

you have to have excellent communication skills. It is terribly important. We also look at if they have a passion for law enforcement. That is always important. They have to demonstrate that to us and service to the public. They also have to have a desire and ability to convey that they will lead an ethical lifestyle while they are committed to our Police Department and the City of Shaker Heights. After the battery of tests and looking over their qualifications, we feel these five gentlemen are what we need in the Shaker Heights Police Department and will carry forward our mission and values.

Chief DeMuth introduced each officer and their guests.

Mayor Weiss administered the oaths of office.

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Mayor Weiss acknowledged the Lomond neighborhood Pack One Cub Scouts.

The Mayor opened the scheduled public hearing on the creation of a revised Outdoor Refreshment Area.

Planning Director Joyce Braverman stated that this is an application to repeal the existing Outdoor Refreshment Area (ORA) and to replace it. The existing ORA was approved by City Council on July 22, 2019 and the state makes provisions to establish these districts. Council is required to approve the ORA and the City process is dictated by state code. Part of the code requires this public hearing. It allows 30 to 60 days for Council to vote. It requires we notify the State Department of Liquor Control. Council must review the ORA every five years and has the authority to repeal it with proper notice. City Administration can agree to change the plan within the terms of the petition. The first reading of this item was on January 13, 2020. The second reading and public hearing is taking place tonight. The third reading is scheduled for February 10, 2020 which falls within the 30 to 60 day time period for voting.

Jason Russell, RMS Van Aken District General Manager, stated that tonight he is presenting the revised proposal for the creation of a Designated Outdoor Refreshment Area (DORA) in the Van Aken district. The ORA allows a bar or restaurant patron to legally walk around the DORA with an alcoholic beverage in hand so long as it was served by a qualified permit holder in the district. Patrons who have those beverages are required to stay within the predetermined boundary and only during the dates and times established by this Council and any special events that may occur. Some of the changes to the ORA that was previously approved by Council in July 2019 is that the ORA would be year round. It was previously from April 1 to October 31. The cups would be permitted inside retail merchants. At the time of the last approval we had not gotten a clear distinction on that so the code did not allow it. We have since been told that it is permitted. The hours of operation changed. We want to discuss the boundaries, the hours of operation, the safety plan required to be implemented by RMS as well as the sanitation plan. There will also be an overview of qualified permit holders as it stands today in the Van Aken District (VAD). As he mentioned earlier the change in the legislation would create a year round ORA. From a management standpoint RMS would allow the permit holders throughout the district to operate within the boundaries from April 1 through October 31. Through the other months, November 1 through March 31, only the permit holders within the Market Hall would be permitted to sell alcoholic beverages in the cups which would allow individuals to travel throughout the entire boundary area, but RMS will limit it to the permit holders in the district to minimize the number of people who go outside and in the park area. Signage that was previously approved by the City will be installed in different sign locations throughout the district. These are educational reminders to customers to stay within the boundaries and of the rules of the district. They let you know when you enter the district and are approaching an exit that alcohol cannot go beyond

that point. Other signage that RMS will include and make available to merchants and retailers is signage that educates the consumer on whether beverages are welcome inside of a particular store, or if beverages are sold by some of the liquor permit holders. Some stores may not allow beverages to be brought in so there is signage to indicate to the customer that drinks are not permitted in their store. The hours of operation year round from Sunday through Thursday is from 11:00 a.m. to 10:00 p.m., and Friday and Saturday from 11:00 a.m. to 12:00 midnight. There will also be special events that may happen outside those hours of operation with approval from the Mayor and Chief of Police of Shaker Heights. The safety plan required to be implemented by RMS is to provide one private security officer to patrol the ORA during the hours of operation, seven days a week. The Shaker Heights Police Department assigned to the zone encompassing the VAD will assist if anyone goes beyond the boundaries of the ORA. The primary responsibility of patrolling and making sure patrons abide by the rules within the ORA lies with RMS and their security officers. With events RMS will increase the number of security officers to make sure everyone is safe. They have traditionally done that in the past and will continue to do so. They are introducing all of the new cups to the outdoor environment and they need to make sure they properly take care of those items when it comes to sanitation. They have the VAD Ambassadors who patrol the entire VAD as the City defines it and helps with keeping the sidewalks clean and safe as well. RMS also does street sweeping twice a week in the district and has 18 trash receptacles. The official cup has the logo on one side and the rules for the district on the flip side. If a patron does not see one of the many signs as they enter the district they will have a reminder every time they take a sip. All the cups are compostable. The one really important rule is that if you have an alcoholic beverage and you are looking to go into another premise which serves alcohol, you will have to discard your cup. There is no reusing of cups. That is an important designation to make sure every liquor permit holder is in compliance with state law. There are seven active permit holders now in the district. The eighth one is the cocktail bar above Sawyer's restaurant which will likely open in late March, early April. November 1 through March 31 there are three that will be effective in the Market Hall, and the remaining seven active now will only be active from April 1 through October 31. The hours of operation for Craft Collective, Michael's Genuine, and Sawyer's are the only ones which extend past 10:00 p.m., but Michael's and Sawyer's do not serve alcohol per say after 10 p.m. Craft Collective would have to stop serving in cups after 10:00 p.m. Elsewhere in Ohio ORA's have been created in Canton, Lorain, Lyndhurst at Legacy Village primarily during events, Worthington which is similar in size to Shaker Heights, and Liberty Township. The ORA has been approved several years ago and has been catching on in communities across the State of Ohio. Some of the frequently asked questions include whether you can take a drink inside the Market Hall and the answer is finally yes. That is one of the major changes in the proposed ORA. You cannot bring in outside beverages. You must purchase the alcohol from one of the permit holders in the district.

Council member Mr. Zimmerman asked about discarding your cup and getting another one.

Mr. Russell stated that if you purchase a drink in a cup from Craft Collective and walk around to meet friends in Michael's you must finish your beverage and discard that cup first before entering Michael's. You are not permitted to enter another liquor premise with alcohol from a different liquor establishment. You may walk around the Market Hall. The stipulation takes effect when you enter another liquor premise.

Council member Mr. Zimmerman stated that it may be trial and error getting people to understand that. We are significantly expanding the refreshment area and asked if there will be enough security and enough trash receptacles. He wants to make sure it is a safe and enjoyable experience for residents.

Mr. Russell stated that the ORA is not expanding geographically, but we are certainly expanding the number of days per year in which it is operating. Fortunately, we are expanding into slower retail months when it is colder and less people are outside, January through March. They are not necessarily concerned about that but they do think it will provide more traffic inside the Market Hall given the new flexibility of the rules. We do not know for sure if one security officer will be enough but they will certainly monitor to make sure. His concern is that they have one security officer who spends more time in the Market Hall because of the ORA and they are not able to provide security in the rest of the district. They would need to at least split those times and if they need to add another officer then they will do that. The only time they have added an officer so far has been during events.

Council member Mr. Earl Williams asked about taking cups from one liquor permit establishment into another and how to identify where cups were issued. To him it would be an opportunity for more advertising if the retailer used their logo, etc.

Mr. Russell stated they have discussed this with the merchants as that responsibility ultimately lies with the permit holder who sold the beverage. Right now they are talking about color coding the cups. Since they only have eight permit holders it would be easy to assign them a different color. The cup design would remain the same but if they are different colors you could easily tell where they were purchased. RMS purchased all the initial cups and as they order new cups they will pass that cost along to the merchants. It is very nominal for purchasing the cups and is significantly cheaper if you buy large quantities at once.

Council member Ms. Carmella Williams asked if they considered having guides who are not security early on in the process posted in different areas as she imagines there needs to be some education. There may be people doing things which are not a security concern but drifting into areas where they should not. She also asked whether the signage posted in the window will be large enough to catch someone's attention.

Mr. Russell stated they have not thought about that but it is a great suggestion. From a consumer experience standpoint you would rather it be more education on what the rules are than a heavy hand of security saying what you can't do. It is a much softer touch and that is a great idea. If memory serves him correctly he believes the window signs are 8" in diameter. They are purple in color so they catch your attention. If they are not large enough they can definitely adjust as necessary.

Vicki Elder of 3559 Hildana Road asked if there will be any monitoring of patrons as they leave the district to see if they should be driving a vehicle.

Mr. Russell stated that is a good question and a public safety issue that goes beyond the district. There will be a lot of people who come and go and a lot of different places in which they can exit the district so the onus is on the bar who is serving alcohol to make sure they are not over serving and doing their best to police. He hopes that others help police if in fact someone is not ready to be behind the wheel of a vehicle.

Council member Mr. Zimmerman stated that is a good question and asked the Chief of Police to comment. The question goes to making sure people are not intoxicated since we are making alcohol more available to them in a lot of different places. We want to make sure we are doing everything we can to make sure something bad does not happen.

Police Chief Jeff DeMuth stated that this is new for him too. Our Police Department has never patrolled an ORA, but certainly he will instruct officers in the finer points of the district and the area. He does not view this any differently than any other establishment that serves liquor. In fact when you are in a business in concentrated areas studies show you have a tendency to drink more because you can get it faster. Certainly they will keep a close eye on it. As a regular part of their patrols they do not stand outside of establishments that serve liquor at 2:30 a.m. and wait for people. They don't do that but they will keep a close eye on it. This is new for the Police Department too.

Council member Mr. Zimmerman stated that this seems it could be part of the public education. He hopes this is only theoretical, but we do have to trust our responsible permit holders to assure they are not pouring one drink too many for the people there. It is important that we enforce that message as we roll this out.

Charles Davis of 23801 Hazelmere stated that he loves the district and it has become a real community center for Shaker Heights. He has teenage grandchildren who enjoy going there with their friends but he is concerned about it becoming a place where there is generalized drinking. Some of the kids may be offered drinks, want to drink, or those who may have had too much to drink may make young girls feel uncomfortable. He does not like the idea that the whole district is open for people walking around with alcohol and feels the area and hours needs to be limited.

Sean Taylor stated that they are studying recycling in class and asked why they don't recycle the cups and if there is any food there.

Mr. Russell stated that when RMS was thinking about purchasing the cups they were trying to decide between recyclable and compostable cups, but they ultimately landed on compostable cups. They have been working with Rustbelt Riders, who does composting here in Cleveland. The thought was to get those cups back into one container to properly compost those cups so it completes the cycle and we are not being wasteful with plastic. In response to Dr. Davis' comments, the ORA only includes the new portion of the VAD that RMS built in 2018, which is the area where you can carry a beverage. His point is well taken and they want to strike that balance correctly. The same is true for the Market Hall to allow parents to have a beverage or two but not make it a hangout spot for others. That is not the environment they want to create in the district. It hasn't been that to date and they want to make sure it does not become that.

Council member Mr. Zimmerman stated that this is something Council, the Administration, Police Department, merchants and developer will be looking at very carefully.

Mayor Weiss stated that a lot has to do with the environment, intention and programming, etc. One of the comments he routinely receives from people is that the district is very family friendly. That comes with programming and events that encourage families to come. One of the real compliments to the district thus far has been the wide age range of people from young to seniors. As long as the focus remains that way we have tried to address that issue.

William M. Ondrey Gruber, Law Director, reminded Council and the public that Council may at any time modify or eliminate the ORA if it is not working properly.

Mayor Weiss closed the public hearing on the proposed Outdoor Refreshment Area.

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At 7:46 p.m. a Council work session was held.

Library Director Amy Switzer and Library Board of Trustees President Mike Bertsch presented an update on the Shaker Library Construction.

Planning Director Joyce Braverman presented an update on the Warrensville Center Road/Shaker Boulevard Intersection Improvements.

At 8:10 p.m. Council returned to the regular meeting.

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It was moved by Ms. Anne Williams, and seconded by Mrs. Moore, that the minutes of the special meeting of December 2, 2019, be approved as recorded.

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

Motion Carried

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It was moved by Ms. Anne Williams, and seconded by Ms. Carmella Williams, that the minutes of the regular meeting of December 16, 2019, be approved as recorded.

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

Motion Carried

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

Kay Carlson, President of the Nature Center at Shaker Lakes, a private non-profit organization operating on public lands within Shaker parklands. They manage 20 acres out of the approximately 300 acre parklands area. Their mission is to conserve the natural area, connect people to nature, and inspire environmental stewardship. They receive no property or income taxes and rely solely on memberships, grants, and donations to support their mission. They currently provide environmental education to about 117 different schools, including the Shaker Heights School District, including over 12,000 students per

year with unique, nature-based field experiences, from K-6th grade in the Shaker Heights School District. They also provide family adult programming for over 3,000 people per year. All of that programming utilizes what they call their outdoor classroom, including the whole collection of trails, habitats, and outdoor facilities they use for all of their outdoor programming. In 2017, the Nature Center embarked on a multi-year plan to restore and enhance that outdoor classroom which includes renovating and creating a new outdoor amphitheater right behind the building which was completed in the fall of 2018. It also includes the total replacement of the All People's Trail completed this past November, their next project of renovating the Stearn's Trail, renovating the Friends Pavilion, and ongoing habitat restoration on the entire 20 acres. The Stearn's Trail renovation will begin in April and should be completed by fall of this year depending on fundraising. They hired an environmental design group to do the planning and design for all of these outdoor features. Some of the features include a new main trail entrance from the parking lot that will have an improved connection with the All People's Trail, a new nature play area and group deck that will be ADA accessible from the parking lot, a new mini marsh observation deck, a tree house that is likely to be ADA accessible, new community entrances on both South Park and West Park, an improved gravel trail surface, removal of the rotting timber edging and rebar, and replacement of both bridges on the trail. These renovations are meant to make all the trail entrances and gathering spaces much more welcoming and inviting, to improve access to nature by providing upgraded trails to today's trail standards, enhancing both the formal classroom and informal visitor experiences, and to create more functional spaces to hold entire classes of students and their teachers as well as visitors for public programs. The latest edition of the existing Stearn's Trail was completed back in the early 1980's and was expected to last about 30 years, similar to the old All People's Trail. If you have walked or run on it lately you know it is showing signs of aging. The new trail features will be built much better, be more sturdy and should have a life expectancy of 50 to 100 years. They are making a significant investment in the community and appreciate the City's consideration.

Council member Mr. Earl Williams asked whether there are any plans or programs for the tree canopy with us losing about 10% of trees. He also asked about deer culling and if they have been helped by the City's culling.

Ms. Carlson stated that habitat restoration is a major component of this project and process. It is part of their campaign as they are fundraising for additional dollars to support habitat restoration. Much of that involves removing invasive species and replanting with native species. On the All People's Trail they had to remove less than 100 trees and shrubs in order to rebuild the new trail. They have already planted over 150 new trees and shrubs and will be planting more. Similarly on the Stearn's Trail there will be some trees removed to get in with the big equipment to replace the bridges, but they will be replanting most likely more than they will remove. They are not doing deer culling on their property currently, but they support the City's initiative and believes they have been helped by it. They have natural resource manager who monitors this and have deer exclosures they use. They are building a new deer exclosure under the new All People's Trail and will monitor this over time. She thanked the City for its support and looks forward to sharing more details as the project moves along.

Council member Mrs. Moore stated that the Nature Center is also a partner with the Doan Brook Watershed Partnership of which our three cities are all working in collaboration, also a member of the Parklands Management Committee which recently met, and is working on best management practices for all of the parklands.

Joyce Braverman, Director of Planning, stated that this item is for a local sign district for a building at 3700-3704 Lee Road. This item was presented to the City Planning Commission who imposed four conditions: no portable signs allowed; projecting signs are limited to 12 square feet and a 3 foot projection; sign requirement should be included in tenant leases; and the Architectural Board of Review will approve all signs. A local sign district is in lieu of the signage code. We do this mostly at shopping centers like Shaker Town Center, and Van Aken District, where the owner replaces the code with their own code. It talks about the size of the signs, type of signs, materials, locations, and once approved by the City Planning Commission and Council, owners will follow that replacement sign code with the Architectural Board of Review doing review of the signs. This allows things like projecting signs that are not allowed in our code normally and other more innovative types of signage. This building is now owned by the Shaker Heights Development Corporation at Lee/Nicholas and is part of a complete façade program and renovation approved by the Architectural Board of Review. This item is requested with a suspension of the rules so they can start designing and fabricating the signage details.

Council member Mr. Zimmerman stated that this item was reviewed and unanimously approved by the City Planning Commission and should be familiar to Council as a local sign district was approved recently for the Van Aken District. It is a type of conditional use permit and is an opportunity for Council to weigh in on this in addition to the City Planning Commission. Although it is a replacement of our existing signage code, it goes before the Architectural Board of Review so there are a lot of layers of protection.

Council member Mr. Earl Williams asked about a projection sign.

Director Braverman explained that it is a sign that projects or sticks out from a building. Some of the signs come off of the façade like the clock at Shinola.

Mayor Weiss stated it is perpendicular to the face of the building.

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. 20-04 be placed upon its final enactment.

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

Motion Carried

Moved by Mr. Zimmerman, and seconded by Mrs. Moore, that Ordinance No. 20-04 be enacted as read.

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

Ordinance Enacted

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Ordinance No. 20-05, by Mr. Roeder authorizing a professional community engagement and capacity building consultant personal services agreement with Kay Coaching, LLC for continued neighborhood engagement work for the City for the period January 1, 2020 through December 31, 2020, in a total amount not to exceed \$58,000, and declaring an emergency.

Colin Compton, Neighborhood and Housing Specialist, stated that this request is to enter into a contract with Kay Coaching in the amount of \$58,000 to continue neighborhood engagement work through 2020. In December of this past year he presented a detailed overview of this work to the Neighborhood Revitalization and Development Committee which included an overview of progress achieved since January 2017 when the Economic Development Department began this work with Kay Coaching. This work is the time intensive practice of learning residents' skills, interests and concerns; connecting residents to support for their ideas; and building capacity for leadership. We do this work because connected neighbors lead to safer and more resilient neighborhoods, pride of place, and collective action around what can be instead of what is wrong. Since January 2017 they have grown from a small group of active leaders who were focused primarily on continuing Neighbor Night, a once a month event, to a much more robust group of active leaders at deeper levels of involvement in Moreland and beyond. The network during this time has continued to grow in complexity and size. The proposal over the coming year is to continue that growth and capacity building while also nurturing some of the deeper conversations and projects that have arisen. Examples include an ongoing *Working Toward Racial Harmony* series, connections and support of families in Moreland with students at Mercer School, and increasing connections and mutual support between residents and their merchant neighbors in the Chagrin/Lee district. This allows us to carefully and sensitively expand the impact of this work into other parts of the City without losing the momentum that we have built thus far and without negatively impacting the resident initiated focus of this work. This item is requested as an emergency and with a suspension of the rules so that the work can continue without interruption.

Council member Mr. Roeder thanked Mr. Compton for his thorough memorandum which included comments from residents. He stated that good consultants will do a piece of work and leave something behind and if hired again will move on to a new piece of work and that is what has happened here. Kay Coaching helped create community meetings for Moreland and now they are self run meetings so they have stepped away to help us with some additional areas to improve the neighborhood.

Council member Mr. Malone stated that Kay Coaching has been terrific. He would like to see more focus on this later in the year to dovetail with the Human Relations Task Force to combine forces, build on all the good things that are happening, and think through how as a City we are approaching community engagement, neighborhood revitalization, and how they are interrelated. It might be a nice topic for a retreat or work session. He fully supports this.

Council member Ms. Carmella Williams stated that she has had the pleasure of being involved in the work that Kay Coaching and Mr. Compton have done. She feels what we should value most is the relationship building as the result of this not just within a neighborhood but across the community and between different entities and organizations. One of the exercises that Kay Coaching did was a mapping exercise which was eye opening to some residents to see how connected they were with different people and groups across the City. This work ties directly into one of the City goals of building stronger, more vibrant neighborhoods.

either apply for their own permit or potentially have the liquor permit transferred to them from Swerve. This precinct of the City is dry by default because of an election held many years ago by the residents there. Certain individual locations have been made wet now allowing liquor permits in those locations and this is one of those. This location is forever allowed to have liquor permits unless the voters rescind the ability to have liquor permits. Each liquor permit must be approved on its own merit. The City always has a right to object to the initial application for it or a transfer and at renewal every year. The renewal by Swerve is what Council objected to.

Council member Mr. Zimmerman stated that fundamentally it seems that the real question is what the plans are for 20126 Chagrin and what we expect at this property.

Director Gruber stated that we don't have anything to say about this location officially.

Council member Mr. Zimmerman stated that right now Swerve is permanently closed.

Director Gruber stated that the owners have moved out.

Council member Mr. Roeder asked if the owner of Swerve and the owner of the liquor license are two different individuals.

Director Gruber stated that as far as we know it is the same individual who has been the chef and operator of Swerve since it opened.

Mayor Weiss stated that our agreement with See Investments LLC, the liquor permit holder, says they will not operate anywhere in Shaker Heights nor any associate of theirs will operate in Shaker Heights with a liquor permit.

Council member Mr. Roeder asked if another entity moved there whether they could apply for a liquor permit or transfer this liquor permit.

Director Gruber stated that liquor permits in some communities have a great deal of value because they are restricted by population. In Shaker we have always had many more slots available because of the population, then have been used. Liquor licenses have not had any potential value here. That may change at some point in the future as we have more liquor permits now than five years ago because of the Van Aken development. He believes it is more likely for a place like Saffron to transfer the location of their existing permit because it will be less difficult administratively to transfer it from their current location, than to take over the permit of Swerve.

Council member Mr. Zimmerman asked if there are any other agreements between the City and Swerve as part of this resolution.

Director Gruber stated that the only agreement is that they would close permanently and not reopen in Shaker. They did not appeal the criminal activity nuisance finding.

It was moved by Mr. Zimmerman, and seconded by Ms. Anne Williams, that the rule requiring ordinances to be read on three different days be suspended and Resolution No. 20-06 be placed upon its final enactment.

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

Nays: None

Motion Carried

Moved by Mr. Zimmerman, and seconded by Ms. Anne Williams, that Resolution No. 20-06 be adopted as read.

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

Nays: None

Resolution Adopted

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Ordinance No. 20-07, by Mrs. Moore, authorizing the City's acceptance of a \$3,633.92 Juvenile Diversion Program grant from the Cuyahoga County Juvenile Court, for the period March 1, 2020, through December 31, 2020, and the City's entering into an Inter-Agency Agreement for said grant, and declaring an emergency.

Jeff DeMuth, Police Chief, stated that this item is for grant funding for 2020 in the amount of \$3,533.92 for the operation of the community diversion program. The Police Department has operated this program supported by juvenile court, which diverts first time misdemeanants and status offenders from official court actions. The grant funds obtained are spent on online diversion expenses, skills, building groups, restorative justice programs, and truancy prevention and intervention programs. The magistrates working in the program volunteer their time, but the real cost is the overtime payments made to police officers who attend each individual hearing and civilian support personnel. The number of juvenile participants in the program have varied throughout the years from 56 to 127. This grant along with the carryover from 2019 of \$26,417 will allow us to finance this program. The funds from the carryover were used to set the budget for this year so the grant funding will be deposited for future use. We have received grant funding for this program for over 20 years. This item is requested as an emergency and with a suspension of the rules as the Cuyahoga County Court of Common Pleas juvenile division has asked that we accept and sign the grant by January 31, 2019.

Council member Mr. Earl Williams asked about the level of recidivism for the program.

Chief DeMuth stated that they have not tracked it but if juvenile offenders who enter the program reoffend within one year then the charge they first received and the new charge is sent to juvenile court to hear both cases. It is rare, but they have had recidivism. They have also had juvenile court recommend sending a juvenile through the diversion program a second time.

Council member Mr. Earl Williams asked if the surging with the new elevator is a real danger.

Mr. Maier stated that he would not call it a safety issue but more a recognition that without having the surge protection there is a probability that the elevator would stop working. Having spoken with the Building Superintendent when that happens there is no risk of electrical components within the elevator being damaged or causing injury to others, because there are mechanisms within that electrical system to shut the elevator down before that can happen. It is not a risk, but an inconvenience for someone to get stuck.

Mayor Weiss added that we would lose ADA access to the second floor.

Council member Mr. Roeder asked about the difference in the total appropriation and the amount requested. This translates into someone getting more profit out of the project and asked why now with the good economy this is the right time to do this project versus waiting for better bids.

Mr. Maier explained it is to make up the difference in the amount they spent for engineers on the design and the costs above the estimate. There are a couple of different ways you can look at this. The contractor who was the low contractor is very reputable and we feel like this is a good bid. One thing factored into the bid itself is a 10% contingency. We find that it is worthwhile when working in old buildings since you don't know what you will come across. He does not think there is an advantage to delaying the project given the lack of surge protection when we have a new elevator. There is not a risk to people in there, but this is a good time to execute the project. There is always a risk in postponing a project thinking you will get better costs because we don't have a crystal ball. We have a good contractor and we feel like it is a good bid where they can do the work for the cost they submitted. He does not see any advantage for rebidding it.

Council member Mr. Malone asked where the additional funds will come from in the budget.

Mr. Maier stated they come out of the General Capital Fund.

Jeri E. Chaikin, Chief Administrative Officer, stated there is a substantial balance of about \$1.5 million in the General Capital Fund. Council added an additional \$500,000 which may or may not be allocated this year. The \$1 million in funds was unallocated up until this point.

It was moved by Mrs. Moore, and seconded by Mr. Earl Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-08 be placed upon its final enactment.

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

Motion Carried

Moved by Mrs. Moore, and seconded by Mr. Earl Williams, that Ordinance No. 20-08 be enacted as read.

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

Nays: None

Ordinance Enacted

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Ordinance No. 20-09, by Mrs. Moore, amending Ordinance No. 19-121, an ordinance 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 \$44,167 and declaring an emergency.

Christian Maier, Assistant Director of Public Works Infrastructure, stated that in December of last year, representatives of Shaker Heights and Cleveland Heights met with the Northeast Ohio Regional Sewer District (NEORS) to get an update of the Horseshoe Lake Dam and the progress they are making. Their schedule is to advertise the project in March of this year and be in construction in the late summer. They are estimating the cost for the dam rehabilitation to be \$9 million. Between Cleveland Heights and Shaker Heights the NEORS is requesting the communities pay for the Ohio Department of Natural Resources (ODNR) construction permit in the amount of \$66,250. When this project is done the NEORS will have spent close to \$15 million in Shaker Heights and partially in Cleveland Heights as well. Every year we have to pay an annual dam fee. For Lower Lake and Horseshoe Lake we split the cost with Cleveland Heights. Shaker Heights pays $\frac{2}{3}$ and Cleveland Heights pays $\frac{1}{3}$. If you look at the community boundaries it seems pretty equitable with how that was determined. Shaker's portion of the ODNR construction fee would be \$44,167 with Cleveland Heights paying the remainder. These funds will be reimbursed by the community cost share. This item is requested as an emergency and with a suspension of the rules so the permit may be filed with ODNR promptly enabling the project to move forward.

Council member Mr. Roeder stated that this project is starting in late summer, early August and asked when we expect it to be finished and if the plan is to refill Horseshoe Lake. He asked if the area will be closed off.

Mr. Maier stated that the NEORS told us that the project should be completed in December 2021. It is a significant project. Winter will impact the schedule but it should take about a year. The area will be closed off.

Jeri E. Chaikin, Chief Administrative Officer, stated that we will coordinate with Cleveland Heights on the closures and the communication to residents.

It was moved by Mrs. Moore, and seconded by Mr. Roeder that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-09 be placed upon its final enactment.

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

Nays: None

Motion Carried

Moved by Mrs. Moore, and seconded by Mr. Roeder that Ordinance No. 20-09 be enacted as read.

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

Nays: None

Ordinance Enacted

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Ordinance No. 20-10, by Ms. Carmella Williams, authorizing an agreement with the Northeast Ohio Regional Sewer District to use City Community Cost Sharing funds in the amount of \$44,166.67 to pay a mandatory construction permit filing fee for the Horseshoe Lake Dam project to the Ohio Department of Natural Resources (ODNR), and approving payment of that fee to ODNR, and declaring an emergency.

Christian Maier, Assistant Director of Public Works Infrastructure, stated that this item is to enter into an agreement with the Northeast Ohio Regional Sewer District (NEORS) to use the community cost share in the amount of \$44,166.67 to pay the Ohio Department of Natural Resources (ODNR) construction permit fee and to approve the payment to ODNR as it exceeds \$25,000. At the end of November last year, Shaker Heights had a community cost share balance of \$222,633. Based on our projected accrual rate for 2020, we are anticipating \$210,000. We still have to pay out of that \$100,000 for the last payment of the dredging of Green Lake and another \$100,000 for the University Hospitals detention basin, which will be paid off in 2024. This item is requested as an emergency and with a suspension of the rules so the permit may be filed with ODNR promptly enabling the project to move forward.

Mayor Weiss stated that he, Chief Administrative Officer Jeri E. Chaikin, Public Works Director Patricia Speese, and other staff members had a meeting with the NEORS to go over this project and it has grown in size and complexity. The bad news is it is a bigger project that will take more money, but the good news is that it is virtually a complete replacement of Horseshoe Lake Dam. The rip rap on the back side of the dam gets replaced with articulated concrete blocks and when it is all done will function better and also look significantly better than it does today. It will be a much improved asset for the community. The fact that the NEORS is doing it on their nickel or through a state capital grant with the exception of the permit fee, is a huge benefit to the community.

Council member Mrs. Moore asked if there are any additional costs expected with the dam reconstruction. Based on her understanding the community cost share for each community increases each year as the

fees are paid. She asked how much will remain at the end of this year after we pay the construction permit filing fee. She remembers we earmarked 7 years at \$100,000 for the dredging.

Mr. Maier stated that based on our meeting we are not expecting any other costs. If you look over the last couple of years we have been able to hold roughly \$200,000/year. Some of that is because when community cost shares went into effect and they started collecting money we did not spend it right away. We did the dredging project but there were a couple years when we simply built up the funds. The money set aside for 7 years was for the University Hospitals detention basin. Green Lake was for 5 years and this is the last year.

Council member Mr. Earl Williams asked if the community cost share funds are directly related to water treatment.

Mr. Maier stated that water quality is certainly a primary objective when it comes to storm water management. The other is conveyance of flow. They look at the Horseshoe Lake Dam as Class 5, which is loss of life and property downstream. They are worried if that were to fail in a worst case scenario it will have a significant impact on the conveyance of flow. It does not have so much to do with water quality but water getting downstream so it can get out to the lake. Water quality issues can come up because it is a larger body of water. The lake elevations can remain the same but the way the water travels through there won't have quite as much sedimentation. When you look downstream at the design they are looking at ways to dissipate that energy so it does not have as much force going through being channeled. That is a secondary benefit. The primary purpose for this project is maintaining the conveyance of flow.

Council member Mr. Malone asked if we have other projects identified for the balance of the community cost share funds. He always thinks about Marshall Lake when he walks down Lee Road across from Green Lake. We would not want the work at Green Lake to be for naught if downstream we are encountering problems with overflow in Marshall Lake. He would like to know what other projects are on the horizon for which we could use the community cost share funds.

Mr. Maier stated that specific to Marshall Lake, the NEORSD is doing a storm water master plan. They will come out with different recommendations for the Doan Brook and how it relates to the waterways through Shaker Heights and they are looking at Marshall Lake as part of that. There are different avenues we have talked about to use the community cost share funds, one of which is to use it when we apply for grants through the NEORSD to reduce our share. We still have a handful of sanitary sewer overflows (SSOs) that we want to address. There is no shortage of things we can use this for including SSOs, illicit discharges, but it comes down to figuring out where we can best maximize that money.

It was moved by Ms. Carmella Williams, and seconded by Mr. Malone, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-10 be placed upon its final enactment.

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

Nays: None

Motion Carried

Moved by Ms. Carmella Williams, and seconded by Mr. Malone, that Ordinance No. 20-10 be enacted as read.

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

Nays: None

Ordinance Enacted

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Ordinance No. 20-11, by Mr. Zimmerman, authorizing a two-year lease renewal agreement with the Shaker Heights City School District for space in the City-owned Stephanie Tubbs Jones Community Building, 3450 Lee Road, for the Innovative Center for Personalized Learning and Family Engagement, and declaring an emergency.

Jeri E. Chaikin, Chief Administrative Officer, stated that since August 2014, the Shaker Heights City School District (Schools) has leased space in the basement level of the Stephanie Tubbs Jones (STJ) Community Building, for the operation of their Innovation Center for Personalized Learning and Family Engagement (IC). The original five-year lease did expire this past July 31, and the Schools are still there and would like to extend the lease until July 31, 2021. The purpose of the IC is to provide high quality alternative learning opportunities for those students who do better in a non-traditional setting, to provide a resource center where parents can interact with the Schools, where students can have the option for online classes, and provide space for professional learning for the teachers. The Schools pay \$1/year in rent and all of their building improvements, furnishings, anything they need to upgrade their program, now for their own custodial services, for their telephone, and internet. The City pays for the utilities. With a shorter lease term and the City's planned relocation of the Housing Inspection staff and Neighborhood Revitalization staff over to City Hall after we renovate part of City Hall before the end of this year and Forward Together planning being undertaken by the City, Schools and Library, changes in use for the STJ Community Building can be considered in the next few years. This is behind schedule because of the change in Schools superintendent, taking a look at what the building operations were going to be, and working through some additional security details with the Schools.

Mayor Weiss stated that this is an example of the benefits of Forward Together. This has come up in the working group where the Schools, Library and City sat down in the course of projects going on looked at what the alternatives were and looked at the Library as a potential site for the IC. The Schools are undertaking a strategic planning process including a facilities analysis that will begin in the next six months so Dr. Glasner asked whether it made sense to extend the lease for a short period to provide some relief

have the continuity of work with the City and Sustainability Committee. This item is requested with a suspension of the rules so the contract can be in place as of March 1.

Council member Ms. Anne Williams stated that since becoming chair of the Sustainability Committee how impressed she is in working with Mr. Peters not only with all he has accomplished this year. He put a lot of systems in place so that we can track energy use and other items in the City which will benefit us going forward. She likes that he is forward thinking not just reacting to what we need to do today but looking forward to what we can do. She really appreciates the fact that he is a Shaker resident and has the best interest of our community in mind at all times.

Mayor Weiss stated that Mr. Peters has done a terrific job on a wide range of projects from more immediate things like the composting in place today to much longer range projects. He has worked very well with the staff as well.

It was moved by Ms. Anne Williams, and seconded by Mrs. Moore, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-12 be placed upon its final enactment.

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

Motion Carried

Moved by Ms. Anne Williams, and seconded by Mrs. Moore, that Ordinance No. 20-12 be enacted as read.

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

Ordinance Enacted

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Ordinance No. 20-13, by Ms. Anne Williams, 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 at the beginning of the year typically the Finance Department will receive invoices that are requiring payment for either the first quarter or the month of January before the purchase orders get into the system. This item is requested as an emergency and with a suspension of the rules so that we can pay these invoices.

