



SHAKER HEIGHTS

COUNCIL MINUTES February 11, 2019

The Council of the City of Shaker Heights met in a special meeting at 6:06 p.m., Mayor David E. Weiss presiding.

Council members present: Mrs. Moore, Mr. Roeder
Mrs. Senturia, Mr. Williams
Mr. Zimmerman, Mr. Malone

Council members absent: Ms. Williams

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At 6:07 p.m. it was moved by Mrs. Moore, and seconded by Mr. Roeder that Council go into an executive session to discuss the purchase, sale or development of real property.

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At 7:06 p.m. a Council work session was held.

Dominion East Ohio Director of External Affairs Kyle Miller and Dominion East Ohio Manager, Gas Design, Mike Antonius gave a presentation on Dominion East Ohio construction projects in Shaker Heights.

Law Director William Gruber, Fire Chief Patrick Sweeney, and Building Commissioner Paul Konys gave a presentation on the proposed policy and ordinance changes related to the regulation of "Hot Works."

Audio of this meeting may be found [here](#) through May 11, 2019.

At 8:41 p.m. Council returned to the special meeting.

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The Mayor invited members of the audience to comment on any of the agenda items.

No comments were offered.

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Ordinance No. 19-14, by Mr. Roeder, amending existing or enacting new Sections 547.01 through 547.08 of the Business Regulation Code, amending Sections 901.02, 901.04, 901.07 and 901.08 of the Fire Code, and amending Section 1303.01 of the Building Code, of the Shaker Heights Codified Ordinances, relative to the licensing of contractors, and the regulation of Hot Work by contractors under the Fire and Building Codes of the City.

William M. Ondrey Gruber, Law Director, stated that this item was reviewed and approved by the Safety and Public Works Committee.

It was moved by Mr. Roeder, and seconded by Mrs. Moore, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-14 be placed upon its final enactment.

Roll Call:	Ayes:	Mrs. Moore, Mr. Roeder Mrs. Senturia, Mr. Williams Mr. Zimmerman, Mr. Malone
	Nays:	None

Motion Carried

Moved by Mr. Roeder, and seconded by Mrs. Moore, that Ordinance No. 19-14 be enacted as read.

Roll Call:	Ayes:	Mrs. Moore, Mr. Roeder Mrs. Senturia, Mr. Williams Mr. Zimmerman, Mr. Malone
	Nays:	None

Ordinance Enacted

Ordinance No. 19-15, by Mrs. Moore, amending Sections 115.05, 115.06, and 115.07 of the Administrative Code of the Shaker Heights Codified Ordinances relative to public notification of meetings of public bodies.

Mayor Weiss stated that this item is to update the Sunshine Laws, which are part of our ordinances, to increase visibility and transparency to the public about meetings of public bodies and task forces as well as other meetings.

Jeri E. Chaikin, Chief Administrative Officer, stated that this item recommends changes to the codified ordinances regarding existing requirements for public notice and notification of our public meetings. They are outdated. We are still mailing out paper copies as well as using social media and have made other technological advances to notify the public and those of who have signed up to receive notice. The changes being recommended will allow us to continue to give personal notice and public notice but will give us more flexibility as technology changes. We already use email, social media and the City website

to publish all public body meetings such as committees, boards, and commissions. We notice public meeting changes and cancellations. They are posted on the website and we send an email to folks who have signed up to receive these. We post all agendas and meeting packets, minutes for all committee meetings, and the audio for all Council committee meetings: Safety and Public Works; Finance and Administration; Recreation; Communications and Marketing; Neighborhood Revitalization and Development; and the Sustainability Committee. However, the Mayor has asked that we go beyond that. Starting immediately we will also be posting the audio for a number of other meetings such as the City Planning Commission; Landmark Commission; Fair Housing Review Board; Civil Service Commission; Tree Advisory Board; and Records Commission. We are not recommending to post the audio for the Architectural Board of Review and Board of Appeals although the agenda is posted for these. The reason is that they are very lengthy meetings and the audio would take up a lot of storage on our website, and because they involve individual residents and property owners that may talk about their personal finances, or describe the layout of their particular homes. For security reasons we are recommending that the audio of these meetings not be posted. The meetings are open to the public. We will begin posting the meeting agendas and packets for the following task force meetings: Deer Task Force, Risk Management Task Force, Facilities Planning Task Force, Human Relations Task Force, and the Public Art Task Force; which are not officially public bodies under the Ohio Sunshine Law. The audio of task force meetings will be posted although minutes are not taken. These meetings are open to the public as well except for unusual circumstances when the meetings are not made public. An example would be for changes to the employee health care being discussed at the Risk Management Task Force. Plan design changes must be negotiated with the unions so these meetings may not be made public. Another example would be if the Facilities Planning Task Force was discussing the acquisition of real estate. Going forward we would like to have more information readily available to the public and residents.

Council member Mr. Williams stated that the Board of Appeals is a quasi court hearing. If there is a need to know what happened at these meetings someone can order a transcript and pay for the transcription. Any executive session would not be recorded.

William M. Ondrey Gruber, Law Director, stated that the changes being recommended are fairly simple. There are some out of date provisions in our ordinances which we don't use. We are updating and clarifying the existing requirement for public posting of the Sunshine calendar. There are two parts to the ordinance: one is public posting through the calendar of regular meetings and the second part is personal notification to residents or media who have requested notification of meetings. We will continue to require that the calendar be posted publicly but allow it to be flexible, in any manner that provides the public with easy and wide access as determined by the Clerk of Council.

Council member Mr. Zimmerman pointed out that this is more than what Ohio law requires.

Mr. Gruber stated that is correct. We could do less because we are not bound by state law, but we are doing more. It also gives us more flexibility. It is not as rigid as state law. It also updates and clarifies the requirement for providing notice of special meetings. The amendment provides that public notice would be communicated in the same manner

as regular meetings, taking into account the necessity of short notice. The ordinance requires the City provide personal notice to anyone requesting a copy by mail, electronic or paper at a fee not-to-exceed \$10/year. We do not charge a fee. The amendment would require it be sent electronically unless regular mail is requested. It is the responsibility of the person requesting notice to maintain their email address or mailing address. Minutes of regular and special meetings may be recorded on paper or electronically so that we don't have to have paper versions and eliminate the \$.10 fee for copies of pages. These are fairly simple changes that will help to modernize and clarify our ordinance.

Council member Mr. Roeder asked about publishing the calendar.

Mr. Gruber explained that the publication will be in any manner, not every manner, which provides the public with easy and wide access. Therefore, the City can determine to do it in two or three different ways.

Council member Mr. Roeder clarified that means we have the option of a number of different ways but not the obligation of every possible way.

Council member Mr. Malone asked if there is a way to create a central repository for all the meetings going on and download the City meetings to populate personal calendars in a comparable way to what is done by the School District.

Council member Mr. Williams stated that he has tried to merge the calendars but some of the software for personal calendars does not work with the City's calendar program.

Vicki Blank, Communications and Marketing Director, stated that the School District software is Google based so they have a Google calendar. That allows people to download it to their Google system. We are still looking into which we want to make available. We will have the capability of requesting updates. Any time there is a change made you will get an automatic notification.

Mayor Weiss stated that this is a bit of a change for the chair of task forces which are not public bodies. We are going above and beyond. We are working through coordination issues to make sure there is a recording device at all of those task force meetings to post the audio. It is a change in that regard. We also want to make it available but not impose too much additional burden on staff to do minutes and attend meetings. The schedule of Task Force meetings can change more rapidly and we want to provide flexibility and at the same time provide access.

Council member Mr. Zimmerman asked the Mayor to notify his colleagues at the Mayors and Managers Association that we are doing this.

It was moved by Mrs. Moore, and seconded by Mr. Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 19-15 be placed upon its final enactment.

