



# SHAKER HEIGHTS

Council Minutes  
June 26, 2023

## CITY HALL COUNCIL CHAMBERS

The Council of the City of Shaker Heights met in a regular session at 7:00 p.m., Vice Mayor Sean P. Malone presiding.

Council Members Present: Ms. Carmella Williams  
Mr. Earl Williams  
Mr. Claytor (arrived at 7:07 p.m.)  
Mr. Malone  
Mrs. Moore  
Mr. Roeder  
Ms. Anne Williams

Council Members Absent: None

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Video of this meeting may be found [here](#) through June 26, 2026.

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At 7:02 p.m. Vice Mayor Malone opened the scheduled public hearing on the 2024 tax budget.

Finance Director John Potts stated that each year the Ohio Revised Code requires City Council to adopt a tax budget for the next fiscal year. It represents the City's first estimate of our anticipated resources and cash needs for the coming fiscal year to demonstrate to the Budget Commission that we should be levying property taxes for the coming fiscal year. The Finance Department compiled the 2024 tax budget in the format that's required by the Budget Commission, and made it available for public inspection over the past month. The total estimated revenue is \$56.6 million, and the total estimated expenditures are \$58.6 million, showing the shortfall of approximately \$2 million. The proposed 2024 tax budget assumes that we continue with the current property tax rates or millage, which is 9.90, to generate approximately \$8.4 million. That is consistent with last year's amount. The schedules are included with the materials that the Budget Commission requires.

At 7:05 p.m. with no comments being offered, Vice Mayor Malone closed the public hearing on the 2024 tax budget.

**Ordinance No. 23-49, by Ms. Anne Williams, adopting the 2024 Tax Budget of the City of Shaker Heights, Ohio, for the fiscal year beginning January 1, 2024, and submitting the same to the Cuyahoga County Budget Commission through the Cuyahoga County Fiscal Officer.**

Finance Director John Potts stated that this item is requested as an emergency with a suspension of the rules so that we may submit it to the Cuyahoga County Budget Commission by the due date.

Council member Ms. Anne Williams stated that this item was reviewed and unanimously approved by the Finance Committee. This is standard operating procedure.

It was moved by Ms. Anne Williams, and seconded by Mrs. Moore, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 23-49 be placed upon its final enactment.

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

Motion Carried

Moved by Ms. Anne Williams, and seconded by Mrs. Moore, that Ordinance No. 23-49 be enacted as read.

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

Ordinance Enacted

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It was moved by Mrs. Moore, and seconded by Ms. Anne Williams, that the minutes of the special meeting of May 8, 2023, be approved as recorded.

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

Motion Carried

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It was moved by Ms. Carmella Williams, and seconded by Ms. Anne Williams, that the minutes of the special meeting of May 16, 2023, be approved as recorded.

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

Nays: None

Motion Carried

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It was moved by Mrs. Moore, and seconded by Ms. Anne Williams, that the minutes of the regular meeting of May 22, 2023, be approved as amended.

Clerk of Council Ms. Chaikin stated that there is a correction on page 73. The Mayor lives on Van Aken and not on Farnsleigh. There is also a correction on page 89 regarding comments by Ms. Ann Barnett that says she is opposing a political action committee and it should say proposing.

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

Nays: None

Motion Carried

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The Vice 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 Ms. Chaikin stated that no comments were received on agenda items by email or phone.

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

No comments were offered.

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### **FISCAL OFFICER’S CERTIFICATE**

Finance Director John Potts reviewed with City Council the Fiscal Officer’s Certificate which, pursuant to the provisions of Section 133.20 of the Ohio Revised Code, sets forth both the estimated life of the improvements to be acquired through the issuance of bonds and notes and the maximum maturity to which bonds and notes can be issued. A copy of the signed certificate, dated June 26, 2023 was presented to each member of Council for review.

**Ordinance No. 23-50, by Mr. Claytor, providing for the issuance and sale of bonds in the maximum principal amount of \$1,300,025 for the purpose of paying costs of remodeling, renovating, furnishing, equipping and otherwise improving the City's Transfer Station located at 15600 Chagrin Boulevard, and equipping and improving its site, and declaring an emergency.**

Finance Director John Potts stated that the City's municipal financial advisor Matt Stuczynski is joining us online. In April, Council authorized the City to apply for and accept a 20-year, low interest loan from the Ohio Water Development Authority (OWDA) in the amount of \$1.3 million for our Public Works transfer station repair project. At the end of May, the OWDA notified us that our application was approved. This loan from the OWDA requires a dedicated revenue pledge. Since the City does not have an enterprise fund for refuse, nor does it charge a dedicated fee for refuse, OWDA was willing to accept a general obligation pledge to repay the loan, effectively bonds that the OWDA are purchasing. The interest rate is 3.86% on the 20-year repayment. There is no prepayment penalty.

Mr. Stuczynski stated that the OWDA loan program provides a very smart alternative to what the market can provide at this moment, either by public sale or by direct loan. The OWDA loan outperforms anywhere from 1% to 1.25% to what can be achieved in other avenues of sale in pursuing a loan. We typically don't see banks lending for 20 years to municipalities, and the cost for a public sale becomes somewhat prohibitive in terms of the amount of work and the cost of issuance involved in a sale of debt the size of \$1.3 million. The OWDA loan is the path of least resistance for a number of reasons. The application process is easy. The interest rate is very attractive. Also, the execution of it provides a nice path for Council and the City to proceed

Finance Director Potts stated that this issuance should have very minimal impact on our bond rating. We've worked with OWDA's bond counsel, along with our bond counsel and Mr. Stuczynski. The Finance Committee asked about the purchaser of the bonds and he explained that the OWDA would be the sole purchaser. This item is requested as an emergency with a suspension of the rules for the issuance and sale of bonds in the amount of \$1.3 million for the City's transfer station project.

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

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. 23-50 be placed upon its final enactment.

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

Motion Carried

Moved by Mr. Claytor, and seconded by Ms. Anne Williams, that Ordinance No. 23-X be enacted as read.

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

Nays: None

Ordinance Enacted

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**Ordinance No. 23-47, by Ms. Anne Williams, approving and authorizing execution of a Development and Use Agreement with Metropolitan Holdings Limited, or its affiliate, for the parcels at 3393 Warrensville Center Road (Parcel Nos. 736-13-057 and 736-13-058), authorizing the disposition of City-owned property without competitive bidding, and authorizing a fourth amendment to the Schools Compensation Agreement with the Shaker Heights School District, and declaring an emergency.**

Economic Development Director Laura Englehart stated that the Arcadia mixed-use development project is proposed for the former Qua site. We're very excited about adding new construction with additional apartments that include affordability, and continuing to activate the greater Van Aken district to build on the momentum of all the exciting activity happening there with active first floor retail, and a second floor office space that RDL architects, a Shaker based business, intends to occupy as part of that second floor as its office space. There are two material items in the Development and Use Agreement (D&U) that she will discuss. The developer will be reserving 25 total units out of the approximately 140 units as affordable. It is one of the primary reasons that the City selected moving forward with this project. They will set aside 13 units for households that earn 80% of Area Median Income (AMI), and 12 units will be set aside for households earning 100% of AMI for a period of 20 years. The guaranteed purchase price under the D&U will be \$800,000 paid to the City by the developer. It will be paid in installments which would be accelerated upon a refinancing or a sale of the project or the property. There's also a potential opportunity for the City to recapture an additional \$200,000 towards the purchase price based on successful project performance.

Law Director William Ondrey Gruber pointed out that there was a motion by Council to move this item by Ms. Ann Williams but since it was introduced some changes were proposed so the changes will need to be accepted when this is voted upon. There was some language in a whereas clause that the developer helped to update. We changed some language to add the developer or its affiliate, which is very typical for these transactions. Some language was also added to the section for the emergency declaration.

Vice Mayor Malone suggested a mechanism for verifying that the rent being charged does in fact satisfy the affordability criteria. He is not sure how to incorporate that or if it needs to be incorporated into the ordinance.

Council member Mrs. Moore asked if he means the criteria established by the Department of Housing and Urban Development (HUD) designation of what is affordable.

Vice Mayor Malone stated that he wanted a way of verifying that it is in fact being charged. Someone suggested when this was previously presented that we might receive an anonymous list of the rents on an annual basis or something like that.

Director Englehart referenced an annual certification to be provided to the City.

Director Gruber stated that is certainly something we may add to an ordinance. Staff can ensure that it's in the D&U, whether or not it's in the ordinance. Obviously the ordinance doesn't contain all the terms of the D&U.

Vice Mayor Malone stated that he does not intend to hold up passage of the ordinance. He does think that this is important since we're setting a precedent to have some mechanism to enforce these kinds of agreements. The hope is that we have more of these in the future. A certification to the City is a good suggestion.

Chief Administrative Officer Ms. Jeri Chaikin stated that staff can report back to Council with the specific language.

Council member Ms. Carmella Williams stated that this item was reviewed and unanimously supported by the Neighborhood and Economic Development Committee. There was some discussion about the affordability and the revised terms.

Council member Ms. Anne Williams stated that this item was reviewed and unanimously approved by the Finance Committee. The discussion mostly focused on the D&U. A member voiced concern over the length of time that the affordability provisions are in place, questioned whether the City's marketing is accurate, and if the affordability provision is for a limited time and not perpetual. The resident member abstained from voting. The standard is 15 years. It is impressive that we got 20 years for this provision.

Council member Mr. Earl Williams asked about the value attached to the property by the county and how they arrive at that number. He asked if there are any opportunities to challenge the value.

Director Englehart stated that the county goes through its own valuation process and has an office that does that for every property in the county. The county sets the market value and the assessed value of every property in the county. They do that through a number of mechanisms. They look at typical appraisal processes, and a cost approach. They look at construction costs, number of units and the amount of commercial space that is there to look at an income approach. They have their own internal formulas in which they will take all of this data and arrive at a value for the property. It is a little premature today since construction won't be until early next year to think about what those values might be at full construction. We do intend to have conversations with the county in advance to see how they're thinking about it in their determination. There's not a mechanism she is aware of where we are able to weigh in. Later there are legal processes available to any property owner through the Board of Revision to potentially challenge that value if they believe it is incorrect in some way. Then there would be a hearing to determine what the value should be.

Council member Mr. Earl Williams stated that several parties are involved. He is sure the schools, the City, and the developer are all concerned about an accurate number.

Council member Mr. Claytor asked if the verification of AMIs would be submitted to the City's Building and Housing Inspection Department or the Economic Development Department.

Director Englehart stated that we could determine that in the D&U. She would recommend that data come through the Economic and Development Department. We will not be receiving direct data on individual households. It will be aggregated.

Council member Mr. Claytor stated that as the median income as stated in the D&U will be for a 20-year term, Council should think about as housing costs increase and incomes for residents may not necessarily, how to continue to maintain the availability of affordable housing in Shaker.

CAO Ms. Chaikin stated that several months ago Council discussed adding this to the strategic priorities for further discussion to see where to go in the coming years.

It was moved by Ms. Anne Williams, and seconded by Mr. Claytor, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 23-47 be placed upon its final enactment.

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

Motion Carried

Moved by Ms. Anne Williams, and seconded by Mr. Claytor, that Ordinance No. 23-47 be enacted as amended.

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

Ordinance Enacted

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**Ordinance No. 23-48, by Ms. Carmella Williams, creating a tax increment financing area for parcels within the Van Aken Development District at 3393 Warrensville Center Road, declaring improvements to those parcels to be for a public purpose and exempt from real estate taxation, requiring the owner of those parcels to make service payments in lieu of taxes, establishing an urban redevelopment tax increment equivalent fund for the deposit of those service payments, and approving related matters, pursuant to Ohio Revised Code Sections 5709.41, 5709.42 and 5709.43, and declaring an emergency.**

Economic Development Director Laura Englehart stated that this item is on second reading but is requested as an emergency with a suspension of the rules to adopt a new tax increment financing (TIF) ordinance which remains largely unchanged from what has been previously agreed to with the exception of two technical changes that she will describe this evening. The deal terms were originally presented publicly on May 22<sup>nd</sup>. Legislation was introduced on first reading at the Council meeting on June 12<sup>th</sup> and subsequently to the Neighborhood and Economic Development Committee on June 14<sup>th</sup> and the Finance Committee on June 20<sup>th</sup>. The material terms have remain unchanged since this was presented in May. She will outline the most material deal terms that will be in the new TIF ordinance. We will be maintaining the existing TIF arrangement on this property. Under that arrangement, 82% of Payments in Lieu of Taxes (PILOTs) will be paid to the developer and 18% will be paid to the schools. That means the developer will in essence be paying what amounts to normal property taxes in full. It will be converted to PILOTs with 82% to the developer, and 18% of those to the school for a 30-year term. This arrangement was previously approved by both the Shaker Heights School District and City Council in 2016. The first of the two technical terms include amended language that restarts the term for this project. The 30-year term will start for this project specifically when there is value on the tax bill. Second, there are two separate real estate parcels that make up the entire site. The original TIF arrangement applies to only the larger of the two parcels. These two parcels will be consolidated for this project. The new TIF ordinance specifically makes sure that this TIF applies to the entirety of the consolidated parcel. Those are the two changes. The estimated benefit to the schools is about \$374,000 annually for each of the 30 years, which amounts to approximately \$11.1 million over the term. The Shaker Heights School Board has approved these two changes and an amendment to the school compensation agreement at its meeting on June 13<sup>th</sup>.

Law Director William Ondrey Gruber pointed out that there was a motion by Council to move this item by Ms. Carmella Williams but since it was introduced some changes were proposed so the changes will need to be accepted when this is voted upon. We added the date that the School Board approved their resolution with changes to the compensation agreement. In Section 4 of the TIF ordinance the name of the fund was added where the PILOTs will be deposited.

Council member Ms. Carmella Williams stated that this item was reviewed and unanimously supported by the Neighborhood and Economic Development Committee. There was some discussion about the affordability and the revised terms.

Council member Ms. Anne Williams stated that this item was reviewed and approved by the Finance Committee.

It was moved by Ms. Carmella Williams, and seconded by Mr. Claytor, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 23-48 be placed upon its final enactment.

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

Motion Carried



Moved by Ms. Carmella Williams, and seconded by Mr. Claytor, that Ordinance No. 23-48 be enacted as amended.

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

Ordinance Enacted

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**Ordinance No. 23-51, by Ms. Carmella Williams, authorizing an amendment to the contract with Home Repair Resource Center to administer home repair grants and programs for City residents to increase grant funds in the amount of \$50,000, with all such added funds reserved as grants available to Shaker Heights residents for brick-and-mortar repairs, which will bring the total contract amount to \$175,000.**

Economic Development Director Laura Englehart stated that last December the City applied for, and recently learned that we were successfully awarded, a grant of \$50,000 from the Cuyahoga County Community Development Supplemental Grant (CDSG) program to supplement the City's existing home repair grant programs. We currently partner with the Home Repair Resource Center (HRRC) to administer those grants. Residents in need of repair dollars contact the HRRC and receive grant funds directly for their home repair projects that are provided by the City. This item proposes to add the \$50,000 grant from the county to that contract with HRRC to continue to implement and get those funds to residents. We currently have an exterior maintenance program, a senior safety program, a paint program, and the Moreland Model Block Program. The City partners with the HRRC to distribute funds through all of those programs. Historically, the City has provided about \$50,000 annually for violation-based programs. If a resident receives a citation from the Building and Housing Inspection Department to correct violations, the exterior maintenance, senior safety and paint programs are available for eligible residents. There is an income requirement for those programs. In 2019, the Moreland Model Block program was added which does not require being cited for violations to do exterior maintenance on homes in southern Moreland. This year, with all of those programs combined in 2023, HRRC is authorized to distribute \$90,000 in grants from City funds in the operating budget from the Economic Development Department which Council approved last year. This item adds \$50,000 to the total contract. There's one nuance. We pay HRRC a per project fee. With the additional \$50,000, we will pay an administrative fee of \$5,000, a 10% per project fee if it's fully expended. The CDSG grant program does not allow fees to be paid out of those grant dollars. The \$5,000 that we will pay for per project costs will come from the existing contract. That means that we had 90,000 and we're adding \$50,000, but we're removing \$5,000 for fees. There will be a total of \$135,000 available to residents to repair homes. This is more funding than we have had in any prior year. There are multiple proactive strategies that we're employing to get these funds to residents. For a couple of years now we include information on home repair grants in every violation notice that goes out from the Building and Housing Inspection Department. We also provide a letter going out in the next couple of weeks to all households that have open violations in the eligible neighborhoods to make them aware that there are additional funds. Staff are also doing a lot of proactive engagement with residents in the Moreland neighborhood to expand usage of the Moreland Model Block program.

There are a significant number of residents excited to use this program, and we fully expect to get more dollars out through that program this year than any prior year. There's a new program that we are piloting that we hope we can learn from. The Moreland Model Block program was started specifically in response to residents in southern Moreland who were asking about the new construction infill single-family housing occurring in their neighborhood and requested support to have stronger upkeep on the exterior of their homes to lift the entire neighborhood. That's part of the rationale for why we created the Moreland Model Block program. There is a significant amount of infill activity occurring in certain parts of southern Moreland right now, specifically on the short block of Sudbury Road where six single-family infill homes are proposed to be constructed. A new pilot project was started this year because we have these additional funds to increase the Moreland Model Block grant to the residents by \$1,000. The current program cap is \$2,500 per household, but for Sudbury owner-occupants it will be increased to \$3,500. We are exploring whether or not that is more valuable, and if we get increasingly better results. We will also accept the lowest homeowner match for anyone on Sudbury, regardless of whether they work with a neighbor. The City will pay up to 90% of all of the projects on Sudbury as part of this program, up to the cap of \$3,500. We're hoping that will help us explore whether additional funding is helpful. The Building and Housing Inspection Department and Economic Development Department are also working together to explore the needs in our community and whether or not we should propose changes to our existing home repair programs. They will discuss this with Council this fall for the 2024 grant year. This item is requested with a suspension of the rules to authorize an amendment to the City's contract with HRRC to distribute the \$50,000 CDSG grants through our current contract.

Council member Ms. Carmella Williams stated that this item was reviewed and unanimously supported by the Neighborhood and Economic Development Committee. There was minimal discussion. The main point was that there was obvious value in supporting residents in the upkeep of their homes and the benefit for the community in having strong housing stock and beautiful neighborhoods.

Council member Ms. Anne Williams stated that this item was reviewed and unanimously approved by the Finance Committee. It is a very resident friendly program and they especially appreciated the distribution of the information in the notices of violation. The City is going to monitor this and look at how this fulfills the needs of the residents.

Vice Mayor Malone stated that he appreciates the reference to further discussions in the fall. He asked about the use of the term brick and mortar and if we are distinguishing cosmetic repairs from more substantial repairs.

Director Englehart stated that the term was intended to be colloquial to distinguish from the fees that we're paying HRRC for other services they also provide the City. For example, the HRRC does workshops with residents to teach things like how to do drywall. They provide education to our residents. They also provide technical assistance with finding contractors. There are a lot of other services that the HRRC provides under our contract, but this additional \$50,000 will be specifically for grants for home repairs.

Council member Mr. Claytor asked about the 10% per project fees.

Director Englehart stated that the total contract amount is \$175,000 of which \$135,000 is reserved specifically for grants for home repairs. The remainder of the funds are either paid as a monthly administrative fee for all the additional services that she just referenced as well as 5% of completed

project grant costs. It provides an incentive to HRRC not to just administer the program, but to also complete projects.

It was moved by Ms. Carmella Williams, and seconded by Ms. Anne Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 23-51 be placed upon its final enactment.

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

Motion Carried

Moved by Ms. Carmella Williams, and seconded by Ms. Anne Williams, that Ordinance No. 23-51 be enacted as read.

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

Ordinance Enacted

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**Ordinance No. 23-52, by Mrs. Moore, authorizing an amendment to the 2018 Stormwater Project Agreement between the Northeast Ohio Regional Sewer District and the Cities of Cleveland Heights and Shaker Heights in order to modify the project regarding Horseshoe Lake, and declaring an emergency.**

Law Director William Ondrey Gruber stated that the project for Horseshoe Lake is wide ranging, and this is basically a cleanup measure that we had planned to do in the future at some point when the new plans are ready for Horseshoe Lake for Council approval. That still will be coming. Lower Lake will be part of a separate or amended agreement in the future when the Lower Lake project is ready to be brought to Council. In the meantime we have a 2018 agreement with the Northeast Ohio Regional Sewer District (NEORSD) and the City of Cleveland Heights that authorizes projects at Green Lake, Horseshoe Lake, and Lower Lake. The Green Lake project was completed. Parts of the Lower Lake project were done. Other parts have not been completed. The project has changed and will be redone in the future. The Horseshoe Lake project has completely changed. The Ohio Department of Natural Resources (ODNR) very recently issued a report after doing their inspection of the Horseshoe Lake dam, stating that the 2018 project for Horseshoe Lake is no longer viable and that we cannot proceed with that project. That is something we already knew, Cleveland Heights knew, and the NEORSD certainly knew. That's one reason for the change. The type of project has changed so it now calls for the removal of the dam and the restoration of the branches of Doan Brook in the area of the current dam. That project is coming soon to Council at some point for finalization in a

separate agreement or an amendment to this original agreement. Because of the ODNR report that was issued in May and because of the ongoing need to proceed with the new project it makes sense to amend this agreement at this point to take out of the agreement the Horseshoe Lake project as originally conceived and to state that it will be instead a project that will decommission and remove the dam as per the NEORSO's own study and report and the ODNR inspection and report. This item is requested as an emergency with a suspension of the rules so we may proceed quickly with amending this agreement so that the project can move ahead and so that none of the parties: the NEORSO, Shaker Heights or Cleveland Heights are bound by the original agreement. The NEORSO has already passed a resolution in support of the amendment and Cleveland Heights passed an ordinance authorizing them to enter into the amendment. This item asks for Council to authorize the amendment this evening.

It was moved by Mrs. Moore, and seconded by Mr. Earl Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 23-52 be placed upon its final enactment.

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

Nays:                      None

Motion Carried

Moved by Mrs. Moore, and seconded by Mr. Earl Williams, that Ordinance No. 23-52 be enacted as read.

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

Nays:                      None

Ordinance Enacted

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**Ordinance No. 23-53, by Ms. Anne Williams, approving and authorizing a Purchase and Development Agreement with Keystate Development, LLC, dba Keystate Homes, to market for sale, purchase from the City, and build new housing on City-owned vacant lots located at 2900 Warrensville Center Road, 3305 Lee Road, and 3292 Milverton Road, and other lots agreed to by the City for a three-year period, for the price of \$1.00 per lot, authorizing the disposition of City-owned property without competitive bidding, and declaring an emergency.**

Neighborhood and Housing Specialist Brendan Zak stated that this item requests authorization to enter into a Development and Use agreement (D&U) with Andrew Gottlieb and Keystate Homes to purchase vacant residential parcels across the City to build custom single-family homes to sell to owner-occupants. The City previously had two separate D&Us. One was a standalone agreement for

the land where Keystate built the St. Jude Dream Home, and the other was for five parcels across multiple neighborhoods. Mr. Gottlieb has reapplied to the City for a new D&U, which we are proposing to look slightly differently from the now expired five parcel agreement. The City uses the municipal land bank to acquire vacant land through tax foreclosures, which the City then markets to homeowners to expand their yards, for community gardens, and for developers to build infill homes. We currently have 34 parcels across the City under an active D&U for new housing, including the four currently under construction in the Moreland neighborhood. Many proposals anticipate using two parcels to build one home so we are not expecting 34 new homes to be built under our active D&Us. Outside of these agreements, the City still has 159 residential parcels in the land bank with no current end use. Mr. Gottlieb has requested three parcels under the new proposed agreement: 2900 Warrensville Center Road just south of the Shaker Boulevard and Warrensville Center Road intersection, 3305 Lee Road just north of the City's police station, and 3292 Milverton near the intersection of Sutton Road and Milverton Road. The Warrensville Center and Lee Road properties are outside of residential tax abatement districts so homes built on these parcels would be taxed at the full value of the property. The Milverton Road property is within the Transit Village community reinvestment area (CRA), which offers a 15-year, 100% property tax abatement. Staff and the developer are proposing a three-year agreement where Keystate homes may reserve and market up to three parcels at a time, which they may purchase at \$1 per parcel. Similarly to other D&Us, the City will not transfer any land until the developer receives all required City approvals, including from the Architectural Board of Review, the City Planning Commission, and the Residential Code of Ohio. Once the developer takes title to the property, they may reserve an additional property to market as long as the developer does not exceed three total reserved properties. This is very similar to how the City structured the Knez and YRM D&Us. Unlike other developers, Keystate Homes does not build homes on spec. They will wait until they have a buyer under contract to begin submitting plans to the City and receiving approvals from the City's boards. 3305 and 3311 Lee Road were previously under common ownership in the early 2000s. Both properties were foreclosed upon, but the City only acquired 3305 Lee. Due to the previous common ownership, portions of the 3311 driveway extend onto 3305 Lee Road. Staff members, Keystate Homes and the owners of 3311 Lee Road have all agreed that 10 feet of the 3305 Lee Road lot will be split from the property and given to the owner of 3311 to ensure that their driveway is not affected with new construction. All costs associated with this will be paid for by Keystate Homes. The smaller 3305 Lee Road parcel will still have a 60-foot frontage and will still meet all minimum lot size requirements in the City's Zoning Code. This item is requested as an emergency with a suspension of the rules in order to expedite the sale of City-owned property to reduce the use of City resources to maintain the property.

Vice Mayor Mr. Malone stated that it is encouraging to see interest of this nature.

Council member Ms. Carmella Williams stated that this item was reviewed and unanimously approved by the Neighborhood and Economic Development Committee. There was some discussion around the market for homes at this price in the area. Then there was some discussion around the previous projects of Mr. Gottlieb. Mr. Gottlieb believes that there's definitely a market for homes in the area. There was also excitement given the fact that there's development in the area, which is a very positive thing and the members look forward to these homes coming to fruition.

Council member Ms. Anne Williams stated that this item was reviewed and approved by the Finance Committee. There was one question on whether they were subject to escrow in the way that a transfer of current housing is acquired. It was explained they are not, but they go through a very careful process.

Council member Mr. Claytor asked about the interest in homes at that price range and how it stacks up in comparison to the value of the homes in the neighborhood.

Mr. Zak stated that the 2900 Warrensville Center Road lot and the Lee Road lot prices are very comparable to the older homes that are being sold right now. The Milverton lot is comparable to the town homes that are being sold across the street at Van Aken and Sutton.

Vice Mayor Malone reiterated that no transfer will occur to an owner until there's a contract and there's someone interested in paying that amount.

Mr. Zak stated that is correct. This builder does not build on spec. He will wait until he has a signed purchase agreement with his buyer. Then they'll go for all the City approvals and the City would transfer the land to the developer. The developer would build the house, then transfer to the owner-occupant. This is a three-year agreement. We do somewhere in the three to five-year range typically for these.

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. 23-53 be placed upon its final enactment.

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

Motion Carried

Moved by Ms. Anne Williams, and seconded by Ms. Carmella Williams, that Ordinance No. 23-53 be enacted as read.

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

Ordinance Enacted

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**Ordinance No. 23-54, by Mr. Claytor, administrative acceptance of the approval of the City Planning Commission and confirmation of the granting of a Conditional Use Permit to University School for two temporary classrooms located at 20701 Brantley Road, Shaker Heights, Ohio, pursuant to Section 1213.05 of the City's Zoning Code.**

Planning Director Joyce Braverman stated that University School is proposing to install two temporary classroom structures inside the central circle in the front of their building. These will serve as middle

school classrooms while the building is being renovated and a big addition is being put on the rear of the building. The temporary structures will have 24 classrooms. New evergreen screening is proposed to screen the classrooms from Claythorne Road. A conditional use permit is required for this temporary classroom use. The City Planning Commission approved this with two conditions: that the temporary mounding and new landscaping be removed after the temporary classrooms are removed, and that the approval is granted for a two-year period beginning at the start of construction. Council confirmation is required for a conditional use permit. This item is requested with a suspension of the rules so the classrooms may be in place by the start of construction.

Vice Mayor Malone stated that this item was reviewed and unanimously approved by the City Planning Commission as mentioned with conditions. Some of the discussion was focused on the building itself, which is going to be over by the athletic fields. It's kind of a tough turnaround, so it'll be for parking improvements and also improvements to the library and the building. The temporary classroom structures couldn't really be located anywhere else, other than that center circle area. The athletic fields need to be used during the construction, as does the tennis court site in the back. Much of the discussion was primarily about the mounding and the landscaping so that these structures won't be visible from the road. They will construct and then remove all the utilities to connect the structures to the building and they'll be up for a period of two years. It is quite a long timeframe.

Council member Mr. Roeder asked if the nearby neighbors are aware of this.

Director Braverman stated that neighbors have been notified. Everyone within 300 feet of their edge of the property received notification. Nobody made any comments before the meeting or during the meeting.

Vice Mayor Malone stated that this will be visible certainly from Claythorne Road, but there's already a bit of an incline, and the hope is with some extra mounding it won't be as visible from the road.

Council member Mr. Claytor asked for further description of how the structures would look.

Director Braverman stated that at the back of the circle closest to the building will be two squares, and each will be two trailers. Each trailer has 12 classrooms in them with a hallway in the classroom. She does not believe they will be connected to the building with a hallway, but it has that opportunity. It's very close to the door of the school. Children will be in those trailers for many classes. They have restrooms and water fountains and everything you would see in the school.

Director Gruber stated that these are used elsewhere. They are prefabricated units that they're bringing from other schools where they've been used temporarily.

Council member Claytor asked if they resemble the trailers used in Cleveland Heights when they did their renovations.

Director Braverman stated they are those same trailers.

Council member Ms. Carmella Williams asked how tall they are.

Director Braverman stated that the trailers are one story tall with mechanicals on top. Most are about 12 feet off the ground.

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. 23-54 be placed upon its final enactment.

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

Nays: None

Motion Carried

Moved by Mr. Claytor, and seconded by Ms. Carmella Williams, that Ordinance No. 23-54 be enacted as read.

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

Nays: None

Ordinance Enacted

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**Ordinance No. 23-55, by Ms. Anne Williams, accepting a proposal and authorizing a personal services contract for professional design and engineering services with GPD Group in the total not to exceed amount of \$250,000 for the Van Aken Bikeway Project, and declaring an emergency.**

Planning Director Joyce Braverman stated that this item is for a design and engineering contract with GPD for \$250,000 for the design of the Van Aken Bikeway. The Van Aken Bikeway will connect the Van Aken district with the future Lee Road bike lanes. This is critical to the infrastructure in Shaker in terms of building out the bikeways. The design and engineering will build upon the Van Aken Bikeway Plan, which City Council adopted in May of this year. It was a result of six months of planning, including two community meetings, online surveys, virtual public meetings, in-person meetings, and a walk and bike audit. The project has a budget of \$2.1 million and will be implemented in 2024. That budget consists of the Northeast Ohio Areawide Coordinating Agency (NOACA) transportation alternative funds of \$1.5 million, a City construction match of \$300,000, and also a City match for construction inspection of \$310,000. A request for proposals (RFP) was issued on May 2<sup>nd</sup>, and sent to 35 engineering firms. It was posted on various websites to get a good distribution. Two teams submitted proposals on May 19<sup>th</sup>. After the interviews the selection committee determined that GPD provided a proposal that best met the requirements that we were looking for and demonstrated the best qualifications. GPD has done multimodal projects, including the Akron Main Street cycle track, the Cedar Exchange Road diet and bike lanes, as well as the South Green Road bike lanes, and Lorraine Avenue bike lanes. Since being presented to Council committees the GPD fee has been refined to reflect an updated scope of services. The original fee was \$246,300 and the new fee is



\$250,000 as the scope now includes some evaluation of alternatives for bike lane transitions and intersection improvements. This item is requested as an emergency with a suspension of the rules to begin the design phase in July to comply with the Ohio Department of Transportation (ODOT) schedule.

Council member Mr. Roeder stated that this item was reviewed and unanimously approved by the Safety and Public Works Committee. One committee member had a question about financing that was adequately answered.

Council member Ms. Anne Williams stated that this item was reviewed and approved by the Finance Committee. There was one question regarding the 14% fee of the project cost that was confirmed. The standard range is 10 to 15%. There was also a comment by Council member Mrs. Moore regarding the sustainability of the project.

Vice Mayor Malone asked about the alternatives for bike lane transitions in the new scope of work, and if it was also considered in the earlier stages but rejected.

Director Braverman stated that it was not rejected, but the plan has a transition to Farnsleigh so they'd like to take a look at some other alternatives to make sure that we come up with the best transition to Farnsleigh heading eastbound. At that juncture, the path goes up onto the sidewalk, widens the sidewalk, and then makes a left turn onto Farnsleigh. They want to study that to make sure it's not a traffic safety problem.

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. 23-55 be placed upon its final enactment.

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

Motion Carried

Moved by Ms. Anne Williams, and seconded by Ms. Carmella Williams, that Ordinance No. 23-55 be enacted as read.

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

Ordinance Enacted

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**Ordinance No. 23-56, by Ms. Carmella Williams, Authorizing a sole source contract with Axon Enterprise, Inc., without formal competitive bidding, for the replacement of the Low-Lethality Electro Muscular Disruption Devices for the Police Department, in the total amount of \$108,526.56, and declaring an emergency.**

Police Chief Wayne Hudson stated that one tool that we have which is less lethal is a Taser. The Shaker Heights Police Department has been using Tasers since 2007. We use them so that we can have the least amount of force applied to a suspect to bring them into custody. They need to phase out the current ones because the warranty will no longer be supported. Therefore they're asking to replace all of the Tasers with the latest version, Taser 7, for the total amount of \$108,526.56. This is necessary so that we use the least amount of force to bring someone into custody. Using Tasers mean they can use less force, which means less injuries to the suspect and less injuries to officers. Taser is an international company which corners the market. They have a lot of medical backing with the technology which is one of the reasons we use them. Officers receive ongoing training with these.

Council member Mr. Roeder stated that this item was reviewed and unanimously approved by the Safety and Public Works Committee. There was a fair amount of discussion and the Police Chief had an opportunity to comment on why it's important to have Tasers as a lower lethality option than some of the other options available. We get questions about this in the community, so this is why it's important to have this as an option.

Council member Ms. Anne Williams stated that this item was reviewed and unanimously approved by the Finance Committee. There were no questions.

It was moved by Ms. Carmella Williams, and seconded by Mr. Roeder, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 23-56 be placed upon its final enactment.

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

Moved by Ms. Carmella Williams, and seconded by Mr. Roeder, that Ordinance No. 23-56 be enacted as read.

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

Nays: None

Ordinance Enacted

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**Ordinance No. 23-57, by Mr. Earl Williams, authorizing a sole source contract with Mobile Mounts, without formal competitive bidding, for the installation of twenty-three vehicle console and docking station kits for police cruisers, in the total amount of \$78,090.06, and declaring an emergency.**

Police Chief Wayne Hudson stated that in December 2022, City Council approved \$175,000 to replace all the laptops in current police cruisers. As part of that project, this item requests \$78,090.06 to replace the consoles and the docking stations from the \$175,000 for the computers.

Council member Mr. Roeder stated that this item was not presented to the Safety and Public Works Committee. It was already in the capital budget, and it went straight to the Finance Committee.

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

Law Director Gruber stated that there is a federal contract under GSA under which the Police Department is purchasing the laptops which is the major portion of this cost. Those can be done without Council approval because there's an ordinance that allows using the GSA bid contract. When the GSA contract was proposed, the contractor originally proposed a price including installation. When it was discovered they can't do the installation and can't subcontract for it for whatever reason, the Police Department had to seek the installer who is a sole source provider for this particular computer under the federal contract. This became a sole source contract for the installation cost.

It was moved by Mr. Earl Williams, and seconded by Ms. Carmella Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 23-57 be placed upon its final enactment.

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

Nays: None

Motion Carried

Moved by Mr. Earl Williams, and seconded by Ms. Carmella Williams, that Ordinance No. 23-57 be enacted as read.

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

Nays: None

Ordinance Enacted

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**Ordinance No. 23-58, by Mr. Roeder, amending Ordinance 22-126 making appropriations for the current expenses and other expenditures of the City of Shaker Heights, Ohio for the year ending December 31, 2023, as amended by Ordinance No. 23-22, 23-33, and 23-45 to amend appropriations in Fund No. 101, the General Fund, by transferring \$80,000 from the Police Department personal services operating budget to the Police Department other expenses budget in Fund 101, the General Fund, and adding a \$50,000 appropriation to the Economic Development Department other expenses operating budget in Fund 101, the General Fund, and declaring an emergency.**

Police Chief Wayne Hudson stated that he recently met a resident who moved to Shaker Heights 42 years ago because she feels safe here. She told him about an event she witnessed in front of her home, where police officers arrived within a matter of minutes. They deescalated everything and moved the two parties aside. They had a conversation with them and everybody went their separate ways without further incident. It is a testament to the professional training that the police officers receive. He is here today to request a transfer of \$80,000 from their compensation budget to their expense account to continue professional training of the Shaker Heights Police Department.

Vice Mayor Malone stated that this is coming before Council now because there was a backlog of training opportunities during COVID-19.

Chief Hudson stated that is true and he is also under budget for this year.

Council member Mr. Roeder stated that this item was reviewed and unanimously supported by the Safety and Public Works Committee. There was a question on the timing of this and how it influenced next year's training budget.

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

Finance Director John Potts clarified that this proposed appropriations ordinance is for two items, a Police Department budget neutral transfer of \$80,000, and also to add \$50,000 for the Economic Development Department CDSG grant appropriation.

It was moved by Mr. Roeder, and seconded by Mr. Claytor, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 23-58 be placed upon its final enactment.

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

Nays: None

Motion Carried

Moved by Mr. Roeder, and seconded by Mr. Claytor, that Ordinance No. 23-58 be enacted as read.

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

Nays: None

Ordinance Enacted

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

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

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

No comments were offered.

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There being no further business before Council, the Mayor adjourned the meeting at 8:20 p.m.

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SEAN P. MALONE, Vice Mayor

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JERI E. CHAIKIN, Clerk of Council