



**Council Minutes  
February 27, 2023  
CITY HALL COUNCIL CHAMBERS**

The Council of the City of Shaker Heights met in a regular session at 6:05 p.m., Mayor David E. Weiss presiding.

Council Members Present:

- Mr. Malone
- Mrs. Moore
- Ms. Anne Williams
- Ms. Carmella Williams
- Mr. Earl Williams
- Mr. Claytor

Council Members Absent: Mr. Roeder

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Video of this meeting may be found [here](#) through February 27, 2026.

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At 6:10 p.m. it was moved by Mr. Claytor, and seconded by Ms. Carmella Williams that Council go into an executive session to discuss the purchase, sale or the development of real property where premature disclosure of information would give an unfair competitive or bargaining advantage to a person, or otherwise adversely affect the general public interest.

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

Nays: None

Motion Carried

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At 7:03 p.m. Council returned to the regular meeting.

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**CITY OF SHAKER HEIGHTS**

It was moved by Ms. Anne Williams, and seconded by Mr. Claytor, that the minutes of the regular meeting of January 23, 2023 be approved as recorded.

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

Nays: None

Motion Carried

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

The 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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**Ordinance No. 23-07, by Mr. Claytor, authorizing execution of a Purchase and Development and Use Agreement with Nathan Beachy and Rochele Beachy, for the sale of City-owned vacant lots at 3666 and 3670 Hildana Road, for a purchase price of \$1.00 per lot, for the construction of one owner-occupied single family home, authorizing the disposition of City-owned property without competitive bidding, and declaring an emergency.**

Neighborhood Housing Specialist Brendan Zak stated that the following two items are codependent projects. The applicants have applied through the City's vacant lot program to each build a single family home on Hildana Road for themselves. The Beachy family who are in attendance tonight has applied to purchase the lots at 3666 and 3607 Hildana Road. The home would be built on two existing lots of roughly 80 feet by 160 feet. The Beachy family is proposing a modern design focused on it being multi-generational through universal design elements and sustainable practices. The home is proposed to share a single driveway down the middle along the lot line to reduce the amount of pavement required. They propose a four bedroom and five bathroom home with roughly 2,800 square feet. They propose an attached two-car garage and a basement. As part of the infill application process, City staff sent notification letters to surrounding residents to solicit feedback and ensure neighbors have the opportunity to engage with the process. As of today, staff have not received any neighbor feedback on this project. The City's Planning Department has reviewed preliminary renderings of the home and rough site plans against the City's infill design guidelines and the City's Zoning Code. If Council approves the agreement tonight, the City would then enter into a development and use agreement with the applicants for 3666 and 3670 Hildana Road. In this agreement, the applicants will have six months from the execution of that agreement to receive all City approvals, including from the Architectural Board of Review, the City Planning Commission, and the Ohio Building Code. As

part of this review, these commissions will review the design, form, function, architectural standards and design site plan and landscape plans for the home. The City will require applicants to replace any trees that were removed and trees to be planted on the tree lawn after construction if there are none currently. Additionally, the development and use agreement will specify that the applicants cannot seek a variance to the requirement to replace any damaged or removed trees. The City will transfer the land to the applicants once all of these approvals are in place. This item is requested as an emergency with a suspension of the rules in order to expedite the sale of the City-owned property to reduce the use of City resources to maintain the lots.

Council member Ms. Carmella Williams stated that this item was reviewed and unanimously approved by the Neighborhood and Economic Development Committee. This is a wonderful story of at least one former Moreland resident returning and bringing family members with her. There was some concern about trees and the modern design of the home that was expressed by some committee members. Committee members as well as the residents in the neighborhood were encouraged to follow along the process and attend the City Planning Commission and Architectural Board of Review meetings to share feedback.

Council member Ms. Anne Williams stated that this item was reviewed and approved with enthusiastic support. Everyone loved hearing the story of the return to Moreland and she appreciates them being present tonight and being available to answer questions.

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. 23-07 be placed upon its final enactment.

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| Roll Call: | Ayes: | Mr. Malone, Mrs. Moore,<br>Ms. Anne Williams, Ms. Carmella Williams,<br>Mr. Earl Williams, Mr. Claytor |
|            | Nays: | None   |

Motion Carried

Moved by Mr. Claytor, and seconded by Ms. Carmella Williams, that Ordinance No. 23-07 be enacted as read.

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| Roll Call: | Ayes: | Mr. Malone, Mrs. Moore,<br>Ms. Anne Williams, Ms. Carmella Williams,<br>Mr. Earl Williams, Mr. Claytor |
|            | Nays: | None   |

Ordinance Enacted

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**Ordinance No. 23-08, by Ms. Carmella Williams, authorizing execution of a Purchase and Development and Use Agreement with Kwadwo Beachy-Owusu and Marita Beachy-Owusu, for the sale of City-owned vacant lots at 3662 and 3658 Hildana Road, for a purchase price of \$1.00 per lot, for the construction of one owner-occupied single family home, authorizing the disposition of City-owned property without competitive bidding, and declaring an emergency.**

Neighborhood Housing Specialist Brendan Zak stated that this item is for the purchase of City-owned vacant lots located at 3662 and 3658 Hildana Road by the Beachy-Owusu family who are joining the meeting virtually tonight and hope to move to Shaker Heights from Cincinnati. The applicants have applied through the City's vacant lot program to build a single-family home for themselves. The home would be built on two existing lots of roughly 80 feet by 160 feet. They are proposing a modern design focused on it being multi-generational through universal design elements and sustainable practices. The home is proposed to share a single driveway down the middle along the lot line to reduce the amount of pavement required. They propose a three bedroom and three bathroom home with roughly 2,600 square feet. They propose an attached two-car garage and a basement. As part of the infill application process, City staff sent notification letters to surrounding residents to solicit feedback and ensure neighbors have the opportunity to engage with the process. As of today, staff have not received any neighbor feedback on this project. The City's Planning Department has reviewed preliminary renderings of the home and rough site plans against the City's infill design guidelines and the City's Zoning Code. If Council approves the agreement tonight, the City would then enter into a development and use agreement with the applicants for 3662 and 3658 Hildana Road. In this agreement, the applicants will have six months from the execution of that agreement to receive all City approvals, including from the Architectural Board of Review, the City Planning Commission, and the Ohio Building Code. As part of this review, these commissions will review the design, form, function, architectural standards and design site plan and landscape plans for the home. The City will require applicants to replace any trees that were removed and trees to be planted on the tree lawn after construction if there are none currently. Additionally, the development and use agreement will specify that the applicants cannot seek a variance to the requirement to replace any damaged or removed trees. The City will transfer the land to the applicants once all of these approvals are in place. This item is requested as an emergency with a suspension of the rules in order to expedite the sale of the City-owned property to reduce the use of City resources to maintain the lots.

Council member Ms. Carmella Williams stated that this item was reviewed and unanimously approved by the Neighborhood and Economic Development Committee. There was some concern about trees and the modern design of the home that was expressed by some committee members. Committee members as well as the residents in the neighborhood were encouraged to follow along the process and attend the City Planning Commission and Architectural Board of Review meetings to share feedback.

Council member Ms. Anne Williams stated that this item was reviewed and approved. She appreciates them joining the meeting tonight and being available to answer questions.

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. 23-08 be placed upon its final enactment.

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

Nays: None

Motion Carried

Moved by Ms. Carmella Williams, and seconded by Mr. Claytor, that Ordinance No. 23-08 be enacted as read.

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

Nays: None

Ordinance Enacted

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**Ordinance No. 23-09, by Ms. Anne Williams, accepting a proposal and authorizing a personal services agreement with CardConnect, LLC a business unit of First Data Merchant Services, LLC, as a sole source, without competitive bidding, in an amount not-to-exceed \$100,000 for a three-year term, for merchant processing services, and declaring an emergency.**

Recreation Business Services Manager Quiana Player stated that the Shaker Heights Recreation Department has been using Elavon registration software services for over 10 years. Last year in July they got a new registration system called RecDesk, who currently uses First Data as a credit card processor. All credit card processing providers charge fees that are a part of doing business. These credit card processing fees are budgeted annually in the department operating budget. Credit card processing fees are based upon the volume of transactions, type of transactions and type of credit cards being used. Fees currently paid to Elavon are over \$25,000 annually, but there is currently no written agreement with the Recreation Department with the current credit card processor. First Data has agreed to honor the same fee terms that the City is currently paying to Elavon so the cost to the City for credit card processing fees is not expected to increase. This agreement is from a sole source provider for personal services because First Data is the only compatible provider for credit card processing through the registration system, RecDesk. This item requests Council approve an agreement with First Data for a three-year term with the cost not to exceed \$100,000. This item is requested as an emergency with a suspension of the rules so the City can quickly proceed with the agreement and implementation of the credit card readers prior to the summer season.

Council member Mr. Claytor stated that this item was reviewed and approved by the Recreation Committee. The memo distributed for this item accurately summarizes the conversation at the meeting.

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



work. Our positions have been open for well over 200 days. We've been waiting a long time to find the right people to work our hours for the wages. When we met with the labor representative for Machinist Local 1363, he stated that employers under his purview who have laborers in their contract have similar issues in their request to reopen agreements. We expect the wage increase would help us attract qualified applicants as well as to retain existing staff. Summer is right around the corner and our goal is to be fully staffed before the start of the busiest season for recreation. It is requested that City Council approve a modification to the current agreement to increase wages. This item is requested as an emergency with a suspension of the rules so we can quickly proceed with an updated labor agreement and increase the wages in our job postings.

Council member Mr. Malone stated he fully supports this and asked if these employees work inside Thornton Park maintaining the building.

Director Nichols explained that the grounds and maintenance workers mow Thornton Park, pick up trash, clean Horseshoe Lake under the pavilions and the restrooms, clean and maintain playgrounds, maintain the ice rink, operate the pool, and trouble shoot the feeder system for chemicals if there are issues.

Council member Mr. Malone asked if there has been basically one employee doing this for the last year.

Director Nichols responded yes. The Recreation Department maintenance team has been filling in the gaps with the facility manager as well as the assistant manager. They taught the Learn to Skate coordinator how to drive the Zamboni. Everyone is doing extra to keep the operation going given they are so short staffed.

Council member Mr. Earl Williams asked if Director Nichols is getting feedback from the Northeast Ohio Regional Sewer District (NEORS) about how the renovations at Horseshoe Lake are going to affect the deployment of personnel there.

Director Nichols stated that they have not gotten that deep into that discussion. She does think it will impact the Recreation Department and services to the community. It could include more seasonal workers to help maintain the facility, but as they get further along in that process, the Recreation Department will certainly be part of that.

Council member Mr. Earl Williams stated that Council would like to know how much of that cost the NEORS is going to be picking up in the maintenance of the park.

Director Nichols stated that she does not have the answer to that question.

It was moved by Mr. Malone, and seconded by Mr. Claytor, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 23-10 be placed upon its final enactment.

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

Nays: None

Motion Carried

Moved by Mr. Malone, and seconded by Mr. Claytor, that Ordinance No. 23-10 be enacted as read.

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

Nays: None

Ordinance Enacted

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**Ordinance No. 23-11, by Mrs. Moore, authorizing the application for and acceptance of a grant from the Ohio History Connection Certified Local Government Grant (CLG) Program in the amount of \$25,000 for the urgent-priority restoration of 50 gravestones at Warrensville West Cemetery, and declaring an emergency.**

Planning Director Joyce Braverman stated that this item is to apply for and accept a grant from the Certified Local Grant (CLG) program in the amount of \$25,000. A 40% local match is required of \$15,000, as well as an in-kind match of \$1,830. In 2021 the City received a grant from the CLG program to do a historic preservation master plan for the Warrensville West Cemetery which is a designated landmark and the second oldest burial ground in Cuyahoga County. That plan identified over fifty gravestones that are urgent priority, which means they are considered a hazard. Further damage could require immediate action. We are requesting a grant so that we can do work such as resetting the stones and cleaning. The consultants that did the plan estimate this cost for those gravestones at \$40,000. The City does have \$15,000 already appropriated in the capital budget from the 2020 Community Project Fund, and the remainder of the funds will be requested from the CLG grant, which is 25,000 to bring the total cost of this restoration to \$41,830. This item is requested as an emergency with a suspension of the rules as the grant applications are due on March 31st.

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

Council member Ms. Anne Williams stated that this item was reviewed and approved by the Finance Committee. One of the resident members undertook a tour of the cemetery to see firsthand and then reported back. Other members expressed their enthusiasm and support. They raised some concerns about signage and maintenance of the property, and were glad to hear that the plan is in place that will address all of those issues, but that the stones were the first priority.





Police Commander Rick Mastnardo stated that this item is for a service agreement with University Hospitals to accept and appropriate grant funding for targeted traffic enforcement patrols in the amount of \$12,000 through the Cuyahoga County OVI Task Force and the Ohio Department of Public Safety. They are also requesting the \$12,000 be added to the crime suppression overtime appropriation for the 2023 Police Department's operating budget. The Police Department has been an annual recipient of this grant funding since 2013, and has received over \$70,000. Through the use of these funds they have assigned officers to traffic enforcement details at no cost. Targeted enforcement is conducted in support of the Cuyahoga County OVI Task Force project. The goals are to decrease the incidents of OVI violations, reduce crashes where alcohol is a contributing factor, and increase enforcement of OVI laws and the use of saturation patrols with a zero tolerance policy for non-compliance. The agreement stipulates that the direct labor hours expended for the target enforcement activity must be over and above normal active pay status for the work. Therefore, personnel must be scheduled on an overtime basis. The agreement reimburses the overtime expenditures, including the fringe benefits portions of payroll for the hours worked during targeted enforcement safety. The terms of this agreement began on October 1st, 2022, and they must complete all work no later than September 2023. This item is requested as an emergency with a suspension of the rules so that it can be included in the 2023 operating budget.

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

Council member Ms. Anne Williams stated that this item was reviewed and approved by the Finance Committee without comment.

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. 23-12 be placed upon its final enactment.

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| Roll Call: | Ayes: | Mr. Malone, Mrs. Moore,<br>Ms. Anne Williams, Ms. Carmella Williams,<br>Mr. Earl Williams, Mr. Claytor |
|            | Nays: | None   |

Motion Carried

Moved by Ms. Carmella Williams, and seconded by Ms. Anne Williams, that Ordinance No. 23-12 be enacted as read.

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| Roll Call: | Ayes: | Mr. Malone, Mrs. Moore,<br>Ms. Anne Williams, Ms. Carmella Williams,<br>Mr. Earl Williams, Mr. Claytor |
|            | Nays: | None   |

Ordinance Enacted

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**Ordinance No. 23-13, by Mrs. Moore, authorizing a personal services contract with Coventry Land Company, LLC in a total not-to-exceed amount of \$52,658 for professional sustainability consulting services for the period March 1, 2023 through February 28, 2024, and declaring an emergency.**

Chief Administrative Officer Jeri E. Chaikin stated that in 2019 Council established the Sustainability Committee to work with Council members, residents and the whole community on sustainability issues in Shaker Heights. In 2019 Council started including funding in the General Fund budget for both an individual to work as a sustainability coordinator, as well as other initiatives. We sought requests for proposals in 2018 and recommended Coventry Land Company LLC, with Michael Peters as our Sustainability Coordinator for this work. Council has been contracting with him ever since. Two significant accomplishments are getting the City Gold Status for LEED for Cities and this year working with the Law Director to get the City's 100% renewable electric aggregation program. This recommendation has an increase this year. The original contract was for \$50,000 for the first three years, \$51,500 for the fourth year, and this year a 2.25% increase is recommended in the total contract for the next 12 months for a total of \$52,658. This item is requested as an emergency with a suspension of the rules because the contract expires in two days and we would like to continue this good work.

Council member Mrs. Moore stated that this item was reviewed and approved by the Sustainability Committee. It has been a privilege to work with Mr. Peters. The breadth and depth of his experience in all matters of sustainability is the reason why. The amount of projects and initiatives that we have gotten off the ground this year has been amazing and it's due to a very subtle, but very encouraging leadership style that he has and it's really paid off.

Council member Ms. Anne Williams stated that this item was reviewed and approved by the Finance Committee. She echoed the very positive remarks and comments of Council member Mrs. Moore.

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. 23-13 be placed upon its final enactment.

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| Roll Call: | Ayes: | Mr. Malone, Mrs. Moore,<br>Ms. Anne Williams, Ms. Carmella Williams,<br>Mr. Earl Williams, Mr. Claytor |
|            | Nays: | None   |

Motion Carried

Moved by Mrs. Moore, and seconded by Ms. Anne Williams, that Ordinance No. 23-13 be enacted as read.

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

Nays: None

Ordinance Enacted

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**Ordinance No. 23-14, by Ms. Anne Williams, accepting a proposal and authorizing an engagement letter for personal professional auditing services for the City of Shaker Heights for the year 2022, in the total amount of \$38,212 with the Auditor of State of Ohio, and declaring an emergency.**

Finance Director John Potts stated that the auditor of State is responsible for auditing all the public offices in Ohio, that's over 5,900 entities. We haven't seen the auditor of State here in about 11 years because between 2012 and 2015 we utilized Ciuni and Panici, and from 2016 through 2021 we utilized Rea and Associates. We were notified last fall that the auditor of State would be coming to Shaker to audit us for the 2022 financial statements. We expect that their fees and expenses will not exceed \$38,212, which is consistent with what we've paid the past two years. It's likely the auditor of State will be here this year to audit 2022, and likely will be here next year to audit 2023. The Finance Committee asked whether or not the audit is a mandatory requirement and it is. This item is requested as an emergency with a suspension of the rules so that the engagement letter with the auditor of State can be executed and the audit can commence.

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

Council member Mr. Malone asked if it is standard practice for the auditor of State to rotate to different municipalities.

Director Potts stated that there are almost 10,000 entities between townships, cities, counties, and schools, so they don't have the staffing to do every audit personally, but they still do a desk review of each entity's financials down in Columbus. If there are no issues we will see them for a couple years, maybe three at the most, and then they'll head out for about 10. Independent public accountants can be hired to do the audit. The auditor of State has a tendency to ask more questions, but the audit is very consistent with what we have had in the past.

Council member Mrs. Moore stated that the City of Shaker Heights and the Finance department has been awarded the Auditor of State Excellence in Accounting award consistently year in and year out. It is a good thing to have this audit because it basically confirms the excellence of our procedures.

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. 23-14 be placed upon its final enactment.

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

Nays: None

Motion Carried

Moved by Ms. Anne Williams, and seconded by Mr. Claytor, that Ordinance No. 23-14 be enacted as read.

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

Nays: None

Ordinance Enacted

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**Ordinance No. 23-15, by Ms. Anne Williams, authorizing the execution of Then and Now Certificates by the Director of Finance and the payment of amounts due for various purchase orders, and declaring an emergency.**

Finance Director John Potts stated that in the January/February timeframe we typically have a few then and now certificates because we shut down our financial system to close out the prior year and then reopen it. There are three then and now certificates for recurring expenditures. This item is requested as an emergency with a suspension of the rules so that payments may be approved and mailed.

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

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. 23-15 be placed upon its final enactment.

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

Nays: None

Motion Carried

Moved by Ms. Anne Williams, and seconded by Mr. Claytor, that Ordinance No. 23-15 be enacted as read.

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

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 Ms. Chaikin noted that the following comments were received by email. Pursuant to our policy because they are lengthy she will not read them in their entirety but the full comments will be reflected below in the minutes.

The first comment was received by Jennifer Love Carter of 2920 Van Aken Boulevard.

“My name is Jennifer "Love" Carter, co-founder and leader of the Shaker Heights Anti-Racism Coalition. I am quite alarmed by body cam footage I watched from a police standoff September 14, 2022. I heard officers making comments rooted in implicit bias. They were making assertions about the mental health of a citizen, referencing him as "crazy" and making other disparaging comments. To my knowledge, none of these officers have formal education to make a diagnosis on someone's mental health. The term "crazy" is also extremely offensive. It is unfair, and dangerous to label a person in that manner.

I want a thorough investigation into the standoff that day. I also want a financial breakdown of what that standoff cost the city. Citizens should be aware of what their tax dollars are paying for. Although only a few officers were listed on the police report, there were dozens present as well as the bear cat (a militarized vehicle) to assist in serving an eviction for a black man with a child present. Unarmed innocent citizens who posed no threat had weapons pointed at them by police. I ask for more training in de-escalation and sensitivity for these police officers. The mental health response or lack thereof also needs to be addressed.”

Resident Keith Wilson submitted the following to be read into the record.

“I would like to address the police action of September 14, 2022 that involved at least one armored vehicle and put the Larchmere neighborhood in a panic for several hours.

I believe the immoderate response by the Shaker Heights police may stem from a misunderstanding about its conflicting obligations to protect housing rights and “property rights.”

“Housing is a human right.” Within the logic of commoditized housing, that rallying cry of activists looks laughably idealistic. After all, it’s logical that a landlord must reserve the right to evict a tenant on a property the landlord owns. If an evicted tenant refuses to leave, it’s logical that the landlord enforce the eviction with a call to the police. It’s logical that the police bring all the militarized force necessary to enforce this order.

And yet, Housing really is a human right. It’s enshrined in international law. Eleanor Roosevelt chaired the UN committee that drafted the resolution, and the United States was an inaugural signatory in 1948. The awkward conflict between the right to housing and the “right” to private property is usually handled quietly, with impoverished families set out of their homes without too much of a fuss.

On September 14, a tenant on Larchmere Boulevard informed the bailiff who was sent to evict him that the eviction was unlawful. As logic demanded, the bailiff called in the police.

After a period of escalation, the police responded without humility. In the name of enforcing one type of right over another, a show of militarized force was called in and a neighborhood in our city was shut down. I have heard stories of neighbors huddled in their basements in fear for up to four hours.

I believe a different, more moderate course could have been taken. For example, I understand that the Shaker Heights Police Department now has a social worker on staff. Perhaps this person could have been sent to speak with the tenant. I don’t know what the optimal response would be, but the militarized mobilization did happen was a severe overreaction.”

Mayor Weiss stated that this related to an incident involving an eviction case before the Shaker Heights Municipal Court where the landlord of a Larchmere home was granted a judgment of eviction on September 2, 2022. It's important to note that the defendant had participated in the eviction proceeding. On September 14, the court bailiff went to the property to evict the tenant pursuant to the court order. Suffice it to say the bailiff did have a conversation with the tenant. Numerous comments were made by the tenant, which suggested there could be significant violent action by the tenant who was carrying a gun in this conversation. Because of the comments and threats that were made the bailiff left the premises and called the police. The police did come to the property and tried to negotiate with the tenant to surrender quietly. The tenant refused. After some attempts by our officers they withdrew from the scene deciding to leave the area and come back and arrest the resident when it was safe to do so. In fact the tenant was later arrested without incident. Subsequently the police executed a search warrant on the residence where they found multiple guns, rifles and ammunition. The tenant has since been indicted by the Cuyahoga County Grand Jury. At the request of the tenant's lawyer, the court has ordered a psychiatric evaluation before further proceedings are held. This is a situation where officers did believe that there was grave risk of violence, not only to the individual tenant but his 11-year old son, and possibly to neighbors in the general area. We're quite proud and our community is well aware that we have a mental health professional embedded with our first responders. We're very proud of that, but one of the tenets of that program is that we do not put anyone in harm's way. Until our officers are convinced that it is safe we do not have that mental health provider wander into what could be a very dangerous situation. In this case our officers actually deescalated the situation, later arresting the individual without incident. The City has provided written

responses to both people who supplied comments, but that is a little bit of the background for the benefit of those who may be listening tonight.

CAO Chaikin stated that the next comment was sent to us by Rose Carter.

“My name is Rose Carter and I live in a Apartment Building in Shaker Heights managed by Cleland Property Management Group and I have not had heat in my building for about a week. I've reached out to management Ariel, Vickie and other and they refused to provide safe accommodations. My health is suffering and as of today, my apartment is still cold. I reached out to two members of City Council about the state of emergency regarding the mismanagement of rental properties and the the threat to public safety and no one responded. Somehow, Nancy Moore was made aware of the situation and she has responded with the urgency that is required given the severity of the issue. My health is suffering as a result.

I've received email from the management company about renewing my lease, paying my rent but none regarding the lack of heat in my building. I'm still expected to pay the full amount of my rent and still haven't heard back from management about the exact nature of the issue. Heating has either been off or low since Dec. 24,20023. I lost heat completely. The abuse of tenants can not continue. The lackadaisical response of the city cannot continue. Nancy Moore is aware of my situation and she is permitted to share all relevant info.”

CAO Chaikin reported that a number of departments have been working daily on this and with the building management. As of 5:30 p.m. this evening the heat in her apartment was 72 degrees. The heat has been restored.

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Council member Mr. Claytor stated that he wanted to recognize the Night for the Red and White for Shaker Schools Foundation is on March 18th. Everyone in the community is welcome. It's going to be held at the Hilton downtown. The Shaker Schools Foundation does a lot to support the students in our district.

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There being no further business before Council, the Mayor adjourned the meeting at 7:52 p.m.

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DAVID E. WEISS, Mayor

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JERI E. CHAIKIN, Clerk of Council