

Ordinance No. 19-47, by Mr. Williams, to approve the creation of an Outdoor Refreshment Area as permitted by Ohio law for the consumption of alcohol in specified public areas of the Van Aken District Development.

Joyce Braverman, Director of Planning, stated that this item is on third reading. RMS desires to establish an Outdoor Refreshment Area (ORA) per the Ohio Revised Code, which provides regulations for allowing open containers purchased by vendors in the district, including things such as boundaries, required signage, establishing hours of operation, providing for sanitation and safety plans as well as considering the impact on the area. The regulation requires RMS to submit a petition to Mayor Weiss and for Mayor Weiss to submit that petition to City Council before us tonight on third reading. Council approval is required to establish an ORA per state code and we have to follow certain requirements such as a public hearing that requires certain notice. The public hearing took place on June 24, 2019. Council must act no less than 30 days and no more than 60 days on this petition. The City must notify the state liquor control of Council's approval if that happens. The ordinance also makes provisions for establishing boundaries, signage, the number of personnel, and use of the required cup. The City must review this five years after it is established and Council has the authority to dissolve any part of this district with proper notice. This item was on first reading May 27, 2019. The second reading and public hearing was held June 24, 2019. This item is requested as an emergency and with a suspension of the rules so the process can move forward with the state. Director Braverman introduced Jason Russell of RMS.

Jason Russell, RMS Van Aken District General Manager, gave a presentation on the ORA. RMS has done additional research on the matter with other communities within the State of Ohio who currently have an ORA. The ORA allows a bar and restaurant patrons to leisurely walk around the designated outdoor area with an alcoholic beverage so long as it has been purchased from a qualified permit holder in the specific cup as designated in the petition. They are required to stay within the predetermined boundaries and it can only be utilized during the established times, dates, and/or events for the ORA. The boundaries of the ORA are primarily the boundaries of the new portion of the Van Aken district (VAD) recently constructed by RMS, so patrons will be able to go no further north than Farnsleigh Road whether they are on Walker or Tuttle, no further south than Meade if they are on Tuttle, and no further east than the insides of the establishments that are part of the district (you cannot enter the parking garage for any reason). Some of the signage was not yet put together for previous meetings, so this signage helps to communicate the message to patrons entering the area or attempting to leave the area, with some of the guidelines that exist for the ORA. This signage is in line with most of the marketing design scheme for the VAD currently. Additionally there will be signage at each establishment that allows beverages to be purchased. For example, if you want to go into Craft Collective, there will be a sign to let you know that the ORA drinks are available there. If you try to walk into the Market Place from Tuttle Road you will see a sign that says "Finish First" because you cannot take the beverage inside. This is just another way to continue to educate members of the community who are participating in the ORA. Also part of the sign is to highlight the hours of operation, which is Sunday from 12 noon to 10 p.m., Monday thru Thursday from 4 p.m. to 10 p.m. and then Friday and Saturday from 12 noon to 12 midnight, as well as for special events. The timeframe of the calendar year is from April 1 thru October 31. For any special events that exist outside of that realm they could activate the ORA at that time. RMS will provide one security officer to patrol the ORA during the hours of operation of Monday thru Sunday. The Police Department will have their traditional shift patrol assigned to the zone encompassing the ORA during the times it is active. This is not anything additional to what they currently already provide. An officer is in the zone as defined by the Shaker Heights Police Department. Litter control is primarily the responsibility of RMS. This allows people to carry cups throughout the common areas of the district so they want to make sure they have enough receptacles, and all the trash is captured and not blowing down

the street. Maintenance staff and also the VAD Ambassadors will help keep the area clean. RMS sweeps the streets twice a week as weather permits and they have ample receptacles throughout the district. The cups will be compostable or recyclable, most likely compostable. They are already in touch with Rustbelt Riders to have special containers so that people put only cups in those containers so they can easily compost those cups and they are not put into the waste stream or get contaminated from other items. They have revised the design of the cup to have the official logo on the front with rules as well to remind patrons of the rules for the ORA. They found that is common practice throughout other ORA in the State of Ohio. He provided a list of current permit holders, including Nature's Oasis who was recently awarded their liquor permit, making the fourth active permit in the district. Manifest has a pending license and plans to open in mid-August. Banter had their final inspection and should have their permit any day now, giving the district 5 liquor licenses. Sawyer's liquor license is also pending and they plan to open in September. The hours of operation have not changed for those permit holders. Some of the other places throughout Ohio that have ORAs include Canton, Lorraine, and Lyndhurst being the closest to Shaker Heights. He would like to focus on Toledo. He had the difficult assignment of going to Toledo to check out the ORAs in person, talking with bar owners, and downtown Toledo associations which run the two ORAs there. They are one of the first areas in the State of Ohio, so they have been operating the longest. The designated outdoor refreshment area (DORA) furthest to the east is in downtown Toledo and they have a smaller one, more mixed use in nature, with residential, industrial and commercial all in the same area on Adams Street. He spent time talking with patrons, Lucas County Sheriff officers, and the Toledo Police Department, as well as bar owners to get a feel for any issues they have had in the area. The district has been expanded geographically twice, and the hours of operation have increased. Initially it ended at midnight and now it lasts until 1 a.m. The cost of the cups help subsidize sanitation and security. Police there do not dedicate officers to the ORA, but patrol the downtown as they would normally. The primary issue they have is people who walk beyond the boundaries. The signage is actually not great there. They did not set any new poles so there are times when you don't know that you have walked beyond the boundary because the sign is farther away. That is something that RMS has corrected. We have ample signage in the proposal to make sure. It is an honest mistake at times. In Toledo they have had people try to walk to the waterfront which is not permitted. The second ORA on Adams Street is in a more grungy area. He noted that every single establishment that sells an ORA beverage has a map or sign of some sort. When bar owners purchase new cups and their signage is not visible they will not get new cups. It is important because the signage indicates where patrons can go, what the rules are, and who sells the cups. It is a constant reminder to the consumer of the rules in the district. RMS decided they need to add that process to their ORA to make sure there are ample reinforcements. He also noted that if you did not already know what an ORA was, while graphically easy to understand, signs to discard cups are not quite clear that you should not take the cup beyond that point. RMS wants to make sure there signage is very clear. Lastly, the Adams district was the only place with signage as you enter to acknowledge you had entered the ORA. The Toledo downtown ORA did not have that signage to welcome patrons into the district, you only know as you are leaving. It is helpful to let people know that they are entering a certain area that has unique guidelines in the event you don't want that experience. Overall it was very surprising, according to bar owners, how much it has helped their business. Some of the downtown bar owners said they may go days without selling a cup and have events and sell a ton of cups. Events really help to sell cups as it allows patrons to go throughout the district area, but not something seen on a nightly basis that people are using. He thought that was interesting because he visited on a night when there were nearby local events where they expected a lot of people, but there were not and 10% of those who were out were carrying a cup. Some frequently asked questions he has received in talking with the merchants is if patrons can carry a drink inside the Market Hall. The answer is absolutely not. This is an ORA so it only covers the outdoor areas of the district. You can take a beverage from a vendor into the park and sit outside on the patio in front of the Market Hall, but you cannot take it physically inside the Market Hall. Another

question is whether you can bring an outside beverage. The answer is no. All beverages must be purchased from a licensed permit holder with an ORA designation and in a specific cup. You can also not buy a cup and refill it with beverages you bring.

Council member Mr. Williams asked about the initial supply of cups to the vendors.

Mr. Russell explained that RMS will supply all the cups to make sure they are compostable material, and have the logo with all the rules. They don't want each vendor buying their own cups with different designs, so RMS will be providing them. When vendors run out they will purchase them from RMS.

Council member Mr. Zimmerman asked about additional signage, and additional receptacles to dispose of DORA cups.

Mr. Russell stated that in Toledo the number of receptacles was lacking. We need to have additional signage at every lobby entrance, and the parking garage as a reminder to make sure people discard cups. That is why they want to have sleeves at various locations to put cups in.

Mayor Weiss clarified that the ORA hours end at midnight on Friday and Saturday.

Council member Mr. Malone stated that he is more comfortable with the safety concerns he raised previously. He requested that Council be updated more frequently than the five year required review. He hopes that can be done after one year. In the interim period it looks like the Chief of Police will meet with staff to the extent any changes need to be made, and he asked if Council can get updates monthly to see how things are proceeding. He appreciates all the work Mr. Russell has done as well as City staff.

Mr. Russell stated that one good thing is that the ORA only runs through October 31 and realistically once the state does what they need in providing the designation the ORA probably won't be up and running until mid to late August. That gives them about a two-month time span to try to figure out all the kinks. It might be worthwhile to schedule a time to meet with Council in November or December prior to Christmas to review how it went for those two months and what needs to be changed for the spring.

Mayor Weiss mentioned that he did have the opportunity to speak with Mr. Russell and Jon Ratner last week about some of these issues. They are very committed to making sure there is full transparency of how it is operating and if there are changes that need to be made.

Council member Mrs. Moore asked about the reaction of the community at large, so she attended a couple of the meetings, with the Sussex and Lomond Community Associations. She thought it was interesting that the concerns voiced were not about the sale of alcohol, but in trying to understand the rules, how they would be informed, and how they would be applied. They were beyond the issue of the sale of alcohol in the ORA to how we do it, and do it safely.

It was moved by Mr. Williams, and seconded by Mr. Roeder, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-47 be placed upon its final enactment.

Roll Call: Ayes: Mr. Williams, Mr. Zimmerman, Mr. Malone
Mrs. Moore, Mr. Roeder, Mrs. Senturia, Ms. Williams

Nays: None

Motion Carried

Moved by Mr. Williams, and seconded by Mr. Roeder, that Ordinance No. 19-47 be enacted as read.

Roll Call: Ayes: Mr. Williams, Mr. Zimmerman, Mr. Malone
Mrs. Moore, Mr. Roeder, Mrs. Senturia, Ms. Williams

Nays: None

Ordinance Enacted

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Ordinance No. 19-64, by Mr. Zimmerman, administrative acceptance of the approval of the City Planning Commission and confirmation of the granting of a conditional use permit for a Process Canine dog training center at 3700 Lee 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 the Process Canine training center. The applicant proposes a dog training center for one to five dogs. It is a former Security Door space at Lee and Nicholas. They plan to only utilize the interior space. The dogs will be checked in and walked down from their main operation down the street. This will be a business operating five days a week from 9 a.m. to 5 p.m. This item is requested with a suspension of the rules so that renovations can be undertaken so the dog training center can open.

Amanda Corr, the owner of Process Canine, stated that they are currently located at 3706 Lee road and looking to open a training center which is already a component of their business but would like to dedicate it to its own space adjacent to their current location.

Council member Mr. Zimmerman stated that this item was reviewed and approved by the City Planning Commission. They learned that Process Canine has operated very well. When they came here there were concerns from neighbors about the placement of the facility so close to a residential neighborhood. The question he asked at that time and from the City Planning Commission was if there had been any complaints. There has really been only one complaint about noise, which was the morning of the presentation, which they feel was a coincidence. He believes that has been resolved.

Ms. Corr stated that they have been in touch with that particular neighbor who moved in after they had opened. They have been working with him and he has been happy about some improvements. They had not heard anything so they thought what they were doing was working and so all that has been going really well.

Council member Mr. Zimmerman stated a few other items of note for Council was that as we always ask applicants to do, Process Canine did outreach to the neighborhood, which was particularly important in

light of the proximity of the residential neighborhood. They did a little get together but he understands there was not much of a turnout, but that is okay, there was notice and effort. Council heard no objections. It has actually all been positive. The business is doing well and this is sort of an adjunct service that the company wants to provide mostly to existing customers for the benefit of the dogs and owners. Because of all that there weren't any difficulties to make this recommendation.

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. 19-64 be placed upon its final enactment.

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

Motion Carried

Moved by Mr. Zimmerman, and seconded by Mrs. Moore, that Ordinance No. 19-64 be enacted as read.

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

Ordinance Enacted

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Ordinance No. 19-65, by Mr. Malone, accepting a proposal and authorizing a personal services contract for professional design/engineering services with Euthenics, Inc., in the total not to exceed amount of \$64,130, for the Shaker Boulevard/Warrensville Center Road Intersection Improvements Project, and declaring an emergency.

Joyce Braverman, Director of Planning, stated that this item is for the Shaker/Warrensville intersection, as a recommendation from the Van Aken district traffic study completed in May 2018. Staff obtained a Northeast Ohio Areawide Coordinating Agency (NOACA) Transportation for Livable Communities Initiative (TLCI) grant to help with the implementation costs. The project budget is \$373,000 and of that \$200,000 is from the NOACA grant. This request is to award the design and engineering services to Euthenics, Inc. for \$64,130. These design funds are already in the 2019 capital budget. A request for proposals (RFP) was posted on the City's website. We received only one proposal from Euthenics, Inc. They were interviewed and met all the RFP requirements. They have extensive experience with these types of intersections and working with the Ohio Department of Transportation (ODOT). They are currently working on the Warrensville Center Road bridge for the County so they are familiar with the intersection. They have already come up with good ideas, and done the survey so we feel confident in choosing them. There was a good discussion by the Finance and Administration Committee about the traffic changes that were proposed and the diagrams, but at that time we did get to remark that there will be two public meetings as part of this design process. One will take place with the neighbors at the very beginning before any design is done and another one when it is about 60% complete to get input. This does involve four or five different streets so we will make sure that everyone is invited. This item is

requested as an emergency and with a suspension of the rules in order to meet the grant deadlines for spending.

Council member Mr. Roeder stated that this item was reviewed and supported by the Safety and Public Works Committee although there was no quorum. One of the members of the committee was familiar with this organization and had positive comments. Since there was not a quorum they were unable to formally vote.

Council member Mr. Malone stated that this item was reviewed and approved by the Finance and Administration Committee. There was one dissenting vote but it was due to the very preliminary sketch of the design. There was a very lengthy discussion about the engineering design which prompted Director Braverman to remind everyone that this is a preliminary idea and that there will be multiple opportunities for public comment and feedback. The funds for this project are in the capital budget and there was no objection raised on the basis of the quality of the firm or the amount.

Council member Mr. Williams stated that the design will probably include bike lanes.

Director Braverman stated that there is a preliminary idea about the bridge design that is happening outside of this process of adding a bike lane over the bridge over the RTA tracks and then down South Park through the area where we will be doing changes. We will have probably an off road bike path.

Council member Mrs. Senturia asked for clarification on the preliminary design elements including the closure of some of the streets, and where we are in the decision making process. Everyone is talking about that part.

Director Braverman stated that the traffic study looked at the traffic counts and the signalization. One of the goals of the traffic study was to keep the main traffic on the main street, Warrensville, and to keep the green time of those lights as much as possible and shorten the green time for South Park or Chesterton where there are not as many people on those roads. In that direction going westbound the idea is as you cross Warrensville you will stay on Shaker Boulevard and there won't be a flow directly onto South Park or Chesterton. As you pass you can slow down and make a right turn and go that way. It is not cut off it is just discouraged. Coming eastbound, Falmouth will not feed directly into Warrensville, but you can make a left turn then right turn and get back onto Shaker Boulevard. It is not cutting off those movements but making them more difficult.

Council member Mr. Zimmerman stated that it is always curious to him when we engage in the competitive bidding process and we only get one response. He asked if there is any thought about why that was.

Director Braverman stated that this is a very small contract for engineering at \$64,000. It is way above the percentage that you would normally pay because it is a small contract.

It was moved by Mr. Malone, and seconded by Mr. Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-65 be placed upon its final enactment.

Roll Call: Ayes: Mr. Williams, Mr. Zimmerman, Mr. Malone
Mrs. Moore, Mr. Roeder, Mrs. Senturia, Ms. Williams

Nays: None

Motion Carried

Moved by Mr. Malone, and seconded by Mr. Williams, that Ordinance No. 19-65 be enacted as read.

Roll Call: Ayes: Mr. Williams, Mr. Zimmerman, Mr. Malone
Mrs. Moore, Mr. Roeder, Mrs. Senturia, Ms. Williams

Nays: None

Ordinance Enacted

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Ordinance No. 19-66, by Mr. Malone, approving and authorizing execution of a Purchase, Development and Use Agreement with Confluent Development LLC in order to construct an assisted living and memory care facility on the City-owned parcel at 16800 Van Aken Boulevard, Permanent Parcel Nos. 735-17-020 and 735-18-023, and authorizing the disposition of City-owned property without competitive bidding, and declaring an emergency.

Joyce Braverman, Director of Planning, stated that Confluent proposes to build at least 80 units of assisted living and memory care on the former Avalon Station II property of about 3 acres. That land was assembled originally for the Avalon Station project and the City entered into a development and use agreement with Heartpoint to develop that site and one of the three planned condominium buildings were built and opened in 2007. Heartpoint subsequently defaulted on that agreement. The City released a request for quotes in 2014 for multifamily rental or a for-sale product and received three proposals for that land. We entered into a development and use agreement with Payne and Payne who assigned it to Knez who chose Ryan Homes to be the builder. After quite a bit of review and negotiations the City decided to terminate that agreement due to poor quality and a weak market for townhomes. This is in the Shaker Town Center tax increment finance (TIF) district so any development on this parcel will contribute to that TIF fund. There was a question about over saturation in the Shaker Town Center area of senior products. There are senior living options at the Woodlands, a nursing home which provides memory care; Library Court, which provides independent and subsidized housing; and Campbell Court, which offers independent and subsidized senior apartments. Confluent is a developer from Denver and they do everything from retail to assisted living. Confluent Senior Living is a subset of their company, and will probably be the developer doing this project. Our agreement is with Confluent Development. There will be one building with 80 units. The agreement is for at least 50% assisted living. Right now they are proposing 98 units. The purchase price is \$13,500 per unit which will give us a purchase price of between \$1 million and \$1.3 million. The project cost estimate is between \$25 and \$30 million which Confluent confirmed on Friday. They have chosen Harbor Retirement Associates which operates as HarborChase as the operator of the assisted living facility. They operate 25 senior communities right now and they are partnering with Confluent on 6 other projects. Two are currently open including one in Dayton. We have talked to the people at Beavercreek and they were very satisfied working with Confluent. They shared the plans and the material palate. It seemed like something we could accept here.

William M. Ondrey Gruber, Law Director, stated that most of the terms of the agreement are spelled out in the ordinance. Council is being asked to approve the agreement in substantially the form as described in the ordinance. The key terms being the minimum sale price of \$1,080,000 up to as high as \$1.2 or \$1.3 million depending on how many units they build. The minimum number is 80. There are a number of deposits they have to make. At certain points along the way through the inspection period and at various points during due diligence when they are seeking approval, portions of the deposit would become non-refundable. There are different abilities of the City to force compliance or to get some of the funds through deposit and keep them or cancel the agreement at various stages. Before the transfer the City would be able to cancel the project and keep a portion of the deposits depending on where they are. After transfer the City has a right to buy back the property if construction doesn't start within 180 days. Once construction has started there are completion guarantees that we are still working on with them, but there will be completion guarantees with their lender. While we do not have direct access to those guarantees, they provide the City with insurance that the building will be completed and if not the bank can step in and complete it. Once the construction is completed, the City has the right to the first offer on the project if they want to sell it in the future. They have to get all City approvals. In fact they will have all City approvals before transfer occurs. They will not own the property until after the City Planning Commission/Board of Zoning Appeals, Architectural Board of Review and Council have all approved. Council must approve the conditional use permit. All of those approvals must be obtained before we transfer the property. They must follow all City design principles and ordinances in planning the project, designing it, and proceeding with the project.

Council member Mr. Williams stated that this item was reviewed and approved by the Neighborhood Revitalization and Development Committee. There was a vigorous discussion and presentation by Director Braverman. There were concerns that dealt with the kinds of differences there would be with the operator and the developer. Director Gruber gave a comprehensive overview of the deal which provides safety for the City and removal of concerns about guarantees they would offer us.

Council member Mr. Williams asked about a representative from Confluent being available to answer any questions from Council, but he does not know if the questions would be more appropriate for the operator or developer. The community will want to know who they are and if we will be comfortable with them.

Director Gruber stated that they did invite Confluent to attend this meeting but their travel schedule on short notice did not allow them to be here. They offered to come at another time to address Council if they know far enough in advance.

Council member Mr. Malone stated that this item was reviewed and approved by the Finance and Administration Committee. There was one dissenting vote premised on the fact that there was not a discussion about the operator of the facility. The focus touched on the purchase and the construction of the facility. He believes the City has done quite a bit of due diligence on this. This deal is potentially better than the one we were considering with Knez homes. There is a lot of upside. We stand to be able to pay off a lot of the bonds that are still outstanding on the Shaker Town Center TIF if all goes well and there are a lot of outs along the way if things don't go well. He commended the City for finding this opportunity and putting together a good agreement.

Council member Mr. Roeder asked about the financials. He understands there is a one-time payment for purchase of the property of \$1 million to \$1.3 million. There is an estimated \$1 million in payroll, \$500,000

in real estate taxes, and \$350,000 to the TIF. He would like to know at what point we think the bond might be paid and what income would look like after the bond is paid for the TIF district.

Mayor Weiss stated that the purchase price is a one-time payment paid on conveyance. Then there are two components to the ongoing: the income tax based on payroll which they are estimating is in the \$1 million dollar range; and real estate taxes as well of about \$500,000 in the gross amount that we are guessing is more like \$350,000. It is tough to get too specific at this point because we don't have a valuation on the building because we don't know what is being built or the size. There is some flexibility or ambiguity there at this moment, but these are our best guesses based on anticipated total construction costs.

Director Braverman stated that the bond was refinanced several times but it is for the 30-year TIF. It would have been 30 years from 2005 or 2006. This would take the subsidy from the General Fund away and fund it from the TIF proceeds totally. Even though it will not be paid off for a number of years we would no longer be subsidizing it from the General Fund.

Mayor Weiss stated that depending on the final dollar amount the anticipation is that it would essentially eliminate any shortfall subsidy that we were transferring assuming the numbers come in the way we hope they will.

Council member Mr. Williams asked about the TIF area to be developed.

Director Braverman stated that the TIF district in Shaker Town Center includes all of Chagrin and parts of Lee Road, the self-storage facility, and CVS so if there are new buildings within the district they will continue to contribute. If we amass a fund greater than just paying off the bond, those monies will be put in a fund and used for public improvements in the TIF district, like roads, sewers, trees, or whatever we need.

Council member Mr. Williams asked if we could reach a point where we would have to remit funds back to another organization.

Director Braverman explained that any additional money will be for the City to spend in the district on public improvements.

Council member Mr. Roeder stated that he understands that there are some details that are not available to us now, but he also understands that doing this project is better than not doing this project from a financial standpoint. It would be helpful to understand at some point in more precision what some of the numbers are like, but he well recognizes that if we do not do this, we will not get the million dollars or the incremental bump as well.

Mayor Weiss stated that the economics are compelling compared to the alternatives at the moment. Notwithstanding that he thinks the administration is comfortable with the developer and the operator. We think it is definitely in the City's best interest.

Council member Mr. Roeder stated that he made the assumption that these numbers on an ongoing basis are greater than what we are currently receiving from this geography.

Director Gruber stated that the property is currently tax exempt.

Council member Mr. Roeder asked why we decided to use the funds in this way.

Director Speese stated that we recently hired a new forester two years ago. He has a background in environmental science from Hiram College and has taken the Ohio Department of Natural Resources (ODNR) trees master planning program training. We need to quit planting and removing trees. Shaker Heights has more trees than any community in this part of the state. We are trying to get away from baby trees which will not get very large. The oak trees we are looking at protecting were planted before we started using road salt, and all of the things that have a tendency to kill trees on major thoroughfares. We want to enhance the quality of our trees and not just keep planting more. Not everyone needs three tree lawn trees. The forester will make a presentation at an upcoming work session and she would love everyone to hear about the different ways we are addressing the urban forest. Pruning and better maintenance is better for everyone. These oak trees are huge and we want to protect them. They were planted over a hundred years ago so we want to protect what we have and enhance the quality of the trees.

It was moved by Mrs. Moore, and seconded by Mr. Zimmerman, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-67 be placed upon its final enactment.

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

Motion Carried

Moved by Mrs. Moore, and seconded by Mr. Zimmerman, that Ordinance No. 19-67 be enacted as read.

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

Ordinance Enacted

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Ordinance No. 19-68, by Mr. Roeder, authorizing a Local Public Agency (LPA) agreement with the Ohio Department of Transportation (ODOT) in order to implement the Warrensville Center Road Resurfacing Project, and declaring an emergency.

Patricia Speese, Public Works Director, stated that in 2014 we received notice about this program. The Northeast Ohio Areawide Coordinating Agency (NOACA) created the provisional transportation asset management program. They programmed specific roads in cities and designated a funding year for said road. Warrensville Center Road was programmed for 2016 and it would be torn up at the same time as the development that was going on there so we asked them to put it off. It is a federal project that is an 80/20 split but a number of years ago they changed their funding mechanism so many things are no longer eligible. It is more like a 60/40 split now. We have it programmed for 2020 from Farnsleigh to the northern border with mill and fill. Our portion will be approximately \$977,000 of the \$2.6 million project.

This item is being requested as an emergency so that we can lock in their funding. We want the agreement solidified. Council has in the last five years dedicated \$2 million to road resurfacing, which is where our \$977,000 match will be funded. If they reduce the project to \$1 million we are still obligated for \$977,000. In order to take advantage of this \$2.6 million project we need our match. We came in way under budget with both Van Aken and Shaker Boulevard and were able to return \$1 million last year from Shaker Boulevard and a few other projects. We do not intend to spend the entire \$977,000 but that is the breakdown of the project in the worst case scenario.

Council member Mr. Roeder stated that this item was presented to the Safety and Public Works Committee. However, there was no quorum so they could not officially vote, but they did support it. There was a discussion about the financial aspect and how if the City spent \$1 million on this and chose to only spend \$1 million on the road budget that would be it for the year. We don't know yet if we can put in the \$2 million, but nonetheless the feeling was this needs to be done. This project was already delayed and we are getting a good match. The hope was that there would still be funds to fix some of the other roads next year, but this is a good use of the other million.

Council member Mr. Malone stated that this item was reviewed and unanimously approved by the Finance and Administration Committee. There was a discussion about the fact that we would not be able to spend more on other roads perhaps during that year. He clarified that the bridge work would occur after these repairs.

Director Speese stated that we are not going to redo the road for them to tear it up.

Council member Mr. Zimmerman stated that he was travelling for business at the time of the Finance and Administration Committee but he would have said that he is greatly concerned about the possibility that we might not have a budget for street resurfacing if the finances do not go the way we want and even it does it will be a more limited budget for street resurfacing. Council hears the same complaints and road conditions are up there along with traffic. He understands this is an important thoroughfare, a lot of money, and a lot of street to resurface. He is not saying we should reject this money, but he is asking the administration to look really carefully at the budget for this project. He understands there has been good precedent for coming in under budget. If somehow it doesn't happen, he will be asking the administration to be aggressive in terms of finding additional dollars for street repairs because our residents demand it. We have made some good progress but the reality is it never ends. He knows that if we don't repair roads rated 4, they will soon become rated 5 and we will really hear from residents.

It was moved by Mr. Roeder, and seconded by Mrs. Moore, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-68 be placed upon its final enactment.

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

Motion Carried

Moved by Mr. Roeder, and seconded by Mrs. Moore, that Ordinance No. 19-68 be enacted as read.

Roll Call: Ayes: Mr. Williams, Mr. Zimmerman, Mr. Malone
Mrs. Moore, Mr. Roeder, Mrs. Senturia, Ms. Williams

Nays: None

Ordinance Enacted

* * * *

Ordinance No. 19-69, by Mr. Williams, authorizing a second amendment to the contract between the City and Shark & Minnow Inc. for professional marketing and public relations consulting for an additional scope of work to develop new strategic photo and video assets for the Attract and Retain Marketing Campaign, for a not-to-exceed amount of \$39,567, and a total not-to-exceed contract cost of \$204,567, and declaring an emergency.

Julie Voyzey, Communications & Marketing Director, stated that this item is for a second amendment to the contract with the marketing and public relations firm shark&minnow, for a total amount of \$204,567. The contract began in January 2019 and goes through December 2020. The Shaker365 attract and retain campaign has launched and can be seen on the rapid, in *Shaker Life* magazine, and in the *United Airlines* magazine. They have also refreshed the City's logo and incorporated it into the website and the magazine. They are looking at ways to enhance the campaign. Maybe 12 or 15 years ago there was a video of the City which became outdated. They switched their attention to social media and went deep on Facebook, Instagram, and Twitter. As those platforms have changed they have become more dependent on video and we realized we need to get out in front of that. The proposed campaign for the contract amendment provides for the production of a documentary styled brand video, which will contain an overview of the community, highlighting the impact of the people and place, and demonstrating the factors that motivate people to move to and remain in Shaker Heights. The brand video will be 3 to 5 minutes in length. In producing the brand video they will be capturing photographs which will enhance the video and photographic assets they can use for many other things like the magazine, other social media, and the website. The deliverables for the project are the brand video, more than 50 photographs and 9 - 12 small vignettes. Council may have seen a third one on Verb Ballets and their residency at The Dealership. There was one on the Memorial Day Parade, and one on Chuck Bates. Those are the types of vignettes that speak to who we are as a community. This item is requested as an emergency and with a suspension of the rules so that we can complete the videos before the weather gets bad.

Council member Mr. Williams stated that this item was reviewed and approved by the Communications & Marketing Committee. He was very impressed with the video presentation and this effort. He can imagine what an outside firm would charge us to do these versus shark&minnow who as Shaker residents he considers to be an extension of staff.

Council member Mr. Malone stated that this item was reviewed and approved by the Finance and Administration Committee. He asked about the City exercising directorial discretion about what is put in the videos. It sounds like there is a good working relationship with shark&minnow and Director Voyzey. It is a collaborative process and he appreciates that things that were discussed by Council will be incorporated in these videos.

It was moved by Mr. Williams, and seconded by Mr. Malone that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-69 be placed upon its final enactment.

Roll Call: Ayes: Mr. Williams, Mr. Zimmerman, Mr. Malone
Mrs. Moore, Mr. Roeder, Mrs. Senturia, Ms. Williams

Nays: None

Motion Carried

Moved by Mr. Williams, and seconded by Mr. Malone, that Ordinance No. 19-69 be enacted as read.

Roll Call: Ayes: Mr. Williams, Mr. Zimmerman, Mr. Malone
Mrs. Moore, Mr. Roeder, Mrs. Senturia, Ms. Williams

Nays: None

Ordinance Enacted

* * * *

Ordinance No. 19-70, by Mr. Williams, authorizing a three-year personal professional services contract with Roderick O'Connor in the total amount of \$180,000 for operational and editing consulting services for Shaker Life magazine for the period January 1, 2020, through December 31, 2022.

Julie Voyzey, Communications & Marketing Director, stated that this request is to enter into an additional three-year contract with Rory O'Connor, the current editor of *Shaker Life* magazine. *Shaker Life* has 4 issues every year and has been in production for 35 years. It started as a fairly simple magazine to disseminate general information about the City. It has really evolved into a complex operation, driven by the Triad community survey results that tells us why people like to live here which in turn drives editorial content. Rory has been an integral part of those decisions. He understands the value of that. The Communications and Marketing Department staff act as publisher and sometimes writers, but they also have a fairly large group of freelance writers, photographers, a proofreader, a design team, an advertising team and a printer. A request for qualifications (RFQ) was prepared and distributed on May 6, 2019 and received 2 submissions. Mr. O'Connor's proposed fee of \$60,000 was the lowest and after careful review they determined he was the best qualified person for the position, not only because of his extensive background in magazine writing and publishing, but also because he has been an incredibly valuable partner to us in the attract and retain goals of the department, proposing features that reflect the City's priorities and drive our attract and retain mission. Also, really key is that he was transformative in terms of the production of the magazine in recommending and facilitating the contracting with a professional ad manager years ago. This has been transformative because it has steadily increased ad sales and reduced the public subsidy for the magazine. In 2018 the total expense for 4 issues was \$204,335 and the revenue was \$201,163, leaving a taxpayer subsidy for 4 issues of just \$3,172. This item is requested with a suspension of the rules.

Council member Mr. Williams stated that this item was reviewed and approved by the Communications & Marketing Committee. Rory O'Connor has done a good job for us.

Council member Mr. Malone stated that this item was reviewed and approved by the Finance and Administration Committee. Several members were really impressed at how small the subsidy was for the quality of our issues. That is pretty remarkable in terms of the growth of advertising and business Mr. O'Connor has brought. They also discussed publicizing that to residents because the perception is that we spend a lot of money on *Shaker Life* and that it is an expensive luxury, when that is not the case. It is a pretty effective tool in persuading people to move and to stay here.

It was moved by Mr. Williams, and seconded by Mr. Malone, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-70 be placed upon its final enactment.

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

Motion Carried

Moved by Mr. Williams, and seconded by Mr. Malone, that Ordinance No. 19-70 be enacted as read.

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

Ordinance Enacted

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Ordinance No. 19-49, by Mrs. Moore, amending Sections 515.01 through 515.05 of Chapter 515, "Fair Housing," in the Business Regulation Code of the Codified Ordinances, in order to update and make the Chapter consistent with the language and protections of new Chapter 516 entitled "Discrimination Prohibitions in Employment and Public Accommodations."

William M. Ondrey Gruber, Law Director, stated that Chapter 515 is the City's fair housing ordinance. In September 2018, County Council passed an ordinance making it illegal county-wide to discriminate in the areas of housing, employment and public accommodations. On June 24, 2019, Council unanimously adopted an ordinance enacting new Chapter 516, similar to the County ordinance, which made it illegal in the City of Shaker Heights to discriminate in the areas of employment and public accommodations. The City has had its own fair housing chapter since 1992. We reviewed this when it was clear Council wished to enact Chapter 516 and a new equal employment opportunity resolution for the City's employment of its own employees. In May amendments to the fair housing ordinance were introduced with amended language to make it more consistent with the new Chapter 516. Our fair housing ordinance is substantially equivalent to the federal law except that in 2006 it was amended to include sexual orientation and gender identity as additional protected classes. We have a fair housing office that is very active in enforcing the law, which is why we chose not to follow the County model as we did with public accommodations and employment, where we don't have a program and resources to enforce those laws. We receive some funding from the U.S. Department of Housing and Urban Development (HUD) for our active fair housing enforcement program, education and outreach. Since the last reading we have had

approved for funding and through the end of last year's round a total of 29 projects have been completed representing just over \$200,000 in repair and improvement work at no direct cost to the City. We have 10 additional projects this year in Moreland, Lomond, Mercer, and Onaway. All of the projects will be different and include things such as accessibility improvements, correcting existing code violations, roofing, masonry, and more. There are no matching funds required from the City or the homeowners through this program, but the funder does require that the City pay for the improvements once they are complete, and be reimbursed. To date all of our completed projects have been successful in receiving a full reimbursement through this program. This item is requested as an emergency and with a suspension of the rules so that we can get construction started as soon as possible.

Council member Mr. Williams stated that he appreciates Mr. Compton's work in this area and congratulated him. Mr. Williams also referenced a separate program offered by Empowering and strengthening Ohio's People (ESOP) which assists seniors with loans to pay delinquent property taxes on their homes.

Council member Mr. Malone stated that it is pretty remarkable that the City of Shaker Heights accepts grants from the Federal Home Loan Bank of Cincinnati and staff goes out of its way to find money for our residents the way they have over the past five years with \$200,000 going for improving residents homes allowing them to age in place.

Council member Mrs. Moore stated that this item was reviewed and approved by the Neighborhood Revitalization and Development Committee. There was emphatic support for this grant program and it wasn't just because it costs the City nothing, but it is also absolutely sought after. The only question was about reimbursement and process.

It was moved by Mrs. Moore, and seconded by Mr. Malone, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-71 be placed upon its final enactment.

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

Motion Carried

Moved by Mrs. Moore, and seconded by Mr. Malone, that Ordinance No. 19-71 be enacted as read.

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

Ordinance Enacted

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Ordinance No. 19-72, by Mr. Roeder, Amending Ordinance No. 19-41 making appropriations for the current expenses and other expenditures of the City of Shaker Heights, Ohio for the year ending December 31, 2019, as amended by Ordinance No. 19-12, No. 19-20, 19-41 and No. 19-44, to amend appropriations in Fund No. 101, the General Fund, and declaring an emergency.

Fire Chief Patrick Sweeney stated that this item requests an appropriation in the amount of \$20,000 for hot works training. A little over a year ago we had the Fernway School fire and the cause was determined to be from contractors using torches that ignited the roof on fire. Immediately after we set out to try to identify ways in which we could prevent that from reoccurring. With help from Building and Housing Inspection staff we enacted local regulations that strengthened the permitting process for contractors performing similar work in the City. We also successfully prosecuted the company found to cause that fire. After that prosecution there were some requirements set forth for that company including they train their entire staff in hot works safety processes. The court also imposed fees on the company in the amount of \$35,000 to recover some of the overtime costs the Fire Department incurred on July 10, 2018; and about \$20,000 for training the staff of the company, all of the firefighter in Shaker Heights, the school facility maintenance staff; library maintenance staff, as well as other contractors who do work in this City. We want to bring in the National Fire Protection Agents Association (NFPA) who worked with the City of Boston to train every fire inspector in the greater Cleveland area through the Northeast Ohio Fire Prevention Association. We have the potential to train about 150 fire inspectors. The court set a payment schedule on this company with the first payment of \$10,000 due August 29. They are required to make another payment on December 27, and the final payment of \$15,000 in February of next year. He would like to schedule the training as soon as possible which requires a budget appropriation so that we can engage a contract with the NFPA to make this happen. They will be training 30 employees of the company next week and hope to have the NFPA come September 9. This item is requested as an emergency and with a suspension of the rules so they can get this started as fast as possible.

Council member Mr. Roeder stated that this item was presented to the Safety and Public Works Committee. There was some discussion about the specifics of the lawsuit we won of \$35,000, with \$20,000 for training and \$15,000 which goes into our General Fund to help cover overtime fees.

Council member Mr. Malone stated that this item was reviewed and approved by the Finance and Administration Committee. They understood the need to front these funds but there was a little concern whether this company is collectible given that they caused this fire, but they have a court imposed requirement to pay us so we are confident we will get our money. The interesting part of the discussion was the possibility raised that this could be seen as a model for state-wide legislation that would require hot works training across the state. What happened in Boston became a state law in Massachusetts, probably because it is a good thing to have contractors trained in this type of work. We want to avoid an undue perception that Shaker is burdening contractors in a way that other municipalities are not. We don't want that to be the case. This appears to be a relatively painless process for the contractors with a few hours' worth of training. Council may want to pursue our state representatives for the benefit of the entire state and also benefit Shaker by removing a perception that we are unfairly harsh on our contractors.

Jeri E. Chaikin, Chief Administrative Officer, stated that part of this legislation includes \$75,000 for the Carol M. Peterson grant appropriation. No general fund dollars are included. These will both be allocated from Other expenses.

did get petitions on the ballot and were approved for liquor sales. The neighborhood is very cognizant of reputable business practices in the community. Only when behaviors and interference with the community are negative, they have no other resolution. We should approve of this resolution to oppose the license because without that we are basically superseding the will of the neighborhood.

It was moved by Mrs. Moore, and seconded by Mr. Zimmerman, that the rule requiring ordinances to be read on three different days be suspended and Resolution No. 19-73 be placed upon its final enactment.

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

Motion Carried

Moved by Mrs. Moore, and seconded by Mr. Zimmerman, that Resolution No. 19-73 be adopted as read.

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

Resolution Adopted

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The Mayor invited members of the audience to comment on any issues.

No comments were offered.

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There being no further business before Council, the Mayor adjourned the meeting at 9:14 p.m.

DAVID E. WEISS, Mayor

JERI E. CHAIKIN, Clerk of Council