



\*

\*

\*

\*

**Resolution No. 20-47, by Mr. Zimmerman, expressing outrage at the murder of George Floyd by the Minneapolis Police Department, and calling for justice, unity, constructive dialogue and action needed to abolish racism, wherever it may exist.**

Mayor Weiss stated that as we all are aware the last several weeks have been historic in nature as our community, the nation and the world witnessed the murder of George Floyd and the outrage that was expressed across our community and our nation at this incident. Unfortunately, this is just the latest of similar incidents that have occurred over a number of years which prompted protests and a reaction across our country including in our community as well. It prompted strong reactions from all quarters of our nation and last week a number of things occurred with protests throughout our country. Many people issued statements condemning this senseless act and demanding change. Mayor Weiss was one of many, many people who expressed a profound disappointment and outrage at this occurrence and demanding change. At the end of last week with a wide range of protests and ceremonies throughout our country, including here in Shaker Heights, on Saturday evening there was a peaceful vigil with a number of impressive speakers along with Council member Carmella Williams who spoke very eloquently. In addition to Mayor Weiss' comments and those many others have made about this tragic occurrence, Council would like to express their feelings on this particular topic as well.

Council member Mr. Zimmerman stated that we all know and feel that these are very difficult days for our country. It is true that Shaker Council wants to express its feelings but also its determination to promote positive change. He was honored to be tapped by his colleagues to draft this resolution which he has done with the very thoughtful input of his colleague Council member Ms. Carmella Williams. Working with her underscored for him that positive change starts within ourselves. Trying to see the world and act while walking in the other person's shoes is very important to deal with these very difficult issues. He is sure this resolution is just the beginning. Words do matter but actions matter more. We are committed as a Council and as a community to take the action needed to make our community and our society a better one. He read aloud the resolution expressing outrage at the murder of George Floyd by the Minneapolis Police Department, and calling for justice, unity, constructive dialogue and action needed to abolish racism, wherever it may exist.

Police Chief Jeffrey DeMuth stated that the Police Department echoes the sentiments of Mayor Weiss and the resolution introduced by Council member Mr. Zimmerman. In light of where we are in the country, he would like to share a little bit about where we are in the Shaker Heights Police Department. There was an interview on ABC by Martha Raddatz who interviewed Congress woman Val Demings from Florida, who happens to be a former Police Chief for the Orlando, Florida Police Department and apparently on the short list as a running mate for democratic presidential candidate Joe Biden. More importantly he got to know her 14 years ago as a classmate at the FBI Academy. They sat in alphabetical order, Demings and DeMuth, right next to each other, so they spent a long time together talking about police work and the state of policing back then. He got to know her very well and respects her immensely. She was a beacon of light in law enforcement. She was not the police chief at that time but eventually got promoted. When he saw her comments, he thought that is exactly where we are in the Shaker Heights Police Department. Ms. Demings talked about being painfully honest about the problems confronting the country and police work. She talked about her 27 years of policing and how she worked beside the bravest men and women she ever knew who had a heart of gold. She also talked about of course that not everyone in her police department was perfect. The same can be said of the men and women of the Shaker Heights Police Department, very brave with hearts of gold, but we are not all perfect. She talked

about holding police accountable and providing the necessary oversight. She talked about looking at training standards, use of force policies, and looking at who we are hiring and the diversity of agencies. That is important. As the Chief of Police, he has done that for years. He constantly reviews the policies and practices of our agency, particularly in the use of force and bias free policing. He tries to do that to ensure transparency of our agency and procedural justice for our community. We will continue to analyze those policies and revise them where necessary to better serve our community. We remain committed to recruiting and hiring officers who reflect the community they serve. When you do that you build trust and safer communities. She also said not to wait for the federal government to tell you what to do. Police Chiefs know what is going on in their own agency, and what is right and wrong, so they should change policies on their own. She said to provide police officers the training they need to do their job as necessary. Here in Shaker Heights we have done that. We have provided the training to our police officers, the necessary training for them to be successful, and we have changed policies throughout the years to better serve our community. Martha Raddatz spoke of the democratic house leaders unveiling police legislation that among other things highlighted four points: a police misconduct registry; banning the use of choke holds; racial bias training; and criminalizing lynching. Seven or eight years ago we stopped training the use of the lateral vascular neck restraint. We did that because we understand the high degree of training to apply it and the risk of use, so we don't do it any longer. In his opinion we are ahead of the curve. We have been providing bias free police training for twenty years in the City of Shaker Heights. Eightcantwait.org research that has been proposed for the adoption into police policies recommends eight different things to reduce police use of force. Many of those recommendations have been utilized by our agency for many years in training and policy concerning the police use of force. His opinion is that the general problem in police agencies is until we stop cultures that prevents officers from holding each other accountable we will continue to allow this same cycle of wash, rinse and repeat. In Shaker Heights we are trying to perfect that culture where officers hold each other accountable and we will continue to try to perfect that culture. In reflecting on what Congress woman Val Demings said in her interview we are not perfect, we are going to make mistakes in the future, but he asks the community to seek the truth as to why those mistakes occur. Were they mistakes of the heart of the officer, and if that is the truth, we will deal with those personnel. We have in the past. If it was a mistake of the head, they will provide them with the appropriate training they need to be successful. In the meantime, he as well as every other officer in this agency is committed to every citizen's safety, security and constitutional guarantees. That commitment is unwavering.

Council member Ms. Carmella Williams stated that some may know she signed a Dear Colleague letter, a joint letter with 24 African American elected women in the area. She read parts of that letter and will post it on her Facebook page. She thinks we all can agree that racism is a horrible thing, and that it has been corrosive to our society. She hates the impact it has had not only on her, but people that look like her. She also hates the impact it has had on people like her friend, Chief of Police Jeff DeMuth, who she knows is a good officer. Like he said we are not perfect but they strive to do better. She thinks it would behoove all of us to lean into the work that is necessary and truly make not only Shaker but our nation live up to what we advertise.

Council member Ms. Anne Williams stated that she is thankful for the work that Council member Mr. Zimmerman and Ms. Carmella Williams have done, and appreciates her comments. She also acknowledged the thoughtful comments of Chief of Police Jeff Demuth. She thinks this resolution is a great first step and looks forward to the community conversations which started Saturday night so eloquently at the vigil. She is happy we are taking these steps forward and looks forward to the work ahead of us.

Mayor Weiss stated that when he issued his statement last week he spoke on behalf of himself and also Council and the Administration. He got a number of very positive comments from the community who are in complete agreement and solidarity with us and the comments that have been made by those who find no place for racism in any of its forms wherever it might be found in our community. He will also acknowledge that he received other comments as well that while we often strive to do our best, we have a long way to go. People are anxious to see concrete change, lasting change, and positive change, both general and specific. As many of you have noted, words are important and express our feelings of what we have seen in the past and where we intend to go in the future, but in this instance we need to see action. After last week and all the activities and statements and vigil, now it is time to take the next steps. He has a number of thoughts and he will be reaching out to Council this week to talk about those next steps. We have talked internally and we will get feedback not only from Council but also from our community and start on a committed and devoted basis to making real and lasting change, particularly for those who have been impacted for days, weeks, years and decades. We are committed to do that here in Shaker Heights. As much as we hold diversity and equity, and inclusion as a high ideal in Shaker Heights, we don't always hit the mark. We are pledged to do better and we will.

Moved by Mr. Zimmerman, and seconded by Ms. Carmella Williams, that Resolution No. 20-47 be adopted as read.

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

Nays:	None
-------	------

Resolution Adopted

\* \* \* \*

**Ordinance No. 20-48, by Mrs. Moore, amending Section 1230.03, Office Zoning District, and Section 1263.15 of the Zoning Code of the Shaker Heights Codified Ordinances to add laboratories and research facilities and limited production/processing as permitted uses.**

Senior Planner Daniel Feinstein stated that this request is for text amendments to the Zoning Code with regard to the Office Zoning District. The City proposes to add laboratories and research facilities and limited production/processing to Section 1230.03 – Permitted Uses in the Office Zoning District. The Office Zoning District also needs to be added to Section 1263.15 in the conditional use standards. This item is on first reading with a second reading proposed for June 8, 2020, and a public hearing and third reading on June 22, 2020. Both laboratory and research facilities and limited production/processing uses are already listed in two of the City's commercial districts but are limited in their scope by the standards in Section 1263.15. In Section 1260 they are further limited by the definitions in the Zoning Code.

Economic Development Director Laura Englehart stated that Mr. Feinstein talked about the mechanics and she would like to speak a little about the reasons for this request. There are two main reasons for this zoning text amendment. From an economic development perspective the City is seeking to create some greater flexibility aimed toward helping attract new businesses in Shaker, particularly within biomedical and health fields. What we are seeing in the market right now, particularly with the public health pandemic, is a great deal of uncertainty in the office environment. It is something even pre-pandemic we should

have been doing to make Shaker more attractive, and we think helping allow laboratory research in a limited production in our zoned office district really can make it easier for companies to move here and remove the barrier for them to do so. The second reason for this request is that it helps facilitate the expansion of a current Shaker business. Cellular Technology Limited (CTL) is a global biotech company currently located at the corner of Helen Road and Chagrin Boulevard. Just last week they closed on a transaction to purchase a second building down the street on Chagrin, known as the Chagrin Corporate Center. They are staying in their current space and expanding into the new building. They are working on their plan and the zoning change allows them to have some of their current limited production uses of their space move into the new building.

Council member Mr. Malone stated that this item was unanimously approved by the City Planning Commission for the reasons outlined by Mr. Feinstein and Director Englehart. This is a smart change prompted by CTL's expansion but given the economic climate, any new business is terrific to have in the City of Shaker. We are hoping this will make it easier for biotech companies who will not have to seek a conditional use permit as this will be a permitted use. Given that we have very limited office zoning in the City of Shaker Heights, adding flexibility for those Office Zoning Districts is important. These uses were already permissive conditional uses and this makes it a more palatable change.

Mayor Weiss reiterated that we do not have a significant part of the City zoned office, but this is a very wise amendment to provide additional flexibility. We are very pleased that CTL is staying in Shaker and expanding. He thanked the Planning Department and Economic Development Department. We were able to work very quickly and seamlessly with CTL as well as many other businesses here in Shaker to facilitate the transaction that was mentioned. We are pleased to have CTL growing in our community particularly during these challenging times. This is exactly the kind of company we hope to attract more of in Shaker, and hopefully this will enable us to do that.

Mayor Weiss stated that this item will remain on first reading.

\* \* \* \*

**Ordinance No. 20-49, by Mr. Zimmerman, 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 \$34,082, for the Chagrin Boulevard/Lynnfield Road Intersection Improvements Project, and declaring an emergency.**

Planner Cameron Roberts stated that this item requests a contract with GPD for design and engineering services for bike and pedestrian improvements at the Chagrin/Lynnfield intersection. This intersection experiences a heavy volume of traffic. Crossing the street, especially northbound and southbound across Chagrin Boulevard is very difficult due to a lack of existing infrastructure. In order to make improvements at this intersection the City applied for and successfully received \$200,000 in grant funding through the County CDBG and CDSG programs. That funding is specifically for construction and improvements at that intersection. In addition to that funding, the City currently has \$30,000 appropriated for design and engineering services in order to find what would be the best solution for making improvements at the intersection. The City issued a request for proposals on May 8, 2020 for the design work to seven different firms in addition to posting it on the City's website. Only one firm, GPD, submitted a proposal for the project. Partnering with them on the proposal, specifically as a sub-consultant for the public engagement portion is Ann Klavora of AK Plans, a recent, former employee of the City's Planning Department. Together as a team GPD and AK Plans propose a fee of \$34,082 for the design services. An interview

committee from the City consisting of employees from the Planning, Public Works and Police Departments conducted an interview of this team via Zoom. GPD submitted a very thorough proposal, they have a lot of experience working on similar projects, and they are also very familiar with this particular intersection being the City's municipal engineer. This was discussed by the Safety and Public Works Committee and there was a concern regarding whether there were any legal issues with Ms. Klavora being on the design team due to her former employment with the City. William M. Ondrey Gruber, Law Director, looked into the issue and reviewed the state's ethics code as well as the state's revolving door policies and determined there were no legal issues and that Ms. Klavora could in fact be on the design team. This item is requested as an emergency and with a suspension of the rules in order to meet grant deadlines for the project.

Council member Mrs. Moore asked since this is for the ease of crossing for pedestrians and bicyclists, what the plans are to ascertain whether the near total of vehicular traffic per day now might warrant the traffic signalization that was removed.

Joyce Braverman, Director of Planning, stated that this recommendation came out of the 2018 HNTB study. There are several ways to warrant a light signal. This intersection just meets one of those standards. We already have the warrant so we do not need to do additional traffic counts to ascertain that qualification.

Council member Mrs. Moore asked if funding would be contingent upon reaching the number required for the state to fund the signalization.

Director Braverman stated that the state will not fund the signalization unless we have a grant or funding through the state to do so. As a City we are able if we have funding to do that.

Council member Mrs. Moore asked if we know for sure that what this grant funds with the \$230,000 that we must spend by March 20 and implement to create an ease of crossing for pedestrians and bicyclists, will not be superfluous or duplicative if at a future point we want to install a signal.

Director Braverman stated that there is no assurances for the future. The City does not have a plan now to do a signal study or City-wide signalization upgrade, and federal funding for that would not be available for at least five or six years from now if we applied. We can always retain a signal at our discretion even if we do have federal funding.

Council member Mr. Zimmerman stated that this item was reviewed and approved by the Safety and Public Works Committee. They took note of the fact that there was only one bid and were told it was because it was a relatively small amount of money. Firms chose not to bid because the opportunity cost did not justify the time and effort for the bid in question. There is not a lot you can do about that when you have a relatively small amount of money. He raised the issue about Ann Klavora being on the design team and was very satisfied with the legal analysis. The committee's unanimous recommendation for approval was subject to the legalities being researched and approved and that was done.

Mayor Weiss stated that this intersection has been the center of discussion by neighbors and community immediately surrounding it since the traffic signal was removed a number of years ago. We received lots of feedback and lots of opinions from members of the community and neighborhood about improvements they would like to see made there. He commended the Planning Department for finding dollars for us to do this project. Unfortunately, it is on a very tight timeframe because of funding so we





advance. All of the design will build on the vast public and private investments that have taken place recently as well as take into account future building spaces and make sure that access to the rapid transit and busway is improved. We also issued a request for proposals and received four responses. The selection committee was comprised of Director Braverman, two representatives from RTA and RMS, along with Ms. O'Donnell. They reviewed the proposals for completeness, project approach, project team, relevant experience, references and cost. They unanimously decided that WSP demonstrated the best approach and best qualifications for the project. We were really impressed with their team which included a traffic engineer, urban designers, an architect, as well as an engineer who specializes in transit stations, track designs, and rail operations. They also had a transit operations planner, and a person to help with remote engagement which we think will be helpful as likely a team will be meeting with them via Zoom. They also had an early experience with Van Aken district planning and worked with RTA on quite a few transit stations. Their expertise really was quite impressive as well as their experience working in public realm planning. This contract includes schematic design work as well as best practices research in and around the Van Aken station. The plan will be designed in conjunction with the City, RTA and RMS. This item is requested as an emergency and with a suspension of the rules in order to begin design work as soon as possible to meet RTA's time schedule.

Council member Mr. Malone stated that this item was reviewed and unanimously approved by the City Planning Commission. They were satisfied with the thorough review of all the proposals and selected the one which was the best and most qualified to take on the job.

Council member Mr. Earl Williams asked about the Green Line rapid.

Joyce Braverman, Director of Planning, stated that these are improvements RTA is doing now along the entire Blue Line not just in Shaker. They will be starting at the end of June on some of the track work and then this work will follow early next year. RTA is not planning track work on the Green Line now.

Mayor Weiss commended the Planning Department. While this looks like a relatively small piece of property, it is a key, strategic placement of property between the current improvements on the site as well as future planned improvements. It is a hallmark of our Planning Department to be thinking ahead of improvements that will be made over the next several years and to do this in a very thoughtful way so we don't find ourselves wishing we had done something differently two years prior to doing work. This is also an example of good regional cooperation between both private and public entities and utilities so that we are designing something that will work well for today as well as for future improvements that we certainly have our fingers crossed will come to fruition over the next several years.

It was moved by Mr. Earl Williams, and seconded by Mr. Malone, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-51 be placed upon its final enactment.

