



SHAKER HEIGHTS

COUNCIL MINUTES February 25, 2019

The Council of the City of Shaker Heights met in regular session at 7:30 p.m., Vice Mayor Anne E. Williams presiding.

Council members present: Mrs. Moore, Mrs. Senturia, Ms. Williams
Mr. Williams, Mr. Zimmerman, Mr. Malone

Council members absent: Mr. Roeder

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It was moved by Mrs. Moore, and seconded by Mr. Williams, that the minutes of the special meeting of January 14, 2019, be approved as recorded.

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

Nays: None

Motion Carried

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It was moved by Mrs. Moore, and seconded by Mr. Williams, that the minutes of the regular meeting of January 28, 2019, be approved as amended.

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

Nays: None

Motion Carried

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Audio of this meeting may be found [here](#) through May 25, 2019.

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The Vice Mayor invited members of the audience to comment on any of the agenda items.

No comments were offered.

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Ordinance No. 19-16, 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 child day care center, pursuant to Section 1213.05 of the City's Zoning Code, for the property at 3663 Lee Road.

Joyce Braverman, Director of Planning, stated that this is a request for a conditional use permit for the Lee Road Learning Center located at 3663 Lee Road. This was reviewed and approved by the City Planning Commission with the following conditions: no employee parking on site; day care operation will run Monday thru Friday from 6 a.m. to midnight; a temporary playground will be permitted in the rear parking area with barricades from 10:30 a.m. to 1:30 p.m.; the temporary barricades must at least be three feet tall; wheel stops must be installed in the parking spaces both next door and at this location; a temporary play surface is used to cover the asphalt; and there will be a storage room inside the school for the temporary play equipment. The City Planning Commission did continue this request at the December and January meetings so that the applicant could provide more information. The day care center is proposed to care for children from 18 months to 12 years in age for a total of 33 children on site five days each week. They will use the rear parking lot as a temporary playground. This was one of the issues for which the City Planning Commission sought more information. The state does allow temporary playgrounds in lieu of a permanent playground. This would be during non-peak hours with movable barricades. This use requires ten parking spaces and eight spaces are on site. A parking variance was approved by the City Planning Commission based on an agreement the applicant has to share three parking spaces with the adjacent building located at 3657/3659 Lee Road for a total of eleven parking spaces. This item is requested as an emergency and with a suspension of the rules in order for the day care center to apply for their state license. The applicant and their architect are present tonight to answer any questions.

Council member Mr. Zimmerman stated that Director Braverman's presentation accurately summarized what was discussed by the City Planning Commission (CPC). The applicant was asked a number of questions. The CPC was very focused on the initial lack of on-site playground area. The applicant modified their plans to allow for that. The CPC also pushed them in terms of their parking arrangement to make sure there was proof it was locked down and that they were in compliance with all appropriate governmental regulations regarding day care centers. This application received a lot of attention from the CPC. It actually took three readings for the CPC to vote at which time it was unanimously approved.

Council member Mr. Williams asked about Type A and Type B home day cares.

Director Braverman stated that this is a commercial day care in a commercial area. Type A and Type B home day cares are in residential areas. Commercial day cares have a separate set of regulations. A license is required by the state after the City approves this.

Council member Ms. Senturia asked about the playground operations being limited from 10:30 a.m. to 1:30 p.m.

Director Braverman stated that it was left up to the applicant to figure out what times they wanted to have the playground operating. First thing in the morning as well as during pick up they wanted parking spaces available. This was their suggestion to the CPC for times it would be easy to have the temporary playground. Originally there was no playground proposed. The applicant also owns a day care center a few doors down. The idea was that the children would walk down Lee Road to the playground at the other day care. The CPC felt uneasy with that idea as the tree lawn on Lee Road is only a few feet wide. The CPC was concerned the kids would be close to the street and it was preferable to have some play area on this property.

Council member Mr. Malone asked about this being an expansion of an existing day care.

Director Braverman stated that there is another separate day care with the same operator. They have been in Shaker for a number of years.

It was moved by Mr. Zimmerman, and seconded by Mr. Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-16 be placed upon its final enactment.

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

Motion Carried

Moved by Mr. Zimmerman, and seconded by Mr. Williams, that Ordinance No. 19-16 be enacted as read.

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

Ordinance Enacted

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Ordinance No. 19-17, by Mr. Zimmerman, accepting the dedication as right-of-way of the City-owned median (Parcel No. 733-04-009) on University Boulevard between the City's boundary with University Heights and Fairmount Circle, and declaring an emergency.

Joyce Braverman, Director of Planning, stated that most medians in Shaker are parcels of land. In University Heights it is the opposite, most of theirs are in the right-of-way. On University Boulevard most of the median is in University Heights and a very small piece is in Shaker Heights. University Heights approached us as they wanted to vacate a piece of land and dedicate it to the right-of-way. This ordinance approves the dedication of the right-

of-way for Permanent Parcel No. 733-04-009, which is the University Boulevard median. University Heights has already approved the dedication of their portion. The additional portion that we would like to dedicate to the right-of-way is to create a consistent median in both jurisdictions. This item is requested as an emergency and with a suspension of the rules so that the engineer can submit their final plat to the county.

Council member Mr. Williams asked about renaming the street.

Director Braverman explained that a different section closer to John Carroll University was renamed from North Park to John Carroll Boulevard.

Council member Mr. Zimmerman stated that the City Planning Commission reviewed and recommended approval of this land use housekeeping measure.

Council member Mr. Malone asked about this request.

Director Braverman stated that most of the medians in University Heights are part of their right-of-way and not separate parcels. She believes they wanted to do this to be consistent throughout their city.

William M. Ondrey Gruber, Law Director, stated that the medians in Shaker Heights around Fairmount Circle are in the right-of-way.

Director Braverman stated that there will be no difference in how we treat this parcel in terms of maintenance.

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. 19-17 be placed upon its final enactment.

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

Motion Carried

Moved by Mr. Zimmerman, and seconded by Mrs. Moore, that Ordinance No. 19-17 be enacted as read.

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

Ordinance Enacted

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Ordinance No. 19-18, by Mr. Malone, authorizing a personal services contract with GPD Group in the total not-to-exceed amount of \$63,311 for consulting services for the Huntington Sanitary Sewer Overflow project, and declaring an emergency.

Patricia Speese, Public Works Director, stated that the City was awarded a 50/50 grant from the Northeast Ohio Regional Sewer District (NEORS) in November 2018 to address the second of seven Sanitary Sewer Overflows (SSOs) in the City, located on Huntington Road. We sent out a request for proposals (RFP) to six firms for the design of the remediation and expected similar proposals to what we received for the Maynard, Ingleside, Fernway, and Parkland SSO, to replace part of the pipe, line some of the pipe, replace some of the laterals, fix what was needed and upsize a certain portion of the sewer. We received four responses with one from GPD suggesting that within our budget they could replace our entire sewer rather than making the different repairs in different sections. A supplemental RFP was sent to the responding firms to give them all an opportunity to submit a new proposal with that in mind. GPD was determined to have the best proposal and had the lowest fee. This item is requesting authority to enter into an agreement with GPD to design the Huntington SSO remediation project.

Council member Mrs. Moore stated that this was reviewed and unanimously approved by the Safety and Public Works Committee. This was a very good process with a good result.

Council member Mr. Malone stated that this item was reviewed and unanimously supported by the Finance and Administration Committee. GPD had the highest ranked proposal out of the four that were received and the most economical. The funds are in the budget and we are receiving a grant.

It was moved by Mr. Malone, and seconded by Mrs. Moore, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-18 be placed upon its final enactment.

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

Motion Carried

Moved by Mr. Malone, and seconded by Mrs. Moore, that Ordinance No. 19-18 be enacted as read.

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

Ordinance Enacted

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Ordinance No. 19-19, by Mrs. Moore, authorizing a sole source contract with Jack Doheny Companies, without formal competitive bidding, for the purchase of a Vactor Trailer that has been rented by the City, in the total amount of \$20,750, plus an amount of \$17,250 in additional rental payments, and declaring an emergency.

Patricia Speese, Public Works Director, stated that the vactor truck is used to clean sewers. When we started on the northeast quadrant of the City repairing the sewers and the most recent SSO at Parkland/Ferway/Maynard we cleaned and jetted all the laterals. There are two laterals on every property, storm and sewer. We then do an assessment and replace a lot of the laterals if they are broken. We do that in advance so that they can do the actual construction to remediate the SSO. Our sewer truck is used to clean mainline sewers and we took it out of service to do this smaller work, but we were unable to keep up with the contractor. We asked the contractor how much they would charge to do the jetting of the laterals. Their cost is \$1200 for each lateral. That would cost us \$2400 per household, and we had several hundred households. We solicited requests from all over northeast Ohio to rent a portable sewer jet that has a high velocity to clean out the laterals. Jack Doheny was the only company that would lease us this piece of equipment. This is brand new and valued at \$70,000. We leased it for the northeast quadrant to begin that project and then we got the grant so we continued with the lease for several more months. In November we received the Huntington SSO grant and we were able to accomplish so much with this piece of equipment literally saving a lot of money rather than having that work outsourced. This item was presented to the Safety and Public Works Committee and they questioned whether this was a good deal. The purchase price is \$20,750, as they are giving us credit for half of what we paid for leasing and will pay to catch up after the first of the year. All the other companies that have a portable sewer jet did not have the velocity or capacity of 1,000 pounds of water pressure and cost much more. This piece of equipment has proved to be a huge time saver and provided cost savings to the City in helping us accomplish what we need to for all the sewer laterals. We are also using it to check every lateral on the streets we are resurfacing so we are fixing those.

Council member Mrs. Moore stated that this item was reviewed and unanimously approved by the Safety and Public Works Committee for the reasons that were mentioned. Public Works came back with the three additional vendor prices for comparison. This is the most cost effective approach. The age of this equipment is only 9 months. We are virtually getting a new machine for a used machine price. It is a good deal.

Council member Mr. Malone stated that this item was reviewed and approved by the Finance and Administration Committee. They appreciated the cost savings. Director Speese sought out a savings to the City with this unique vehicle. Given that we have a number of other sewer projects in the coming year this makes a lot of sense. The useful life of this equipment is three to five years and we will probably use it longer.

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. 19-19 be placed upon its final enactment.

amendment. The Communications and Marketing Committee asked why other potential marketing firms were not invited to consider submitting a proposal. The Moreland component is really part of a larger attract and retain campaign and keeping the branding consistent is an important part of the effort. Another question was addressed about the relationship between the City, schools and realty community, on how these entities work very closely together and anticipate doing so again on this project. The funds are available in the Neighborhood Revitalization Department budget, but the Communications and marketing Department will manage the work done by Shark & Minnow Inc. This item is requested as an emergency and with a suspension of the rules so that work can begin as quickly as possible.

Council member Mr. Williams stated that this item was reviewed and approved by the Communications and Marketing Committee. They were elated to know that they were going to be working with the Moreland community. They hope this works well.

Council member Mr. Malone stated that this item was reviewed and supported by the Finance and Administration Committee. He asked how Shark & Minnow Inc. will advertise and whether there will be a sign campaign. The Committee talked about there not being any new homes currently on these lots but that this is a marketing campaign to hopefully sell people on the idea of building new homes in an energy-efficient manner using the 10-year tax abatement in partnership with Knez, at least in the first instance.

Director Blank stated they were thinking of environmental marketing, which would be on-site promotions, potentially with signage along the boundaries of the neighborhood. It is not a drive through neighborhood. We will probably have signage that will direct you to the vacant properties where there will be signage as well.

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. 19-21 be placed upon its final enactment.

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

Motion Carried

Moved by Mr. Williams, and seconded by Mr. Malone, that Ordinance No. 19-21 be enacted as read.

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

Ordinance Enacted

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Ordinance No. 19-22, by Mrs. Senturia, authorizing a personal services contract with Coventry Land Company, LLC in a total not-to-exceed amount of \$50,000 for professional sustainability consulting services for the period March 1, 2019 through February 28, 2020, and declaring an emergency.

Jeri E. Chaikin, Chief Administrative Officer, stated that the Sustainable Shaker Task Force, originally the Climate Change Task Force formed by the Mayor and Council in July 2014, published a report at the end of 2015 "Building a Resilient City," which identified steps that the City, residents, and businesses could do to improve sustainability and address the effects of climate change. It has been a task force pretty much since 2015 and because of the importance Council and the Administration places on sustainability, the Mayor and Council decided to make this into a formal committee. The Sustainability Committee has been formed and this year Council included \$60,000 in the operating budget to fund a consultant to be a liaison amongst the Administration, Council and the Committee for sustainability. In the fall of 2018 the City sought proposals for a sustainability consultant focusing more on consulting firms. We felt this was advertised extensively but we only received one proposal from Coventry Land Company LLC. At the suggestion of the three Council members who serve on the Sustainability Committee we refashioned the request for proposals (RFP) as an independent contractor position and posted it on our website. In response to that posting we received five additional proposals for the sustainability consultant position. Of the total six proposals that were received, we decided to interview the three Shaker residents or firms: Michael Peters of Coventry Land, Julia Larouche, and Geri Unger. The interview committee consisted of the Mayor, the Chief Administrative Officer, Council member Mrs. Senturia and several staff members who have a background or who are involved in sustainability on behalf of the City. They unanimously recommended Michael Peters of Coventry Land Company LLC to be the most qualified to provide these services. He has continuity being a member of the original Climate Change Task Force. His company, Coventry Land Company LLC was created in 2010, to assist community development corporations, local governments, institutional clients, and individuals to achieve neighborhood and real estate sustainability goals. He has had consulting experience with other governmental entities working for the City of Lakewood and MetroHealth Hospital. He has personally brought two sustainable projects to the City of Shaker Heights: an electric vehicle charging station at The Dealership on Lee Road, and he is working with the Northeast Ohio Public Energy Council (NOPEC) to bring an electric car share program to Shaker Heights. There will be two cars located at the Van Aken district and one at the main library. He already has a pretty successful track record. This recommendation was then presented to the Sustainability Committee and the Finance and Administration Committee. Based on their recommendations this contract for one year with Michael Peters of Coventry Land is being requested for authorization by Council in an amount not-to-exceed \$50,000. There is an additional \$10,000 in the budget to support other activities for the Sustainability Committee and its initiatives. This item is requested as an emergency and with a suspension of the rules since the next Sustainability Committee meeting is on March 14, 2019.

Council member Mrs. Senturia stated this great report and the detailed memo distributed covered everything. This item was reviewed and approved by the Sustainability Committee. She stated that the interview committee was very impressed with the quality of submissions, in particular the Shaker residents. It was such an honor to pick from such

highly qualified candidates. This role is a strange space to navigate amongst elected officials, staff and citizen leadership. Michael Peters has had a similar role in Lakewood so he has experience managing this relationship. That really made him stand out as a winning candidate.

Council member Mr. Malone stated that this item was reviewed and approved by the Finance and Administration Committee. He agrees with Council member Mrs. Senturia about the quality of the applicants. It was great to see the Administration supporting this effort that has been driven by residents for a few years and now is a fully fledged committee with staff support. He noted that the money was available in the budget due to a NOPEC grant that we received in the amount of \$60,000. We are hopeful that we can do the same thing next year and the following year. It is potentially a three-year commitment if all goes well toward these efforts.

Council member Mr. Zimmerman stated that it is always great to see Shaker in a leadership role, particularly in an important public policy issue like sustainability. He asked Sustainability Committee chair Council member Mrs. Senturia if she anticipates a ramp up period for the consultant, as the one year contract is not that long.

Council member Mrs. Senturia stated that she is really confident that they will be ready to go from day one partly because Mr. Peters has already worked with this group of Council members, some staff and lay leadership in the community. These existing relationships make it possible for him to continue to move forward. In addition the proposal he submitted very closely aligns with the vision of the Mayor and fellow Council members with her on the Sustainability Committee about a focus on the current investment. There have been some easy win projects on the shelf waiting to be addressed that will save us funds in just a few years down the road. We just have not been able to implement them because we have not been able to commit the focus with our lean staffing situation. She feels confident that Mr. Peters will be able to immediately start working on a number of things in the energy-efficiency realm that will pay us back within just a short timeframe. We have a stack of things that are ready to work on. There are also some other short term things that can really make an impact looking within. It is important to get our own house in order so to speak. We are working to implement the green team that can focus on our own initiatives and set an example for other businesses in the City. She believes that will come together in a short timeline. Just as importantly Mr. Peters is ready to use his extensive contacts to put in motion the possibility of doing a solar demonstration project on City property. That is something we have talked a lot about for the past few years within the task force. This is just a short list, but these are things that Mr. Peters brought to the interview and noted in his proposal. Because he has been involved as a volunteer lay leader we have all been in sync on these projects. Thanks to Mayor Weiss' commitment on these issues and alignment with where we have been, we are ready to move forward right away.

It was moved by Mrs. Senturia, and seconded by Mr. Malone, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-22 be placed upon its final enactment.

oriented organizations like MetroHealth Hospital, and Cuyahoga Community College. Their proposed timeline to placement is 3 months. Given that this position is vacant we think this is the time to look for professional services. The 2019 General Fund Budget included the full year salary for an economic development director so we have the funds available in the budget since the position is unfilled. At this point it will probably be unfilled until the end of May so we have those funds available to pay for this. We do not expect any additional expenses like travel because the search firm is located here in Shaker Heights. The cost is a not-to-exceed amount of one-third of the base salary for the position, which would be paid in increments until we find a person. This item is requested as an emergency and with a suspension of the rules so we can get them under contract as soon as possible and fill the economic development director position.

Council member Mr. Malone stated that this item was reviewed and approved by the Finance and Administration Committee. The primary discussion was why we thought this is happening and CAO Chaikin summarized that well. The money is available in the budget by virtue of not having an economic development director to pay over the last few months.

It was moved by Mr. Malone, and seconded by Mrs. Moore, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-23 be placed upon its final enactment.

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

Motion Carried

Moved by Mr. Malone, and seconded by Mrs. Moore, that Ordinance No. 19-23 be enacted as read.

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

Ordinance Enacted

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Ordinance No. 19-24, 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.

Robert H. Baker, Finance Director, stated that there are three items that exceed the threshold for Council approval for this reporting period.

pulling into and out of a property then the companies that are able to make multimillion dollar investments will find another place to invest. These are improvements that the City can make that will not cost a fortune.

Vice Mayor Williams stated that there have been discussions on these issues and she appreciates him sharing his comments and input.

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There being no further business before Council, the Vice Mayor adjourned the meeting at 8:27 p.m.

ANNE E. WILLIAMS, Vice Mayor

JERI E. CHAIKIN, Clerk of Council