department Rescue Squads. We respectfully ask that each of the ordinances in support of this request be passed under suspension of the rules, and as an emergency, to allow the Fire Department to purchase allowable items within the grant reimbursement timeline.

ORDINANCE NO.  
BY:

Approving acceptance of a 2020-2021 State Board of Emergency Medical, Fire and Transportation Services Grant from the Ohio Department of Public Safety, Division of Emergency Medical Services, for the purchase of EMS supplies for the Fire Department Rescue Squads, and declaring an emergency.

WHEREAS, the City applied for and was awarded a 2020-2021 State Board of Emergency Medical, Fire and Transportation Services Grant from the Ohio Department of Public Safety, Division of Emergency Medical Services, in the amount of \$2,846.43, for the purchase of EMS supplies for the Fire Department Rescue Squads; and

WHEREAS, the grant does not require any matching funds from the City.

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

Section 1. The Mayor is hereby authorized to accept a 2020-2021 State Board of Emergency Medical, Fire and Transportation Services Grant from the Ohio Department of Public Safety, Division of Emergency Medical Services for the purchase of EMS supplies for the Fire Department Rescue Squads.

Section 2. The Mayor is authorized and directed to enter into such agreements as may be necessary in conjunction with said Grant, as approved by the Director of Law.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City and further, in order for the Fire Department to purchase emergency medical services supplies within the grant reimbursable timeline, 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

coun20/0819odpsEMSgrant2020-2021



## Memorandum

To: Members of City Council  
From: Patricia Speese, Public Works Director  
cc: David E. Weiss, Mayor  
Jeri E. Chaikin, CAO  
Date: August 24, 2020  
Re: **Enter into an Agreement between Cuyahoga County for the emergency repair of South Woodland Culvert No. 3 & Appropriation**

---

In the spring of 2020, Public Works staff noticed a large sinkhole had started to develop along the curb line and catch basin in the general area of 23450 S. Woodland (just east of Green Road). Further investigation revealed the sink hole was a result of the 3-foot x 7-foot box culvert running under S. Woodland having collapsed. This culvert conveys storm water from the Shaker Blvd. median, travels in a southerly direction and outlets at Green Rd. & Bryden Road. This is the upstream portion of the Mill Creek Watershed.

Understanding time was of the essence, Public Works removed trees on the outlet side of the culvert in the spring of 2020 to avoid any conflicts with ODNR and the prohibitions with tree removal to protect the Indiana Bat. The design was started shortly thereafter. The general scope of the project consists of replacing the culvert under S. Woodland, grading of the outlet area, installation of new headwall/wing walls, placement of rock channel protection and restoration. The engineer's construction cost estimate is \$251,416.55; bids were received July 31, 2020 and are being reviewed, but fall within this estimate.

Since South Woodland is a County road, we reached out to the County to see if they could provide any emergency financial aid to protect South Woodland Road. The County Council approved this request and are able to provide 50% of the cost up to \$100,000 for the replacement of this culvert. The \$100,000 will need to be appropriated as a result of this award.

This request was presented to the Safety & Public Works Committee on August 7, 2020 and approved unanimously. Council Member Malone raised the question as to where the City's portion would come from and Director Speese responded that it would come out of the Sewer Capital Fund, which has funds set aside for emergency repairs.

This request was also presented to the Finance Committee on August 17, 2020, and was approved unanimously. There was a question about the County's responsibility to pay for the culvert replacement in full and not just 50%. The South Woodland culvert is owned by the City of Shaker Heights. County-owned-culverts are based on their size and have a larger span than the South Woodland culvert. Specific to this culvert, the City is primarily concerned about the conveyance of storm water; the County's principal reason for participating is ensuring safety for motorists. South Woodland is a County Route.

Another question asked at the Finance Committee was about NEORSD or the City of Cleveland contributing funds for the culvert project. NEORSD's storm water responsibilities are dependent on drainage area; for the District to have responsibility, the drainage area needs to be larger than 300 acres. The drainage area for the South Woodland culvert is less than the required 300 acres. This culvert conveys flow for the Mill Creek Watershed and is not part of the Parklands which is owned by the City of Cleveland. As such, Cleveland does not have any ownership or responsibility for this culvert.

We recommend entering into an Agreement with Cuyahoga County for the emergency repair of the South Woodland Culvert No. 3, at a contribution rate of 50%, up to a maximum of \$100,000, and to appropriate the \$100,000 into the Sewer Capital Fund. We are requesting this ordinance be passed under suspension of the rules and as an emergency so that we may obtain the funds for this project which has already been bid.

ORDINANCE NO.  
BY:

Amending Ordinances No. 19-121 and No. 20-09, ordinances appropriating funds from the Sewer Capital Improvements Fund No. 402 to provide funding for the repair of mainline sewers, laterals and culverts, by appropriating an additional \$100,000, and declaring an emergency.

WHEREAS, the Public Works Department has requested an additional \$100,000 be appropriated for the emergency repair of South Woodland Culvert No. 3.

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

Section 1. That to provide for the capital expenses of the City of Shaker Heights for the fiscal year ending December 31, 2020, the following appropriation is hereby authorized, amending Ordinance No. 19-121, which was enacted December 16, 2019, and amending Ordinance No. 20-09, which was enacted January 27, 2020.

Section 2. That there be and is hereby appropriated from the Sewer Capital Improvement Fund No. 402 the sum of \$2,144,167 to provide for the repair of mainline sewers, and laterals and culverts as follows:

| <b>Project</b>                        | <b>Current Allocation</b> | <b>Revision</b>  | <b>Total Allocation</b> |
|---------------------------------------|---------------------------|------------------|-------------------------|
| <b><u>2020 Sewer Improvements</u></b> |                           |                  |                         |
| Various Sewer Improvements            | \$2,044,167               |                  | \$2,044,167             |
| South Woodland Culvert B              | 0                         | \$100,000        | 100,000                 |
| <b>Total</b>                          | <b>\$2,044,167</b>        | <b>\$100,000</b> | <b>\$2,144,167</b>      |

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

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

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

Enacted

Approved this \_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
DAVID E. WEISS, Mayor

Attest:

\_\_\_\_\_  
JERI E. CHAIKIN  
Clerk of Council

Cou/leg/2020/0820appropriationswoodlandculvert



**MEMORANDUM**

**To:** Members of Council  
**From:** Patrick Sweeney, Chief of Fire  
**C:** David E. Weiss, Mayor  
Jeri E. Chaikin, CAO  
**Date:** August 24, 2020  
**RE:** Assistance to Firefighters Grant – COVID-19 Supplemental Program

---

The Shaker Heights Fire Department, on behalf of 33 communities in Cuyahoga County, made application for a FEMA Assistance to Firefighters (AFG) COVID-19 Grant. This AFG grant became available during the early stages of the current pandemic emergency to provide funding to Fire Departments in need of procuring personal protective equipment for Firefighters responding to the medical needs of citizens who may be infected with COVID-19.

As with many FEMA Grant opportunities, making application through a regional partnership as opposed to a single agency application, in a coordinated manner, has a higher likelihood of being approved for federal funding. In doing so, one municipality needs to be willing to take the lead on the application process and act as the fiduciary for the group if the application is approved for federal funding. After discussing this with Shaker Administration, the Shaker Heights Fire Department agreed to be the lead agency in making the grant application along with acting as the fiduciary for any awarded grant funds.

While completing the grant application, a total of 33 Fire Departments in Cuyahoga County requested to be a part of the grant request and via a memorandum of understanding, agreed to reimburse Shaker Heights for each city’s portion of a required 10% grant match. The total federal grant request for the 33 communities is \$177,487.68 with a total applicant match (10%) of \$17,748.77. This equates to a total project amount of \$195,236.45 for the purchase of COVID-19 personal protective equipment. This equipment consists of N95 masks, Surgical Masks, Eye Protection, Shoe Covers, and Gowns. This equipment has been identified as essential for Firefighters providing emergency medical care to residents in our communities.

With much assistance from the Law Department, a memorandum of understanding (MOU) was drawn up between the City and all other participating communities. (*See the MOU attached to the legislation accompanying this memorandum.*) This MOU outlines the grant application process, what the grant funding will provide to each department, and required a representative from each department to acknowledge, via signature, the required match that will need to be reimbursed back to the City of Shaker Heights. The reimbursement process will be initiated via an invoice generated to each municipality from the Fire Department.

This item was presented to the Safety and Public Works Committee on August 7, 2020. Councilmember Sean Malone wanted to make sure that this grant would not place undue administrative responsibilities onto the City of Shaker Heights. Chief Sweeney explained that this grant application process involved much help from the Law Department and that future administrative duties will be minimal and will be mostly managed by the Fire Department. This item was passed by Safety and Public works with no further discussion.

Additionally, this item was presented and approved by the Finance Committee on August 17, 2020. Citizen member Lalley asked about the possibility of another community being unable to provide the 10% match reimbursement to The City of Shaker Heights. Chief Sweeney explained that if a city was unable to meet their financial match obligations, the equipment that was secured for that department would be made available to other communities willing to pay the required match for that equipment.

The Fire Department recommends that Council accept the awarded \$177,487.68 FEMA AFG COVID-19 funds. Additionally, Council is requested to appropriate the total project cost of \$195,236.45 to the Fire Department operating budget. This will allow the Fire Department to start the procurement process of this critical protective equipment as expeditiously as possible. All of this appropriation request will be reimbursed to the City of Shaker Heights with the exception of \$868.34 which is the required match from Shaker Heights.

We respectfully ask that an ordinance in support of this request be passed under suspension of the rules, and as an emergency to allow the Fire Department to purchase allowable items as quickly as possible.



**MEMORANDUM**

**To:** Members of Council

**From:** Patrick Sweeney, Chief of Fire

**C:** David E. Weiss, Mayor  
Jeri E. Chaikin, CAO

**Date:** August 24, 2020

**RE:** 2020-2021 Ohio Department of Public Safety-Division of EMS Grant

---

The Shaker Heights Fire Department applied for and was awarded \$2846.43 for the 2020-2021 State Board of Emergency Medical, Fire, and Transportation Services Grant. The Fire Department is requesting Council approval to accept the awarded \$2846.43 grant funds and to appropriate the same amount into the Fire Department operating budget. No matching funds are required from the City.

This grant is administered by the Ohio Department of Public Safety, Division of Emergency Medical Services, and is to improve and enhance EMS and trauma patient care in Ohio through the provision of grant funding for equipment, training, and research. The funding source for the grant program is fines levied in the State of Ohio for seat belt violations.

The Fire Department has been awarded grant funds from this same program in past applications which have been used to purchase EMS equipment (cardiac EKG leads, immobilization equipment, diabetic monitoring devices, etc.) for all ALS squads and training programs as stipulated in the Ohio Department of Public Safety (ODPS) EMS Grant rules. This grant has been supported by the City in the past and has assisted the Fire Department in securing equipment and training aids.

The Fire Department recommends that Council accept and appropriate \$2846.43 to the Fire Department operating budget for the purpose of purchasing EMS supplies for the Fire Department Rescue Squads. We respectfully ask that each of the ordinances in support of this request be passed under suspension of the rules, and as an emergency, to allow the Fire Department to purchase allowable items within the grant reimbursement timeline.

ORDINANCE NO.

BY:

Amending Ordinance No. 20-46 making appropriations for the current expenses and other expenditures of the City of Shaker Heights, Ohio for the year ending December 31, 2020, in Fund No. 0101, the General Fund, and declaring an emergency.

WHEREAS, in order to appropriate a 2020 FEMA Assistance to Firefighters (AFG) COVID-19 Grant awarded by the U.S. Department of Homeland Security and the Federal Emergency Management Agency, it is necessary to increase other expenditures by \$195,237 for the purchase of Covid-19 Personal Protective Equipment, where 33 Fire Departments in Cuyahoga County will be part of the agreement to reimburse Shaker Heights for their portion of the required 10% grant match.

WHEREAS, Fire Department was awarded a \$2,847 State Board of Emergency Medical, Fire and Transportation Services Grant by the Ohio Department of Public Safety, Division of Emergency Medical Services for the purpose of improving and enhancing trauma patient care through the purchase of additional emergency medical service supplies for the Fire Department's rescue squad; and

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

Section 1: That to provide for the current expenses and other expenditures of the City of Shaker Heights for the fiscal period ending December 31, 2020, the following appropriations are hereby authorized:

Section 2: That there be appropriated transferred and advanced from the following funds and as further detailed in the Schedule attached hereto as Exhibit "A" and incorporated herein:

| General Fund Group - 0101         |                                      |                      |                      |                      |                      |
|-----------------------------------|--------------------------------------|----------------------|----------------------|----------------------|----------------------|
| Fund #                            | Fund Activity                        | Personal Services    | Other                | Transfers & Advances | Total                |
| 0101                              | <b>General Fund:</b>                 |                      |                      |                      |                      |
|                                   | Municipal Court:                     | \$ 2,232,498         | \$ 117,268           | \$ -                 | \$ 2,349,766         |
|                                   | Other City Activities:               | 27,280,746           | 12,275,133           | 10,381,356           | 49,937,235           |
| <b>0101</b>                       | <b>Total General Fund</b>            | <b>\$ 29,513,244</b> | <b>\$ 12,392,401</b> | <b>\$ 10,381,356</b> | <b>\$ 52,287,001</b> |
| <b>0103</b>                       | <b>Econ Development and Housing</b>  | <b>\$ -</b>          | <b>\$ 243,739</b>    | <b>\$ 50,000</b>     | <b>\$ 293,739</b>    |
| <b>0105</b>                       | <b>Recreation Fund</b>               | <b>\$ 1,710,596</b>  | <b>\$ 966,456</b>    | <b>\$ -</b>          | <b>\$ 2,677,052</b>  |
| Special Revenue Fund Group - 0200 |                                      |                      |                      |                      |                      |
| Fund #                            | Fund Activity                        | Personal Services    | Other                | Transfers & Advances | Total                |
| 0201                              | Street (Maintenance & Repair)        | \$ 996,358           | \$ 662,151           | \$ -                 | \$ 1,658,509         |
| 0202                              | State Highway Maintenance            | 9,719                | 165,689              | -                    | 175,408              |
| 0204                              | Sewer Maintenance                    | 403,676              | 923,715              | 212,338              | 1,539,729            |
| 0205                              | Police Pension                       | 1,260,412            | 150                  | -                    | 1,260,562            |
| 0206                              | Fire Pension                         | 1,225,549            | 150                  | -                    | 1,225,699            |
| 0209                              | Indigent Driver Alcohol Treatment    | -                    | 45,358               | -                    | 45,358               |
| 0210                              | Court Computerization/Legal Research | 47,634               | 36,021               | -                    | 83,655               |
| 0211                              | Clerk's Computerization              | -                    | 234,855              | -                    | 234,855              |
| 0213                              | Housing Grant Fund                   | -                    | -                    | -                    | -                    |
| 0214                              | Fair Housing Grant                   | 11,006               | 24,800               | -                    | 35,806               |
| 0215                              | Community Preservation               | -                    | -                    | -                    | -                    |
| 0216                              | Community Diversion                  | 7,300                | 6,324                | -                    | 13,624               |
| 0218                              | Court Alternate Dispute Resolution   | 23,871               | 750                  | -                    | 24,621               |
| 0220                              | Ohio Court Security Grant Project    | -                    | 54,608               | -                    | 54,608               |
| 0223                              | Nuisance Abatement                   | -                    | 100,000              | -                    | 100,000              |
| 0224                              | Indigent Driver Interlock            | -                    | 15,758               | -                    | 15,758               |
| 0281                              | Street Lighting                      | -                    | 812,872              | -                    | 812,872              |
| 0282                              | Tree Maintenance                     | 397,044              | 513,591              | -                    | 910,635              |
| 0701                              | Law Enforcement Trust Local          | 28,930               | 100,000              | -                    | 128,930              |
| 0702                              | Law Enforcement Trust Federal        | -                    | 155,000              | -                    | 155,000              |
| <b>0200</b>                       | <b>Total Special Revenue Funds</b>   | <b>\$ 4,411,499</b>  | <b>\$ 3,851,792</b>  | <b>\$ 212,338</b>    | <b>\$ 8,475,629</b>  |

**Debt Service Fund Group - 0300**

| Fund #      | Fund Activity                   | Personal Services | Other                | Transfers & Advances | Total                |
|-------------|---------------------------------|-------------------|----------------------|----------------------|----------------------|
| 0301        | Debt Service                    | \$ -              | \$ 2,643,151         | \$ -                 | \$ 2,643,151         |
| 0302        | Urban Renewal Bond Retirement   | -                 | 9,961,234            | -                    | 9,961,234            |
| <b>0300</b> | <b>Total Debt Service Funds</b> | <b>\$ -</b>       | <b>\$ 12,604,385</b> | <b>\$ -</b>          | <b>\$ 12,604,385</b> |

**Internal Service Fund Group - 0600**

| Fund #      | Fund Activity                            | Personal Services   | Other               | Transfers & Advances | Total               |
|-------------|--|---------------------|---------------------|----------------------|---------------------|
| 0601        | Central Stores Purchasing                | \$ -                | \$ 937,514          | \$ 200,000           | \$ 1,137,514        |
| 0602        | Central Printing Operation               | -                   | 46,000              | 20,000               | 66,000              |
| 0603        | Central Garage Operation                 | 1,154,648           | 406,237             | 20,000               | 1,580,885           |
| 0604        | Central Services Operation               | 498,906             | 563,953             | -                    | 1,062,859           |
| 0605        | Self-Insurance Reserve                   | 66,814              | 5,994,882           | -                    | 6,061,696           |
| <b>0600</b> | <b>Total Internal Service Fund Group</b> | <b>\$ 1,720,368</b> | <b>\$ 7,948,586</b> | <b>\$ 240,000</b>    | <b>\$ 9,908,954</b> |

**Grand Total All Funds \$ 37,355,707 \$ 38,007,359 \$ 10,883,694 \$ 86,246,760**

**Itemized list of Transfers and Advances by Fund**

| Description   | Amount               |
|---|----------------------|
| <b>General Fund Transfers</b>                                     |                      |
| General Fund to General Capital                                   | \$ 5,750,000         |
| General Fund to Police Pension Fund                               | 1,010,850            |
| General Fund to Fire Pension Fund                                 | 975,987              |
| General Fund to Recreation  | 727,008              |
| General Fund to Street Lighting Fund                              | 265,000              |
| General Fund to 27th Payroll Reserve Fund                         | 185,700              |
| General Fund to Sewer Capital Improvements Fund                   | -                    |
| General Fund to Street Maintenance and Repair Fund                | -                    |
| General Fund to Sewer Maintenance Fund                            | -                    |
| <b>General Fund to General Obligation Debt Service Fund</b>       |                      |
| Other Debt Service  | \$ 658,286           |
| TIF Debt Service  | 372,525              |
| Total General Fund to General Obligation Debt Service Fund        | \$ 1,030,811         |
| General Fund to Urban Renewal Debt Service Fund                   | -                    |
| General Fund to Self Insurance Fund                               | 436,000              |
| Total General Fund Transfers                                      | <b>\$ 10,381,356</b> |
| <b>Other Fund Transfers</b>                                       |                      |
| Sewer Maintenance Fund to General Obligation Debt Service Fund    | \$ 212,338           |
| Economic Development & Housing Fund to Nuisance Abatement Fund    | 50,000               |
| Total Fund Transfers  | <b>\$ 10,643,694</b> |
| <b>Advances/Advance Repayments</b>                                |                      |
| Central Stores IS Fund to General Fund - 2019 Advance Repayment   | \$ 200,000           |
| Central Printing IS Fund to General Fund - 2019 Advance Repayment | 20,000               |
| Central Garage IS Fund to General Fund - 2019 Advance Repayment   | 20,000               |
| Total Advances  | <b>\$ 240,000</b>    |
| <b>Total Transfers and Advances</b>                               | <b>\$ 10,883,694</b> |

Section 3: That all monies in the Trust & Agency Fund Accounts are hereby deemed appropriated for their intended purposes.

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

Section 5: That all expenditures within the fiscal year ending December 31, 2020 shall be made in accordance with the code accounts set forth above, and shall be made within the appropriations herein provided ("Appropriations" as used means the total amount appropriated for an individual fund).

Section 6: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

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 therefore shall take effect immediately upon its enactment and approval by the Mayor.

Enacted August , 2020

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
DAVID E. WEISS, Mayor

Attest:

\_\_\_\_\_  
JERI E. CHAIKIN  
Clerk of Council

**EXHIBIT "A"**

**SCHEDULE OF BUDGETS BY DEPARTMENT FOR GENERAL FUND**

| <b>Dept #</b>      | <b>Department</b>            | <b>Personal Services</b> | <b>Other</b>         | <b>Transfers &amp; Advances</b> | <b>Total</b>         |
|--------------------|------------------------------|--------------------------|----------------------|---------------------------------|----------------------|
| 11                 | Police                       | \$ 9,354,877             | \$ 1,842,566         | \$ 1,010,850                    | \$ 12,208,293        |
| 80                 | CCSE                         | 38,000                   | 2,814,888            | 8,021,994                       | 10,874,882           |
| 50                 | Public Works                 | 4,913,692                | 4,046,568            | -                               | 8,960,260            |
| 12                 | Fire                         | 6,436,388                | 872,392              | 975,987                         | 8,284,767            |
| 76                 | Municipal Court              | 2,232,498                | 117,268              | -                               | 2,349,766            |
| 40/42              | Building and Housing         | 1,459,984                | 166,610              | 372,525                         | 1,999,119            |
| 30                 | Recreation                   | 1,044,537                | 226,748              | -                               | 1,271,285            |
| 49                 | Economic Development         | 310,265                  | 821,432              | -                               | 1,131,697            |
| 72                 | Finance                      | 704,419                  | 192,064              | -                               | 896,483              |
| 44                 | Communication and Marketing  | 339,070                  | 471,745              | -                               | 810,815              |
| 73                 | Law                          | 634,447                  | 142,025              | -                               | 776,472              |
| 41                 | Planning                     | 550,924                  | 148,521              | -                               | 699,445              |
| 79                 | Information Technology       | 453,321                  | 140,597              | -                               | 593,918              |
| 77                 | Human Resources              | 260,983                  | 160,130              | -                               | 421,113              |
| 70                 | Mayor                        | 219,568                  | 35,075               | -                               | 254,643              |
| 71                 | Chief Administrative Officer | 232,194                  | 13,979               | -                               | 246,173              |
| 48                 | Neighborhood Revitalization  | 161,494                  | 83,303               | -                               | 244,797              |
| 75                 | City Council                 | 142,396                  | 15,083               | -                               | 157,479              |
| 77                 | Civil Service                | 24,187                   | 81,407               | -                               | 105,594              |
| <b>GRAND TOTAL</b> |                              | <b>\$ 29,513,244</b>     | <b>\$ 12,392,401</b> | <b>\$ 10,381,356</b>            | <b>\$ 52,287,001</b> |

**SCHEDULE OF BUDGETS BY DEPARTMENT FOR THE ECONOMIC DEVELOPMENT AND HOUSING FUND**

| <b>Dept #</b>      | <b>Department</b>    | <b>Personal Services</b> | <b>Other</b>      | <b>Transfers &amp; Advances</b> | <b>Total</b>      |
|--------------------|----------------------|--------------------------|-------------------|---------------------------------|-------------------|
| 49                 | Economic Development | \$ -                     | \$ 214,739        | \$ 50,000                       | \$ 264,739        |
| 41                 | Planning             | -                        | 29,000            | -                               | 29,000            |
| <b>GRAND TOTAL</b> |                      | <b>\$ -</b>              | <b>\$ 243,739</b> | <b>\$ 50,000</b>                | <b>\$ 293,739</b> |



## Memorandum

To: Members of City Council

From: John J. Potts, Director of Finance

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

Date: August 24, 2020

**Re: Request to Establish a CRA Special Revenue Fund**

---

The City has entered into two Community Reinvestment Area Agreements (CRA) with Stella of Shaker Heights, LLC, effective April 13, 2016, and Maximar Properties, LLC (operating as Shaker Rocks), effective November 30, 2017. According to both CRA Agreements, a fee shall be assessed to each owner and deposited in a special fund of the City. The fee provision is identical in each Agreement (which may be found in Section 4 of the Maximar Agreement and Section 5 of the Stella Agreement), and provides as follows:

The Property Owners shall pay an annual fee equal to the greater of one percent (1%) of the dollar value of incentives offered under the Agreement or five hundred dollars (\$500); provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars (\$250,000), the fee shall not exceed two thousand five hundred dollars (\$2,500).

Both Agreements require that the annual fee be paid by January 15<sup>th</sup> of each year, beginning in 2017 for the Stella agreement, and 2018 for the Maximar Agreement. Under the Agreements and Ohio law, the fees must be deposited into a special fund of the City created for such purpose, and may only be used by the City to comply with Section 3735.671 (D) of the Ohio Revised Code, and by the City's Tax Incentive Review Council created under Section 5709.85 of the Ohio Revised Code, exclusively for the purposes of performing the duties prescribed under Section 5709.85, as referenced in Section 3735.671(D) .

This item was presented and approved by the Finance Committee on August 17, 2020. The Finance Department is requesting that Council establish Special Revenue Fund No. 287, designated as the "CRA Fee Fund." This fund will be used for all future CRA fees collected by the City. We are requesting that this be approved on first reading and as an emergency so the fund can be setup within the ledgers to be ready to receive the fees.

ORDINANCE NO.

BY:

Establishing as a Special Revenue Fund, called the "CRA Fee Fund," in the fund accounts of the City, and declaring an emergency.

WHEREAS, the City currently has two active Community Reinvestment Area Agreements (CRA) with property owners, and each Agreement contains a clause requiring the owner to pay an annual fee to the City, which fee must be deposited into a special fund of the City created for such purpose; and

WHEREAS, the fund must be used by the City exclusively for the purpose of complying with Section 3735.672 of the Ohio Revised Code, and by the Tax Incentive Review Council created under Section 5709.85 of the Ohio Revised Code, exclusively for the purposes of performing the City's duties prescribed under that Section; and

WHEREAS, this fund may be used for all future CRA fees collected by the City.

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

Section 1. That there be and is hereby created the following Special Revenue Fund Account of the City.

Fund No. 287 CRA Fee Fund

Section 2. The monies in said fund shall henceforth be deemed appropriated by the City and shall only be used by the City in compliance with Section 3735.671(D) of the Ohio Revised Code, and by the City's Tax Incentive Review Council created under Section 5709.85 of the Ohio Revised Code, exclusively for the purposes of performing the City's duties prescribed under that Section.

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, 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



# SHAKER HEIGHTS

## Memorandum

To: Member of City Council

From: Director of Finance, John J. Potts

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

Date: August 24, 2020

**Re: Report of the Special Assessment Board of Review and Levying of 2021-2022 Street Lighting Special Assessments**

---

On April 27, 2020, City Council adopted Resolution No. 20-36 declaring it necessary to light the streets of the City during the years 2021 and 2022, and providing for the assessment of a portion of the expense thereof.

As required by Section 145.03 of the Codified Ordinances of the City, public notice of the availability of the Street Lighting plans and special assessment reports were published in the July 16<sup>th</sup> and July 23<sup>rd</sup>, 2020 editions of the *Sun News*. Property owners had a period of two weeks in which to file an appeal of the proposed assessment following the final public notice. The Board of Review of Assessments received no objections to the proposed assessments as contained in the report prepared by the Finance Department within the appeals period.

Accordingly, with the filing of the Street Lighting Assessment Report, Finance is now requesting that City Council proceed with levying the special assessments for street lighting at the annual rate of \$0.88 per front footage of each property parcel for the two-year period 2021 and 2022. The revenue generated from the assessment is approximately \$563,000 per year. The assessment revenue and a \$265,000 contribution from the General Fund will be used to fund the costs of operating street lights on City streets.

The Finance Department requests that this item be approved on first reading under suspension of the rules and as an emergency in order to submit the special assessments to the County Fiscal Officer no later than the September 14, 2020 deadline.



# SHAKER HEIGHTS

Board of Review of Assessments  
Final Report to City Council  
Pursuant to Section 145.06 Codified Ordinances  
Street Lighting Assessment 2020-2021

August 13, 2020

As of this date, the Board of Review of Assessments has not received any complaints or objections from citizens with respect to the assessment of property in the City of Shaker Heights for the lighting of streets and therefore, the Board adopts the Street Lighting Assessment Report on file in the Finance Department.

David E. Weiss, Mayor

John J. Potts, Director of Finance

William M. Ondrey Gruber, Director of Law

Patricia Speese, Director of Public Works

**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**

ORDINANCE NO.

BY:

Determining to proceed with the lighting of streets and levying assessments of a portion of the expense thereof on the listed streets for the years 2021 and 2022, and declaring an emergency.

WHEREAS, in Ordinance 17-76, enacted on August 28, 2017, this Council most recently determined to proceed with the lighting of streets and levying assessments of a portion of the expense thereof on those streets of the City listed in said Ordinance, for the period 2018-2020; and

WHEREAS, on April 27, 2020 this Council adopted Resolution No. 20-36, pursuant to Section 145.02 of the Administrative Code of the Codified Ordinances of Shaker Heights, declaring it necessary to light the streets named in said Resolution during the years of 2021 and 2022 and providing for the assessment of a portion of the expense thereof; and

WHEREAS, a lighting assessment report was duly prepared by the Director of Finance, and was filed with the Council, as required in Section 145.02 of the Codified Ordinances; and

WHEREAS, notice of the filing of such report was published as required by Section 145.03 of the Codified Ordinances, and no complaints or objections to such assessments have been filed with the Board of Review of Assessments; and

WHEREAS, the lighting assessment final report has been duly approved by the Board of Review of Assessments and filed with the Clerk of Council, as required by Sections 145.05 and 145.06 of the Codified Ordinances.

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

Section 1. That, in compliance with the provisions of Sections 145.05 and 145.06 of the Administrative Code of the Codified Ordinances of the City of Shaker Heights, it is hereby determined to proceed with the improvement of all streets listed hereinafter by the lighting thereof, in accordance with the lighting report on file in the office of the Director of Public Works.

Section 2. It is hereby determined that all of the lots and lands abutting and bounding on the following named streets should be assessed for a portion of the cost and expense of lighting streets during the period 2021 and 2022:

STREET LIGHTING

Aberdeen Road  
Albion Road  
Aldersyde Drive  
Almar Dr.  
Andover Road  
Ardmore Road  
Ashby Road  
Ashford Road  
Ashley Road  
Ashurst Road  
Ashwood Road  
Attleboro Road  
Avalon Road

Becket Road  
Belvoir Boulevard  
Berwyn Road  
Boyce Road  
Braemer Road  
Brantley Road  
Brighton Road  
Broxton Road  
Bryden Road  
Byron Road  
Calverton Road  
Carlton Road  
Chadbourne Road

Chagrin Boulevard  
Chalfant Road  
Chelton Road  
Cheshire Road  
Chesterton Road  
Claremont Road  
Claythorne Road  
Clayton Boulevard  
Colby Road  
Colton Road  
Colwyn Road  
Courtland Boulevard  
Courtland Oval

|                               |                      |                       |
|-------------------------------|----------------------|-----------------------|
| Coventry Road                 | Landon Road          | Scottsdale Blvd.      |
| Cranlyn Road                  | Lansmere Road        | Sebor Road            |
| Daleford Road                 | Larchmere Road       | Sedgewick Road        |
| Dorchester Road               | Latimore Road        | Shaker Boulevard      |
| Douglas Road                  | Laurel Road          | Shelburne Road        |
| Drexmore Road                 | Laureldale Road      | Shelley Road          |
| Drummond Road                 | Lee Road             | Sherbrooke Road       |
| Dryden Road                   | Leighton Road        | Sherrington Road      |
| Duffield Road                 | Lindholm Road        | Southington Road      |
| East 127 <sup>th</sup> Street | Litchfield Road      | South Park Blvd       |
| East 140 <sup>th</sup> Street | Lomond Boulevard     | South Woodland Road   |
| East Belvoir Oval             | Ludgate Road         | Stanford Road         |
| Eaton Road                    | Ludlow Road          | Stockholm Road        |
| Edgerton Road                 | Lyman Boulevard      | Stoer Road            |
| Elsmere Road                  | Lyman Circle         | Strandhill Road       |
| Enderby Road                  | Lynnfield Road       | Strathavon Road       |
| Endicott Road                 | Lynton Road          | Sudbury Road          |
| Fairhill Road                 | Lytle Road           | Sulgrave Oval         |
| Fairmount Boulevard           | McCaughey Road       | Sulgrave Road         |
| Fairmount Circle              | Malvern Road         | Sussex Road           |
| Falmouth Road                 | Manchester Road      | Sutherland Road       |
| Farnsleigh Road               | Marchmont Road       | Sutton Place          |
| Fayette Road                  | Maynard Road         | Sutton Road           |
| Fernway Road                  | Menlo Road           | Sydenham Road         |
| Fontenay Road                 | Milton Road          | Tolland Road          |
| Glencairn Road                | Milverton Road       | Torrington Road       |
| Glangary Road                 | Montgomery Road      | Townley Road          |
| Glenmore Road                 | Morley Road          | Traver Road           |
| Green Road                    | Newell Road          | Traynham Road         |
| Grenway Road                  | Nicholas Road        | University Boulevard  |
| Gridley Road                  | North Moreland Blvd. | Van Aken Boulevard    |
| Haddam Road                   | North Park Blvd.     | Wadsworth Road        |
| Hadleigh Road                 | Normandy Road        | Warrensville Ctr. Rd. |
| Halburton Road                | Northfield Road      | Warrington Road       |
| Halworth Road                 | Northwood Avenue     | Warwick Road          |
| Hampstead Road                | Norwood Road         | Washington Boulevard  |
| Hardwick Road                 | Onaway Road          | West Belvoir Oval     |
| Hazelmere Road                | Oval Drive           | Westbury Road         |
| Helen Road                    | Oxford Road          | Westchester Road      |
| Hermitage Road                | Palmerston Road      | West Park Boulevard   |
| Hildana Road                  | Park Drive           | West Sulgrave Oval    |
| Holbrook Road                 | Parkland Drive       | Weybridge Oval        |
| Holmwood Road                 | Parnell Road         | Weymouth Road         |
| Huntington Road               | Paxton Road          | Wicklow Road          |
| Ingleside Road                | Pennington Road      | Wimbleton Road        |
| Inverness Road                | Rawnsdale Road       | Winchell Road         |
| Kemper Road                   | Riedham Road         | Winslow Road          |
| Kendall Road                  | Rife Court           | Winslow Court Road    |
| Kenmore Road                  | Rochester Road       | Winthrop Road         |
| Kenyon Road                   | Rocklyn Road         | Woodbury Road         |
| Keswick Road                  | Rolliston Road       | Wrenford Road         |
| Kingsley Road                 | Rye Road             |                       |

Section 3. Said assessments are in accordance with Resolution No. 20-36 and in accordance with the lighting assessment report approved by the Board of Review of Assessments.

Section 4. The cost and expense of providing lighting for street intersections and two percent (2%) of the entire cost of the street lighting shall be paid by the City out of the General Fund and the remainder of the entire cost of said street lighting, equaling EIGHTY-EIGHT CENTS (\$.88) a front foot per year on the above described lots and lands, shall be assessed upon the above described lots and lands, being all the lots and lands bounding and abutting upon the streets hereinabove named.

Section 5. The assessment of the cost and expense of said street lighting amounting to ONE MILLION ONE HUNDRED TWENTY-SIX THOUSAND DOLLARS (\$1,126,000.00) for two years as reported to the Council by the Director of Finance, is hereby adopted and there are levied and assessed upon said lots and lands above described, the amount set forth in said lighting assessment report now on file in the office of the Director of Finance, which assessments are in proportion to the special benefits accruing to the property, and are not in excess of the actual benefits to said property.

Section 6. The total assessments against each lot and parcel of land shall be payable within thirty (30) days from and after the passage of this ordinance or in one annual installment. All cash payments shall be made to the Director of Finance. All unpaid installments of assessments at the expiration of the thirty-day period shall be certified by the Director of Finance to the County Fiscal Officer together with fees and charges for collecting the same, as provided by law, to be by him placed upon the appropriate tax duplicate and collected as other taxes.

Section 7. The remainder of the entire cost of said improvement not specially assessed shall be paid by the City. No bonds or notes of the City of Shaker Heights shall be issued in anticipation of the collection of special assessments.

Section 8. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, by reason of the necessity of continuing the street lighting program and providing funds in support thereof, and in order to submit the special assessments to the County Fiscal Officer no later than the September 14, 2020 deadline, and this ordinance shall, therefore, go into effect immediately upon its enactment and approval by the Mayor, or five days after passage, whichever sooner occurs.

Enacted

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
DAVID E. WEISS, Mayor

Attest:

\_\_\_\_\_  
Jeri E. Chaikin  
Clerk of Council

coun20/0819assessment-streetlighting2021-2022