

ORDINANCE NO. 97-49
BY: David E. Weiss

Amending Section 123.09 of the Administrative Code relative to service charges for work performed.

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

Section 1. Section 123.09 of the Shaker Heights Administrative Code, relative to service charges for work performed, is hereby amended, effective April 1, 1997, to read as follows:

123.09 SERVICE CHARGES FOR WORK PERFORMED.

The Director of Service is hereby authorized to perform street, driveway and sidewalk repairs, and certain miscellaneous work upon public property, at the request of various utilities, contractors, builders and others in accordance with the schedule of charges set forth herein. Rates for Miscellaneous Services Rendered ("MSR Rates") are equal to the total of the equipment billing rate, personnel and overhead costs, and the actual cost of materials utilized.

(a) Item 1 - Street Pavement Repair:

For squaring up pavement on both sides of trench, excavating to necessary depth for concrete and wearing surface, finishing six inches (6") of mixed concrete, two inches (2") of wearing surface raked and rolled \$21.00 per sq. ft.

For six inches (6") concrete curb, fourteen inches (14") to sixteen inches (16") deep including excavating and finishing MSR rates

For new sandstone curb, finished and set, five inches (5") to six inches (6") MSR rates

For setting sandstone curb MSR rates

(b) Item 2 - Concrete Sidewalk and Driveway Apron Repair:

Current City contract cost plus twenty percent (20%), effective January 1, 1995.

(c) Item 3 - Sidewalk Repair (Sandstone Flagging):

Current material and labor cost plus twenty percent (20%), effective January 1, 1995.

(d) Item 4 - Catchbasin Replacement:

For replacing catchbasins where driveway aprons are built (City will exchange present basin if usable for a full park frame and grate).

For labor and material complete MSR rates

(e) Item 5 - Miscellaneous Work:

Replace traffic sign posts MSR rates

Painting injured tree lawn trees MSR rates

Replace street signs MSR rates

Replace traffic signs MSR rates

Sale of traffic signs MSR rates

Hydrant repair MSR rates

(f) Item 6 - Cutting Weeds:

Cutting grass and weeds on private property

MSR rates with a \$100 min. chrg.

(g) Item 7 - Special Rubbish Pickup:

For pickup of large items such as appliances, furniture or any item too large to fit into the regular trash receptacle:

On scheduled pickup day \$15.00 per load

On nonscheduled pickup day \$25.00 per load

For pickup of other special items, such as earth, rocks, broken concrete, remodeling rubbish and building materials, a reasonable fee per load shall be charged as determined by the Director of Public Service.

(h) Item 8 - Reserve-a-Truck:

For dropoff of a dump truck on Friday evening and pickup on Monday morning, to be loaded by others

\$35.00

(i) Item 9 - Permit Fee for Horseshoe Lake Pavilion:

Each permit No charge

(j) Item 10 - Service Fee for After Hours Animal Call:

For animal or rodent calls during hours when an animal warden is not on duty

\$35.00

(k) Item 11 - Service Fee to Provide Temporary Sewer Relief:

For providing temporary sewer relief
to residents when the problem is not
on public property \$35.00

(l) Item 12 - Sale of Used Sandstone: \$2.50 per sq.
ft.

(m) Item 13 - Miscellaneous License Fee:

For landscapers, contractors, builders,
etc., where a license is required by
ordinance, and the license fee is not
otherwise established by ordinance \$25.00

Section 2. Section 123.09 of the Shaker Heights
Administrative Code, as heretofore in effect, is hereby repealed,
effective April 1, 1997.

Section 3. This ordinance is hereby declared to be an
emergency measure necessary for the immediate preservation of the
public peace, health, safety and welfare for the reason that it is
necessary in the current operation of the Service Department and,
therefore, this ordinance shall take effect immediately upon its
enactment and approval by the Mayor.

Enacted April 28, 1997.

Approved this 29th day of April, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-50
BY: Jan M. Devereaux

Establishing a revised price for grass collection bags.

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

Section 1. This Council hereby establishes the following prices for yard waste collection bags provided by the City to members of the public:

- 30-gallon paper bag \$1.00
- 20-gallon paper bag \$.50
(until current supplies are exhausted)

Section 2. This Council further establishes the following price for yard waste collection bags provided to Shaker Heights merchants:

- 30-gallon paper bag \$.80

Such bags, if purchased from the City, shall be sold by merchants at a price not to exceed \$1.00/bag.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the Public Service Department, and further, that the spring growing season and yard maintenance has commenced and an immediate need exists for such bags and, therefore, this ordinance will take effect from and after the earliest time allowed by law.

Enacted April 28, 1997.

Approved this 29th day of April, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-51
BY: Allen D. Foster, Sr.

Accepting a bid and authorizing a contract for the purchase of grass bags for use in the Service Department (National Paper).

WHEREAS, on March 7, 1997, the City received bids for the purchase of grass bags to be used in the City's grass collection program, after advertisement for bids as required by law; and

WHEREAS, the lowest bid received did not meet the City's specifications, to wit: the requirement that protective cardboard be placed between the strapping and the bags, in order to protect the bags, as more fully set forth in the memorandum of the Director of Public Service, dated March 25, 1997; and

WHEREAS, the second lowest bid was submitted by National Paper and Packaging Corporation, in the amount of SEVENTEEN THOUSAND FOUR HUNDRED SIXTY DOLLARS (\$17,460.00), and said bid conformed to the City's specifications; and

WHEREAS, the Director of Public Service has recommended that the bid of National Paper and Packaging Corporation be accepted as the lowest and best bid.

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

Section 1. This Council hereby declares the bid of National Paper and Packaging Corporation, in the amount of SEVENTEEN THOUSAND FOUR HUNDRED SIXTY DOLLARS (\$17,460.00), for the purchase of grass bags for use by the Service Department in connection with the City's grass collection program, to be the lowest and best bid, and said bid is hereby accepted.

Section 2. The Mayor and the Director of Finance are hereby authorized to enter into a contract with National Paper and Packaging Corporation for the purchase of grass bags in accordance with the bid herein accepted.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the Public Service Department, and further, that the spring growing season and yard maintenance has commenced and immediate need exists for such bags, and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted April 28, 1997.

Approved this 29th day of April, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-52
BY: Kenneth Kovach

Appropriating funds from the General Capital Fund for interim resurfacing of Green Road.

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

Section 1. That there be and is hereby appropriated from General Capital Fund No. 401 the sum of FIFTY THOUSAND DOLLARS (\$50,000) for interim resurfacing of Green Road.

Section 2. That the City Finance Director be and is hereby authorized and directed to draw his warrants against the appropriations hereinabove set forth upon presentation of proper vouchers.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety for the reason that it is necessary in the current operation of the City, and this ordinance shall, therefore, take effect immediately upon its enactment and approval by the Mayor.

Enacted April 28, 1997.

Approved this 29th day of April, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ROAD NAME: Green Road (CR-14)

ORDINANCE NO.: 97-53

DATE: April 28, 1997

An emergency ordinance enacted by the City of Shaker Heights, Cuyahoga County, Ohio, hereinafter referred to as the MUNICIPALITY, in the matter of the hereinafter described improvement and requests the cooperation of the County of Cuyahoga by its Board of County Commissioners, hereinafter referred to as the COUNTY.

WHEREAS, the MUNICIPALITY has recognized the need for and proposes the improvement of a portion of public highway which is described as follows:

The interim resurfacing of Green Road (CR-14) from the Shaker Heights South Corporation Line to Fairmount Boulevard.

NOW THEREFORE, be it ordained by the Council of the City of Shaker Heights, County of Cuyahoga and State of Ohio;

A. CONSENT

1. That it is declared to be in the public interest that the consent of said MUNICIPALITY be and such consent is hereby given to the COUNTY to participate in the cost of construction of the above described improvement.

B. COOPERATION

1. That the COUNTY and the MUNICIPALITY will cooperate in the interim resurfacing of Green Road (CR-14) from the Shaker Heights South Corporation Line to Fairmount Boulevard.
2. That the MUNICIPALITY will prepare construction plans and specifications, including necessary engineering reports, which shall conform to generally accepted engineering practices and principles.
3. That the MUNICIPALITY will arrange for the supervision and administration of the construction contract.
4. That the COUNTY will review the construction plans for conformance with Section B-2 of this Agreement. County approval of plans and specifications is required prior to commencement of the bidding process. The COUNTY will inspect the completed project.
5. That the MUNICIPALITY shall agree to provide the COUNTY with a complete set of as-built plans, in a form acceptable to the County, upon the completion of this project.

C. FUNDING

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

2. That if funds administered by the Ohio Public Works Commission are used for this project, the amount of such funds will be deducted from designated project costs prior to the application of the participatory percentages specified in this Agreement.
3. That the COUNTY shall contribute fifty percent (50%) of the cost of construction which is determined to be eligible by the Cuyahoga County Engineer's policies. Any terms appearing elsewhere in this Agreement which vary from those set forth in this paragraph shall take precedence.
4. Within the corporate limits of the MUNICIPALITY, the MUNICIPALITY shall contribute fifty percent (50%) of the cost of construction determined to be eligible by the Cuyahoga County Engineer's policies and one hundred percent (100%) of the cost of construction supervision, engineering, right-of-way, contract administration, and construction determined not eligible by the Cuyahoga County Engineer's policies. Any terms appearing elsewhere in this Agreement which vary from those set forth in this paragraph shall take precedence.

D. MAINTENANCE

That upon completion of said improvement said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for such maintenance; and
2. Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the COUNTY and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and
3. That the COUNTY shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the improvement in accordance with the applicable sections of the Ohio Revised Code.

E. TRAFFIC

That upon completion of said improvement said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and
2. That the street or highway shall be and hereby is designated a through highway as provided in Section 4511.07 (F) Ohio Revised Code.
3. That stop signs affecting the movement of traffic on said street or highway within the roadway being improved shall be removed, and no

stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met; and

4. That no rule or regulation shall be enacted restricting the use of the improved road and/or structure by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage shall be rescinded; and
5. That the MUNICIPALITY shall regulate parking in the following manner: Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

F. RIGHT-OF-WAY

1. That all existing street and public right-of-way within the MUNICIPALITY which is necessary for the aforesaid improvement shall be made available therefore.
2. That the MUNICIPALITY will arrange for the acquisition of any additional right-of-way which may be required for the construction of the improvement.

G. UTILITIES

1. That the MUNICIPALITY will make arrangements with and obtain agreements from all privately owned public utility companies whose lines or structures will be affected by the said improvement, and said companies have agreed to make any and all necessary rearrangements in such a manner as to be clear of any construction called for by the plans of said improvement, and said companies have agreed to make such necessary rearrangements immediately after notification by said MUNICIPALITY.
2. That the COUNTY will participate in the cost of alterations of governmentally-owned utility facilities which come within the provisions of Ohio Department of Transportation Directive HP-508 to the same extent that it participates in the other costs of the project, provided, however, that such participation will not extend to any additions or betterments of existing facilities.
3. That it is hereby agreed that the MUNICIPALITY shall, at its own expense, make all rearrangements of governmentally-owned utilities and/or appurtenances thereto which do not comply with the provisions of Ohio Department of Transportation Directive HP-508, whether inside or outside the corporate limits, as may be necessary to conform to the said improvement.
4. That the construction, reconstruction, and/or rearrangement of all utilities shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement, and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provision of

the Ohio Department of Transportation Construction and Material Specifications.

H. MISCELLANEOUS

1. That if the MUNICIPALITY includes the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the improvement), alternate bid items, or other items in the improvement that are in addition to those now existing, and not provided for elsewhere in this agreement, the MUNICIPALITY agrees to pay, or make arrangements for the payment of, the cost of said additional construction, the cost of preliminary and design engineering, and construction supervision.
2. That the MUNICIPALITY hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the MUNICIPALITY's obligations made or agreed to in Section F-1, F-2, G-1, G-2, G-3, G-4 and G-5 hereinabove.
3. For matters relating to this improvement, the agent for the COUNTY and liaison officer on the matter contained herein shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.

I. AUTHORITY TO SIGN

1. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to enter into agreements with the COUNTY necessary to complete the planning and construction of this improvement.
2. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to make application to the Cuyahoga County Board of Commissioners for approval to use County Motor Vehicle License Tax Funds for the improvement.

This ordinance is hereby declared to be an emergency measure by reason of the need for expediting highway improvements to promote highway safety, and provided it receives the affirmative vote of two-thirds of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: April 28, 19997

Mayor

President of Council

Attest: _____
Clerk of Council

CERTIFICATE OF COPY

State of Ohio)
County of Cuyahoga) SS.
City of Shaker Heights)

I, William J. Schuchart, as Clerk of the City of Shaker Heights, Ohio, do hereby certify that the foregoing is a true and correct copy of the ordinance adopted by the legislative Authority of the said municipality on the 28th day of April, 1997, that the publication of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance and certificate of publication thereof are of record in Ordinance Record No. 97-53, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 29th day of April, 1997.

(SEAL)

Clerk
City of Shaker Heights, Ohio

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AGREEMENT

Between the Board of County Commissioners of Cuyahoga County
and the City of Shaker Heights for the
interim resurfacing of Green Road (CR-14)
from the Shaker Heights South Corporation Line
to Fairmount Boulevard

This agreement entered into at Cleveland, Ohio this _____ day of _____, 19____, by and between the County of Cuyahoga, Ohio, by its Board of County Commissioners, Party of the First Part and hereinafter referred to as the COUNTY and the City of Shaker Heights Park by its Mayor, having been duly authorized to enter into said agreement by Ordinance No. 97-53 adopted by Council of the City of Shaker Heights ~~XXXX~~ on the 28 day of April, 1997, Party of the Second Part and hereinafter referred to as the MUNICIPALITY.

WITNESSETH:

WHEREAS, the MUNICIPALITY has recognized the need for and proposes the improvement of a portion of public highway which is described as follows:

The interim resurfacing of Green Road (CR-14) from the Shaker Heights South Corporation Line to Fairmount Boulevard.

NOW THEREFORE, in consideration of the covenants and agreements herein contained to be performed by the parties hereto, it is mutually agreed between the parties hereto as follows:

A. CONSENT

1. That it is declared to be in the public interest that the consent of said MUNICIPALITY be and such consent is hereby given to the COUNTY to participate in the cost of construction of the above described improvement.

B. COOPERATION

1. That the COUNTY and the MUNICIPALITY will cooperate in the interim resurfacing of Green Road (CR-14) from the Shaker Heights South Corporation Line to Fairmount Boulevard.
2. That the MUNICIPALITY will prepare construction plans and specifications, including necessary engineering reports, which shall conform to generally accepted engineering practices and principles.
3. That the MUNICIPALITY will arrange for the supervision and administration of the construction contract.
4. That the COUNTY will review the construction plans for conformance with Section B-2 of this Agreement. County approval of plans and specifications is required prior to commencement of the bidding process. The COUNTY will inspect the completed project.

5. That the MUNICIPALITY shall agree to provide the COUNTY with a complete set of as-built plans upon the completion of the project.

C. FUNDING

1. That the MUNICIPALITY hereby agrees to participate with the COUNTY in the cost of the improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the COUNTY portion of the project.
2. That if funds administered by the Ohio Public Works Commission are used for this project, the amount of such funds will be deducted from designated project costs prior to the application of the participatory percentages specified in this Agreement.
3. That the COUNTY shall contribute fifty percent (50%) of the cost of construction which is determined to be eligible by the Cuyahoga County Engineer's policies. Any terms appearing in this Agreement which vary from those set forth in this paragraph shall take precedence.
4. Within the corporate limits of the MUNICIPALITY, the MUNICIPALITY shall contribute fifty percent (50%) of the cost of construction determined to be eligible by the Cuyahoga County Engineer's policies and one hundred percent (100%) of the cost of construction supervision, engineering, right-of-way, contract administration, and construction determined not eligible by the Cuyahoga County Engineer's policies. Any terms appearing elsewhere in this Agreement which vary from those set forth in this paragraph shall take precedence.

D. MAINTENANCE

That upon completion of said improvement said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for such maintenance; and
2. Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the COUNTY and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and
3. That the COUNTY shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the improvement in accordance with the applicable sections of the Ohio Revised Code.

E. TRAFFIC

That upon completion of said improvement said MUNICIPALITY will keep said highway open to traffic at all times; and

1. Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and
2. That the street or highway shall be and hereby is designated a through highway as provided in Section 4511.07 (F) Ohio Revised Code.
3. Stop signs affecting the movement of traffic on said street or highway within the roadway being improved shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met; and
4. That no rule or regulation shall be enacted restricting the use of the improved road and/or structure by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage shall be rescinded; and
5. The MUNICIPALITY shall regulate parking in the following manner: Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

F. RIGHT-OF-WAY

1. That all existing street and public right-of-way within the MUNICIPALITY which is necessary for the aforesaid improvement shall be made available therefore.
2. That the MUNICIPALITY will arrange for the acquisition of any additional right-of-way which may be required for the construction of the improvement.

G. UTILITIES

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

2. That the COUNTY will participate in the cost of alterations of governmentally-owned utility facilities which come within the provisions of Ohio Department of Transportation Directive HP-508 to the same extent that it participates in the other costs of the project, provided, however, that such participation will not extend to any additions or betterments of existing facilities.
3. That it is hereby agreed that the MUNICIPALITY shall, at its own expense, make all rearrangements of governmentally-owned utilities and/or appurtenances thereto which do not comply with the provisions of Ohio Department of Transportation Directive HP-508, whether inside or outside the corporate limits, as may be necessary to conform to the said improvement.
4. That the construction, reconstruction, and/or rearrangement of all utilities shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement, and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provision of the Ohio Department of Transportation Construction and Material Specifications.

H. MISCELLANEOUS

1. That if the MUNICIPALITY includes the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the improvement), alternate bid items, or other items in the improvement that are in addition to those now existing, and not provided for elsewhere in this agreement, the MUNICIPALITY agrees to pay, or make arrangements for the payment of, the cost of said additional construction, the cost of preliminary and design engineering, and construction supervision.
2. That the MUNICIPALITY hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the MUNICIPALITY's obligations made or agreed to in Section F-1, F-2, G-1, G-2, G-3, G-4 and G-5 hereinabove.
3. For matters relating to this improvement, the agent for the COUNTY and liaison officer on the matter contained herein shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.

IN WITNESS WHEREOF, the Parties hereto have affixed their signatures
the day and year mentioned above.

BOARD OF COUNTY COMMISSIONERS
CUYAHOGA COUNTY, OHIO

WITNESS:

CLERK OF BOARD

CITY OF SHAKER HEIGHTS

MAYOR

ATTEST:

CLERK OF COUNCIL

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TO: THE BOARD OF CUYAHOGA COUNTY COMMISSIONERS

DATE: _____

RE: APPLICATION FOR APPROVAL OF PROJECT USING COUNTY MOTOR VEHICLE LICENSE TAX FUNDS

PART A PROJECT DESCRIPTION

MUNICIPALITY: Shaker Heights ROAD: Green Road

ROAD NUMBER: CR-14 PROJECT LENGTH: _____

AVERAGE DAILY TRAFFIC: (Indicate 12 or 24 hour): _____

ACCIDENTS DURING PAST YEAR: Prop. damage: _____ Pers. inj.: _____ Fatal: _____

EXISTING PAVEMENT WIDTH: _____ RIGHT-OF-WAY WIDTH: _____ SPEED LIMIT: _____

RAILROAD CROSSINGS AT: _____

EXISTING BRIDGES OVER 20 FOOT SPAN: _____

PART B PURPOSE AND DESCRIPTION OF WORK

The interim resurfacing of Green Road from the Shaker Heights South Corporation Line to Fairmount Boulevard

PART C TRAFFIC CONTROL INVENTORY

ARE EXISTING SIGNS, MARKINGS AND TRAFFIC SIGNALS IN CONFORMANCE WITH THE OHIO MANUAL OF TRAFFIC CONTROL DEVICES (IF KNOWN)?: _____ IF NO, LIST DEFICIENCIES: _____

ARE EXISTING SIGNALS INTERCONNECTED?: _____

NUMBER OF EXISTING: Full actuated signals: _____ Semiactuated signals: _____

NUMBER OF PRETIMED SIGNALS AND AVERAGE SPACING: _____

EXISTING PARKING REGULATIONS: _____

PART D FUNDING

	PROPOSED FINANCING (\$ or %)					
	COST ESTIMATE	LOCAL TAX	MUNICIPAL	COUNTY	FEDERAL	OTHER
PRELIMINARY ENGR.						
RIGHT-OF-WAY						
CONSTRUCTION ENGR.						
ROADWAY & PAVEMENT						
STRUCTURES						
OTHER						
TOTALS						

RECOMMENDED FINANCING: _____

PART E MUNICIPAL ACTION

PROPOSED BY: Patricia S. Mearns TITLE: Mayor DATE: 4/28/97

ACTION BY COUNCIL: Ordinance No. 97-53 DATE: 4/28/97

CERTIFIED BY: William J. Schuchart DATE: 4/29/97

(Clerk of Council)

ORDINANCE NO. 97-54
BY: Judith H. Rawson

Accepting a bid for the purchase of sandstone flagging.

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

Section 1. The bid of Cleveland Quarries Company submitted under bid date of March 21, 1997, in the amount of \$4.17 per square foot for the purchase of sandstone flagging is hereby declared to be the only bid submitted pursuant to advertisement for competitive bidding as required by law.

Section 2. The bid of Cleveland Quarries Company in the amount of \$4.17 per square foot for sandstone flagging, being the only bid submitted, is hereby accepted.

Section 3. The Mayor and the Director of Finance are hereby authorized to enter into a contract with Cleveland Quarries for the purchase of sandstone flagging in accordance with the bid herein approved.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the Public Service Department and, therefore, this ordinance will take effect immediately upon its enactment and approval by the Mayor.

Enacted April 28, 1997.

Approved this 29th day of April, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-55
BY: Kenneth J. Kovach

Accepting a bid for the purchase of three refuse scooters.

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

Section 1. The bid of Baker Vehicle Systems, Inc. submitted under bid date of April 4, 1997, for the purchase of three (3) refuse scooters for use in the Public Service Department, in the amount of SEVENTEEN THOUSAND NINE HUNDRED EIGHTY-FOUR DOLLARS (\$17,984.00) per scooter, for a total of FIFTY-THREE THOUSAND NINE HUNDRED FIFTY-TWO DOLLARS (\$53,952.00), is hereby declared to be the only bid submitted pursuant to advertisement for competitive bidding as required by law.

Section 2. The bid of Baker Vehicle Systems, Inc. for the purchase of three (3) refuse scooters for use in the Public Service Department, in the amount of SEVENTEEN THOUSAND NINE HUNDRED EIGHTY-FOUR DOLLARS (\$17,984.00) per scooter, for a total of FIFTY-THREE THOUSAND NINE HUNDRED FIFTY-TWO DOLLARS (\$53,952.00), being the only bid submitted, is hereby accepted.

Section 3. The Mayor and the Director of Finance are hereby authorized and directed to enter into a contract with Baker Vehicle Systems, Inc. for the purchase of three (3) refuse scooters in accordance with the bid herein approved.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the Public Service Department and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted April 28, 1997.

Approved this 29th day of April, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-56
BY: Margaret H. Jorgensen

Accepting a bid and authorizing a contract for the refurbishing of cabs on rubbish trucks (Valley Ford).

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

Section 1. The Bid of Valley Ford submitted under bid date of February 7, 1997, in the amount of ELEVEN THOUSAND TWO HUNDRED SEVENTY-FIVE DOLLARS (\$11,275.00) per unit, for the refurbishing of cabs on two rubbish trucks for use in the Service Department (truck nos. 68 and 59), for a total of TWENTY-TWO THOUSAND FIVE HUNDRED FIFTY DOLLARS (\$22,550.00), is hereby declared to be the only bid submitted pursuant to advertisement for competitive bidding as required by law, and said bid is hereby accepted.

Section 2. The Mayor and the Director of Finance are hereby authorized to enter into a contract with Valley Ford for the refurbishing of cabs on two rubbish trucks for use in the Service Department in accordance with the bid herein accepted.

Section 3. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted April 28, 1997.

Approved this 29th day of April, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-57
BY: Judith H. Rawson

Accepting a bid and authorizing a contract for the replacement of recycling units and rubbish packers on two rubbish trucks (Refuse Equipment Company).

WHEREAS, on February 7, 1997, the City received bids for the replacement of recycling units and packers on two rubbish trucks (truck nos. 68 and 59), for use in the Service Department, after advertisement for competitive bidding as required by law; and

WHEREAS, the lowest bid submitted was not the best bid, as determined by the Director of Public Service, for the following reasons: (1) less than satisfactory references; (2) no manufacturer support for the recycling units was available; (3) delivery time was unreliable; and (4) there were no existing units offered for viewing or inspection; and

WHEREAS, the second lowest bid was submitted by Refuse Equipment Company, in the amount of FORTY-FIVE THOUSAND ONE HUNDRED FIFTY-FIVE DOLLARS (\$45,155.00) per unit, for a total of NINETY THOUSAND THREE HUNDRED TEN DOLLARS (\$90,310.00) for both units, which has performed similar work previously for the City, and which work was satisfactory, all as more fully set forth in the March 25, 1997, memorandum of the Director of Public Service; and

WHEREAS, for the reasons given herein, the Director of Public Service has recommended the acceptance of the bid of Refuse Equipment Company as the lowest and best bid.

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

Section 1. This Council hereby declares the bid of Refuse Equipment Company, submitted under bid date of February 7, 1997, for the replacement of recycling units and rubbish packers on two rubbish trucks (truck nos. 68 and 59), for use in the Service Department, in the amount of FORTY-FIVE THOUSAND ONE HUNDRED FIFTY-FIVE DOLLARS (\$45,155.00) per unit, for a total bid of NINETY THOUSAND THREE HUNDRED TEN DOLLARS (\$90,310.00), to be the lowest and best bid, and said bid is hereby accepted.

Section 2. The Mayor and the Director of Finance are hereby authorized to enter into a contract with Refuse Equipment Company for the replacement of recycling units and rubbish packers on two rubbish trucks for use in the Service Department, in accordance with the bid herein accepted.

Section 3. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted April 28, 1997.

Approved this 29th day of April, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-58
BY: Kenneth Kovach

Appropriating funds from the General Capital Fund for various parking lot improvements.

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

Section 1. That there be and is hereby appropriated from General Capital Fund No. 401 the sum of ONE HUNDRED TWENTY-SEVEN THOUSAND DOLLARS (\$127,000) to resurface the south municipal parking lot, the southeast municipal parking lot and the Police parking lot.

Section 2. That the City Finance Director be and is hereby authorized and directed to draw his warrants against the appropriations hereinabove set forth upon presentation of proper vouchers.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety for the reason that it is necessary in the current operation of the City, and this ordinance shall, therefore, take effect immediately upon its enactment and approval by the Mayor.

Enacted April 28, 1997.

Approved this 29th day of April, 1997.

PATRICIA S. MEARNNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-59

BY: Judith Rawson

Transferring funds from the General Capital Fund No. 401 to the General Fund No. 101 and to the Streets Maintenance and Repair Special Revenue Fund No. 201 and amending Ordinance No. 97-39 making annual appropriations for the current expenses and other expenditures of the City of Shaker Heights for the fiscal year ending December 31, 1997.

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

Section 1. That, in order to provide for an increase in funding for the 1997 Street Maintenance Program, there be and is here by transferred from the General Capital Fund No. 401.04 the following:

<u>Recipient Fund</u>	<u>Amount</u>
101 General Fund	\$ 7,200
201 Street Maint. & Repair	<u>115,800</u>
Total Interfund Transfer	<u>\$123,000</u>

Section 2. That Section 7. of Ordinance No. 97-39 is hereby amended to include the transfers authorized in Section 1. of this ordinance.

Section 3. That in order to provide for the cost of cracksealing the parking lots at the Shaker Family Center at Sussex and the Community Building, the amount of funds appropriated in Section 2. of Ordinance No. 97-39 is hereby increased by SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,200) from TWENTY SEVEN MILLION TWO HUNDRED EIGHTY SEVEN THOUSAND FOUR HUNDRED DOLLARS (\$27,287,400) to TWENTY SEVEN MILLION TWO HUNDRED NINETY FOUR THOUSAND SIX HUNDRED DOLLARS (\$27,294,600) as follows:

GENERAL FUND - 101

<u>FUND ACTIVITY</u>	<u>PERSONAL SERVICE</u>	<u>OTHER</u>	<u>TOTAL</u>
Municipal Court	\$ 1,068,100	\$ 135,700	\$ 1,203,800
Other City Activities	<u>17,130,200</u>	<u>8,960,600</u>	<u>26,090,800</u>
GENERAL FUND	<u>\$18,198,300</u>	<u>\$9,096,300</u>	<u>\$27,294,600</u>

Section 4. That in order to provide for enhancements to the 1997 Street Maintenance Program, the amount of funds appropriated from Fund No. 201 - Streets (Maint. & Repair) in Section 3. of Ordinance No. 97-39 is hereby increased by ONE HUNDRED FIFTEEN THOUSAND EIGHT HUNDRED DOLLARS (\$115,800), from NINE HUNDRED SEVENTY THREE THOUSAND THREE HUNDRED DOLLARS (\$973,300) to ONE MILLION EIGHTY NINE THOUSAND ONE HUNDRED DOLLARS (\$1,089,100) as follows:

SPECIAL REVENUE FUND - 200

<u>ACCT.</u> <u>NO.</u>	<u>FUND ACTIVITY</u>	<u>PERSONAL</u> <u>SERVICE</u>	<u>OTHER</u>	<u>TOTAL</u>
201	Streets(Maint. & Repair)	\$ 463,700	\$ 625,400	\$1,089,100
TOTAL	SPECIAL REV. FUNDS	<u>\$3,010,400</u>	<u>\$2,566,427</u>	<u>\$5,576,827</u>

Section 5. That the City Finance Director be and he is hereby authorized and directed to draw his warrants against the appropriations hereinabove set forth upon presentation of proper vouchers.

Section 6. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City, and this ordinance shall, therefore, take effect immediately upon its enactment and approval by the Mayor.

Enacted April 28, 1997.

Approved this 29th day of April 29, 1997

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-60
BY: David E. Weiss

Amending Section 1173.15 of the Traffic Code relative to locked bicycles.

WHEREAS, the Chief of Police has advised this Council that many persons, especially juveniles, leave their bicycles unlocked at shopping centers and other locations throughout the City which, although private property, are open to the public; and

WHEREAS, leaving bicycles unlocked encourages the theft of bicycles, and many such bicycles have in fact been stolen; and

WHEREAS, Section 1173.15 of the Shaker Heights Traffic Code, while requiring bicycles parked on public property to be locked, does not currently require bicycles parked on private property, but which is open to the public, to be locked; and

WHEREAS, the Chief of Police has recommended that Section 1173.15 of the Traffic Code be amended to require bicycles parked on private property, which is open to the public, to be locked.

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

Section 1. Section 1173.15 of the Shaker Heights Traffic Code is hereby amended to read as follows:

1173.15 LOCKED VEHICLES AND STOLEN VEHICLES.

(a) No operator of a bicycle, motorized bicycle or motorcycle shall park such vehicle on any public property within this City unless such vehicle is securely locked.

(b) No operator of a bicycle shall park such vehicle on any private property which is open to the public within this City unless such vehicle is securely locked. This subsection shall not apply to the parking of bicycles on private residential property.

(c) No person shall steal any bicycle, motorized bicycle or motorcycle, or purposely take, ride or operate any such vehicle without the consent of the owner thereof, or buy or conceal any such vehicle or a part therefor that has been stolen, knowing it to have been stolen.

Section 2. Section 1173.15 of the Shaker Heights Traffic Code, as heretofore in effect, is hereby repealed.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the Police Department and, further, that it is necessary to have the requirement for locked bicycles set forth herein to be effective at the onset of the upcoming warmer weather months, when bicycle use is the greatest and, therefore this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted April 28, 1997.

Approved this 29th day of April, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-61
BY: Kenneth J. Kovach

Declaring a public nuisance as to various residential properties, and further declaring an emergency.

WHEREAS, the following residential dwelling structures, located within the City of Shaker Heights, contain several significant violations of the Shaker Heights Housing Code: 3628 Chelton Road; 3136 Sebor Road; 3430 Milverton Road; 18875 Fairmount Boulevard; 3690 Winchell Road; 3034 Warrington Road; 3612 Norwood Road; 3673 Hildana Road; and 14416 Onaway Road; and

WHEREAS, by previous written notice, the City has ordered that the violations be corrected; and

WHEREAS, said violations have not been corrected; and

WHEREAS, this Council finds that the existing structures represent a hazard to the health, safety and welfare of the inhabitants thereof and to the general public, constitute a blighting and deteriorating influence on neighboring properties, and create a deleterious impact upon the aesthetics of the surrounding areas, respectively; and

WHEREAS, this Council further finds that these properties constitute a public nuisance, requiring immediate abatement by the City, as set forth in Exhibit 1, attached hereto and included herein by reference.

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

Section 1. This Council hereby declares the following properties to be a public nuisance: 3628 Chelton Road; 3136 Sebor Road; 3430 Milverton Road; 18875 Fairmount Boulevard; 3690 Winchell Road; 3034 Warrington Road; 3612 Norwood Road; 3673 Hildana Road; and 14416 Onaway Road.

Section 2. This Council further orders the abatement of such nuisances, if they are not abated by the owners and/or occupants thereof, within ten (10) days after written notice.

Section 3. The Director of Public Service and the Assistant Director of Housing Inspections are hereby authorized to abate said public nuisances, if said nuisances are not otherwise abated, and the cost thereof shall be assessed upon the tax duplicate of the property unless otherwise paid.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary to abate said public nuisances, and thereby alleviate any further public harm caused thereby, as soon as possible and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted April 28, 1997.

Approved this 29th day of April, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

NUISANCE ABATEMENT LIST AS OF MARCH, 1997

ADDRESS	STATUS KEY	REMEDY	ESTIMATED COST
3628 Chelton Road	B,F	Demolish House Only	\$ 5,100.00
3136 Sebor Road	A,F	Repair House	\$ 4,900.00
3430 Milverton Rd.	A,B,F	Demolish House & Garage	\$ 8,400.00
18875 Fairmount	A,D,F	Repair House	\$ 4,900.00
3690 Winchell Road	E,F	Repair House	\$ 4,700.00
3034 Warrington	D,F	Repair House	\$ 3,500.00
3612 Norwood Road	D,F	Repair House	\$ 8,600.00
3673 Hildana Road	B,D	Demolish Garage Only	\$ 1,500.00
14416 Onaway Road	E	Repair House	\$ 6,400.00
Additional Money			\$ 1,500.00
		TOTAL	\$ 49,500.00

Key:

- A Vacant - Open
- B Structural Failure
- C Loan cannot be Processed
- D Prosecuted, Still no Compliance
- E Ill - Elderly
- F Continuing Complaints

RESOLUTION NO. 97-62

BY: Jan M. Devereaux

Congratulating SHELLI CALLAND on being named a 1997 Presidential Scholar.

WHEREAS, SHELLI CALLAND, a senior at Shaker Heights High School, has been named a 1997 Presidential Scholar; and

WHEREAS, selection to the Presidential Scholar Program is one of the highest honors bestowed upon high school seniors in the country, in which candidates are chosen for exceptional SAT and ACT scores, academic achievement, leadership skills and volunteer work; and

WHEREAS, SHELLI CALLAND was one of only 140 candidates selected from 2,600 participating high school seniors, and only the third Shaker Heights High School senior ever to be chosen in the 34 year history of the Presidential Scholar Program; and

WHEREAS, in addition to scoring a perfect 1600 on her Scholastic Achievement Test, MS. CALLAND was awarded the national Tandy award for excellence in mathematics, computer science and basic sciences, and was a member of the High School's Junior Engineering and Technical Society, which placed first in the state competition and third in the nation this year; and

WHEREAS, SHELLI CALLAND, a Phi Beta Kappa Scholar, has also volunteered with the American Civil Liberties Union, the Natural History and Cleveland Children's Museums, the Shaker Heights Municipal Court, and has worked as a tutor in the Shaker Heights City School system; and

WHEREAS, this Council desires to recognize the accomplishments of SHELLI CALLAND.

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

Section 1. This Council hereby commends and congratulates SHELLI CALLAND on being named a 1997 Presidential Scholar, and extends to her and her parents, Jim and Sally Calland, its best wishes for their continued success.

Section 2. The Clerk of Council is hereby instructed to furnish to SHELLI CALLAND a duly inscribed, attested and approved copy of this resolution.

Adopted May 27, 1997.

Approved this 27th day of May, 1997.

Kenneth J. Kovach

Stephanie W. Turner

Margaret H. Jorgensen

Judith H. Rawson

David E. Weiss

Jan Devereaux

Allen D. Foster, Sr.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

1st Reading 05/27/97
2nd Reading 06/09/97

ORDINANCE NO. 97-63
BY: Stephanie W. Turner

Confirming the approval of a temporary use, consisting of a temporary wireless communications facility, at 3400 Lee Road (AT&T Wireless Services).

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

Section 1. This Council hereby confirms the approval given by the City Planning Commission at its meeting on May 12, 1997, for a temporary use, consisting of a temporary wireless communications facility, by AT&T Wireless Services, to be located at Shaker Heights City Hall, 3400 Lee Road, Shaker Heights, Ohio. The approval granted herein is expressly conditioned upon the following:

1. The communications facility (pole) shall be located in the parking lot of City Hall, on the grass portion south of the proposed permanent location, as approved by the Director of Planning and Development.
2. The communications facility shall not exceed 60 feet in height as measured from the trailer mount, and shall be mounted without the use of guy wires.
3. The temporary use shall expire after three months.

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

Enacted _____, 1997.

Approved this ____ day of _____, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

1st Reading 05/27/97

ORDINANCE NO. 97-63
BY: Stephanie W. Turner

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Section 1. This Council hereby confirms the approval given by the City Planning Commission for a temporary use, consisting of a temporary wireless communications facility, by AT&T Wireless Services, to be located at Shaker Heights City Hall, 3400 Lee Road, Shaker Heights, Ohio. The approval granted herein is expressly conditioned upon the following:

1. The communications facility (pole) shall be located in the parking lot of City Hall, on the grass portion south of the proposed permanent location, as approved by the Director of Planning and Development.
2. The communications facility shall not exceed 60 feet in height as measured from the trailer mount, and shall be mounted without the use of guy wires.
3. The temporary use shall expire after three months.

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

Enacted _____, 1997.

Approved this ____ day of _____, 1997.

PATRICIA S. MEARNES, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-64
BY: David E. Weiss

Authorizing the Mayor to execute a letter of intent to proceed with a marketing/feasibility study in connection with a proposed fiber optic telecommunications consortium of northern Ohio municipalities.

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

Section 1. The Mayor is hereby authorized to execute a letter of intent directed to the Public Facilities Investment Corporation (PFIC) permitting it to conduct a marketing/feasibility study in connection with a proposed fiber optic telecommunications consortium of northern Ohio municipalities. Said letter of intent shall be in substantially the form as attached hereto and included herein by reference, as approved by the Director of Law.

Section 2. The authority granted herein to execute said letter of intent is expressly conditioned upon there being no binding obligation on the City of Shaker Heights to enter into such a consortium of northern Ohio municipalities, nor for the expenditure of funds therefor, except by separate written agreement approved by City Council.

Section 3. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted May 27, 1997.

Approved this 28th day of May, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

Filed #.
RECEIVED

APR - 1 1997

CAO OFFICE

PUBLIC FACILITIES

Privatized Development for the Public Sector

March 27, 1997

Municipal Consortia of Northern Ohio
c/o City of Shaker Heights
3400 Lee Rd.
Shaker Hts., OH 44120

- Design/build
- Own or Lease
- Finance
- Program Management

Attention: Mr. Schuchart

Gentlemen:

This Letter of Intent (LOI) is to establish and confirm the understanding between Public Facilities Investment Corporation, a California corporation with offices at 11755 Wilshire Boulevard, Suite 2350 Los Angeles, California 90025 ("PFIC") and a Consortia of Municipalities in Northern Ohio (the "Consortia") as identified in Appendix 1 to create an ongoing strategic alliance. This alliance would seek to position PFIC and the Consortia favorably to capitalize on the emerging market for public-private arrangements where integrators, under the direction of PFIC, who would act on behalf of the municipalities in the Consortia, would build for operation broadband telecommunications networks for the municipalities. It is the intent of PFIC and the Consortia to use all reasonable efforts to complete negotiations and execute all agreements required to finalize the business arrangements by May 15, 1997, as such date may be extended by mutual agreement of the Consortia. This LOI may be amended in writing by the Consortia to include other cities.

This LOI, and its attachments contain a description of support the Consortia may be willing to provide and an indication of the terms on which that support may be provided, but it does not constitute a commitment by the Consortia to provide such support and the terms herein are subject to change and subject to receipt of all necessary approvals. Within a reasonable time frame, PFIC, as applicable, will seek the required approvals and take the following other actions:

- Prepare contracts between the Municipal Consortia and PFIC outlining the terms and conditions of the proposed relationship.
- Prepare a business plan for the project
- Develop an analysis of the short term financial outlook including;

Corporate Office:
11755 Wilshire Blvd., Suite 2350
Los Angeles, California 90025
PH: 310/575-9447, FAX: 310/473-9250
(800) 950-9660

Regional Office:
4754 Chapelridge Drive
Cincinnati, Ohio 45223
PH: 513/541-0400, FAX: 513/541-5006

- Fund raising status and timeline(s) for completion
- Projected financial statements through date of first project finance funding followed through completion.

The Consortia recognize that time is of the essence in completing their respective actions to fulfill the conditions precedent.

Subject to satisfaction of the conditions precedent outlined above, the Consortia will undertake the following:

1. The Consortia will jointly review the network design and equipment to determine the optimal network design and structure.
2. The Consortia agree to pursue the critical phases of the program as outlined in Appendices two to five which delineate the steps of a preliminary feasibility study, contracting and financing steps, final feasibility study, construction approval, project coordination, cutover and network operation, as well as ongoing network expansions for business and residential customers.
3. The Consortia agree that the professional services, application services, and integration services applicable to the network design includes but is not limited to:

Services

Professional Services

- Feasibility Studies
- Public/Private Alliances
- Funding Acquisition
- License Arrangements (FCC/PUC)
- Connecting Company Agreements

Integration Services

- Network Design and Outside Plant Integration
- Network Management and Business Systems Design
- Hardware and Software System Integration
- Network Operations / Business System Training

Application Services

- End User Software Compatibility
- OEM/CPE/LAN Interface Integration
- Sales and Marketing Applications Training

Products

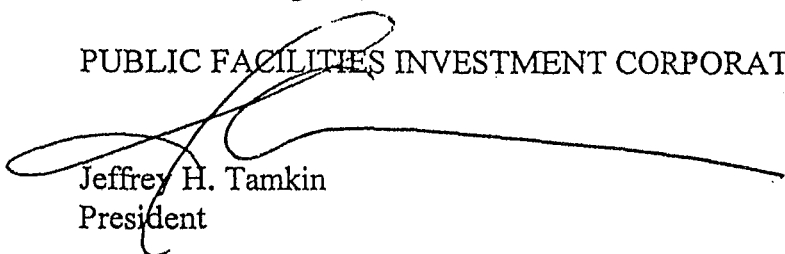
- SONET transport equipment: OC-192, OC-48, OC-12, OC-3, OC-1
- DMS series switches and Access Nodes
- Magellan ATM product line: Concorde, Vector, Passport 50, Passport 160, Cardinal, DPN (X.25 packet)
- Integrated Community Networks, NSAM
- SONET ATM multiplex equipment
- OEM compatible with Nortel Equipment (e.g. Digital crossconnects)
- OSS / TMN system compatible with Nortel equipment
- Cornerstone products for CATV
- Wireless Products

4. PFIC will operate the city networks using a third party.

If, in the future, the Consortia elect to enter into binding commitments relating to any of the information contained in this LOI, such commitments will be explicitly stated in separate written agreements executed by the Consortia, and the Consortia hereby affirm that they do not intend this letter of intent, their discussions, correspondence, and other activities to be construed as forming a contract relating to any of the information contained herein without execution of such separate written agreements.

With kindest regards,

PUBLIC FACILITIES INVESTMENT CORPORATION



Jeffrey H. Tamkin
President

Agreed and Approved this ___ day of _____, 1997.

MUNICIPAL CONSORTIA OF NORTHERN OHIO

Acronyms

PFIC	Public Facilities Investment Corporation
LOI	Letter of Intent
OSS	Operational Support System
CPE	Customer Premise Equipment
LAN	Local Area Network
OEM	Original Equipment Manufacturer
FCC	Federal Communications Commission
PUC	Public Utility Commission
TMN	Telecommunications Management Network
NSAM	Nortel Services Access Module

ORDINANCE NO. 97-65
BY: Judith H. Rawson

To fix the compensation of the Council for the term beginning on January 1, 2000.

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

Section 1. Pursuant to Article VI, Section 9, of the Charter of the City of Shaker Heights, the compensation for the member of Council designated Vice-Mayor shall be SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,200) per year, commencing January 1, 2000. The compensation for each of the other members of Council shall be SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,200) per year, commencing January 1, 2000. Said compensation shall be paid in monthly installments.

Section 2. In addition to the foregoing compensation, commencing January 1, 2000, the member of Council designated Vice-Mayor, and each of the other members of Council, shall be entitled, at their request, to participate in the hospitalization, disability, life, dental and other insurance benefit plans now made available by the City for its employees, the cost thereof to be paid through payroll deductions from the compensation provided in Section 1 herein. Such participation and the cost thereof shall not be considered an increase or change in compensation during the term beginning on January 1, 2000.

Section 3. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted June 30, 1997.

Approved this 1st day of July, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

1st Reading 05/27/97
2nd Reading 06/09/97

ORDINANCE NO. 97-65
BY: Judith H. Rawson

To fix the compensation of the Council for the term beginning on January 1, 2000.

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

Section 1. Pursuant to Article VI, Section 9, of the Charter of the City of Shaker Heights, the compensation for the member of Council designated Vice-Mayor shall be SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,200) per year, commencing January 1, 2000. The compensation for each of the other members of Council shall be SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,200) per year, commencing January 1, 2000. Said compensation shall be paid in monthly installments.

Section 2. In addition to the foregoing compensation, commencing January 1, 2000, the member of Council designated Vice-Mayor, and each of the other members of Council, shall be entitled, at their request, to participate in the hospitalization, disability, life, dental and other insurance benefit plans now made available by the City for its employees, the cost thereof to be paid through payroll deductions from the compensation provided in Section 1 herein. Such participation and the cost thereof shall not be considered an increase or change in compensation during the term beginning on January 1, 2000.

Section 3. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted _____, 1997.

Approved this ___ day _____ of 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

1st Reading 05/27/97

ORDINANCE NO. 97-65
BY: Judith H. Rawson

To fix the compensation of the Council for the term beginning on January 1, 2000.

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

Section 1. Pursuant to Article VI, Section 9, of the Charter of the City of Shaker Heights, the compensation for the member of Council designated Vice-Mayor shall be SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,200) per year, commencing January 1, 2000. The compensation for each of the other members of Council shall be SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,200) per year, commencing January 1, 2000. Said compensation shall be paid in monthly installments.

Section 2. In addition to the foregoing compensation, commencing January 1, 2000, the member of Council designated Vice-Mayor, and each of the other members of Council, shall be entitled, at their request, to participate in the hospitalization, disability, life, dental and other insurance benefit plans now made available by the City for its employees, the cost thereof to be paid through payroll deductions from the compensation provided in Section 1 herein. Such participation and the cost thereof shall not be considered an increase or change in compensation during the term beginning on January 1, 2000.

Section 3. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted _____, 1997.

Approved this ___ day _____ of 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-66
BY: Margaret H. Jorgensen

Amending Ordinance No. 97-61 relative to the declaration of certain residential properties as public nuisances.

WHEREAS, pursuant to Ordinance No. 97-61, enacted April 29, 1997, this Council declared certain residential properties in Shaker Heights to be public nuisances, ordered the abatement of said nuisances and the assessment of the costs thereof on the tax duplicate, if not paid by the respective property owners; and

WHEREAS, among the properties listed was 3628 Chelton Road; and

WHEREAS, the Assistant Director of Housing has advised this Council that the 3628 Chelton Road address was incorrect and should have read 3528 Chelton Road.

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

Section 1. Ordinance No. 97-61, enacted April 29, 1997, is hereby amended, to wit: that the address 3628 Chelton Road, wherever set forth in said ordinance, be changed to read 3528 Chelton Road. In all other respects, Ordinance No. 97-61 shall remain in full force and effect.

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

Enacted May 27, 1997.

Approved this 28th day of May, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-67
BY: Margaret H. Jorgensen

Authorizing an agreement with other municipalities for the creation of the Heights Area Special Rescue Team (HASRT).

WHEREAS, the cities of Beachwood, Cleveland Heights, Shaker Heights, South Euclid, and University Heights have agreed to equip a special rescue team, to be known as the Heights Area Special Rescue Team (HASRT), to conduct rescue activities requiring unusual training and/or equipment, such as rope, ice, confined space and trench collapse rescues, in the participating communities; and

WHEREAS, HASRT is to be formed, equipped, trained and administered pursuant to a joint cooperative agreement executed by the participating communities; and

WHEREAS, it is the opinion of the Shaker Heights Chief of Fire that said joint agreement, and the provision of such special rescue services, will enhance this city's ability to provide these services to its residents, and to those of the other participating communities.

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

Section 1. The Mayor and the Director of Finance are hereby authorized to enter into an agreement with the cities of Beachwood, Cleveland Heights, South Euclid and University Heights for the creation and administration of HASRT. Said agreement shall be in substantially the form as attached hereto and included herein by reference, as approved by the Director of Law.

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

Enacted May 27, 1997.

Approved this 28th day of May, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

FINAL DRAFT

AGREEMENT FOR SPECIAL RESCUE SERVICES

THIS AGREEMENT is made and entered into by and between the City of Beachwood, 2700 Richmond Road, Beachwood, Ohio 44122, the City of Cleveland Heights, 40 Severance Circle, Cleveland Heights, Ohio 44118, the City of Shaker Heights, 3400 Lee Road, Shaker Heights, Ohio 44120, the City of South Euclid, 1349 South Green, South Euclid, Ohio 44121, and the City of University Heights, 2300 Warrensville Center Road, University Heights, Ohio 44118.

W I T N E S S E T H:

WHEREAS, Ohio Revised Code Section 9.60 authorizes municipal corporations to enter into agreements with one another for the provision of fire protection services on an emergency or regular basis; and

WHEREAS, the Cities of Beachwood, Cleveland Heights, Shaker Heights, South Euclid, and University Heights (hereafter "Participating Cities", or "Parties") have all previously entered into such "mutual aid" agreements among themselves for the provision of emergency fire protection and rescue squad services on an "as needed" basis; and

WHEREAS, the Participating Cities have determined to organize, train and equip a Special Rescue Team to conduct rescue activities requiring unusual training and/or equipment, such as rope, ice, confined space and trench collapse rescues, in the participating communities.

NOW, THEREFORE, in consideration of the mutual promises herein, the undersigned Participating Cities agree as follows:

SECTION 1. The Cities shall form a special rescue team to be known as the Heights Area Special Rescue Team (hereafter "HASRT"). HASRT shall be composed of firefighters from each Participating City appointed by the Fire Chief of such City. The Cities each agree that, insofar as is possible and practicable,

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its available HASRT members will respond to calls for special rescue services within the boundaries of the other Participating Cities.

SECTION 2. HASRT shall be governed by an Advisory Board consisting of the Fire Chiefs of the Participating Cities. The Board shall meet at such times and places as agreed upon by the Board members. All Board decisions shall be approved by a majority vote of it's members.

Section 3. The percentage value of each members vote shall be identical to that value determined by the formula noted in Section 6 of this agreement.

Section 4. Annually, in June, the Board shall appoint a Director of Operations for HASRT. The Director shall be responsible for the day-to-day management and operations of HASRT. Each year the Director shall prepare a proposed budget for the following fiscal year for HASRT and submit it to the Board by March 1st. The Board shall meet on the proposed budget and recommend by April 30th a budget to operate HASRT in the following fiscal year. The budget will provide funding for the purchase, replacement, and maintenance of team equipment, and for team training. The Director will have the ability to utilize these funds to acquire the type of equipment and training so noted in the Boards approved budget, and for other purposes authorized by the Board..

Section 5. That Participating City which provides the Director, shall also maintain the HASRT budget and all associated accounting. That city shall receive an administrative discount of fifteen hundred dollars. This sum, which can be adjusted by a majority vote of the board, shall be deducted from that city's annual budget obligation. This discounted amount shall be assumed by the other Participating Cities and apportioned by the formula so noted in Section 3 of this agreement.

SECTION 6. Apportionment of the annual budget, which includes capital expenses, operational expenses, and any share of payment to

FINAL DRAFT

cover the administrative discount, shall be borne by all parties on the basis of the following formula, which shall be annually updated as determined by the Board.

$$Mm = 1/3 \times \left(\frac{Am}{A} + \frac{Pm}{P} + \frac{Vm}{V} \right) \times C$$

Where Mm = Cost to Member Municipality

Am = Area of Member Municipality

A = Area of All Municipalities

Pm = Population of Member Municipality

P = Population of ALL Municipalities

Vm = Valuation of Municipality

V = Valuation of ALL Municipalities

C = Annual Cost to Operate HASRT

SECTION 7. It is agreed that no Participating City shall be billed for special rescue services or equipment provided by the Heights Area Special Rescue Team or any participant therein. Each Participating City shall be responsible for the payment of wages, overtime, worker's compensation, health insurance, and other similar employment-related expenses for its own employees during training and during the provision of services hereunder.

SECTION 8. It is further agreed among the Parties that all personnel of a Responding City, while responding to a call of another Participating City ("Calling Party"), shall be deemed to be acting within the scope of their employment by the Responding City while en route to, en route from, and while acting in the territory of the Calling Party, as well as during all training conducted hereunder.

SECTION 9. It is further agreed that in no case shall a Participating City or any of its employees, officers or agents be liable in damages to another Party to this Agreement, or its employees, officers or agents, or its inhabitants, or its contractual obligees, or any person to whom service is being provided, for failure to answer any call for rescue services, or for lack of speed in answering such call, or for failure or inadequacy of equipment, or for the negligence, misfeasance or nonfeasance of its employees, or for any other cause whatsoever related to the rendering of said special rescue services. The Calling Party which issued the call shall not be liable in any manner or event for damage to or loss of equipment, or injury to or death of personnel, which may be suffered by a Responding City and/or its personnel while answering a call. Each Participating City shall assume the cost of damage to or loss of its apparatus, and injury to or death of personnel that may occur while in another City's territory while responding to a call pursuant to the terms of this Agreement, or during training.

SECTION 10. On any occasion to which additional assistance is called pursuant to the terms of this Agreement, the senior officer of the Calling Party present and in charge of the department of such Party shall have full charge of and authority over any personnel and apparatus responding pursuant to such call.

SECTION 11. Any Party hereto may discontinue its rights, obligations and duties under this Agreement by providing all other Parties sixty (60) days advanced written notice of its intent to do so. Upon any such withdrawal, the withdrawing City shall forfeit any and all rights to any equipment jointly purchased hereunder, including, but not limited to, the future use of said equipment or the equity value thereof. In the event all parties hereto unanimously vote to discontinue this Agreement, any equipment purchased pursuant hereto may be disposed of in any manner approved by the majority of the Board, including, without limitation, by donation to a Participating City.

FINAL DRAFT

Section 12. The Board will consider another city's request to join HASRT only after reviewing a feasibility report issued by the Director. A city approved by the Board to join HASRT shall be assessed a start up fee determined by the Board. The requesting community shall also adhere to the Director's recommendations regarding staffing, training, and start up equipment, and shall adopt the existing administrative, managerial, operational, and training procedures and policies of HASRT.

Section 13. Any non-participating city which requests the services of HASRT on an emergency basis, shall be charged on the basis of the following:

Section 13 subsection (a). Incident response of HASRT personnel shall be billed at the rate of \$3,600.00 for each four (4) hour period of service, or fraction thereof. There shall be a five percent (5%) increase in the these fees in each subsequent year under this agreement

Section 13 subsection (b). Incident response of HASRT vehicles shall be billed at rates listed in the most current edition of "Schedule of Equipment Rates" issued by the Federal Emergency Management Agency, State and Local Programs and Support, Disaster Assistance Programs.

Section 14. Damaged HASRT equipment shall be billed at a rate of actual repair or replacement cost. The HASRT Director shall determine if a damaged piece of equipment will be repaired or replaced.

Section 15. A waiver of charges for provision of HASRT services to those organizations which are capable of providing comparable special rescue capabilities, will be subject to board approval.

SECTION 16. This Agreement shall be deemed effective upon execution by all parties.

FINAL DRAFT

WITNESSES:

CITY OF BEACHWOOD

By: _____
Its: _____

Approved as to legal form:

Director of Law
City of Beachwood

WITNESSES:

CITY OF CLEVELAND HEIGHTS

By: _____
Its: _____

Approved as to legal form:

Director of Law
City of Cleveland Heights

WITNESSES:

CITY OF SHAKER HEIGHTS

By: _____
Its: _____

Approved as to legal form:

Director of Law

City of Shaker Heights

WITNESSES:

Approved as to legal form:

Director of Law
City of South Euclid

CITY OF SOUTH EUCLID

By: _____
Its: _____

WITNESSES:

Approved as to legal form:

Director of Law
City of University Heights

CITY OF UNIVERSITY HEIGHTS

By: _____
Its: _____

ORDINANCE NO. 97-68

BY: Margaret Jorgensen

Amending Ordinance No. 97-36, appropriating funds from the General Capital Fund for the purchase of various equipment for use in the Fire Department.

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

Section 1. That the amount of funds appropriated from the General Capital Fund No. 401.02 in Section 1. of Ordinance No. 97-36 is hereby increased by TWO HUNDRED EIGHTY ONE THOUSAND DOLLARS (\$281,000), from TWENTY THREE THOUSAND DOLLARS (\$23,000) to THREE HUNDRED FOUR THOUSAND DOLLARS (\$304,000) to provide for the purchase of the following equipment for use in the Fire Department.

<u>Item</u>	<u>Amount</u>
Rehab.1974 American LaFrance Fire Truck (E-215)	\$ 60,000
Replacement of 1988 Horton Rescue Squad	100,000
Replace Fire Operations Command Vehicle	40,000
Knox Box Key "Sentralok" System	6,000
Update Computer Data Equipment	<u>75,000</u>
Total	<u>\$281,000</u>

Section 2. That the City Finance Director be and he is hereby authorized and directed to draw his warrants against the appropriations hereinabove set forth upon presentation of proper vouchers.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety for the reason that it is necessary in the current operation of the City, and this ordinance shall, therefore, take effect immediately upon its enactment and approval by the Mayor.

Enacted May 27, 1997.

Approved this 28th day of May, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHECEK
Clerk of Council Pro Tempore

ORDINANCE NO. 97-69

BY: Judith Rawson

Amending Ordinance No. 96-70, as amended by Ordinance Nos. 96-92, 96-159, 96-184, and 96-201, appropriating funds from the General Capital Fund for various street improvement projects to provide for the City's share of the cost of improvements to the Shaker Heights half of Sulgrave Road from Shaker Boulevard to Hermitage Road.

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

Section 1. That the amount of funds appropriated from the General Capital Fund Account No. 401.04 to provide for the construction and related engineering and design costs of certain street improvement projects in Section 1. of Ordinance No. 96-70, as amended by Ordinance Nos. 96-92, 96-159, 96-184 and 96-201, is hereby increased by ELEVEN THOUSAND DOLLARS (\$11,000), from THIRTY ONE THOUSAND DOLLARS (\$31,000) to FORTY TWO THOUSAND DOLLARS (\$42,000), to provide for the City's share of the cost of improvements to the half of Sulgrave Road located in the City of Shaker Heights from Shaker Boulevard to Hermitage Road by the City of Beachwood.

Section 2. That the total amount appropriated by Ordinance No. 96-70, as amended by Ordinance Nos. 96-92, 96-159, 96-184 and 96-201, is hereby increased by ELEVEN THOUSAND DOLLARS (\$11,000) from ONE MILLION TWO HUNDRED THOUSAND ONE HUNDRED DOLLARS (\$1,200,100) to ONE MILLION TWO HUNDRED ELEVEN THOUSAND ONE HUNDRED DOLLARS (\$1,211,100) to reflect the above change.

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

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety for the reason that it is necessary in the current operation of the City, and this ordinance shall, therefore, take effect immediately upon its enactment and approval by the Mayor.

Enacted May 27, 1997.

Approved this 28th day of May, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tempore

ORDINANCE NO. 97-70

BY: Jan Devereaux

Amending Ordinance No. 95-136, appropriating funds from the General Capital Fund for Municipal Court office construction and improvements.

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

Section 1. That the amount of funds appropriated from the General Capital Fund No. 401.01 in Section 1. of Ordinance No. 95-136 is hereby increased by SIX THOUSAND DOLLARS, from FORTY-FIVE THOUSAND DOLLARS (\$45,000) to FIFTY-ONE THOUSAND DOLLARS (\$51,000) to provide for construction of additional offices and various office improvements at the Municipal Court.

Section 2. That the City Finance Director be and he is hereby authorized and directed to draw his warrants against the appropriations hereinabove set forth upon presentation of proper vouchers.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety for the reason that it is necessary in the current operation of the City, and this ordinance shall, therefore, take effect immediately upon its enactment and approval by the Mayor.

Enacted May 27, 1997.

Approved this 28th day of May, 1997.

PATRICIA S. MEARNES, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tempore

ORDINANCE NO. 97-71

BY: Margaret Jorgensen

Amending Ordinance No. 93-88, as amended by Ordinance Nos. 93-142, 96-128, and 97-7, appropriating funds from the General Capital Fund for the engineering and design of city-wide traffic signal improvements.

WHEREAS, Ordinance No. 93-142, enacted August 23, 1993, authorized a contract with Adache-Ciuni-Lynn Associates, Inc. for professional engineering services relative to the City's traffic signal improvement project, and increased the amount of funds appropriated for the project by Ordinance No. 93-88 from TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) to TWO HUNDRED SIXTY THOUSAND DOLLARS (\$260,000); and

WHEREAS, Ordinance No. 96-128, enacted July 30, 1996, authorized modification of the agreement to provide for additional engineering services to include a preemption study on behalf of the Fire Department and additional traffic counts, and increased the appropriation of funds therefor from TWO HUNDRED SIXTY THOUSAND DOLLARS (\$260,000) to TWO HUNDRED NINETY-EIGHT THOUSAND DOLLARS (\$298,000); and

WHEREAS, Ordinance 97-7, enacted January 28, 1996, authorized an engineering study of the impact of adding an actuated exclusive pedestrian phase at RTA crossings in the City as requested by the Ohio Department of Transportation, and increased the appropriations of funds therefor from TWO HUNDRED NINETY EIGHT THOUSAND DOLLARS (\$298,000) to THREE HUNDRED ONE THOUSAND SEVEN HUNDRED DOLLARS (\$301,700); and

WHEREAS, the Phase I engineering study is now complete and the engineers are now ready to proceed with Phase II engineering, the final design and construction plans.

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

Section 1. That Ordinance No. 93-142, as amended by Ordinance No. 96-128 and 97-7, is hereby amended so as to permit a modification of the agreement approved therein with Adache-Ciuni-Lynn for engineering services relative to the City's traffic signal improvement project to prepare final design and construction plans for the project. Said modification shall be in a form as approved by the Director of Law.

Section 2. The amount of funds appropriated from the General Capital Fund No. 401.04 in Section 1. of Ordinance No. 93-88, as amended by Ordinance Nos. 93-142, 96-128 and 97-7, is hereby increased by FORTY FOUR THOUSAND DOLLARS (\$44,000) from THREE HUNDRED ONE THOUSAND SEVEN HUNDRED DOLLARS (\$301,700) to THREE HUNDRED FORTY-FIVE THOUSAND SEVEN HUNDRED DOLLARS (\$345,700) to provide for the preparation of final design and construction plans (Phase II Engineering Study). (Traffic Congestion Mitigation Project Grant).

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

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety for the reason that it is necessary in the current operation of the City, and this ordinance shall, therefore, take effect immediately upon its enactment and approval by the Mayor.

Enacted May 27, 1997.

Approved this 28th day of May, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tempore

ORDINANCE NO. 97-72

BY: Judith Rawson

Appropriating funds from the General Capital Fund Account to provide for various street improvement projects.

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

Section 1. That there be and is hereby appropriated from the General Capital Fund No. 401.04 the sum of TWENTY EIGHT THOUSAND ONE HUNDRED DOLLARS (\$28,100) to provide for the construction and related engineering and design costs of the following street improvement projects:

<u>Project</u>	<u>Cost</u>
Bryden Road (Green Road to the eastern (Beachwood) corporation line)	\$ 11,100
North Park Blvd. Resurfacing & Widening (from Fairmount Circle to Milford Rd. within the City corporate limits)	<u>17,000</u>
Total	\$ <u>28,100</u>

Section 2. That the City Finance Director be and he is hereby authorized and directed to draw his warrants against the appropriations hereinabove set forth upon presentation of proper vouchers.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety for the reason that it is necessary in the current operation of the City, and this ordinance shall, therefore, take effect immediately upon its enactment and approval by the Mayor.

Enacted May 27, 1997.

Approved this 28th day of May, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tempore

ORDINANCE NO. 97-73
BY: Judith H. Rawson

Authorizing a contract for emergency repairs of Thornton Park Ice Rink Compressor No. 1.

WHEREAS, on May 17, 1997, Compressor No. 1 at the Thornton Park Ice Rink ceased operating; and

WHEREAS, since there is only one compressor currently in operation at the Thornton Park Ice Rink and, due to the impending warmer seasonal weather, both compressors need to be operational, there is an immediate need to repair Compressor No. 1; and

WHEREAS, Great Lakes Mechanical Corporation is available to make such immediate repairs at a cost of TEN THOUSAND THREE HUNDRED DOLLARS (\$10,300).

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

Section 1. Pursuant to Article VI, Section 7 of the City Charter, this Council hereby authorizes the Mayor and the Director of Finance to enter into a contract with Great Lakes Mechanical Corporation for the emergency repair of Compressor No. 1 at the Thornton Park Ice Rink, at a cost of TEN THOUSAND THREE HUNDRED DOLLARS (\$10,300), without advertisement for formal bids. Said contract shall be in substantially the form as approved by the Director of Law.

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

Enacted May 27, 1997.

Approved this 28th day of May, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-74
BY: Judith H. Rawson

Confirming the granting of a conditional use permit for a temporary use at 19600 North Park Boulevard (Hathaway Brown School).

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

Section 1. This Council hereby confirms the granting of a conditional use permit by the City Planning Commission at its meeting on June 2, 1997, permitting a temporary carnival use at Hathaway Brown School, 19600 North Park Boulevard, to wit: a craft fair operated by Ohio Designer Craftsmen Enterprises on June 20, 21 and 22, 1997.

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that this temporary use is scheduled to commence on June 20, 1997, and provides necessary income for the operation of Hathaway Brown School and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted June 9, 1997.

Approved this 10th day of June, 1997.

PATRICIA S. MEARNNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-75
BY: Margaret H. Jorgensen

Enacting Section 381.07 of the Shaker Heights Health Code relative to bicycle helmets.

WHEREAS, this Council finds that bicycle helmets are effective in preventing head and brain injuries; and

WHEREAS, this Council desires to augment the City's current bicycle safety education program for minors, by requiring them to wear bicycle helmets; and

WHEREAS, it is the further desire of Council that, while bicycle helmets should be required, violation of such a requirement should not be considered a criminal offense, but, be treated as a civil infraction.

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

Section 1. Section 381.07 of the Shaker Heights Health Code is hereby enacted to read as follows:

381.07 BICYCLE SAFETY

(a) No person over the age of five years shall operate a bicycle within the City unless such person is wearing a protective helmet on his/her head, with the chin strap fastened under the chin. Such helmet shall be fitted to the size of the operator and shall meet or exceed the standards set by ANSI (American National Standards Institute) or SNELL (Snell Memorial Foundation).

(b) No person shall be a passenger on a bicycle within the City unless such person is wearing a protective helmet on his/her head with the chin strap fastened under the chin. Such helmet shall be fitted to the size of the passenger and shall meet or exceed the standards set by ANSI (American National Standards Institute) or SNELL (Snell Memorial Foundation).

(c) No person who is the parent, guardian or legal custodian of a minor who engages in conduct prohibited by subsections (a) and/or (b) hereof shall create a substantial risk to the health or safety of such minor by aiding, abetting, causing, encouraging or permitting conduct which violates subsections (a) or (b) hereof.

(d) When the Director of Health has reason to believe that a person has engaged in conduct in contravention of subsections (a), (b), and (c) hereof, such person, or in the case of a minor, the parent, guardian or legal custodian of such minor, shall be notified of the infraction, in writing by the Director, and of the dangers which may result when a bicycle accident occurs to a person not wearing a helmet.

(e) A violation of subsections (a), (b), or (c) shall be considered a civil infraction, punishable by a penalty of \$25 for any violation occurring subsequent to a written notice as provided in subsection (d) hereof.

(f) When the Director of Health has reason to believe that a person has committed a subsequent violation of subsections (a), (b), or (c), he shall provide such person, or in the case of a minor, the parent, guardian or legal custodian, written notice of the violation, and the penalty therefor. Such person or parent, guardian or legal custodian of a minor receiving the written notice of violation may request, in writing, an informal hearing before the Director of Health, within ten (10) days of the date of the notice of violation. Upon receipt of such request, the Director of Health shall schedule an informal hearing wherein the notice of violation may be reviewed with the person requesting the hearing. The Director shall render a decision regarding the violation within a reasonable time after the hearing, advising the parent, guardian or legal custodian, in writing, of his decision. The Director's decision shall be final.

(g) The Director of Health may waive the \$25 civil infraction penalty upon presentation of proof of purchase of a protective helmet which meets or exceeds the standards set forth herein subsequent to the violation, or upon good cause shown, as determined solely by the Director of Health.

(h) This section shall not be applicable to the operation of a bicycle on private residential property.

(i) The Police Department and other departments of the City, as appropriate, shall cooperate with the Director of Health in the enforcement of this section, including, but not limited to, the reporting of violations, and the provision of educational programs concerning bicycle helmet safety.

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City and, further, that the bicycle helmet requirement contained herein be implemented and enforced as soon as possible in order to better protect minors and adults alike and therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted July 21, 1997.

Approved this 22nd day of July, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-76
BY: Margaret Jorgensen

Amending Ordinance No. 97-72, appropriating funds from the General Capital Fund Account to provide for various street improvement projects.

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

Section 1. That the amount of funds appropriated from the General Capital Fund No. 401.04 to provide for the construction and related engineering and design costs of the various street improvement projects in Section 1. of Ordinance No. 97-72, is hereby increased by SEVENTY-FIVE THOUSAND DOLLARS (\$75,000), from TWENTY-EIGHT THOUSAND ONE HUNDRED DOLLARS (\$28,100) to ONE HUNDRED THREE THOUSAND ONE HUNDRED DOLLARS (\$103,100) to provide for the cost of various curb replacements throughout the City.

Section 2. That the City Finance Director be and he is hereby authorized and directed to draw his warrants against the appropriations hereinabove set forth upon presentation of proper vouchers.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety for the reason that it is necessary in the current operation of the City, and this ordinance shall, therefore, take effect immediately upon its enactment and approval by the Mayor.

Enacted June 9, 1997.

Approved this 10th day of June, 1997.

PATRICIA S. MEARNES, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

