

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:30 p.m. to discuss the contents of the City Manager's memo.

Council Members present: Dunbar, Roe, Seren, Stephens, Ungar

Staff present: Boland, Briley, Butler, Freeman, Juliano, Lambdin, Mannarino, McRae, Mecklenburg, Niermann O'Neil, Raguz, Smith, Wong

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:37 p.m., Mayor Stephens presiding.

Council Members present: Dunbar, Roe, Seren, Stephens, Ungar

Staff present: Boland, Briley, Butler, Freeman, Juliano, Lambdin, Mannarino, McRae, Mecklenburg, Niermann O'Neil, Raguz, Smith, Wong

Mayor Stephens stated, "Good evening and welcome to the Cleveland Heights City Council meeting of Monday, October 17, 2016. Mr. Raguz, would you call the roll please?"

Roll Call: Ayes: Dunbar, Roe, Seren, Stephens, Ungar

Tom Raguz stated, "Five present, Your Honor."

Mayor Stephens stated, "Miss Yasinow, Councilwoman Yasinow and Vice Mayor Stein called in advance and let us know that there were competing factors this evening and so I'd like to excuse their absence. We have minutes and I believe my colleagues who serve as our scribes and review on behalf of us collectively have turned those into you, Mr. Raguz. Thank you, ladies.

At this time, we have our traditional moments where we listen to things and comment from our residents or anyone else who's interested in our activities at the City of Cleveland Heights. So, I'd like to welcome people to the podium to my left, your right. Please state your name and address for the record and keep your comments as close to three minutes as possible. Is there anyone who'd like to speak this evening? Ma'am.

Dee Spence stated, "Thank you, Mayor Stephens, distinguished members of Council. I happen to have a terrible cold. This is the worst night for me to make this presentation; however, it is auspicious to see those wonderful people joining our Police force which in my estimation is the finest or one of the finest, and visitors as well as residents of Cleveland Heights. I'm here to address an issue that I've done previously. It's with regard to the disturbing and irritating noise of the motorcycles. It's like they have free reign of our streets and I've lost a tenant because of them, because of the noise they started about 4:00 in the afternoon and at 6:00 in the morning. They're out there. They've awakened me and I would have come sooner, but I took on another position and I haven't been able to get here. So, what I'd like to do at this point is not only express my displeasure over what's happening to our streets, but also hand in a petition that I had circulated. Another thing I'd like to ask - I hear that there are plans afoot to repave

Noble Road for next year. Will there be two lanes? I heard there would be one lane going east, oh, I'm sorry, south, north the south and the other and the other going the other..."

Mayor Stephens stated, "While we have a commitment to have the street paved."

Dee Spence stated, "Okay."

Mayor Stephens stated, "I don't know the details. Remember we have a lot of staff to take care of the details. If you'd like to stop and talk with Susanna or Alex. I don't see Alex."

Dee Spence stated, "I'd like to talk with Alex."

Mayor Stephens stated, "Actually, I don't see Susanna either."

Dee Spence stated, "Or Susanna."

Mayor Stephens stated, "That you'd talk to our Public Works Director Alex Mannarino and he'll be able to give you the..."

Councilwoman Dunbar stated, "Richard did a lot of plans."

Mayor Stephens stated, "Oh, okay, unless you'd like to speak with Mr. Wong who's our Planning and Development Director."

Dee Spence stated, "Why not?"

Mayor Stephens stated, "And he did work on Noble as well."

Dee Spence stated, "Okay, he's present. All right. I'd like to thank you again for allowing me this opportunity to pass this petition on then."

Mayor Stephens stated, "Actually, if you give the petition to the Law Director..."

Dee Spence stated, "Okay."

Mayor Stephens stated, "I'd appreciate that."

Dee Spence stated, "Very good. So would I."

Mayor Stephens stated, "Thank you. Dee, did you put your name on the record?"

Dee Spence stated, "Yes, I did. I almost forgot."

Mayor Stephens stated, "Okay."

Councilwoman Dunbar stated, "Could I just say I believe there's going to be, excuse me, I believe there's going to be a public meeting about the Noble Road when it's closer to being..."

Councilwoman Roe stated, "When it's closer."

Dee Spence stated, "And will I be apprised of that or would it be a part of the Council?"

Mayor Stephens stated, "Both. Council will announce it. It will be on our website. We will email the neighborhood groups, the schools. We'll try and make sure that everybody gets an opportunity to be present at that meeting and typically we try to hold in those neighborhoods."

Dee Spence stated, "Yeah, yeah, that makes sense. I truly appreciate your assistance on this because it's like it's almost intolerable at this point."

Mayor Stephens stated, "Okay, thank you, ma'am. Is there anyone else who would like to speak this evening? Ms. Cheyenne, if you come in this direction please."

Cheyenne Tool stated, "Good evening, Council, and this is..."

Mayor Stephens stated, "Remember to identify yourself and give us your..."

Cheyenne Tool stated, "My name is Cheyenne Tool. I live 950 Nelaview and I am again here about the housing issue and my neighbors. With my housing, I am in the process of cleaning it out. Like I said, a lot of the problems came from the refrigerator that went out. Then another one went out. So, I had one in the basement and one in front. When I set it out the Thursday before garbage day, the neighbors call the Police, told them it smell. All garbage smell and I waited 'til garbage day so it wouldn't be a problem, but I do put it out on Thursday night because Friday morning, I'm not there. I am in the pool at 6:00 in the morning for practice. So, I am still trying to figure out why they are still complaining. And then on the 19th of September when the gas man came to check the furnace to see it was working good for the winter, my neighbor next door asked where was he going and I politely turned around told her it was none of her business. She got upset with me and went to her car and got a gun and put it on a lap and looked at me and said, 'Bang, bang.' I did make a Police report on that because I thought that was uncalled for and he came to my house not to her. And then on the 8<sup>th</sup> of August when the Police did come because they called them about the smell, they came in. He wrote up on the report that I had jars of urine sitting around the house. I have never done that. I don't own any jars. I had Pine Sol in cups, paper cups, because I was trying to kill the smell, so I wish sometimes people would tell the truth not the half-truth and that was very upsetting. So, I'm just making you aware of these few little incidents that I'm dealing with and now I have a habit of calling and letting you know it's garbage day and I'm putting my garbage out on Thursday night and maybe the Section 8, HUD people will mind their own business find something to do. They've got too much free time. We're giving them too much. And I just wish they'd grow up. Their body did, but their mind didn't, but that's all I got to say."

Mayor Stephens stated, "Thank you. Is there anyone else who would like to share or make comments before Council this evening? If not, we'll close this section of the meeting and move to the report of the City Manager. Mrs. Briley."

**Report of the City Manager**

Tanisha Briley stated, "Thank you, Your Honor. I have two items this evening. The first is in accordance with Section 179.03 of the Codified Ordinances of the City of Cleveland Heights. I have given notice to the clerk that the following banks have been designated as depository of the City's active deposits. Those banks would include U.S. Bank, Charter One Bank, Fifth Third Bank and Trust, Key Bank, JPMorgan, Third Federal Savings and Loan, Dollar Bank and Bank of New York Trust Company; and I would like to make that a Matter of Record."

Mayor Stephens stated, "Okay. And your next item?"

Tanisha Briley stated, "The second item is to request permission to request proposals for concession services at Cain Park. I would also like to make that a Matter of Record."

Mayor Stephens stated, "Does there need to be discussion on that? Should I refer it to the Community Relations and Recreation Committee?"

Tanisha Briley stated, "If you could refer to that committee for authorization, I would be grateful."

Mayor Stephens stated, "I'm referring this to the Community Relations and Recreation Committee. That committee is chaired by Vice Mayor Stein and so this conversation about this should take place in the near future. Thank you."

Tanisha Briley stated, "Actually, I was seeking authority this evening on that."

Mayor Stephens stated, "Oh, I'm sorry. So, who's vice chair of that committee? Mr. Raguz, would you refresh our memory?"

Tom Raguz stated, "Councilwoman Yasinow is the Vice Chair and Councilman Seren is the third member."

Mayor Stephens stated, "So Councilman Seren, we're referring this to Community Relations and Recreation Committee. Could you make a motion please?"

Councilman Seren stated, "Sure. I move that we allow our City Manager the authority to request proposals for concession services for Cain Park."

Councilman Ungar stated, "Second."

Mayor Stephens stated, "Thank you. Mr. Raguz, would you call the roll?"

Roll Call: Ayes: Roe, Seren, Stephens, Ungar, Dunbar

Nays: None

Tom Raguz stated, "Five ayes, Your Honor."

**Authority Granted**

Mayor Stephens stated, "Thank you. The City Manager has authority to seek proposals for concessions services at Cain Park. Thank you, ma'am. Is there anything else you'd like to share with us this evening?"

Tanisha Briley stated, "That concludes my report, Your Honor. Thank you."

Mayor Stephens stated, "Thank you. Next we move to the report of the Director of Finance/Clerk of Council, Mr. Raguz."

#### **Report of the Director of Finance/Clerk of Council**

Tom Raguz stated, "I would like to notify Council that one notice has been received from the Ohio Department of Liquor Control advising that application has been made by the following: Armington Tavern LLC, 2293-95-97-99 Lee Road, 1<sup>st</sup> Floor and Basement, Cleveland Heights, Ohio 44118, Transfer D2, D2X, D3, D3A and D6, permits from Brennans Colony Pub, Inc. dba Brennans Colony Patio & Garage, 2293-95-97-99 Lee Road, 1st Floor and Basement, Cleveland Heights, Ohio 44118. Your Honor, I would like to make this a Matter of Record."

#### **Matter of Record**

Mayor Stephens stated, "This I believe is referred to the Public Safety and Health Committee of Council and this is reviewed by the Law Director and the City Manager I believe, so we don't take any action on this. We just make comment to the state if we have a problem or wish to support it. Thank you very much. Is there anything else?"

Tom Raguz stated, "I have nothing else to report for tonight, Your Honor."

Mayor Stephens stated, "Then we move to the committee reports. Administrative Services, Councilwoman Roe."

#### **Report of the Administrative Services Committee**

Councilwoman Roe stated, "No report this evening."

Mayor Stephens stated, "Thank you. Next we move to Community Relations and Recreation and I believe that, as I said earlier, Vice Mayor Stein is not present this evening. Is there anything you'd like to share from the committee, Councilman Seren?"

#### **Report of the Community Relations and Recreation Committee**

Councilman Seren stated, "Nothing to report tonight, Your Honor."

Mayor Stephens stated, "Next is our Finance Committee, Councilman Ungar."

#### **Report of the Finance Committee**

Councilman Ungar stated, "Nothing this evening. Thank you."

Mayor Stephens stated, "Thank you, and our next committee is Municipal Services Committee and the chair of that committee is absent and who is... is that you Councilwoman Roe?"

**Report of the Municipal Services Committee**

Councilwoman Roe stated, "That would be me."

Mayor Stephens stated, "Excellent, and so if you would take care of that for us please."

Councilwoman Roe stated, "This evening I move the adoption of Resolution Number 92-2016. This is a resolution authorizing the City Manager to enter into an amended agreement with Wade Trim, Inc. of Ohio. This will be for professional engineering services relating to the city's sanitary sewer overflow control project and related projects and this relates to the city's capacity management operation and maintenance program."

Mayor Stephens stated, "Is there a second?"

Councilwoman Dunbar stated, "Second."

Mayor Stephens stated, "Thank you. Mr. Raguz, would you call the roll?"

Roll Call:       Ayes:   Seren, Stephens, Ungar, Dunbar, Roe

                  Nays:   None

Tom Raguz stated, "Five ayes, Your Honor."

**Resolution Passed**

Mayor Stephens stated, "Thank you. This resolution passes. Is there anything else for Municipal Services Committee?"

Councilwoman Roe stated, "Not at this time."

Mayor Stephens stated, "Thank you, Councilwoman Roe. Next we move to Planning and Development Committee of Council, Councilwoman Dunbar."

**Report of the Planning and Development Committee**

Councilwoman Dunbar stated, "Okay. Tonight I am presenting Resolution Number 93-2016 on first reading only. This is a resolution authorizing the City Manager to submit the Community Development Block Grant Entitlement application for the year beginning January 1, 2017 and declaring an emergency. Cleveland Heights has participated in the Community Development Block Grant Program for 42 years. This program also known as CDBG; those funds have been extremely helpful to the city. We all owe members of the Citizens' Advisory Committee a huge thanks for conducting hearings on applications and working intelligently to advise counsel on the allocation of CDBG funds for 2017 which will be our 43<sup>rd</sup> year of CDBG funding, assuming Congress provides the funds we expect. As previously

noted, I am presenting this resolution on first reading only. We'll vote on it in two weeks I expect. If you want to review it, you can check with the Clerk of our Council."

Mayor Stephens stated, "Or online."

Councilwoman Dunbar stated, "Pardon?"

Mayor Stephens stated, "Online."

Councilwoman Dunbar stated, "Or it's online. Right."

Mayor Stephens stated, "And with that, we move on to the next item of business under the Planning and Development Committee, Resolution 94-2016, Councilwoman Dunbar."

Councilwoman Dunbar stated, "Okay. Frankly, I am delighted to move the Council approve Resolution Number 94-2016; a resolution authorizing the City Manager to negotiate a non-binding letter of intent with Fairmont Properties, LLC concerning the Top of the Hill development and declaring an emergency. As many residents know, Top of the Hill is land situated between Euclid Heights Boulevard and Cedar Road at the top of Cedar Hill. The city issued requests for qualifications and received about a half dozen impressive responses by the deadline of May 23, 2016. On July 11, 2016, City Council had its committee of the whole meeting open to the public, reviewed presentations from two developers. We want you to know that a lot of review and discussion has taken place. Now we want to move forward with negotiations on a non-binding letter of intent with Fairmount Properties, LLC. So, this resolution authorizes our City Manager to negotiate a non-binding letter of intent with Fairmount Properties, LLC concerning the development of approximately 3.9 acres commonly referred to as Top of the Hill. I urge my colleagues to vote for Resolution 94-2016."

Councilman Ungar stated, "I'd like to second this. I share in Councilwoman..."

Mayor Stephens stated, "I thought you had to abstain."

Councilman Ungar stated, "No, I don't have to abstain, not on this."

Mayor Stephens stated, "Okay."

Councilman Ungar stated, "I share in Councilwoman Dunbar's delight regarding this resolution and I want to do something that I've said, say something publicly that I've said in our executive session on this and that is and I want the citizens to know about this. I think that our staff, our professional staff, and Richard is in the room and Tanisha is here and it goes beyond them, but they know who I'm talking about, did an absolutely brilliant job in going through and pouring over all of those morass of highly competitive responses that Ms. Dunbar referred to and we got all of them, so we up here know what they had to go through to get to where we are today.

The second thing that I want to say is to our citizens. This is an extraordinarily promising and energizing project; one that I daresay we may not see in our lifetimes again in Cleveland Heights. It is going to benefit not only our Top of the Hill in our city, but adjoining areas including University Circle

area and its proximity as well. For those that don't fully appreciate what we're talking about here, and hopefully there aren't many - this we're talking about - the gateway to our city and it is about to embark on what I think can fairly be described as a transformative process and the hope obviously is that there will be spillover and collateral benefits that are sure to resonate in and hopefully will resonate in every corner of our city from Noble Nela and Noble Monticello to Cedar Lee to Severance, etc. So, I think the other thing that is fair to say is this is going to be an iterative process. It is going to be a process that because this is Cleveland Heights as we're all fond of saying, it's going to be a situation where there is going to be a tremendous amount of opportunity for our citizens to provide input as this project takes shape and I will tell you I'm pretty immodest when it comes to this - I think that the bench strength in our city is amazing and the level of talent and the level of interest and a level of engagement within the City of Cleveland Heights is second to none and for those that are listening and watching tonight and those that are here tonight, thank you for doing so and I would encourage each and every one of you to provide your input as we move forward with what is sure to be an enormously exciting project. I mean, I guess I'm just totally fired up about this. Everybody knows that I've been hearing about this project, Cheryl knows, since my days on Planning Commission. I mean we had something going back in 2000 and 2000's and then a little catastrophe called 2008 happened and we had that I think Chairman Greenspan called it a once in a lifetime financial tsunami – watch out - and that got in the way, but we're back and we're back with a vengeance. Frankly, I think it may have worked out fortuitously well for us. So, again this is just enormously exciting and couldn't be happier about it. So, I think with that, I give about as enthusiastic a second as I think a human being could possibly give this year, and you know how I'm going to vote.”

Mayor Stephens stated, “Are there any other comments? Mr. Raguz, would you call the roll please?”

Roll Call:       Ayes:   Stephens, Ungar, Dunbar, Roe, Seren

                  Nays:   None

Tom Raguz stated, “Five ayes, Your Honor.”

### **Resolution Passed**

Councilwoman Dunbar stated, “Well, so this meeting is going way too fast. So, I'll just mention a few other things. Halloween is coming up and I wanted to call to everybody's attention that there will be Trick or Treat events at three of our business districts: this Wednesday night Cedar Fairmont from 5:00 to 9:00 is going to have Trick or Treat. There will be a city table with Police near Luna. Cedar Lee is having their Trick or Treat on Friday, October 21, 5:00 to 7:00 and again there will be a City table with Police at the Northwest corner of Meadowbrook and Lee; and then Coventry is having their event on Friday, October 28, 5:30 to 7:30. You get to go to the merchants there, but also the City will have a table at the Coventry Garage, so if you have the kind of kid that really needs a lot of candy, you've got really four opportunities right in Cleveland Heights.

This Thursday night we are presenting Community Improvement Awards and this is important recognition for people that are caring about our City and improving it and taking care of it. I've been living in the City since 1970 and I, you know, there's certainly definitely areas for improvement at this point, but a lot of the town looks really good to me and a lot of houses look wonderful and people are there's a lot of people that care and are taking care of their houses and it's just so obvious. So, if you're interested in the awards, come to the City Hall. I think it's 7:00 on Thursday, October 20.

There's going to be water meetings; information about our new water system provided by Cleveland Water Division at the Community Center [on] various dates: October 26, 28 and 29. A couple of those are for residents, one is for businesses and to find out what's being planned, what's going to happen. So, look on the City [calendar] for those meetings.

My husband and I went to a movie at the Cedar Lee Theater on I think it was this weekend and we went to a movie called *The Queen of Katwe*; and I was in the Peace Corps before or after college in the 60s and this *The Queen of Katwe* is about a group of children in a slum in Uganda that learn how to play chess and compete internationally in Africa and elsewhere playing chess. It is, I think it's a good way to go if you get a chance to go to that movie, you would understand why there are a lot of refugees from Africa. It's, you know, we talk about poverty in this country, you ain't seen nothing. So, it reminded me of that adventure of being in the Peace Corps long ago and I recommend the movie frankly at the Cedar Lee Theater, and finally, if you want to do something good and run this weekend, there's another 5K which is the Run for Re-entry in supporting Edwin's. If you're not aware of Edwin's, it's a program over on Shaker Square to train formerly incarcerated people to work in the restaurant industry and the people that go through that program 100% practically get jobs and it's a very worthy cause. So, consider if you'd like to run or walk, you can go and participate in this. It's Sunday, October 23 at 10:00 a.m. and it's over in the Buckeye area. So, it's on the website if anybody's interested. That's all I have to say. That was enough, wasn't it? Slow things down a little bit here."

Mayor Stephens stated, "Thank you, Councilwoman Dunbar. Next we move to Public Safety and Health Committee. Councilman Seren."

Councilman Seren stated, "Thank you, Mayor. Before I get to the resolution that's on the agenda I just wanted to add my voice to the chorus of people who are offering sincere condolences to the family and friends of Sunny Patel who was taken from this world over the weekend and I know that, everybody knows that tragedy can strike in a myriad of ways at any moment and how we respond is of the utmost importance and for that, I'd like to thank Chief Mecklenburg and her department for the diligence and in helping us continue moving forward toward justice. So, thank you. And once again, my sincere condolences.

Next, we have Resolution Number 95-2016. I move that we pass this resolution declaring the property at 3171 Oak Road, Cleveland Heights Ohio to be a nuisance authorizing abatement of the nuisance and declaring an emergency."

Mayor Stephens stated, "Is there a second?"

Councilwoman Roe stated, "Second."

Mayor Stephens stated, "Mr. Raguz, if you would call the roll please."

Roll Call: Ayes: Ungar, Dunbar, Roe, Seren, Stephens

Nays: None

Tom Raguz stated, "Five ayes, Your Honor."

**Resolution Passed**

Mayor Stephens stated, "Thank you. This resolution passes. This property has been declared a public nuisance. Is there anything else you'd like to share with us, Councilman Seren?"

Councilman Seren stated, "No thank you, Mayor."

Mayor Stephens stated, "That completes the Public Safety and Health Committee's report and we've moved forward to the Mayor's report. As Councilman Seren said, this was a weekend where we were humbled Friday night with the loss of life of Sunny Patel, but we stepped up just as we always do in Cleveland Heights. We face tough times hard on and I get the pleasure of being the Mayor. So, I'm the face of many things, but the hard work was done by our public safety services. The EMS squad came and picked up Mr. Patel and tried to save his life, but I'm very proud that our Police officers from the Chief down to the newest recruit all leaned in to serve us and represent us well. In 48 hours, the gentleman who committed this crime was captured. As he is a suspect, all the details are not in. Our officers are still doing their due diligence, but I couldn't be prouder of them and as on behalf of my colleagues and our staff, I represented us at the services today and it was humbling to represent them, but as usual, our staff support provided me with a way to celebrate the life of the shared man who was his family and himself were part of our fabric. The family has owned a business in our community, two different businesses, for 25 or more years. So, they have literally been part of the fabric of the South Taylor Road business district and we want to recognize that his life was brought to a senseless end way too early, but that this staff and this Council and the community of Cleveland Heights provide our sincere condolences in a time that is sadder than many of us can imagine to this family, both his immediate family and his extended family and all those who loved and knew him, that this is the kind of tragedy that we don't wish on anyone, but for those of you who will be criminals in our community, please step back and listen. My Chief, my Police officers will push you back and we will work with any legal means to bring you to your just reward. Just don't do it in Cleveland Heights if that's your thought and so on those words, God bless America and God bless Cleveland Heights. This is the end of our City Council meeting. Our next meeting for City Council is Monday, November 7, 2016."

The meeting adjourned at 8:04 p.m.

Respectfully submitted,

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Cheryl Stephens, Mayor

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Tom Raguz, Clerk of Council

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