

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:36 p.m. to discuss the contents of the City Manager's memo.

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

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

Council Committee of the Whole adjourned at 7:30 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:35 p.m., Mayor Stephens presiding.

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

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

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

Nays: None

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

Mayor Stephens stated, "Thank you. We have minutes from our regular Council meeting this evening. Did my regular scribes get a chance to look at this and recommend any changes or edits?"

Councilwoman Roe stated, "Since I was not here, I can't..."

Mayor Stephens stated, "Oh, okay. All right, well I guess we'll do a quick look-see before I sign and I will sign these minutes at the end of the meeting if there are no substantial corrections. Next, we have a tradition in Cleveland Heights where we welcome anyone with personal communications to come forward and speak to the City Council. He would approach the microphone to my left and your right, state your name and address for the record. Is there anyone who'd like to speak to us this evening? Going once. If there is no one who would like to speak with us this evening, then we'll move on from personal communications on to the report of the City Manager.

Report of the City Manager

Tanisha Briley stated, "I have nothing to report this evening, Your Honor."

Mayor Stephens stated, "Thank you, Mrs. Briley. 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 do have a couple of things to report tonight, Your Honor. I'd like to report the results of the November 8, 2016 proposed amendment to Article VII and VIII of City of Cleveland Heights' Charter. I wish to report that Issue 51 which proposed charter amendment to Sections III, IV and V of Article VII, the Charter of the City of Cleveland Heights as well as Issue 52 which proposed charter amendments to Sections III and IV of Article VIII of the City of Cleveland Heights Charter. Both passed accordingly. All the amendments proposed by Council in Ordinances 66 and 67-2016 on August 1, 2016, were approved by the electorate and are in full force and effect pursuant to Article VIII of the Charter of the City of Cleveland Heights. Your Honor, I would like to make this a Matter of Record."

Matter of Record

Mayor Stephens stated, "Thank you. Next."

Tom Raguz stated, "I would also like to notify Council that one notice has been received from the Ohio Department of Liquor Control advising that an application has been made by the following: JZ Restaurant Group Inc. dba House of Crab, 1844 & 48 & 52 Coventry Rd., 1st Floor and 1848 & 52 Coventry Rd. Basement, Cleveland Heights, Ohio 44118, Transfer D1, D2, D3, D3A and D6 permits from Winking Lizard of Coventry, Inc., 1844 & 48 & 52 Coventry Rd., 1st Floor and 1848 & 52 Coventry Rd. Basement, Cleveland Heights, Ohio 44118. Your Honor, I would like to make this a Matter of Record."

Matter of Record

Mayor Stephens stated, "This is referred to Public Health and Safety Committee of Council, the City Manager and the Director of Law."

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

Mayor Stephens stated, "Thank you. We'll move to committee reports at this time. The first is Finance Committee. Councilman Ungar."

Report of the Finance Committee

Councilman Ungar stated, "First thing we have is a first reading of an ordinance to amend certain sub-paragraphs of Ordinance Number 136-2015 sub-paragraph F relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending 12/31/16."

Mayor Stephens stated, "This is the first reading. No other activity needs to take place by Council."

Councilman Ungar stated, "And the second is likewise, a first reading - Ordinance Number 102-2016, again likewise the first reading, an ordinance to make appropriations for the current expenses and other expenditures of the City of Cleveland Heights for the period of January 1, 2017 through December 31, 2017."

Mayor Stephens stated, "Thank you. There no other comments from Council. This will also just be the first reading. Mr. Ungar, is there anything else you'd like to..."

Councilman Ungar stated, "I have one other – thank you, Mayor – I have one other thing I just want to say, point of personal privilege for a moment, I want to recognize and congratulate the unsung heroes who worked so hard to ensure passage of the school levy which I'm also pleased to note as everybody knows our citizens wisely approved. The success of our City, I think depends in large part on the success of our schools and when our schools succeed, so does our City. So I want to and I want to, at risk of offending anybody whose name I omit, although I did check with Krissy Dietrich Gallagher before doing so, I just want to publicly thank her along with Dallas Shubert, Lisa Hunt, Ryan Routh and Abby Botnick all of whom were instrumental in getting it passed, and obviously the School Board deserves kudos as well. Those folks worked their tails off in the face of opposition, as we all know, to get it done and I'm really pleased that it turned out the way it did. Thank you very much."

Mayor Stephens stated, "Thank you. On to Municipal Services. Ms. Yasinow, Councilwoman Yasinow."

Report of the Municipal Services Committee

Councilwoman Yasinow stated, "I have nothing to report this evening, Your Honor."

Mayor Stephens stated, "Thank you. Any comments?"

Councilwoman Yasinow stated, "Just that I wish everybody a happy and healthy holiday right now and enjoy your Thanksgiving. May it be joyful and with family."

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

Report of the Planning and Development Committee

Councilwoman Dunbar stated, "Tonight, in support of work done by our Economic Development Director to provide a benefit to a commercial building in Cleveland Heights, I am pleased to offer Resolution Number 103-2016. This is a resolution authorizing the City Mayor to apply for grant funding under the Cuyahoga County Department of Development Community Development's supplemental grant program to implement a Green Commercial Building Initiative Sustainability Program within the City and declaring an emergency. Here's the scoop. Cuyahoga County has initiated this new program which is a competitive grant of up to \$50,000 to help strengthen cities, encourage regional collaboration and improve the quality of life for County residents. The program is funded through the County Casino Revenue Fund and requires no matching funds. Your City is applying to provide financial assistance for environmental improvements to commercial buildings. I move that Council approve Resolution Number 103-2016."

Mayor Stephens stated, "Is there a second?"

Councilwoman Roe stated, "Second."

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

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

Nays: None

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

Resolution Passed

Mayor Stephens stated, "Thank you. Resolution Number 103-2016 passes. Councilman Dunbar."

Councilwoman Dunbar stated, "Second tonight for the Planning and Development Committee of Council is Resolution Number 104-2016. This is a resolution authorizing the City Manager to enter into an agreement with Heshny, LLC, to issue a loan of approximately \$221,080 to assist with its acquisition of the commercial property located at 2196 Lee Road and to terminate the City's loan to Lee Road Partners Too, Inc., concerning the same property, and declaring an emergency. This all goes back to 2001 when Council authorized two loans under the City's Storefront Renovation Loan Program and Revolving Loan Fund Program totaling \$360,000 to Lee Road Partners Too for the acquisition of the building at 2196 Lee Road and to expand the restaurant Lopez by relocating it to that building. There have been some subsequent adjustments and renegotiations, but the bottom line is that these new loans will enable the continued operation of the Lopez restaurant at 2196 Lee Road and that's a good thing. So, I move that Council approve Resolution Number 104-2016."

Mayor Stephens stated, "Is there a second?"

Councilwoman Yasinow stated, "Second."

Councilman Seren stated, "Mayor."

Mayor Stephens stated, "Yes."

Councilman Seren stated, "If I might."

Mayor Stephens stated, "Yes."

Councilman Seren stated, "I will be voting no on this resolution, but I wanted to make it clear that this no vote was not an indictment of Lopez or their delicious food and I invite everybody to give it a try if you haven't. It's also not an indictment of the new owners. I welcome them engaging in business in this community. It's not an indictment of anybody who made the deal happen either. In fact, I congratulate them on trying to make the best out of a bad situation. It's more a principled vote. I just don't feel comfortable attaching my name or my vote to a deal that I think is a not a deal... not a good deal. I'll put it that way. This was a deal that is a deal of necessity; trying to make a good situation out of a bad or at least not make a bad situation worse, but this isn't an economic development deal that I think anybody would have engaged in under optimal circumstances, and so I just wanted to explain that it's not... this is not a vote that is intended to make the business or economic development personnel or a City Manager feel bad about this deal. I know that it was a difficult circumstance. I just don't feel comfortable putting my name next to it. So, thank you."

Mayor Stephens stated, "Is there anyone else who would like to make a statement? Vice Mayor Stein."

Vice Mayor Stein stated, "I just wanted to say that I will be voting in favor of it, not because it's a new loan. It's actually just all we're doing is moving this existing loan to new ownership and all whether the previous loan I agreed with or not, that's not what I'm really, that's not what my vote - my yes vote - is going to be about. It's just moving this previous loan over to new ownership. It's the same terms, same interest. Everything's the same. It's just going to be new owners. So, that's why I'm going for it."

Mayor Stephens stated, "Is there anyone else who'd like to make a statement?"

Councilman Ungar stated, "Well, I'll pipe in briefly. I'm going to be voting in favor of it, largely in deference to our professional staff's recommendation that we do it, in particular our Economic Development folks have indicated that this is in the best interests of our citizens from an economic development standpoint. So, I'm in favor of it."

Mayor Stephens stated, "I will be voting no on this vote, on this legislation, because I don't believe this structure is in the best interests of our residents. I believe that there should have been some repayment and a structure that involved some repayment and some call cross-collateralization of this property because it's over-leveraged, should have been done on behalf of the City. So, if people walk away from this, they walk away from the City to the tune of \$225,000 and it will be very difficult for us to get that money back. And so that is the basis. I understand why staff recommend it and faced with this type of difficulty, they sometimes have to make those recommendations and I understand that, but one of my jobs is to make sure that things are underwritten correctly and that money is returned to the City and historically with a loose structure like this, it hasn't happened. Mr. Raguz, I'd like to call the vote."

Roll Call: Ayes: Stein, Ungar, Yasinow, Dunbar, Roe

 Nays: Seren, Stephens

Tom Raguz stated, "Five ayes and two noes, Your Honor."

Resolution Passed

Mayor Stephens stated, "Thank you. The resolution passes. 104-2016 passes and the City will be allowed to enter into an agreement with Hershey LLC. Is there anything else? Councilwoman Dunbar."

Councilwoman Dunbar stated, "Yes, I would like to thank especially Susanna O'Neil and Alex Mannarino and their team for opening City Hall for Cranksgiving on Saturday, November 19. Cranksgiving is basically a food drive on bicycles and it was a cold day on Saturday, but there were hearty bicyclists out riding all around town collecting food to give to Start Right Food Bank and the Heights Emergency Food Bank and it was a wonderful event and so, I would like to thank the City for enabling this to take place in the Heights for the first time this year. It's happened previously in Cleveland for the past five years...but four years, but this was the first time in Cleveland Heights, so...

and Richard Wong and I both rode our bikes around and collected food along with the others. So, again thank you very much to the City for your help with this.”

Mayor Stephens stated, “Thank you. There's nothing else from Planning and Development Committee. We move on to Public Safety and Health Committee. Councilman Seren.”

Report of the Public Safety and Health Committee

Councilman Seren stated, “I move that we approve Resolution Number 106-2016 declaring the operation of the bar and restaurant located at 3560 Mayfield Road owned by Kenneth W. Gibson, Sr. formally doing business as Gibbs Restaurant currently dba Rise Bar to be a nuisance, authorizing abatement of the nuisance and declaring an emergency.”

Councilman Ungar stated, “Second.”

Mayor Stephens stated, “Thank you Mr. Raguz, would you call the roll please?”

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

 Nays: None

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

Resolution Passed

Mayor Stephens stated, “Thank you. I would like to make note at this point in time that when your operation as a place of entertainment or a bar in Cleveland Heights inhibits the peace and safety and health of our other residents as this bar has done on numerous occasions this year, then we will take... make an effort to cease and desist this type of activity. Our safety forces have been there more than 18 times. At one point in time this building which has an occupancy level of 185 had over 300 in it. This will not be allowed to continue in our community. We will notify you. We will try to work with you, but when you don't work with us, we have no choice but to try and shut you down. Thank you to all of my colleagues for your individual and collective support of us.

Next, we have - is there anything else?”

Councilman Seren stated, “Thank you, Mayor. No, I've got nothing else to report.”

Mayor Stephens stated, “Thank you. Next, we move on to the Administrative Services Committee of Council. Councilwoman Roe.”

Report of the Administrative Services Committee

Councilwoman Roe stated, “Yes, I have... I would like to present for passage Ordinance Number 107-2016; an ordinance amending Ordinance Number 7-2016 Wage and Salary Ordinance. This legislation amends the Wage and Salary Ordinance and contains language that enables the City Manager to offer one-time lump sum payments to employees of a cost-of-living raise. The amendment also allows

the City to contract with another provider for health benefits as the current ordinance is limited to an agreement with Medical Mutual and the amendment also will clean up a few job titles and other miscellaneous items in the ordinance. I so move.”

Councilwoman Dunbar stated, “Second.”

Mayor Stephens stated, “Thank you. Is there a second? Thank you. Mr. Raguz, would you call the roll please?”

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

Nays: None

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

Resolution Passed

Mayor Stephens stated, “Thank you. This resolution passes. Is there anything else you'd like to share with us this evening?”

Councilwoman Roe stated, “Yes, point of personal privilege. I'd like to commend the Mayor for her participation in a new statewide organization of mayors of large cities. The purpose of this organization is to articulate the particular needs of the large cities in Ohio. So, I would like to commend her for her efforts in participation and thanking her for her time spent in terms of being on behalf of our citizens. Thank you.”

Mayor Stephens stated, “Thank you. That was a surprise. Next, we move to Community Relations and Recreations Committee. Vice Mayor Stein.”

Report of the Community Relations and Recreation Committee

Vice Mayor Stein stated, “Thank you. Your Honor, this committee does not have a report. Just wishing each of you a happy and healthy Thanksgiving.”

Mayor Stephens stated, “Thank you.”

Mayor's Report

Mayor Stephens stated, “This evening for the Mayor's report, most of my colleagues have recognized all the things on my report. So, I will tell you that it is a pleasure to serve this community. Collectively, the seven of us may not be individually be the smartest person in the room, but collectively we're as smart as the average group of residents in this town. We don't always agree on everything, but we always examine everything and try to do the best we can on behalf of our residents. So, I'm thankful to serve on this Council with the colleagues I have today as part of my Thanksgiving identification. So, without further ado, I want to recognize one other thing - is that I would like to ask my colleagues to concur with me on this. I'd like to suspend or exempt us from meeting on December 19 because that will

allow us to have a full and joyous holiday season by not meeting the last two weeks of the year. Is there any opposition before I do a voice vote on this. Mr. Raguz, I'd like to do a voice vote on this. If there are no objections, I'd like all in favor say aye."

Voice Vote: Ayes: Ungar, Yasinow, Dunbar, Roe, Seren, Stein, Stephens

Nays: None

Mayor Stephens stated, "And there are none opposed to that. I heard something from everyone. Thank you for that. As I say at every meeting, God bless America and God bless Cleveland Heights. Thank you all for your attendance. Our next Council meeting will be Monday, December 5, 2016."

The meeting adjourned at 8:07 p.m.

Respectfully submitted,

Cheryl Stephens, Mayor

Tom Raguz, Clerk of Council

/jkw