

Culture and Engagement Committee. She has served on just about everything. She took on a lot of challenging issues and was an ultimate team player. She served on the Wild Life Task Force, which was not a committee a lot of Council members wanted to serve on, and she did it willingly and did a great job. She epitomizes what a Shaker member of Council should be and he has been fortunate to call her his colleague and friend. He will definitely miss her and thanked her for her service.

Council member Ms. Bixenstine added her thanks to Council member Ms. Anne Williams. She had the privilege of serving on 3 different committees with her over the last 2 years and she has learned so much from her example. She was always extremely gracious and very appreciative of the work of staff. She was always prepared and conscientious. She was thoughtful and guided by her strong moral compass. She will be sorely missed and Council member Ms. Bixenstine wished her the best in her retirement.

Council member Mr. Claytor stated that they could always count on Council member Ms. Anne Williams to make sure they saw the full context of an issue, both sides or a less recognized side. They could always count on her to make sure they saw how others in the community may feel and the fact that their feelings may be valid.

Council member Ms. Carmella Williams stated that, like everyone else, she really appreciates Council member Ms. Anne Williams serving with empathy and concern, and extremely thoughtful. She will be missed on Council but Ms. Carmella Williams knows that Ms. Anne Williams will continue to be the same person in her post-Council life. She thanked her as well as her husband for sharing her for the last 12 years with the community.

Council member Mrs. Kaus stated that she echoes all the wonderful sentiments toward Council member Ms. Anne Williams. She has always been professional and very thoughtful, but Mrs. Kaus especially appreciates that Ms. Anne Williams shows up personally for people as well. She thanked her and wished her the best.

Council member Ms. Anne Williams stated that she is thankful and overwhelmed by their kind remarks and those she received over the last weeks. This is not an individual sport but a team effort. All of Council, the Administration, staff, citizen committee members and community members have given her the opportunity to meet, work with, and learn from amazingly talented and thoughtful individuals. They all had the one goal of serving the community in the best way possible. She thanked everyone. This has truly been a pleasure and she looks forward to seeing what Council does in the future. She will be around and will participate as she can.

It was moved by Mrs. Moore, and seconded by Mr. Claytor, that the rule requiring ordinances to be read on three different days be suspended and Resolution No. 25-125 be placed upon its final enactment.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Motion Carried

Moved by Mrs. Moore, and seconded by Mr. Claytor, that Resolution No. 25-125 be adopted as read.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Resolution Adopted

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Ordinance No. 25-126, by Ms. Carmella Williams, expressing appreciation to IFEOLU A.C. CLAYTOR for his dedicated service on City Council, and for his leadership and many contributions to the City of Shaker Heights and its residents.

Council member Ms. Carmella Williams read aloud the resolution of appreciation to Ifeolu Claytor.

Mayor Weiss stated that Mr. Claytor brought a different perspective to their debates, enabled by his youth and professional career. He was engaged, quick witted, and forceful in his opinions on things he really cared about. Engagement and transparency were hallmarks of his. Mayor Weiss will miss his humor and their shared love of chocolate. He presented him with a plaque to acknowledge his dedicated service rendered to the Shaker Heights community as a member of City Council.

Council member Mr. Malone stated that he remembered at one of the first meetings Mr. Claytor attended that he whispered to him to be confident, but he did not need any encouragement. He was never afraid to speak his mind, whether in voicing opposition or support. He had a very independent approach and a common sense voice on Council that will be missed along with his energy and enthusiasm. He cut to the heart of a lot of difficult issues with a new way of looking at things. Like Council member Ms. Anne Williams he was concerned about fairness. He wanted to make sure they were not overlooking anyone or anything. He set a great example by getting involved in public service at a young age showing that regardless of your age or station in life you can contribute meaningfully. He hopes that others are inspired by Council member Mr. Claytor's example to get involved. Given how engaged he has been in the last weeks of his term, there is no doubt he will stay engaged and make important contributions in the future.

Council member Ms. Carmella Williams stated that both Council member Ms. Anne Williams and Council member Mr. Claytor will be missed. What she appreciated about him most was the fact that he brought a different perspective, but more importantly he helped make the body more effective because he is a young, but wise man. He is at a different place in life than the rest of Council and she appreciated

that along with what others have said. He is wise beyond his years. She hopes he inspires other young people to join public service and she can't wait to see what he does in the future.

Council member Ms. Anne Williams stated that it has been a pleasure serving alongside Council member Mr. Claytor. He brings youthful energy and perspective, but what she loved most was his thoughtful, deep questions. He asked what others may not have thought about. He has been a great asset to Council and it was great serving with him.

Council member Mrs. Kaus stated that she echoes everything that fellow Council members have said about Mr. Claytor. She will miss the small, practical things. He was a great partner and a sounding board.

Council member Ms. Bixenstine stated that she agrees with everything that has been said about Mr. Claytor and appreciates his perspective. He looks at everything through the lens of equity, and she will miss his cheerfulness and smile. She is looking forward to seeing him in the community and knows he will remain active.

Council member Mrs. Moore stated that Mr. Claytor was never intimidated by his tenure on Council or his opinions, which might not have been shared by everyone. That takes courage and she respected him for that. The perspective he brought was a diverse voice from the community they would not have otherwise had, which allowed them to think more fully about an issue.

Council member Mr. Claytor shared his appreciation for his colleagues on Council. Oftentimes he is asked by people about Council and the City. Council may not always agree on everything but they are collegial and that is a work environment that not every city experiences. He is grateful for that. He also shared his appreciation for City staff on every level, they are amazing and care about the community. They make the jobs of Council members easier and staff work hard to make sure we can live in this amazing City.

It was moved by Ms. Carmella Williams, and seconded by Ms. Bixenstine, that the rule requiring ordinances to be read on three different days be suspended and Resolution No. 25-126 be placed upon its final enactment.

Roll Call:	Ayes:	Mrs. Moore, Ms. Anne Williams, Ms. Carmella Williams, Ms. Bixenstine, Mr. Claytor, Mrs. Kaus, Mr. Malone
	Nays:	None

Motion Carried

Moved by Ms. Carmella Williams, and seconded by Ms. Bixenstine, that Resolution No. 25-126 be adopted as read.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Resolution Adopted

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Confirming the Mayor’s reappointment of Dr. Donna Whyte and the appointment of Michael Mears to the Landmark Commission for three-year terms expiring on December 31, 2028.

Planning Director Joyce Braverman stated that the Landmark Commission currently has two members with terms expiring on December 31, 2025. The citizen members are appointed by the Mayor and confirmed by Council, serving three year terms. The Planning Department recommends to the Landmark Commission, the reappointment of Dr. Donna Whyte for a three-year term, expiring December 31, 2028; and the appointment of Michael Mears as a new member for a three-year term, expiring December 31, 2028. Dr. Donna Whyte has been a member of the Landmark Commission since 2024 with a background in education and history. Mr. Mears is a landscape architect and certified planner.

It was moved by Mrs. Moore, and seconded by Mrs. Kaus to confirm the Mayor’s reappointment of Dr. Donna Whyte and the appointment of Michael Mears to the Landmark Commission for three-year terms expiring on December 31, 2028.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Motion Carried

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Confirming the Mayor’s reappointment of regular members James Neville and Hans Walter to the Architectural Board of Review for three-year terms expiring on December 31, 2028.

Planning Director Joyce Braverman stated that the Architectural Board of Review has two regular members with terms expiring on December 31, 2025. The citizen members are appointed by the Mayor and confirmed by Council. The Planning Department recommends the reappointment of the two regular members: James Neville and Hans Walter.

It was moved by Mr. Claytor, and seconded by Ms. Anne Williams to confirm the Mayor’s reappointment of regular members James Neville and Hans Walter to the Architectural Board of Review for three-year terms expiring on December 31, 2028.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Motion Carried

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Confirming the Mayor's appointments of Kim Bixenstine and Sean Malone, and the reappointment of Patti Barz and Earl Williams to the Board of Appeals for two-year terms expiring December 31, 2027.

Law Director William Ondrey Gruber stated that the Board of Appeals hears appeals from various orders and citations from City departments such as Housing, Building, Fire and Public Works. It is made up of five members and three alternate members which are appointed by the Mayor and confirmed by Council for two-year terms. One Council member is a regular member and one is an alternate member. This item recommends the appointment of Kim Bixenstine as the regular member and Sean Malone as an alternate member, along with the reappointment of citizen members Patti Barz and Earl Williams.

It was moved by Mrs. Moore, and seconded by Mr. Claytor to confirm the Mayor's appointments of Kim Bixenstine and Sean Malone, and re-appointment of Patti Barz and Earl Williams to the Board of Appeals for two-year terms expiring December 31, 2027.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Motion Carried

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Confirming the Mayor's reappointment of Sacara Miller as a citizen member for a three-year term ending December 31, 2028, and appointing Council Member Tenille Kaus as Council representative to and Chairperson of the Fair Housing Review Board.

Law Director William Ondrey Gruber stated that the Fair Housing Review Board represents the City for fair housing matters. The Law Department handles complaints, investigates them, brings administrative processes against those accused of a violation of our fair housing laws, hears cases, and helps with outreach and education of the public on fair housing matters. There are five members of the Fair Housing Review Board: the Mayor or his designee, a member of Council and three citizens appointed by the Mayor and confirmed by Council. Council member Mr. Claytor has been a great member of the Fair Housing Review Board as the Council representative. Council member Ms. Carmella Williams is the Mayor's designee. The Mayor is asking for Council to appoint Council member Tenille Kaus as the Council representative along with the reappointment of citizen member Sacara Miller.

can enjoy the history. In 1999 the NEORSD produced an assessment of Horseshoe Lake which lauded its environmental benefits, filling underground aquifers providing an Ohio migratory bird lake, filtering water, and a place of beauty that has increased the value of cities that can remain. It should have remained. Those dams are still remediable and upgradable. There is funding at local, state and federal levels. The important thing is to understand that the NEORSD does not plan a natural restoration of that creek bed. The evidence is in black and white with the spreading of pesticides all over the area, the thousands of trees planned to be cut down at Horseshoe Lake, and it is not mandatory that the stream be redirected. The NEORSD has been occupying those Shaker Lakes that belong to the people for a decade and have by neglect let them fall further in disrepair. She is only asking for that small strip which per deed and agreement says the cities are supposed to maintain it in perpetuity. Many people come here for that beauty and expect councils will uphold the agreement. She feels the NEORSD wants the land to do an installation and make a green infrastructure space in place of the lakes when 428 million residents enjoy access to those lakes.

Sara Schiavoni of 2940 Morley Road stated that she appreciated the dialogue before the City Planning Commission for the conditional use permit for Five Iron Golf. She hoped Council would discuss more about the parking situation. The conditional use permit will take 13 additional spaces in front of the new establishment to make a new outdoor putting area. Some of the comments from the owner and architect said that most of the businesses are closed from 6:00 p.m. – 10:00 p.m., but they would also like families to be able to visit during the day. Her parents live at Sussex Courts and when 1899 Golf was there they complained about noise and parking. There was no discussion about how having vibrant night life impacted the neighborhood. She thought Council may discuss it more in addition to the vibrant business of Cilantro Taqueria between 6:00 p.m. – 10:00 p.m. It is a tight turn to get in the parking lot. She felt the parking situation did not have enough discussion.

Ed Weinfurtnr stated that he is a lifelong resident. He has strong concerns about what is happening with the Shaker Lakes parklands. There is an active Section 106 review in process which indicates the historic registered nature of the lakes. To be proceeding and to make major changes to the lakes with his understanding of state and federal law is not something that may be done. It is not lawful. Council will vote tonight on this as an emergency. He does not understand the basis for the emergency. If it related to dam safety, ODNr would have issued an emergency declaration. He would like to understand the nature of the emergency and why it must be voted on tonight. He feels Council voting to proceed should be seriously considered.

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

Clerk of Council Mr. Carroll stated that Mr. Weinfurtnr submitted comments online but covered them in his public statement.

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Ordinance No. 25-127, by Mrs. Moore, authorizing a contract with Senior Transportation Connection (STC) for the provision of senior transportation services for the period January 1, 2026 through December 31, 2026, in the maximum amount of \$160,000, and declaring an emergency.

Recreation Business Services Manager Rachel Wooten stated that this item authorizes a contract with Senior Transportation Connection (STC). Since 2009, transportation services have been provided through STC, a regional non-profit that coordinates medical, personal, and group trips for older adults. As of October 2025, STC has more than 95 registered Shaker residents and completed over 2000 one-way trips. In 2026 rates will rise due to STC's increased operating costs. Medical trips will increase from \$30.11 to \$46.81, personal trips from \$33 to \$41.81, and group trips from \$60 to \$100. To support expected ridership increases in higher rates, the contract amount will rise from \$140,000 in 2025 to \$160,000 in 2026. Although ridership remains below pre-pandemic levels, there will be an expanded focus on marketing in 2026 to increase awareness of the service. STC is working with regional partners to bring in more communities and pursue new funding. This will improve driver pay, provide much needed technology updates for dispatch and scheduling, combat rising insurance costs, and replace vehicles as needed. This item is requested as an emergency with a suspension of the rules so the contract may begin on January 1, 2026 to ensure a continuation of services without interruption.

Council member Mrs. Moore stated that this item was reviewed and unanimously approved by the Finance Committee. Questions were detailed in the memo provided for this item.

It was moved by Mrs. Moore, and seconded by Mr. Claytor, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 25-127 be placed upon its final enactment.

Roll Call:	Ayes:	Mrs. Moore, Ms. Anne Williams, Ms. Carmella Williams, Ms. Bixenstine, Mr. Claytor, Mrs. Kaus, Mr. Malone
	Nays:	None

Motion Carried

Moved by Mrs. Moore, and seconded by Mr. Claytor, that Ordinance No. 25-127 be enacted as read.

Roll Call:	Ayes:	Mrs. Moore, Ms. Anne Williams, Ms. Carmella Williams, Ms. Bixenstine, Mr. Claytor, Mrs. Kaus, Mr. Malone
	Nays:	None

Ordinance Enacted

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Ordinance No. 25-128, by Mr. Claytor, authorizing an amendment to the contract between the City and DLZ Ohio, Inc. for additional work for engineering services needed to complete the Lomond/Lynnfield Sanitary Sewer Overflow Project, at an added cost not-to-exceed \$25,000, which will bring the total contract amount to \$324,815.26, and declaring an emergency.

Public Works Assistant Director Christian Maier stated that since 2001 DLZ has been providing engineering services related to the Lynnfield/Lomond Sanitary Sewer Overflow (SSO) 11 Control Project. The overall contract value for these services was roughly \$300,000, half of which was paid

through a grant from the NEORSD. The goal of the project is to eliminate the sanitary sewer overflow located at Lynnfield/Lomond and to minimize the possibility of basement backup within the sewer shed. After securing funding from different agencies the project was bid in 2024 and construction started in the spring of 2025. The construction contract value is roughly \$8.3 million. As the engineer of record, DLZ has an obligation to review the changes that are being proposed during construction, and they are also responsible for services during construction which include reviewing shop drawings, responding to RFI's, and reviewing significant change orders. There were funds allocated at the beginning of the construction project, but there have been multiple issues where we needed assistance and their input. The project is anticipated to be completed in the summer of 2026, but there are not enough funds for a continuation of services. This item authorizes the amendment of the contract with DLZ for the Lynnfield/Lomond SSO-11 project in the amount of \$25,000. This item is requested as an emergency with a suspension of the rules so they can continue to provide services during construction.

Council member Ms. Anne Williams stated that this item was reviewed and unanimously supported by the Safety and Public Works Committee.

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

It was moved by Mr. Claytor, and seconded by Ms. Carmella Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 25-128 be placed upon its final enactment.

Roll Call:	Ayes:	Mrs. Moore, Ms. Anne Williams, Ms. Carmella Williams, Ms. Bixenstine, Mr. Claytor, Mrs. Kaus, Mr. Malone
	Nays:	None

Motion Carried

Moved by Mr. Claytor, and seconded by Ms. Carmella Williams, that Ordinance No. 25-128 be enacted as read.

Roll Call:	Ayes:	Mrs. Moore, Ms. Anne Williams, Ms. Carmella Williams, Ms. Bixenstine, Mr. Claytor, Mrs. Kaus, Mr. Malone
	Nays:	None

Ordinance Enacted

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Ordinance No. 25-129, by Mrs. Moore, authorizing an agreement between the Northeast Ohio Regional Sewer District, the City of Shaker Heights and the City of Cleveland Heights for the construction of the Doan Brook Restoration Project at Horseshoe Park, and an agreement

between the Cities of Shaker Heights and Cleveland Heights for cost sharing and procedures for the future maintenance and improvement of the Park, and declaring an emergency.

Law Director William Ondrey Gruber stated that there are three representatives from the Northeast Ohio Regional Sewer District (NEORS) present tonight. This item is for two agreements regarding the construction of the Doan Brook restoration at Horseshoe Park project: to approve the construction; and for cost sharing between Cleveland Heights and Shaker Heights for future maintenance of the park. In 2021, the City made two emergency repairs to Horseshoe Lake dam. It was also determined at that time that Horseshoe Lake dam had to either be completely reconstructed rather than rehabilitated as thought previously, or decommissioned and removed. The NEORS recommended the removal and restoration of Doan Brook to a more naturalized state. In 2021 the councils of both Cleveland Heights and Shaker Heights passed resolutions to approve the proposal of the NEORS. In 2023 the NEORS and the two cities entered into an amendment to a previous 2018 agreement which called for the NEORS's plan to be implemented through future contracts. In 2024, Council approved an ordinance that the City enter into a contract with the NEORS and Cleveland Heights authorizing the NEORS to proceed with the design of the project with amenities that the cities would have to pay for, and agreeing to split the costs of the design with 65% by Shaker Heights and 35% by Cleveland Heights. That contract also stated that a future contract would be brought to both councils for construction of the project. Now that the design has been completed the cities have determined which park amenities they wish to be included in the construction and we have negotiated the terms of the contract between the cities and the NEORS, as well as the contract between Shaker Heights and Cleveland Heights.

Director Gruber noted that the contract with the NEORS outlines Section 106 – Historic Preservation Requirements. Those are the City's responsibilities except for certain educational signage that the NEORS is providing. The City is aware that if Section 106 is approved the City is responsible for any remediation measures that need to be taken. The contract also requires that the NEORS receive all other required approvals, state and federal, for any kind of construction they will be engaged in at Horseshoe Park. The point of the emergency declaration for legislation is unrelated to the emergency status of the lake when the City did the emergency work. There is no emergency work required, but the project must proceed forthwith because it will take several years to bid, choose a contractor, engage those contractors and construct the project. The NEORS's schedule they have proposed is to bid in January 2026 and proceed with the project. Because of the time it will take and the conditions of Horseshoe Park have been temporary for several years, it is important that the project proceed as soon as possible, so for this reason the legislation is requested as an emergency which means the ordinance takes effect immediately, rather than in 30 days. The contract explains all of the parts of the project.

Mayor Weiss stated that these contracts relate to Horseshoe Park and not Lower Lake.

Council member Ms. Anne Williams stated that this item was reviewed and unanimously supported by the Safety and Public Works Committee.

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

Council member Mr. Malone stated that he has not read Section 106 of the National Historic Preservation Act but his understanding is that it is not a requirement that has to be fulfilled at this point in the process. It is a review of historical structures on a site.

Director Gruber stated that there is a review process going on.

NEORSD Deputy Director of Watershed Programs Robin Halperin stated that the Section 106 process for the Horseshoe Park project is related to their application for a U.S. Army Corp nationwide permit that triggers the involvement of other federal agencies related to endangered species and impacts to historic resources. A project is designed with impact to both water resources and historic resources and/or endangered species as part of the design product. The Army Corps received our permit application in May 2025, and noted that their process includes coordination with U.S. Fish and Wildlife and Section 106 coordination with the State Historic Preservation Office. There was a comment period for the State Historic Preservation impacts for historical resources. There was a consulting party meeting in October. Now the Corps is drafting the Memorandum of Agreement of the resolution of adverse effects. Ms. Halperin noted that there would be adverse effects to historical resources for repair or removal of the dam. Anything that touches the area will have adverse effects to historic resources. The process now is to discuss how to mitigate for the adverse effects. There is a strategy to mitigate potential impacts, which includes avoiding impact on cultural resources in the design of the project. The Memorandum of Agreement would eventually be signed by the Army Corps, the State Historic Preservation Office and the NEORSD as the responsible party to implement those actions. It will be provided for consulting party review potentially in early January. Once that Memorandum of Agreement is signed the Army Corp may issue their permit which will include the terms and conditions of how to mitigate.

Council member Mr. Malone commended the Mayor and Administration for negotiating an agreement with Cleveland Heights so that we have something that makes both communities responsible for maintenance in the long term. Both cities will have to work hard to make sure that we properly maintain those parks the way they deserve to be maintained for decades to come.

Mayor Weiss stated that this has been years in the making, working to resolve issues with both dams. The Horseshoe dam is failing and so the question about whether there has been a citation or ODNR agrees, they do. If anyone wants more details they may listen to the presentation ODNR did several weeks ago to verify the information we have heard tonight.

It was moved by Mrs. Moore, and seconded by Ms. Anne Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 25-129 be placed upon its final enactment.

Roll Call:	Ayes:	Mrs. Moore, Ms. Anne Williams, Ms. Carmella Williams, Ms. Bixenstine, Mr. Claytor, Mrs. Kaus, Mr. Malone
	Nays:	None

Motion Carried

Moved by Mrs. Moore, and seconded by Ms. Anne Williams, that Ordinance No. 25-129 be enacted as read.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Ordinance Enacted

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Ordinance No. 25-130, by Mrs. Moore, authorizing a contract with FirstEnergy Corp. for the relocation of a high-voltage electric line under a City-owned development property at the Van Aken District, in the total amount of \$280,841.62, without competitive bidding as a utility service, and declaring an emergency.

Planning Director Joyce Braverman stated that this item authorizes a single-source bid to First Energy for \$280,841.62 to relocate a high voltage underground electrical line in the Van Aken district located on the site at the corner of Warrensville Center Road and Chagrin Boulevard. The City desires that this be relocated close to the edge of the site near the right-of-way so the development of the property may proceed. First Energy is the owner of that electrical service and is the only provider to provide the service. Funds for the relocation are contained in the City's capital budget for the Warrensville/Van Aken construction. After years of negotiation with First Energy we finally have a reasonable price. This is requested as an emergency with a suspension of the rules so the high voltage line may be relocated with a favorable price.

Council member Ms. Anne Williams stated that this item was reviewed and unanimously approved by the Safety and Public Works Committee.

Council member Mrs. Moore stated that this item was reviewed and unanimously supported by the Finance Committee. There were a few questions which were answered.

Mayor Weiss commended Director Braverman for her patience and diligence, along with many other staff members. This has been worked on for a long time.

It was moved by Mrs. Moore, and seconded by Mr. Claytor, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 25-130 be placed upon its final enactment.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Motion Carried

Moved by Mrs. Moore, and seconded by Mr. Claytor, that Ordinance No. 25-130 be enacted as read.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Ordinance Enacted

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Ordinance No. 25-131, by Mr. Malone, administrative acceptance of the approval of the City Planning Commission and confirmation of the granting of a conditional use permit for an outdoor recreational putting course known as Five Iron Golf, located at 20040 Van Aken Boulevard, pursuant to Section 1213.05 of the City's Zoning Code.

Planning Director Joyce Braverman stated that this item authorizes a conditional use permit for Five Iron Golf for an outdoor recreational putting course. The City Planning Commission authorized variances to the parking, fence and lighting requirements. A conditional use permit is required for this use and Council confirmation. There was a previous conditional use permit granted in May 2022 for 1899 Golf, for a similar use and similar outdoor putting course, but it was never constructed, so this required a new conditional use permit. It was approved by the City Planning Commission with the following conditions: that the putting course won't operate after 10:00 p.m. and all lights will be turned off at that time; that there will be no outside speakers or music; that there is to be a four foot high fence that will be ornamental but have wire mesh so golf balls can't go through the fence; and that the statutory art pieces be limited in height with one at six feet high with the others limited to four feet high and must be referred to the Public Art Task Force for review and approval. Council may confirm, confirm with conditions or send this item back to the City Planning Commission for further study. This item is requested with a suspension of the rules in order for construction of this new outdoor space to proceed.

Council member Mr. Malone stated that this item was reviewed and approved by the City planning Commission with the conditions referenced above. There was a lengthy discussion focused on the construction of the putting surface. He asked if it would be compliant for the number of parking spaces.

Director Braverman stated that there was a variance of 10 spaces given for the first conditional use permit which still stands with the land, but another 3 spaces were granted for a total of 13 spaces.

Council member Mr. Malone asked about an annual review which has been done for other sites as an additional condition. It will be incumbent on the owner to make people aware they may park on the Chagrin side.

Council member Mrs. Moore stated that she would support that to make sure the parking variances are still working.

Mayor Weiss stated they have done reviews, particularly in this area, because of the nature of the mixed use and transit oriented development. It provides flexibility.

Council member Mr. Claytor stated that he is concerned about the density of the area and the tight parking which is limited. In the summer there was live music at Van Aken district, and there are residents who

pay to park in the garage, but had to park elsewhere because there were too many cars. That is an issue with the management company but it shows the density of cars and people shopping, and frequenting Van Aken district. His family lives in walking district of Van Aken district and he is concerned about how that affects residents. Council has also heard from residents on Helen Road concerned about parking. He is inclined to vote against this because of the parking. Homeowners and renters are concerned about the availability of parking on their residential streets. Higher density for those frequenting our business is great, but we may be moving faster than we are giving due consideration to the concerns of residents.

Council member Mrs. Kaus stated that she is also concerned about parking. Arcadia is not quite built yet and she asked if there will be a public parking garage to relieve some of the parking pressures.

Director Braverman stated that Arcadia will have a garage space for office space and residents. They will have a surface lot that will service the retail spaces, but no extra space for public parking.

Council member Mrs. Kaus stated that she is not sure how many guest parking spaces have been allocated to Arcadia. The Raye building only has four guest spaces for the entire building so guests generally park at the Van Aken district. It is contributing to some of the congestion.

Council member Mrs. Moore stated that when we developed the Van Aken district we had a pedestrian friendly goal in mind. We are working to facilitate that and the pedestrian signal at Farnsleigh is one of those efforts to encourage people to walk. We are also encouraging it with the Van Aken bikeway project. Part of the community is in transition with respect to parking. The fact that it is at the end of the rapid line is another way to encourage people to travel to this area, but not necessarily by car. Ultimately, many more people in our community will choose to not use their cars except in worse times of climate.

Director Gruber stated that an additional discussion point at the City Planning Commission was to encourage the owners of Shaker Plaza to have better signage directing people where to park because there is parking in the publicly-owned area between Shaker Plaza and the busway. There are parking spaces that are not always filled or that people know about.

Council member Mr. Malone stated the main issue is the entrance where the putting area will be. A year or two ago they approved basically the same footprint with 3 fewer parking spaces. He is not inclined to vote in a different way now. The idea is for a review to take a harder look at how to get in and out of the lot would be useful. It has historically been hard and it will be harder with Cilantro Taqueria. He is inclined to move this with the condition to have a six-month review by staff and to consider other options including signage for the entrance and other parking in the area.

Council member Mr. Claytor stated that he is concerned that the residents who are affected will still be affected, and after allowing the putting area to then tell the business it is no longer allowed.

Director Braverman stated that conditional use permits can be pulled back if they are not in compliance. A parking problem may not trigger a review because it is not part of the conditional use permit unless it was added by Council as a condition.

Mayor Weiss stated that he personally has always found parking along the rapid line. He encourages people to use it although they may have to walk a little.

Council member Mr. Claytor stated that we can take the responsibility to advertise any publicly-owned lot. He has family on Winslow and parking is tight with two-family residences so guests cannot park in the driveway. If Council added a condition that would be preferred. He also thinks it is important to balance a congested area.

Council member Mrs. Kaus stated that she wanted Council to be mindful of residents and guests in Shaker who have limited mobility and for them even short distances may be a challenge.

Council member Ms. Carmella Williams stated that she is supportive of this item, but shares the parking concerns due to density of the area. It will only increase with time. She asked about the surface lot for Arcadia retail parking and if it is open to the public or restricted to patrons.

Director Braverman stated that the intention is to limit it to patrons. It is big enough for office tenants, employees and patrons for retail, but they do not have extra space.

Council member Ms. Carmella Williams stated that she agrees with adding conditions so there is not a burden on the business owner to remove the putting area they have installed. However, she asked that this be carefully watched and to learn lessons from this project and the entire area. There is quite a bit of unused parking at University Hospitals (UH) and the post office, but for people with mobility challenges walking that distance to VAD would not be ideal.

Director Gruber stated that the UH parking lot is owned by the City and leased to UH. We reached an agreement with them a few years ago for valet parking for businesses on Chagrin but they have not used it. That is still an option.

Council member Ms. Anne Williams asked if it would be possible to do a review in six-months and if we can require the business to use valet parking during certain hours as part of the conditional use.

Council member Mr. Claytor stated that he agrees that the intention is not to burden the business owner but wants to make sure Council is fully considering the neighborhood and the congestion in the neighborhood. There is also a desire for folks to use public transportation and be pedestrian. While that is the desire, if the shoppers do not have that intention, the residents are still affected. We should highlight the options for public parking and make sure we are fully considering this. He feels it will be more difficult if Council approves it now, to reel it back in after six months.

Mayor Weiss stated that the developer of Arcadia worked very closely with the neighbors and reached mutually agreeable arrangements with respect to parking. There has been no concerns or issues being raised by the residents on Helen.

Council member Mr. Malone would like to add the additional condition that there is a staff review six months after opening the putting area in an effort to come up with new signage or other alternatives.

It was moved by Mr. Malone, and seconded by Mrs. Moore, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 25-131 be placed upon its final enactment.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mr. Malone

Nays: Mrs. Kaus

Motion Carried

Moved by Mr. Malone, and seconded by Mrs. Moore, that Ordinance No. 25-131 be enacted as amended.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Malone

Nays: Mr. Claytor, Mrs. Kaus,

Ordinance Enacted

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Ordinance No. 25-132, by Mrs. Kaus, authorizing the payment of certain benefits to non-bargaining command staff, including Assistant Chiefs in the Police and Fire Departments, and Police Commanders, and declaring an emergency.

Human Resources Director Sandra Middleton stated that this item authorizes benefits for non-bargaining command staff safety forces which include both Police and Fire Departments. The ranks in the Police Department go from sergeant, lieutenant and commander, in that order. While sergeants and lieutenants are part of a collective bargaining unit, commanders are non-bargaining exempt employees. Similarly, in our Fire Department, they have lieutenants, battalion chiefs, and the assistant fire chief. Both lieutenants and battalion chiefs are members of a collective bargaining unit and the assistant chief is classified as a non-bargaining exempt employee. Ordinance No. 06-39 allows certain benefits for non-bargaining command staff, including assistant chiefs in Police and Fire Departments and police commanders, such as keeping educational benefits and longevity payments equal to those afforded to bargaining unit employees under their respective collective bargaining agreements. This is very important for the attractiveness of employees coming from the collective bargaining unit. There are inequities when we claw back benefits with compensation. Since 2006, we have continued to negotiate with collective bargaining units which have additional benefits that we would like to extend to non-bargaining employees which include the assistant fire chief and police commanders. In particular, sick leave balances. Non-bargaining employees receive a maximum of 1350 hours they may accrue. In collective bargaining agreements, the maximum accrual is 2000 hours. If someone is promoted from bargaining to a non-bargaining position they will forfeit the difference of the hours above 1350 at the end of that year. This item proposes we minimize that inequity of that benefit to allow for non-bargaining employees in the year they are promoted to be allowed to preserve the amount they would have forfeited above 1350 hours up to 2000 hours. They will not have the ability to use it during employment but the City would pay half of this amount at retirement if they retire as a City employee, but not if they go to another employer. This could equate to about \$18,500 today if someone was at the maximum hours. We do not have employees at that maximum but close. In review of the collective bargaining agreement benefits, the police commander position receives education pay. We realized that two of the commanders in the Police

Department currently receive this career development pay, but there is no ordinance which allows it. They will be giving up this inequity benefit if we do not take action. We are recommending that the career development benefit be added to the police commanders' overall compensation package, and as the collective bargaining agreement changes, they maintain this benefit. This item is requested as an emergency with a suspension of the rules in order to ensure these benefits continue without interruption.

Council member Mrs. Kaus asked about capping the 1% career development pay at the lieutenant's pay level. She also asked if the sick time is carried on the books as a liability.

Director Middleton stated that they would use the current year lieutenant pay. We carry the sick time on the books as a liability but this item proposes they sign a memo of understanding that the overage would be preserved and not a liability on the books, but we would honor it if they retire as a city employee.

It was moved by Mrs. Kaus, and seconded by Mr. Claytor, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 25-132 be placed upon its final enactment.

Roll Call:	Ayes:	Mrs. Moore, Ms. Anne Williams, Ms. Carmella Williams, Ms. Bixenstine, Mr. Claytor, Mrs. Kaus, Mr. Malone
	Nays:	None

Motion Carried

Moved by Mrs. Kaus, and seconded by Mr. Claytor, that Ordinance No. 25-132 be enacted as read.

Roll Call:	Ayes:	Mrs. Moore, Ms. Anne Williams, Ms. Carmella Williams, Ms. Bixenstine, Mr. Claytor, Mrs. Kaus, Mr. Malone
	Nays:	None

Ordinance Enacted

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Ordinance No. 25-133, by Mr. Malone, adopting a new classification and pay plan for regular full-time and part-time non-bargaining City employees in the service of the City, including a cost of living increase of 2.75% and the addition of a \$600 one-time lump-sum bonus for such employees, to be paid in January 2026, and declaring an emergency.

Human Resources Director Sandra Middleton stated that each year we present the classification and pay plan to Council. The last one was adopted in December 2024. For more than 10 years the City has maintained parity between non-bargaining employees and non-safety bargaining unit employees with respect to annual cost of living adjustments (COLA's). Consistent with that rich history of parity the City is proposing providing non-bargaining employees a 2.75% COLA effective January 1, 2026, and also

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Ordinance No. 25-135, by Mrs. Moore, establishing the Shaker Historical Society Fund, Fund No. 0761, a custodial fund, to account for property taxes distributed by the County Budget Commission for the Shaker Historical Society, and declaring an emergency.

Finance Director John Potts stated that this item requests authorization to establish a new fund to account for the property taxes that will be distributed for the next 5 years by the County Budget Commission for the Shaker Historical Society. In early November the residents of Shaker Heights approved a 5-year property tax levy in support of the Shaker Historical Society. The .3 mill five-year levy is expected to generate a little over \$350,000 per year. This levy will be added to property tax rates beginning in January. The City is the official taxing authority so the funds must come through the City from the county, which will happen in five deposits next year along with the City’s property taxes. We need to create a custodial fund to take money in and out similar to the Tax Increment Financing (TIF) Fund to account for these funds. Beginning next year once the funds are deposited into this custodial fund we will cut a check to the Shaker Historical Society five times each year for the next five years. This item is requested as an emergency and with a suspension of the rules to allow us to create the fund in 2025 so the fund creation can be included in the 2025 Comprehensive Annual Financial Report.

Council member Mrs. Moore stated that this item was reviewed and approved by the Finance Committee. This is a legal requirement.

It was moved by Mrs. Moore, and seconded by Ms. Bixenstine, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 25-135 be placed upon its final enactment.

Roll Call:	Ayes:	Mrs. Moore, Ms. Anne Williams, Ms. Carmella Williams, Ms. Bixenstine, Mr. Claytor, Mrs. Kaus, Mr. Malone
	Nays:	None

Motion Carried

Moved by Mrs. Moore, and seconded by Ms. Bixenstine, that Ordinance No. 25-135 be enacted as read.

Roll Call:	Ayes:	Mrs. Moore, Ms. Anne Williams, Ms. Carmella Williams, Ms. Bixenstine, Mr. Claytor, Mrs. Kaus, Mr. Malone
	Nays:	None

Ordinance Enacted

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Finance Director John Potts stated that this item is for the 2026 Operating Budget and all the other funds that require approval. The remaining individual capital budget items Council will approve separately. There are 3 changes to what Council previously reviewed during budget meetings. The first adjustment is an increase for a full-time community health worker in the CAO budget that will be a difference of about \$100,000 from before. There are additional funds in the amount of \$50,000 put in Fund 105 which is the programming side of the Recreation Department for additional youth programming which may be used by the Police Department, Culture and Engagement or the Recreation Department. There is also \$50,000 inside the Contractual Charges and Statutory Expenses (CCSE) budget for Shaker Square. This ordinance budgets for the General Fund, the Court's activities, and all of the sub funds and other funds. The changes he mentioned have been incorporated.

Council member Mrs. Kaus thanked the Administration for taking Council's concerns and considerations into account and working them into the budget. It will be a great benefit to the residents and she is very appreciative.

It was moved by Mr. Claytor, and seconded by Ms. Bixenstine, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 25-137 be placed upon its final enactment.

Roll Call:	Ayes:	Mrs. Moore, Ms. Anne Williams, Ms. Carmella Williams, Ms. Bixenstine, Mr. Claytor, Mrs. Kaus, Mr. Malone
	Nays:	None

Motion Carried

Moved by Mr. Claytor, and seconded by Ms. Bixenstine, that Ordinance No. 25-137 be enacted as read.

Roll Call:	Ayes:	Mrs. Moore, Ms. Anne Williams, Ms. Carmella Williams, Ms. Bixenstine, Mr. Claytor, Mrs. Kaus, Mr. Malone
	Nays:	None

Ordinance Enacted

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Ordinance No. 25-138, by Mrs. Kaus, appropriating funds from the General Capital Fund 0401 to provide for the purchase of equipment for use by the Police Department, and declaring an emergency.

Finance Director John Potts stated that this item authorizes approval of the 2026 Police Department capital budget and that there have been no changes since the presentation at the November 23 meeting.

It was moved by Mrs. Kaus, and seconded by Ms. Carmella Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 25-138 be placed upon its final enactment.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone
Nays: None

Motion Carried

Moved by Mrs. Kaus, and seconded by Ms. Carmella Williams, that Ordinance No. 25-138 be enacted as read.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone
Nays: None

Ordinance Enacted

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Ordinance No. 25-139, by Ms. Anne Williams, appropriating funds from the General Capital Fund 0401 to provide for the purchase of equipment for use by the Fire Department, and declaring an emergency.

Finance Director John Potts stated that this item authorizes the approval of the 2026 Fire Department capital budget.

It was moved by Ms. Anne Williams, and seconded by Ms. Carmella Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 25-139 be placed upon its final enactment.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone
Nays: None

Motion Carried

Moved by Ms. Anne Williams, and seconded by Ms. Carmella Williams, that Ordinance No. 25-139 be enacted as read.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Ordinance Enacted

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Ordinance No. 25-140, by Mr. Claytor, appropriating funds from the General Capital Fund 0401 to provide for the purchase of equipment for use by the Public Works Department, and declaring an emergency.

Finance Director John Potts stated that this item authorizes the approval of the 2026 Public Works Department equipment capital budget.

It was moved by Mr. Claytor, and seconded by Mrs. Moore, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 25-140 be placed upon its final enactment.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Motion Carried

Moved by Mr. Claytor, and seconded by Mrs. Moore, that Ordinance No. 25-140 be enacted as read.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Ordinance Enacted

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Ordinance No. 25-141, by Ms. Anne Williams, appropriating funds from the General Capital Fund 0401 for the acquisition of equipment and the repair, maintenance and improvement of various City facilities, and declaring an emergency.

Finance Director John Potts stated that this item authorizes approval of the 2026 building maintenance capital budget for the Public Works Department.

It was moved by Ms. Anne Williams, and seconded by Ms. Carmella Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 25-141 be placed upon its final enactment.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Motion Carried

Moved by Ms. Anne Williams, and seconded by Ms. Carmella Williams, that Ordinance No. 25-141 be enacted as read.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Ordinance Enacted

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Ordinance No. 25-142, by Mrs. Moore, appropriating funds from the Sewer Capital Improvement Fund 0402 to provide funding for the repair, rehabilitation or replacement of mainline sewers and associated assets, and sanitary sewer overflows and outfall source tracking, and declaring an emergency.

Finance Director John Potts stated that this item authorizes approval of the 2026 sewer improvement program capital budget.

It was moved by Mrs. Moore, and seconded by Mr. Claytor, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 25-142 be placed upon its final enactment.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Motion Carried

Moved by Mrs. Moore, and seconded by Mr. Claytor, that Ordinance No. 25-142 be enacted as read.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Motion Carried

Moved by Mr. Claytor, and seconded by Mrs. Kaus, that Ordinance No. 25-144 be enacted as read.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Ordinance Enacted

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Ordinance No. 25-145, by Mr. Claytor, appropriating funds from the General Capital Fund 0401 to provide for the purchase of equipment and repairs to facilities used by the Recreation Department, and declaring an emergency.

Finance Director John Potts stated that this item authorizes approval of the 2026 Recreation Department capital budget.

It was moved by Mr. Claytor, and seconded by Ms. Anne Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 25-145 be placed upon its final enactment.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Motion Carried

Moved by Mr. Claytor, and seconded by Ms. Anne Williams, that Ordinance No. 25-145 be enacted as read.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Ordinance Enacted

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Ordinance No. 25-146, by Ms. Anne Williams, appropriating funds from the General Capital Fund 0401 to provide funding for projects by the Planning Department, and declaring an emergency.

Finance Director John Potts stated that this item authorizes approval of the 2026 Planning Department capital budget.

It was moved by Ms. Anne Williams, and seconded by Mx. Bixenstine, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 25-146 be placed upon its final enactment.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Motion Carried

Moved by Ms. Anne Williams, and seconded by Ms. Bixenstine, that Ordinance No. 25-146 be enacted as read.

Roll Call: Ayes: Mrs. Moore, Ms. Anne Williams,
Ms. Carmella Williams, Ms. Bixenstine,
Mr. Claytor, Mrs. Kaus, Mr. Malone

Nays: None

Ordinance Enacted

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Ordinance No. 25-147, by Mr. Claytor, enacting an interim zoning ordinance for a period of 150 days in order to maintain the status quo by adding standards for outdoor recreational structures and uses in the Institutional Zoning District, and declaring an emergency.

Mayor Weiss stated that over the last few years there has been an increasing number of requests for increased intensity of use for outside recreation facilities and uses, particularly around the schools in

Shaker that are in institutional district zones, but surrounded by residential property. We find ourselves looking into the details of the various ordinances or zoning rules that apply and we found that there is not an appropriate balance between the existing ordinances related to institutional use as well as the goals of our residents in the surrounding residential neighborhoods, which encircle the institutional zones. This item proposes to have the interim zoning ordinance for a period of up to 150 days to essentially secure the status quo between requests for institutional recreational uses and those concerns of residents who live in the residential area surrounding the institutions. We recognize and are very happy with the schools, both public and private that operate in Shaker. We also find it important to have the right balance between those recreational uses and those desires of our residents.

Law Director William Ondrey Gruber stated that this is an unusual step for Council and the Administration. It has been used previously as a way of trying to create a situation in which the status quo may be continued while Council and the Administration with the public's input may study a matter in more detail and come up with reasonable regulations where our codified ordinances, and particularly, the Zoning Code may lack certain regulation or oversight of some uses.

The Administration is proposing that Council enact an interim zoning ordinance for a period of 150 days to temporarily amend Section 1240.04 of the Zoning Code – Conditional Uses for Institutional Zoning Districts. The purpose of the interim ordinance is to create a process for the approval of outdoor recreational structures and uses at public and private schools in the City which are all located currently in Institutional Zoning Districts. This measure will provide the City more time to consider permanent regulations. The choices of the Administration and Council after the 150 days or during that time period are to do nothing and let it lapse, to enact the same changes being made as an interim zoning ordinance on a permanent basis, or to come up with another alternative for permanent changes to the Zoning Code.

The Zoning Code process takes longer. It requires that the City Planning Commission have a public hearing and make a recommendation to Council and that Council then hear legislation changing the Zoning Code in three readings also with a public hearing. That process can be waived by Council and that is what they are doing tonight, but just on an interim basis, not for a permanent change to the Zoning Code.

The code amendment would state that outdoor recreational structures and uses for all schools, public and private, in the Institutional Zoning Districts, would require a conditional use permit with conditions including: no group activities after 10:00 p.m.; no lighted outdoor recreational facilities; and require a traffic and parking plan, and a landscape plan be submitted for review to the City Planning Commission and Council. That means any school that wanted to move forward with any such changes to outdoor recreational facilities in the future. Existing uses would already be considered a conditional use permit. Any school wanting to make such a change could apply for a conditional use permit even during this 150-day period, which could be approved by the City Planning Commission and Council if they saw fit to approve it. They could impose conditions in addition to the ones that are specified about group activities and lighted outdoor facilities. They would also require consideration by Council and the City Planning Commission for traffic, parking, landscaping, etc. This came about because of more intensive uses and expanded hours for uses for outdoor recreational structures that have occurred over the past few years in the City, both in public and private uses of outdoor recreational facilities.

It is something the City has talked about as an issue and has decided to recommend to Council to pass this to allow time to be able to consider the issue in more detail with more public input. This item is

requested as an emergency with a suspension of the rules to allow the 150-day period or something short of that to be able to consider what should be done going forward on a permanent basis.

Council member Mr. Claytor asked if the Administration has any idea of the construction timeline of the Woodbury School property and if this could have any effect on the Shaker Heights School District construction timeline.

Planning Director Joyce Braverman stated that this will not have any impact on the construction timing. Their plans are already approved. She does not believe they are proposing anything that would be contrary to this ordinance.

It was moved by Mr. Claytor, and seconded by Ms. Carmella Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 25-147 be placed upon its final enactment.

Roll Call:	Ayes:	Mrs. Moore, Ms. Anne Williams, Ms. Carmella Williams, Ms. Bixenstine, Mr. Claytor, Mrs. Kaus, Mr. Malone
	Nays:	None

Motion Carried

Moved by Mr. Claytor, and seconded by Ms. Carmella Williams, that Ordinance No. 25-147 be enacted as read.

Roll Call:	Ayes:	Mrs. Moore, Ms. Anne Williams, Ms. Carmella Williams, Ms. Bixenstine, Mr. Claytor, Mrs. Kaus, Mr. Malone
	Nays:	None

Ordinance Enacted

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The Mayor invited members of the audience and those participating via Zoom the opportunity to “raise their hand” to provide public comment.

Amy Weinfurter stated that she feels the public has been given very little time to comment on the parklands as a whole. As legislators and fiduciaries Council has an independent legal duty that cannot be delegated to a regional utility or satisfied by staff recommendations alone. The Shaker Lakes parklands provide a regional asset to people not just in Shaker Heights, and not just in Cleveland Heights. It is an important place for people who don't have access to green space. It is not just for people who live around the lakes. The records make it clear that the NEORSD already has permanent maintenance obligations in the parklands related to regional storm water systems, flood plains, wetlands and conveyance. The obligation exists regardless of whether the lakes remain or if they are removed. The real distinction isn't whether the NEORSD pays, but it is between maintaining a historic, naturalized lake system and

maintaining a newly engineered landscape with permanent mechanical and structural elements that require continuous inspection, repair, and eventual replacement. Third, there is historic responsibility. The parklands are part of the federally recognized historic landscape. Federal historic law requires that alternatives be meaningfully considered and that outcomes not be predetermined. She has not seen any real alternatives. She feels there is a governance gap with no one actually speaking for the Shaker Lakes parklands as a whole. This isn't opposition to safety, or storm water management, but it is a request for careful stewardship, legal compliance, and transparency before there is irreversible change.

Cory Roberts stated that she is one of the trustees of the Cleveland Heights Historical Society and a former member of the Shaker Heights Historical Society. Her biggest concern is that residents will go from a beautiful green space with two wild life lakes, important for Ohio migratory birds and important for the watershed, down to what will be a sewer maintenance site. If people look closely at the plans for Horseshoe Lake, they will see they plan to bulldoze some 60 acres of the parklands. The Ohio Archeological Council, who is also a consulting party for Section 106, has expressed great concern that thorough archeological studies have not been done on the Shaker Heights parklands, including the Horseshoe Lake and the Lower Lake. Those lakes were also early Connecticut Western Reserve settler sites as well. Lower Lake is now on the chopping block after the NEORSD said it would save it for citizens. That site was a mill site in the 1820's. There are artifacts under the ground. There is also the Shaker sawmill foundations and pieces of other Shaker buildings there at the Lower Lake that need to be preserved. She asked why the NEORSD is at this site. The Shaker Lakes have never been in the way of storm water management. They take in water from the watershed and manage the water. There were upgrades needed to the lake impoundments, which are earthen and stone so they are natural. Those upgrades can be made in order to retain those very valuable lakes for the wildlife and the history there. The children in the area need a place to go to witness the wildlife and the historic structures. The NEORSD plans do not intend to maintain the historic elements of the Horseshoe Lake dam in the restoration. They are reconfiguring Horseshoe Lake into a sewer maintenance and green infrastructure site. She asked them to imagine the NEORSD creating a sewer detention on this site. She asked who would allow a sewer utility to cut down over 1000 viable habitat trees which are helping with the ecology, putting oxygen in the air, and providing habitat for a sewer installation that is not required. It is not an emergency. They can conduct storm water management in other ways. There are lots of alternatives. With all the funding available with these two national historic sites by the county, and locally as certified local government cities, and also state and federal money is available. The lakes are an asset that we can never replace. They are environmentally friendly although the NEORSD has swung 180 degrees from their original direction. In the 1999 assessment of Horseshoe Lake they described the marshland and the ecological benefits, but she believes they now want the land and they say it is causing flooding in University Circle and causing pollution. Although the lake was taken out there is still flooding in University Circle. We did not let a highway commission take the lakes away and we should not let a sewer utility take them away.

Mayor Weiss stated that no decisions have been made with respect to Lower Lake. We are still in the due diligence stage and we will allow public comment on the wide range of options that we will consider. The public will have a chance to provide further input.

Pat White with the Eastside Daily News stated that she hopes each Council person would go to Cleveland and look at some of the NEORSD parks. They have spent \$100 million in the inner city of Cleveland to build parks. She stated they used herbicides, cut down all the trees, all the wildlife is gone, and it is not actually a park. She feels like it is a glorified drainage ditch. She asked Council to do their due diligence and look at the parks in Cleveland.

The Mayor asked the Clerk of Council to read into the record public comments received by email or phone on other items.

Clerk of Council Mr. Carroll stated that no comments were received on other items by email or phone.

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There being no further business before Council, the Mayor adjourned the meeting at 9:40 p.m.

DAVID E. WEISS, Mayor

MATTHEW CARROLL, Clerk of Council