The Council of the City of Shaker Heights met in a regular session at 7:04 p.m., Mayor David E. Weiss presiding.

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

Council Members Absent: None

Audio of this meeting may be found here through September 15, 2020.

At 7:17 p.m. the Mayor opened the scheduled public hearing on the proposed Zoning Code text amendments.

Senior Planner Daniel Feinstein stated that the proposed Zoning Code text amendments are for the Office Zoning District. The City requests to add laboratories and research facilities and limited production and processing to Section 1230.03, a permitted use section in the Office Zoning District. It will also add a reference to the Office Zoning District in Section 1263.15, conditional use standards. Officially these are the two code sections being added to the ordinance. Laboratories and research facilities and limited production and processing are two uses that are already in commercial districts in our City, both in the mixed use commercial district and the business commercial district. These uses are regulated further in Section 1260, environmental standards, which would limit the intensity of these uses. Both of these uses are also defined in Section 1211 of the Zoning Code. The Office Zoning District is a limited area bordering the office area on Chagrin and Warrensville, south of Chagrin. The only other Office Zoning District in the City is the former realty office at the corner of Shaker and Warrensville, across from Bertram Woods Library. This item was first presented on June 2 to the City Planning Commission who recommended approval to Council. Council introduced this item on first reading on June 8. The second reading was on June 15 and tonight is the third reading and public hearing.

Economic Development Director Laura Englehart stated that from an economic development perspective there are two main reasons for this request for Zoning Code text amendments. This allows us to build in some greater flexibility into our Office Zoning District aimed at helping Shaker businesses.
The particular uses are already permitted uses in our Zoning Code and allowing them in our Office Zoning District helps Shaker to be more attractive to new businesses, particularly in the biomedical and health fields which in current times are businesses that are seeking to grow. We are hoping to make Shaker an attractive place for them to locate through this zoning text amendment. Second, and much more timely, we have a current Shaker business that is looking to expand in the City of Shaker Heights. It has been here since 2007. Cellular Technology Limited (CTL), recently purchased a second building. They are currently located on Chagrin at the intersection of Helen but purchased the Chagrin Corporate Center to expand part of their uses into this new building. These uses are permitted in their existing location and include some limited production. This zoning text amendment would allow them the flexibility to move their uses however they see fit within their two business locations.

Council member Mr. Malone stated that this was unanimously approved by the City Planning Commission as discussed on prior occasions for all the reasons pointed out, namely the increased flexibility in a zoning denomination that we don’t have much space for in our Office Zoning district. The fact that this has already been considered a conditional use in the past and now will be a permitted use makes it one less hoop that perspective tenants need to go through.

At 7:18 p.m. Mayor Weiss closed the public hearing on the proposed Zoning Code text amendments. He stated that he appreciates the efforts of staff in getting this Zoning Code text amendment before Council for a third reading which provides greater flexibility for our economic development efforts in the City as well as accommodating a very important business.

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.

Moved by Mrs. Moore, and seconded by Ms. Carmella Williams, that Ordinance No. 20-48 be enacted as read.

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

Nays: None

Ordinance Enacted

At 7:25 p.m. Mayor Weiss opened the scheduled public hearing on the proposed 2021 tax budget.

Finance Director John Potts stated that the Ohio Revised Code requires that Ohio city councils adopt a tax budget for the next fiscal year to be submitted to the County no later than July 20. The primary purpose of the tax budget is to show our need to levy property taxes for the coming fiscal year. The Ohio Revised Code also stipulates that the tax budget be made available for public inspection and has been available in the Finance Department since compiled with proper notice in the Sun News. Today is the public hearing for the 2021 tax budget. The need is demonstrated by the shortfall between expected revenues and expenditures and this is done by estimating our future year revenues and expenditures which
we have done based upon 2020's operating revenues and expenditures. We did not adjust the 2021 numbers for any potential future effects of the COVID-19 pandemic as it is very unclear what if any shortfalls will arise. However, the current numbers we have still reflect a shortfall. There were two adjustments in Schedule 3 that were made subsequent to the Finance Committee meeting. The urban renewal funding bonds amount required to meet next year's principal and interest payment should be $963,000, and the port authority bonds should be $375,000. Both changes will be reflected in the tax budget submitted to the County upon approval by Council. This item is requested as an emergency and with a suspension of the rules so this can be submitted to the Cuyahoga County Budget Commission.

Council member Mr. Earl Williams asked where the shortfall is reflected. He would like to have that number for the next Tax Incentive Review Council meeting.

Director Potts stated that the General Fund Property Taxes listed at the top of Schedule 2 when added to the Other Sources amount equals $55.8 million. The total estimated expenditures amount is $53.7 million, which reflects a $1.4 million difference.

Council member Mrs. Moore stated that this item was reviewed and unanimously approved by the Finance Committee. They are familiar with this request at this time of the year and had no questions.

At 7:26 p.m. Mayor Weiss closed the public hearing on the proposed 2021 tax budget.

Resolution No. 20-52, by Mrs. Moore, adopting the 2021 Tax Budget of the City of Shaker Heights, Ohio, for the fiscal year beginning January 1, 2021, and submitting the same to the Cuyahoga County Budget Commission through the Cuyahoga County Fiscal Officer.

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 Resolution No. 20-52 be placed upon its final enactment.

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

Nays: None

Motion Carried

Moved by Mrs. Moore, and seconded by Mr. Earl Williams, that Resolution No. 20-52 be enacted 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

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It was moved by Ms. Anne Williams, and seconded by Mrs. Moore, that the minutes of the regular meeting of May 26, 2020, be approved as recorded.

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

Nays: None

Motion Carried

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The Mayor asked the Clerk of Council if we have received any public comments on any agenda items.

CAO Chaikin stated that no public comments were received on any agenda items by email or by phone.

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Ordinance No. 20-53, by Mrs. Moore, authorizing the application for and acceptance of a grant in the maximum amount of $52,472 from the Northeast Ohio Public Energy Council ("NOPEC") Energized Community Grant program for the generator replacement and electrical service upgrade project at Fire Station II, and declaring an emergency.

Sustainability Coordinator Michael Peters stated that the City is a member of the Northeast Ohio Public Energy Council (NOPEC) and by virtue of being a member we are eligible for certain grant programs. This is the third year we have been eligible for the Energized Community Grant based on the number of subscribers the City has in terms of residents who are members of the electric aggregation program that NOPEC runs on our behalf. The amount for that in this upcoming year is $52,472 down slightly from prior years just based on the number of subscribers that we have. It is proposed to use these funds for the generator replacement at Fire Station No. 2. This is very similar to last year when we used the funds to partially offset the cost for the generator replacement at City Hall. This is to meet the requirements of the grant for an energy improvement project. This item is requested as an emergency as the grant application is due on June 30.

Council member Anne Williams stated that his item was reviewed and fully supported by the Sustainability Committee. What is there not to like about getting money from NOPEC to help us with this.

Council member Mrs. Moore stated that this item was reviewed and unanimously approved by the Finance Committee. The discussion concentrated on why the number of subscribers were down from 2017 – 2019, which was due to the opt-in, opt-out procedure and because many people are subscribing to the 100% renewable energy contract. This was not anything to be concerned about. The marketing efforts of the City and other entities are strong. They were enthusiastic about new generators especially for the fire house.
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. 20-53 be placed upon its final enactment.

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

Nays: None

Motion Carried

Moved by Mrs. Moore, and seconded by Ms. Anne Williams, that Ordinance No. 20-53 be enacted as read.

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

Nays: None

Ordinance Enacted

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Ordinance No. 20-54, by Ms. Carmella Williams, approving and authorizing execution of a Purchase Agreement under the City’s Side Lot Program, for the sale of the City-owned property located at 3687 Strandhill Road, Shaker Heights, Ohio (Parcel No. 736-15-098), for a purchase price of $1.00, authorizing the disposition of City-owned property without competitive bidding, and declaring an emergency

Neighborhood Revitalization Director Kamla Lewis stated that this item is for the purchase of a City-owned lot at 3687 Strandhill Road. In February 2020 Council approved changes to the City’s vacant lot program with the goal of making it easier and more affordable for residents to acquire available City-owned lots to use as side yards. This saves the City the ongoing cost of maintaining these properties and also returns them to tax paying status. The homeowners of 3683 Strandhill Road wish to purchase this City-owned lot located directly south of their property. They plan to improve the lot by adding fencing and play equipment at an estimated cost of about $6,500. They purchased their home in March 2016. The City-owned lot was acquired by the City in September 2008. The home on the lot was demolished in January 2009 by the City. The applicant is in good standing with all City departments, current in their taxes, and do not own any Shaker properties in foreclosure. This item is requested as an emergency and with a suspension of the rules to enable the applicant to immediately commence the needed steps to survey and consolidate the lot with their own property.

Mayor Weiss stated that this is consistent with an increasing stream of applications we have seen over the past number of months. We continue to see this program be successful.
Council member Mrs. Moore asked if the prospective owners were advised that any trees removed should be done with great care and stated that hopefully there is no removal of trees.

Director Lewis stated that based on Mrs. Moore’s suggestions when the program was being revised, that language was written in to the agreements which must be signed by applicants.

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. 20-54 be placed upon its final enactment.

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

Nays: None  

Motion Carried

Moved by Ms. Carmella Williams, and seconded by Ms. Anne Williams, that Ordinance No. 20-54 be enacted as read.

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

Nays: None  

Ordinance Enacted

Ordinance No. 20-55, by Ms. Carmella Williams, amending Part Seven, General Offenses Code, and Part Eleven, Traffic Code, of the Codified Ordinances of the City of Shaker Heights, to conform to current state law, and declaring an emergency.

William M. Ondrey Gruber, Law Director, stated that each year the City publishes all of its codified ordinances with all of the changes Council made over the past year or so. Those ordinances have already been enacted but are just being republished. At the same time, our publisher also provides us with state law changes that have been made over the same time period that impact City ordinances that incorporate state laws. In order for us to enforce City ordinances that mirror state laws we need to keep them up to date with the state law changes. The proposed changes are available in the City’s Law Department for inspection, and a summary has been provided in the memo and attachment distributed. The state law changes are required to be made if we want to continue enforcing the state law sections. We incorporate state law in order to bring criminal cases based on our ordinances so the City can get the fines issued for those violations. If we have to file a case under state law then those fines go to the state.

Council member Ms. Carmella Williams stated that this item was reviewed and unanimously approved by the Administration Committee.
Council member Mr. Earl Williams asked about electric bicycles.

Director Gruber stated that they are becoming more and more popular, especially for going up hill.

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. 20-55 be placed upon its final enactment.

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

**Nays:** None

**Motion Carried**

Moved by Ms. Carmella Williams, and seconded by Mr. Roeder, that Ordinance No. 20-55 be enacted as read.

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

**Nays:** None

**Ordinance Enacted**

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**Ordinance No. 20-56, by Mrs. Moore, authorizing the acceptance of funds from Cuyahoga County's “County Coronavirus Relief Distribution Fund” as authorized by Am. Sub. H. B. No. 481, enacted by the Ohio General Assembly, establishing the City's “Local Coronavirus Fund,” and requiring that all funds from the County's Fund be deposited in the City’s Fund, and that said funds be expended only to cover costs of the City consistent with section 5001 of the federal CARES Act and applicable regulations, and declaring an emergency.**

Finance Director John Potts stated that in early May the Ohio Senate passed what was at the time, Senate Bill 310, authorizing $350 million of CARES Act funding to local governments for COVID-19 related expenses. In early June the Ohio House passed the bill with additional amendments. It was signed by the governor last Friday and is now effective. The funding is being made available to municipalities for expenses associated with the public health emergency and the distributions are forthcoming. We estimated our distribution to be approximately $762,000, about 1.4% of Cuyahoga County’s share. It represents approximately 110% of our normal Local Government Fund distribution. In order to receive those funds we are required to obtain legislative authority by our City Council adopting a resolution affirming that the funds can be received and can only be expended to cover costs consistent with the requirements of the CARES Act. The legislation also requires that we encumber the funds by mid-October and spend the funds by the end of December. Otherwise we would have to send them back to
the County. Once received, the Finance Department will place these funds in a special revenue fund required to be created, the Local Coronavirus Fund, and will monitor the use, and in some cases the reimbursement of COVID-19 costs already expended, and work with the Law Department in keeping the Mayor and CAO updated on what these funds will be applied towards. This item is requested as an emergency and with a suspension of the rules so that we can immediately provide a copy of the ordinance to various agencies in order to receive the funds and establish the special revenue fund.

Council member Mrs. Moore stated that this item was reviewed and unanimously supported by the Finance Committee. There was great praise for the Administration for how early it moved to identify expenses that were related to COVID-19 and to make sure they were tracking all of them. It looks like we were ahead of the curve again. The questions mainly concerned the burden to identify the costs that were encumbered. They wanted to continue to review the progress as our expenses continue with the pandemic.

Mayor Weiss stated that the good news is that this money is provided through the CARES Act to reimburse us for costs that we have expended in connection with the Coronavirus. Unfortunately it does not replace all of the revenues we have lost or had delayed to date which many municipalities have advocated for, but it is a very important first step to at least reimburse communities for significant costs that obviously were never anticipated when we passed our budget at the end of last year. He has not seen such a concerted effort by our Mayors and Managers Association, and a number of other organizations to try to expedite this process and the receipt of these funds. There are many, many communities who are in dire financial straits that are very anxious to receive these dollars. It is very important this was passed so we are pleased to be here today.

Council member Mr. Roeder stated that Director Potts shared with the Finance Committee an estimate of how much he thought we had spent so far and asked if Director Potts believes we will have at least $761,000 of COVID-19 related expenses by the end of the year.

Director Potts stated that we have been tracking expenses since early in March which is essentially when we are allowed to start the tracking. That number is approximately $250,000 now. There are probably a few more things we need to add to that. We will be sifting through better explained guidance on this piece of the CARES Act and what we can utilize these funds for, specifically around the areas of payroll for our front line workers. We will be one of many municipalities that will want to better understand that. If we are able to pull in a good chunk of payroll of our front line workers then it is a no brainer that we make it to $750,000, but we have until the end of December and there are new items like funds for small businesses that can be reimbursed. We are also talking about that as well. He does not want to say effectively that he has accounted for all $762,000 but that is the task at hand and we have time. He knows that we have $250,000 now before taking into account any salaries. We are going to do everything we can to show that it was spent on COVID-19 related costs.

It was moved by Mrs. Moore, and seconded by Mr. Roeder, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 20-56 be placed upon its final enactment.
Roll Call: Ayes: Mr. Earl Williams, Mr. Zimmerman
Mr. Malone, Mrs. Moore, Mr. Roeder
Ms. Anne Williams, Ms. Carmella Williams

Nays: None

Motion Carried

Moved by Mrs. Moore, and seconded by Mr. Roeder, that Ordinance No. 20-56 be enacted as read.

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

Nays: None

Ordinance Enacted

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The Mayor asked the Clerk of Council if we have received any public comments on any other items.

CAO Chaikin stated that no public comments were received on any other items by email or by phone.

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There being no further business before Council, the Mayor adjourned the meeting at 7:57 p.m.

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DAVID E. WEISS, Mayor

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JERI E. CHAIKIN, Clerk of Council