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**MEMORANDUM**

TO: Members of Council  
FROM: Tanisha R. Briley, City Manager  
DATE: July 1, 2016  
RE: July 5, 2016

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**MEETINGS & REMINDERS**

Tuesday, July 5 - 6:15 p.m. - Committee of the Whole  
- 7:30 p.m. - City Council Meeting

Monday, July 18 - 7:00 p.m. - Tax Budget Public Hearing

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**LEGISLATION**

Legislation has been prepared for the following:

1. 2017 Tax Budget Resolution
  2. Note ordinance for the issuance and sale of \$1,700,000 of notes
  3. Cedar Road Resurfacing/Cedar-Fairmount Streetscape Project agreement with GPD Group construction
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**GENERAL INFORMATION**

1. Enclosed are the Council Update and Agendas.
2. Enclosed is the Fiscal Officer's Certificate from the Finance Director.
3. Enclosed is a Community Outreach update from the Vice City Manager.
4. Enclosed is an update from the Public Works Director.
5. Enclosed is the weekly water report from the Utilities Commissioner.
6. Enclosed is an update from the Planning and Development Director.
7. Enclosed is an update from the Parks and Recreation Director.
8. Enclosed is the weekly activity report from the Fire Chief.
9. Enclosed is the weekly activity report from the Police Chief.

TRB/jkw  
Enclosures



## COUNCIL UPDATE

JULY 1, 2016

### 1. LEGISLATION

- 2017 Tax Budget, First Reading. The 2017 Tax Budget has previously been submitted to Council. A public hearing will be held on July 18 at 7:00 p.m.
- Bond Anticipation Notes Renewal. This legislation provides for the issuance and sale of \$1,700,000 of notes, in anticipation of the issuance of bonds, for the purpose of (i) reconstructing, resurfacing and otherwise improving City streets, together with necessary appurtenances thereto, (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto, (iii) acquiring motorized equipment and appurtenances thereto, (iv) acquiring computer hardware and related equipment and (v) improving the City's water system by constructing and installing water lines, together with the necessary related equipment, improvements and appurtenances.
- GPD Group. This legislation authorizes the City Manager to enter into an agreement with GPD Group for administration and inspection services for the Cedar Road Resurfacing/ Cedar-Fairmount Streetscape Project. Bids were received and GPD Group was the lowest and best responsible bidder.

### 2. TOP OF THE HILL REDEVELOPMENT PROJECT – STAFF REPORT

- Please review the enclosed staff report following the review team's evaluation of submissions for the Top of the Hill RFQ/RFP. The proposals have been included for your reference. Please bring the proposals with you to Tuesday's meeting if you would like to have them in front of you as staff presents our findings and recommendations.
- **PLEASE NOTE:** We will need to majority of Tuesday's meeting to discuss the staff report and reach a decision on finalists to invite to the July 11<sup>th</sup> Committee of the Whole meeting for presentations to City Council.

### **3. HEIGHTS HILLCREST COMMUNICATIONS CENTER (HHCC) – COUNCIL OF GOVERNMENTS (COG ) MEETING**

- The COG held its first meeting on Tuesday, June 28<sup>th</sup>. The purpose of the meeting was to adopt the bylaws, elect officers, and appoint a transition team. I was elected to serve as chairperson. We also discussed the process regarding selecting a location for the HHCC and the status of a potential agreement for outside project management services to assist with the build out of the HHCC once a location is determined. The COG will meet again in few weeks with the transition team where recommendations on location and project management will be presented to the Board.

### **4. CHECKS BETWEEN \$10,000 - \$50,000**

- Badger Meter, Inc. - \$27,316.64: M25 ADE W/Transponder, 3/4", 5/8 " and Meter Base Only, M70 1" ADE w/Transponders
- Lykins Oil Company - \$13,372.50: 9# No Lead Gas w/Ethanol 87, Uls Diesel Clear 15 Ppm and ECO Supreme Clear Diesel 15 Ppm
- Rumpke - \$19,586.82: Solid Waste Disposal Bid Doc 13-02 (3yr Contract)
- Woodsy's Music, Inc. - \$11,225.00: June - July Audio Rental for Cain Park



## COUNCIL MEMORANDUM

**DATE:** July 1, 2016  
**TO:** Mayor Stephens & Members of Council  
**FROM:** Tanisha Briley, City Manager  
**RE:** Top of the Hill Redevelopment

### EXECUTIVE SUMMARY:

The following is a report of the review team's findings and recommendations regarding the qualifications packages submitted in response to the City's request for qualifications for the Top of the Hill redevelopment project. The review team recommends two firms, Fairmount Properties and Flaherty & Collins Properties, be invited to present their qualifications and preliminary development concepts to City Council members at the July 11, 2016 Committee of the Whole meeting. These two firms were ranked highest by the review team according to the evaluation criteria approved by City Council in April of this year. The review team will be present to discuss the report at the July 5, 2016 Committee of the Whole meeting. Council will be asked to determine which teams will be invited to the following week's meeting for Council presentations.

### BACKGROUND:

Six development teams submitted responses to the Request for Qualifications and Preliminary Development Proposals (RFQ/RFP) issued by the City in April. The submitting firms were:

- Fairmount Properties
- NRP Group
- Cedar Fairmount Redevelopment Partners
- Flaherty & Collins Properties
- Liberty Development Company
- The Finch Group

On May 28, 2016, the review team consisting myself, Susanna Niermann O'Neil, Richard Wong, Kara Hamley O'Donnell, Nancy McLaughlin, Karen Knittel, Kelly Moody (Silverlode Consulting), and Dennis McAndrew (Silverlode Consulting) met to evaluate the submissions and select development teams for initial interviews. For this process, the committee utilized a pre-determined scoring methodology, which evaluated each team and its proposal on the following five criteria:

- Developer qualifications
- Development concept
- Development approach
- Economic and fiscal impact

- Development schedule

*(Note: Each of the five criteria including sub-categories to further define the overall criteria. The matrix was shared with and previously approved by City Council at the April 11, 2016 meeting.)*

From this discussion, five of the teams were selected for interviews. NRP Group, which proposed a dense, apartment-heavy development, was not selected for an interview. On June 22, the committee interviewed the five remaining teams at City Hall. Each team was allowed 45 minutes to present their qualifications and preliminary development concept, and answer questions from the committee. Following the interviews, the committee ranked the teams/submissions as follows:

- Fairmount Properties
- Flaherty & Collins Properties
- The Finch Group
- Liberty Development Company
- Cedar Fairmount Redevelopment Partners

This ranking was largely consistent with the committee's ranking of the teams/concepts prior to the interviews.

A summary of the committee's evaluation of each team and its concept follows.

## **FINDINGS:**

### **FAIRMOUNT PROPERTIES**

Qualifications: Fairmount Properties, and the supporting team it has assembled for this project, has an exceptional history of recent, successful, large, mixed-use redevelopment projects which includes the East Bank of the Flats, Hudson (OH) First & Main, College Town Kent (OH), College Town Rochester (NY), and Pinecrest (Orange Village), most or all of which remain owned and operated by the Company. The Company and its current team have worked together on other projects and have demonstrated the ability to overcome complex development hurdles and work effectively with communities. The Company has already contacted potential commercial tenants, including a hotel operator, about the project and received positive feedback and expressions of interest. The Company has also performed a competitive analysis of nearby developments to confirm the market potential of its proposed development at the Top of the Hill.

Concept: The Company has an acute awareness of the unique opportunity the site provides. They have proposed a significant, mixed-use development concept that would include retail/restaurant space, both for sale and rental housing, office, and hotel uses. The Company has prior experience in the City and has outlined the best process for "curating" retail, restaurant, hotel, office and other commercial tenants that complement the site, the district,

and the City as a whole. The Company proposed several unique and creative ideas, such as wrapping the parking garage with townhomes to improve its appearance.

Approach: The Company has a successful track record of soliciting and incorporating public input into its prior developments. The Company also outlined the best process for ensuring diverse participation in not only the project's construction, but also permanent jobs created at the development. The latter would be accomplished through developer-sponsored job fairs as has been done at the Company's prior developments. The Company has also outlined ways that it will "give back" to the community, including internships for Heights students, utilization of Cleveland Heights products, and development of a living learning program with CWRU. This emphasis on "giving back" is unique among the respondents

Economic and Fiscal Impact: More than competing proposals, Fairmount expressed a focus on creating a destination for visitors from outside the City. In addition, Fairmount anticipates that office and hotel uses could occur, which could generate permanent greater new local income taxes than other proposals as well as potentially lodging taxes. The Company has indicated that Tax Increment Financing (TIF) or other financial assistance from the City would likely be required to help offset the cost of structured parking and other infrastructure.

Schedule: The proposed development schedule is rapid compared to most of the other submittals, with the development being completed in two phases over approximately three years.

Summary: Fairmount Properties response to the RFQ/RFP and interview were exceptional and impressed the committee. The firm offered the best qualifications, concept, and approach of the responding firms.

#### FLAHERTY & COLLINS PROPERTIES

Qualifications: Flaherty & Collins Properties has an exceptional history of recent, successful, large, mixed-use redevelopment projects in the Midwest, all or most of which remain owned and operated by the Company. The Company and its team have the demonstrated ability to overcome complex development hurdles and to partner with the communities in which its projects are located. With over 450 employees, the Company appears to be the largest of the submitting teams. The Company seems to have the most in-house capabilities, including architecture, construction, property management, leasing, etc., of the respondents. While the Company has significant experience in and near Ohio, it has the least prior Cleveland area experience of the submitting teams.

Concept: The Company has proposed a significant mixed-use development concept that would include retail/restaurant space and rental housing. Hotel and office uses are not contemplated. For sale housing is not currently contemplated, but rental units could be converted to condominiums. The Company indicated that commercial space would be a "loss leader," meaning that securing interesting restaurant, retail, gallery, etc. tenants that complement the development is more important than maximizing commercial rents. The Company focuses on

maintaining the vibrancy of their developments through ongoing special events. The Company tends to cluster more than one development in a community and indicated that a follow-on project in Cleveland Heights could occur.

Approach: The Company has demonstrated that it has incorporated input from the community in prior developments and a willingness to invest as much time as needed in a public input process for this development. Further, the Company had a proven history of involving the wider community in the construction process, citing hard hat tours as an example. As it has done for other projects, the Company would implement a process for ensuring diverse participation in the construction of the project.

Economic and Fiscal Impact: By virtue of its scale, the proposed project would have a large impact, but it could be lower than competing projects with office and hotel uses. The Company has indicated that Tax Increment Financing (TIF) or other financial assistance from the City would likely be required to help offset the cost of structured parking and other infrastructure.

Schedule: The proposed development schedule is the most rapid of the submittals, with the development being completed in one phase within 18 months from developer selection.

Summary: Flaherty & Collins response to the RFQ/RFP and interview were excellent and impressed the committee. It is clear that the firm has the ability to work well with the City to fully implement the development as proposed and perhaps do so more quickly than any of the competing firms. However, the firm appeared to be less focused on developing the site and district as a destination for the wider region, the proposed development did not include for sale housing, a hotel, or office, and the firm's experience in the Cleveland area is the most limited of responding teams, which is offset by its national experience.

#### THE FINCH GROUP

Qualifications: The Finch Group has a long history of successful large, recent, redevelopment projects, most or all of which remain owned and operated by the Company. The Company has significant experience in the City of Cleveland, and specifically University Circle. Most of its Cleveland area projects are primarily housing, with the exception of Innova, which is similar to the development that is proposed for the Top of the Hill. The Company and its team have the demonstrated ability to overcome complex development hurdles and a proven ability to partner with the communities in which its projects are located. The Company is one of the oldest and appears to be one of the two largest of the submitting teams. The Finch Group's team includes Payne & Payne Builders, a well-regarded local custom home builder, who would be responsible for the for sale housing.

Concept: The Company has proposed a significant, mixed-use development concept that would include retail/restaurant space, rental and for sale housing. Hotel and office uses are not contemplated. The Company proposed the largest proportion of commercial space of the submissions, but the process for identifying and securing complementary commercial tenants was not as well defined as Fairmount Properties and Flaherty & Collins.

Approach: The Company has demonstrated that it has incorporated input from the community in prior developments and a willingness to undertake a comprehensive public input process for this development. As it has done for other projects, the Company would implement a process for ensuring diverse participation in the project's construction. Although all respondents offered sustainability elements, The Finch Group committed to achieving LEED building and neighborhood certifications.

Economic and Fiscal Impact: By virtue of its scale, the proposed project would have a large impact, but it could be lower than competing projects that propose office and hotel uses. The Company has indicated that Tax Increment Financing (TIF) or other financial assistance from the City would likely be required to help offset the cost of structured parking and other infrastructure.

Schedule: The expected development schedule is the slowest of the submissions, with the development being completed in seven phases over eight years.

Summary: The Finch Group's response to the RFQ/RFP and interview were excellent and impressed the committee. The firm has a clear track record of success in Cleveland and University Circle and it is clear that the firm could work well with the City to fully implement the development as proposed. However, the two firms ranked higher by the committee specialized to a greater extent in mixed-use developments. The higher ranked firms also outlined better approaches to and experience with identifying restaurant, retail, and other commercial tenants that were complimentary to the district and its development as a destination. The Finch Group's proposed development did not include hotel or office uses, which could help to maximize fiscal impact for the City.

#### LIBERTY DEVELOPMENT COMPANY

Qualifications: Liberty Development Company and its rental housing partner, Edwards Communities, have excellent reputations, track records of success, and energetic and engaging teams; however, the two companies have not collaborated formally on a development yet, and Liberty has not led a development of the scale and mix it has proposed for the Top of the Hill. It appears that both Liberty's and Edward's experience is primarily in Ohio.

Concept: The Companies have proposed a significant, mixed-use development concept that would include retail/restaurant space, rental and for sale housing, hotel, and office. The Company proposed the second largest proportion of commercial space, but the process for identifying and securing commercial tenants who would complement the district and City was not as well defined as other respondents. The Company proposed condominiums, which they concede have been difficult to finance in the current market; however, Liberty believes it can overcome the federal lending hurdles that currently challenge condominium development.

Approach: Liberty has demonstrated that it has incorporated input from the community in prior developments and a willingness to undertake a comprehensive public input process for

this development. The Company would implement a process for ensuring diverse participation in the construction of the project, although it appears to have less experience in this area than other respondents.

**Economic and Fiscal Impact:** By virtue of its scale and the potential for hotel and office components, the proposed project would have a large impact. Liberty has indicated that Tax Increment Financing (TIF) or other financial assistance from the City would likely be required to help offset the cost of structured parking and other infrastructure. The Company has also indicated it would require the City to “backstop” the proposed Tax Increment Financing (TIF) with another City revenue stream, which could create significant financial risk for the City. No other submitting development team has expressed a similar requirement.

**Schedule:** The expected development schedule is unclear.

**Summary:** Liberty Development Company offered an appealing development concept and an energetic and engaging leadership team that could work well with the City, but the Company does not have the same experience with mixed-use, urban redevelopment projects of this scale as the firms ranked above it. The firm also has not worked on a comparable project with Edwards Communities, its development partner. The team’s requirement of the City’s pledge of a non-TIF revenue stream to underwrite project infrastructure needs is a point of concern.

#### CEDAR FAIRMOUNT REDEVELOPMENT PARTNERS

**Qualifications:** Cedar Fairmount Redevelopment Partners is a partnership of The Orlean Company and Integrity Realty Group. Both companies have significant experience in the City, but the two companies have not yet collaborated to the extent proposed for Top of the Hill, and it does not appear that either company has led a development of the scale and type that has been proposed. It appears that each company’s experience is primarily in Ohio. The project leader identified for the Company does not appear to have development or leadership experience commensurate with the project leaders for the other teams.

**Concept:** The Companies have proposed a mixed-use development that is similar in size and mix to other submissions. The proposed development would include retail/restaurant space, rental and for sale housing, and potentially hotel and office. The proposed development includes 80+/- condominiums, which are known to have been difficult to finance in the current market. The process for identifying and securing commercial tenants, especially hotel and office, was not as well defined as other respondents.

**Approach:** Cedar Fairmount Redevelopment is willing to undertake a comprehensive public input process for this development. The Company would implement a process for ensuring diverse participation in the project’s construction, although it appears to have less experience in this area than other respondents.

**Economic and Fiscal Impact:** By virtue of its scale the proposed project would have a large impact. The company has indicated that Tax Increment Financing (TIF) or other financial

assistance from the City would likely be required to help offset the cost of structured parking and other infrastructure.

Schedule: The expected development schedule is unclear.

Summary: Cedar Fairmount Redevelopment Partners has experience working with the City, but the Company lacks the experience with mixed-use, urban redevelopment projects of this scale of the more highly ranked firms. The firm also has not worked on a comparable project with Integrity Realty Group, its development partner.

**STAFF RECOMMENDATIONS:**

The City has the opportunity to select the very best teams from a strong group overall respondents for presentations to Council. Fairmount Properties and Flaherty & Collins Properties have distinguished themselves from the group by proposing the most compelling development concepts and providing clear evidence of their ability to work with the City to implement their concepts quickly and fully. While there is inherent risk in the development process the relative experience and demonstrated history of success in similar projects that Fairmount Properties and Flaherty & Collins Properties present help to minimize risk to the City.

Staff recommends that City Council invite Fairmount Properties and Flaherty & Collins Properties to present their qualifications and preliminary development concepts at the July 11, 2016 Council meeting. In order to provide for adequate time for sufficient discussion during the presentation, we recommend that up to 1.25 hours be allowed per team. Council may choose to accept or modify the review team's recommendation and this decision should be made at the July 5, 2016 meeting so that the teams can be notified of the required presence at the following week's meeting as soon as possible.

The review team will be on hand at the July 5, 2016 meeting to assist in the discussion and decision as needed.



# CLEVELAND HEIGHTS

## Committee of the Whole

**July 5, 2016**

### **Agenda**

1. Mayor's Update
2. Staff Updates
3. Legislation Overview
4. Top of the Hill Update – Staff Report
5. Executive Session – To discuss, with an attorney for the public body, claims or disputes involving the public body that, in the judgment of such attorney, appear likely to be the subject of a future claim

## FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF CLEVELAND HEIGHTS, OHIO:

As fiscal officer of the City of Cleveland Heights, Ohio, I certify in connection with your proposed issue of \$1,700,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of (i) reconstructing, resurfacing and otherwise improving City streets, together with necessary appurtenances thereto (the Street improvements) (\$125,000 of the Notes), (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto (the Monticello/Taylor improvements) (\$195,000 of the Notes), (iii) acquiring motorized equipment and appurtenances thereto (the 2010 Motorized Equipment improvements) (\$152,000 of the Notes), (iv) acquiring motorized equipment and appurtenances thereto (the 2011 Motorized Equipment improvements) (\$130,000 of the Notes), (v) acquiring motorized equipment and appurtenances thereto (the 2012 Motorized Equipment improvements) (\$355,000 of the Notes), (vi) acquiring computer hardware and related equipment (the 2012 Computer Equipment improvements) (\$62,000 of the Notes), (vii) acquiring motorized equipment and appurtenances thereto (the 2013 Motorized Equipment improvements and, together with the 2010 Motorized Equipment improvements, the 2011 Motorized Equipment improvements and the 2012 Motorized Equipment improvements, the Motorized Equipment improvements) (\$487,000 of the Notes), (viii) acquiring computer hardware and related equipment (the 2013 Computer Equipment improvements and, together with the 2012 Computer Equipment improvements, the Computer Equipment improvements) (\$9,000 of the Notes) and (ix) improving the City's water system by constructing and installing water lines, together with the necessary related equipment, improvements and appurtenances thereto (the 2013 Water Line improvements and, together with the Street improvements, the Monticello/Taylor improvements, the Motorized Equipment improvements and the Computer Equipment improvements, the improvements) (\$185,000 of the Notes), that:

1. The estimated life or period of usefulness of the improvements is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is (i) 15 years as to the portion of the Bonds related to the Street improvements, (ii) 20 years as to the portion of the Bonds related to the Monticello/Taylor improvements, (iii) five years as to the portion of the Bonds related to the Motorized Equipment improvements and the Computer Equipment improvements and (iv) 40 years as to the portion of the Bonds related to the 2013 Water Line improvements. If notes in anticipation of the related Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the related Bonds. Thus, the maximum maturity of the Bonds related to the (A) Street improvements is 13 years, (B) Monticello/Taylor improvements is 18 years, (C) 2010 Motorized Equipment improvements is three years and (D) 2011 Motorized Equipment improvements is four years.

3. The maximum maturity of the Notes is (i) August 4, 2030, as to the portion of the Notes related to the Street improvements and the Monticello/Taylor improvements, which date is 20 years from August 4, 2010, the date of issuance of the original notes issued for those purposes, (ii) August 4, 2020, as to the portion of the Notes related to the 2010 Motorized Equipment improvements, which date is 10 years from August 4, 2010, the date of issuance of the original notes issued for that purpose, (iii) August 3, 2021, as to portion of the Notes related to the 2011 Motorized Equipment improvements, which date is 10 years from August 3, 2011, the date of issuance of the original notes issued for that purpose, (iv) August 1, 2022, as to portion of the Notes related to the 2012 Motorized Equipment improvements and the 2012 Computer Equipment improvements, which date is 10 years from August 1, 2012, the date of issuance of the original notes issued for those purposes, (v) July 31, 2023, as to portion of the Notes related to the 2013 Motorized Equipment improvements and the 2013 Computer Equipment improvements, which date is 10 years from July 31, 2013, the date of issuance of the original notes issued for those purposes, and (vi) July 31, 2033, as to portion of the Notes related to the 2013 Water Line improvements, which date is 20 years from July 31, 2013, the date of issuance of the original notes issued for that purpose.

Dated: July 5, 2016



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Director of Finance  
City of Cleveland Heights, Ohio

**TO: TANISHA R. BRILEY , CITY MANAGER**

**FROM: SUSANNA NIERMANN O'NEIL , ASSISTANT CITY MANAGER**

**RE: COMMUNITY OUTREACH UPDATE**

**DATE: JULY 1 , 2016**

**COMMUNITY RELATIONS:**

**Block parties this weekend are:**

- **Saturday July 2nd – the annual Arlington pancake breakfast (8am to Noon)**
- **Monday , July 4<sup>th</sup> – East Fairfax (8am to 7:00pm)**
- **Monday , July 4<sup>th</sup> - Somerton Parade and party ( 9am to dusk)**
- **Monday , July 4<sup>th</sup> – Kingston Parade and party (10am to 8:00pm)**
- **Monday , July 4<sup>th</sup> – Burlington (9:00am to 2:00pm)**
- **Monday , July 4<sup>th</sup> – Compton (9:00am to 6:00pm)**
- **Monday, July 4<sup>th</sup> - Kenilworth (4:00pm to dusk)**

**The 7 establishments that requested the qualifying event waiver (RNC) that allows them to stay open until 4:00am have all been qualified. Dates are between July 17<sup>th</sup> to July 23<sup>rd</sup>.**

**The Community Relations booth will be set up at the Cain Park Arts festival next weekend. A signup sheet for any Council person who wants to be in the booth will be available on Tuesday night at Council.**

**PUBLIC RELATIONS/SOCIAL MEDIA:**

- **Three of our residents have been awarded the Cleveland Arts Prize ! Dave Lucas for Emerging Artist Literature ; Liza Grossman for mid career artist music ; and Dee Perry for the Robert Bergman Prize. Staff posted congratulations on Facebook and an article will appear in the Focus.**
- **An article regarding the extraordinary chefs that live in Cleveland Heights will be featured in Focus.**
- **The Master Plan Community meeting on July 14<sup>th</sup> at 7:00pm at the Community Center has been promoted on the Home page , Facebook and Twitter. A press release was also sent out to all media.**



# MEMORANDUM

**TO:** Tanisha Briley-City Manager  
**FROM:** Andre Spencer-Assistant Public Works Director  
**DATE:** July 1, 2016  
**RE:** Weekly Update

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## **Lee Road Streetscape**

S.E.T. continued work this week making the lateral tie-in connections for the conduit to the locations of the pedestrian light pole foundations. Earlier this week crews were out boring holes for the concrete piers that will be used for the cantilevered light pole foundations.



Boring the holes for the cement piers utilizing a mini excavator



Workers forming light pole foundations in preparation for concrete

Crews are now building the forms for the cantilevered light pole foundations. S.E.T. anticipates that they will start pouring concrete next week.

## **Cedar Road Resurfacing/Cedar Fairmount Streetscape (2017)**

Legislation has been prepared for GPD Group for the Administration and Inspection of the upcoming 2017 streetscape and road resurfacing project.

## Construction Project Updates

### 2016 Road Resurfacing

Concrete work is complete at Fire Station #2. Restoration work should be complete by the end of this week.



Finished Concrete Drive and Lot at Fire Station #2

Ronyak Paving finished Hampshire, Hampshire Lane, Lancashire, Glenmont Ave., Kew Rd., and Parking Lot #30 (Lancashire and Euclid Hts.).



Hampshire



Hampshire Lane



Lancashire



Glenmont



Workers paving Kew Rd.



Workers paving Lot #30

### **2016 Surface Treating**

Nothing new to report

### **2016 Pavement Striping**

Nothing new to report

### **2016 Traffic Signal Reconstruction**

Greenwich electric was out at North Park and Lee starting the installation of the new traffic signal heads.

No major set-backs to report

### **Mayfield Signalization**

Current alternate traffic light scheme continues

### **Dominion East Ohio**

Construction on projects 1589, 1270, and 1271 continued as normal.

### **Service Department**

All operations continue as normal.

Date: July 1, 2016, 2016

To: Tanisha Briley, City Manager

From: Collette Clinkscale, Utilities Commissioner

Subject: Water and Sewer Department Weekly Update

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#### Water

- Repaired water main break at 3121 Euclid Heights Blvd
- Repaired water main break at 956 Quarry
- Repaired service line at 3423 Edison
- Replaced service line at 1183 Sylvania
- Turned off 82 delinquent accounts
- Flushed curb boxes to turn off delinquent accounts
- Submitted Consumer Confidence Report Certification to OEPA

#### Sewer

- Ran sewer machine on Berkshire, South Taylor, Grosvenor, Rydalmount, Hillstone, Cedar, Shannon and Queenston
- Prepped and poured road holes on Hampshire, Euclid Heights Blvd., Burbridge, Glenwood and Noble Road.
- Replaced manhole casting on Noble at Woodview
- Repaired catch basin on Staunton
- Assisted water department with flushes on delinquent accounts
- City sewer line Inspection performed at Cleveland Heights High School

#### Other

- Catch basin cleaning in process by Cuyahoga County Public Works
- On-going coordination with MIS on Cleveland Water requests
- Attended sewer related meetings

## MEMORANDUM

**To:** Tanisha Briley, City Manager  
**From:** Richard Wong, Director of Planning and Development  
**Date:** July 1, 2016  
**Subject:** Weekly Update

### **Community Development Supplemental Grant Program**

Approved by legislation this week, the Community Development Supplemental Grant (CDSG) makes \$1 million in Casino Revenue Funds available annually on a competitive basis to all Cuyahoga County cities and eligible community development corporations. Grants are limited to \$50,000 per request. The intention is to complement or enhance projects funded through other sources. The Department of Development will make funding recommendations to the County Council who will make the final decisions. Karen and Nancy are reviewing the County Legislation and will be making suggestions on high-impact projects that fit the program criteria.



### **Transportation Advisory Committee**

A long discussion occurred about mass transit shortcomings. RTA states that they would improve service if ridership was higher. Their service, however, is the primary reason ridership is low. Other cities have better service. For example, RTA's Route 246 from Westlake to downtown charges passengers once and does not require getting off the bus and waiting for the privilege of paying for a second vehicle mid-trip as occurs on all Cleveland Heights-to-downtown trips.

Howard Maier reviewed the Master Plan's status and received comments. Members requested to be apprised about the Master Plan at each meeting.

### **Architectural Board of Review**

Of next Tuesday's eight cases, half are for new businesses. Two are on Noble, one on Mayfield and one on South Taylor.

# Memorandum

To: Tanisha Briley, City Manager

From: Joseph P. McRae, Parks and Recreation Director

Subject: Parks and Recreation Department Update

Date: July 1, 2016

Please find a brief summary of the Parks and Recreation Department announcements and activities attached for your review:

## General Announcements

- The Community Center is closed on Monday, July 4. Cumberland Pool and Cain Park Splash Pad will be open from noon-6pm.
- Session 2 of Safety Town had 21 kids graduate from the program on Thursday.
- Several WOW participants and personal training clients attended a talk on *Slimming Down for the Summer* on Wednesday in the Senior Center.
- The WOW program will draw to a close on Sunday, July 10.

## Cumberland Pool

- Friday, July 1 & Monday, July 4 – No Adult Softball games for the holiday weekend.
- Saturday, July 9 – Adult Jim Brennan All-Star Softball Games at Jim Brennan Field
  - 5pm Coed All-Star Game (intra-division)
  - 7pm Men's All-Star Game (Cleveland Heights vs. Euclid)

## Senior Activity Center

- The Cleveland Heights Police Department held their monthly session of Senior Safety.
- ESOP series continued with a talk on Budgeting and Goal Setting.
- AARP annual picnic was held on Thursday, June 30 at Forest Hill Park. Participants enjoyed a delicious meal and a chance to spend a summer day in the park.

## Cain Park

- The Cain Park Arts Festival dates and times include:
  - Friday, July 8 from 3-8pm (Free admission)
  - Saturday, July 9 from 10-8pm (\$5 admission)
  - Sunday, July 10 from 12-5pm (\$5 admission)



# Cleveland Heights Fire Department

## Weekly Activity Report

Total Emergency Calls Year To Date	3,053
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Total Emergency Calls for Period	128
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Report Date Period: 06/24/2016 - 07/01/2016

### Fire Data

	<u>Current Period</u>	<u>Year to Date</u>	<u>Last Year to Date</u>	<u>Current Year % of Run Count</u>
Emergency Fire Run Count	22	545	624	18.34 %
Emergency Structure Fire Count	3	31	34	
Emergency Non Structure Fire Count	19	504	584	
Emergency Vehicle Fire Count		10	6	

### Emergency Medical Data

Total Emergency Run Count	106	2,508	2,426	81.66 %
Emergency Medical Run Count	103	2,422	2,326	
Automobile Accident Run Count	3	86	100	
Advanced Life Support Run Count	28	677	731	
Basic Life Support Run Count	79	1,819	1,670	
Total EMS Transports	69	1,637	1,584	
Total EMS Non Transports	28	737	750	

## Mutual Aid Run Count to Date

<b>Mutual aid received</b>	SEFD A - 21 SHFD A - 19 ECFD A - 8 UHFD A - 13
<b>Mutual aid given</b>	SEFD A - 18 SHFD A - 17 ECFD A - 10 UHFD A - 10
<b>Automatic aid received</b>	SEFD A - 1 SHFD A - 7 ECFD A - 0 UHFD A - 2
<b>Automatic aid given</b>	SEFD A - 0 SHFD A - 5 ECFD A - 0 UHFD A - 6

<b><u>Fire Prevention</u></b> <b><u>Bureau</u></b>	<b><u>Current</u></b> <b><u>Period</u></b>	<b><u>Year to</u></b> <b><u>Date</u></b>
Total Completed Fire Inspections	3	256
Company Fire Inspections		26
Fire Prevention Fire Inspections		34
Fire Alarm Test Inspections		1
Kitchen Supression Test Inspections		7
Sprinkler Test Inspections		1
Other Inspections	3	187
Smoke Detectors Distributed		76

# Fire Prevention Public Education

**Date of Activity**

**Hours of Activity**

**06/28/2016**

**1.25**

Safety town had a fire safety class today. The students learned how to crawl low under smoke and stop, drop and roll. In the classroom, the students learned about smoke detectors, having a meeting place outside and the "never-evs" of fire safety. The students then were able to tour the fire truck and spray water with firefighters. Each student received a coloring book and pencil.

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**06/28/2016**

**1.25**

The pastor of Hope Lutheran Church requested a fire safety class for the VBS. The class was divided into 2 groups. An older group and younger group. Each group was taught fire safety topics appropriate for their age range. While one group was learning about fire safety topics, the other group was able to tour the fire truck and spray water with firefighters. The students then regrouped and able to ask questions. Each child was given items to take home about fire safety.

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**06/30/2016**

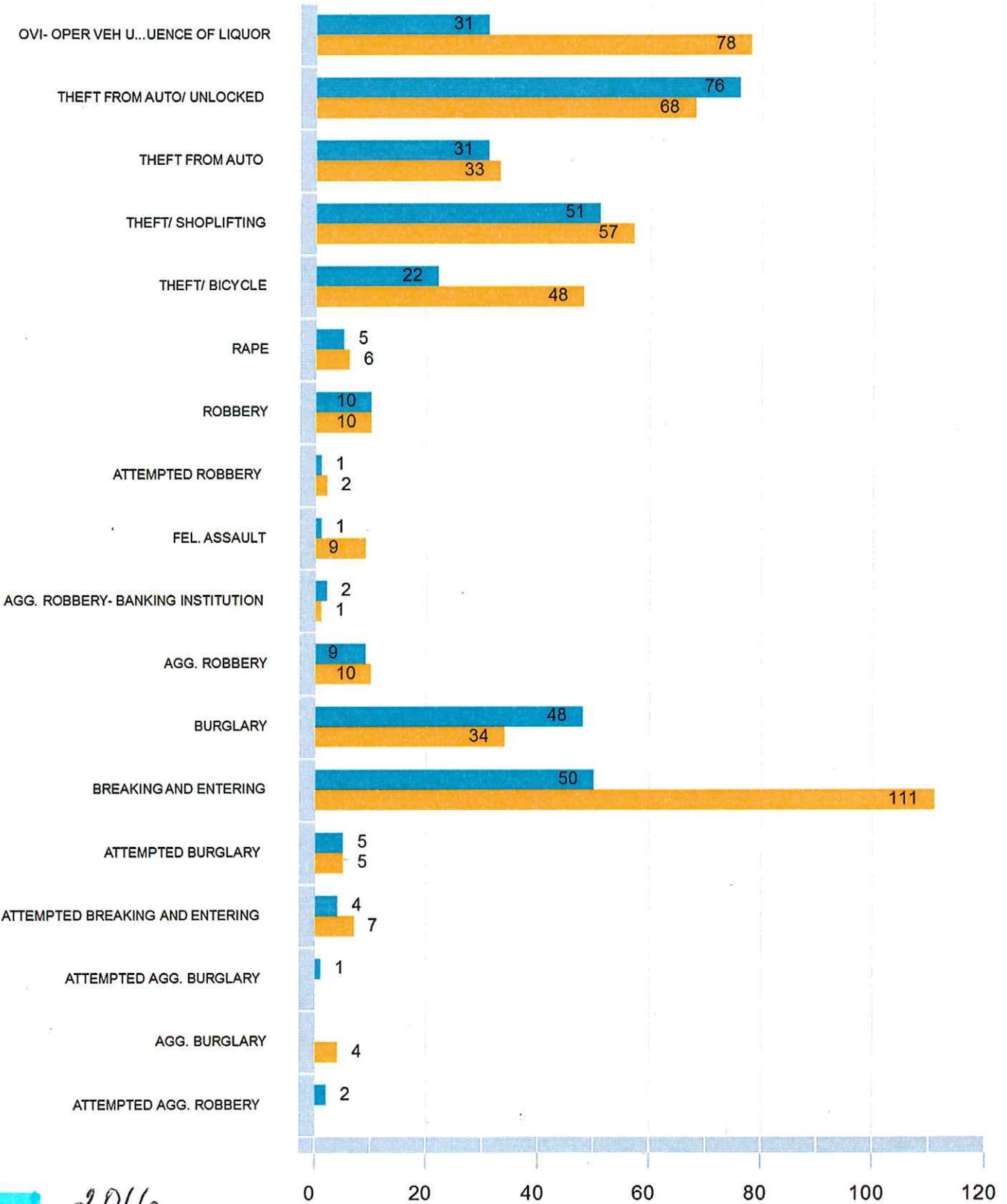
**1.00**

I met with Justin, who is the Lutheran High School Sports Camp director, about a fire safety class. He requested a fire safety class along with a truck or engine appearance. The amount of children and size of groups were discussed. The class is scheduled for next week.

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Dashboard Tab

Crime Type



 2016  
 2015

Friday, January 01, 2016 to Thursday, June 30, 2016 COMPARED TO Thursday, January 01, 2015 to Tuesday, June 30, 2015



# CLEVELAND HEIGHTS

## **AGENDA (tentative) – CLEVELAND HEIGHTS CITY COUNCIL MEETING** **COUNCIL CHAMBERS**

**TUESDAY, July 5, 2016**  
**Regular Meeting**  
**7:30 p.m.**

**Cleveland Heights City Hall**  
**40 Severance Circle**  
**Cleveland Heights, Ohio**

- 1) **Roll Call**
- 2) **Excuse absent members**
- 3) **Approval of the minutes of the regular Council meetings held on Monday, June 20, 2016**
- 4) **Personal communications from citizens**
- 5) **Report of the City Manager**
- 6) **Report of the Director of Finance/Clerk of Council**

Notify Council that I certify in connection with your proposed issue of not to exceed \$1,700,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of (i) reconstructing, resurfacing and otherwise improving City streets, together with necessary appurtenances thereto (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto, (iii) acquiring motorized equipment and appurtenances thereto, (iv) acquiring computer hardware and related equipment and (v) improving the City's water system by constructing and installing water lines, together with the necessary related equipment, improvements and appurtenances thereto.

### **Matter of Record**

- 7) **Committee Reports**
  - a.) **ADMINISTRATIVE SERVICES COMMITTEE**
  - b.) **COMMUNITY RELATIONS AND RECREATION COMMITTEE**
  - c.) **FINANCE COMMITTEE**

**AGENDA (tentative) CITY OF CLEVELAND HEIGHTS  
TUESDAY, JULY 5, 2016**

**RESOLUTION NO. 56-2016 (F), First Reading.** A Resolution approving the adoption of the 2017 Tax Budget.

**Introduced by Council Member** \_\_\_\_\_

**Vote** \_\_\_\_\_  
**For**                      **Against**                      **No. Reading**

**ORDINANCE NO. 57-2016 (F).** An ordinance providing for the issuance and sale of \$1,700,000 of notes, in anticipation of the issuance of bonds, for the purpose of (i) reconstructing, resurfacing and otherwise improving City streets, together with necessary appurtenances thereto, (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto, (iii) acquiring motorized equipment and appurtenances thereto, (iv) acquiring computer hardware and related equipment and (v) improving the City's water system by constructing and installing water lines, together with the necessary related equipment, improvements and appurtenances thereto.

**Introduced by Council Member** \_\_\_\_\_

**Vote** \_\_\_\_\_  
**For**                      **Against**                      **No. Reading**

**d.) MUNICIPAL SERVICES COMMITTEE**

**RESOLUTION NO. 58-2016 (MS).** A Resolution authorizing the City Manager to enter into an agreement with GPD Group for administration and inspection services for the Cedar Road Resurfacing/ Cedar-Fairmount Streetscape Project; providing compensation therefor.

**Introduced by Council Member** \_\_\_\_\_

**Vote** \_\_\_\_\_  
**For**                      **Against**                      **No. Reading**

**e.) PLANNING AND DEVELOPMENT COMMITTEE**

**f.) PUBLIC SAFETY AND HEALTH COMMITTEE**

**8) Mayor's Report**

**9) Adjournment**

**AGENDA (tentative) CITY OF CLEVELAND HEIGHTS  
TUESDAY, JULY 5, 2016**

(Council members and staff will stay following adjournment to discuss questions informally with citizens.)

**NEXT MEETING OF COUNCIL: MONDAY, JULY 18, 2016**

Proposed: 7/5/2016

RESOLUTION NO. 56-2016 (F), *First Reading*

By Council Member

A Resolution approving the adoption of the 2017 Tax Budget; and declaring an emergency.

WHEREAS, the City Manager has previously prepared and submitted to the Council a proposed 2017 Tax Budget for Council's review and evaluation; and

WHEREAS, the members of the Council have subsequently met with the City Manager and her staff for the purpose of review, evaluation and their recommendations on the proposed Budget; and

WHEREAS, a copy of the proposed 2017 Tax Budget is available for inspection by the general public at the office of the Director of Finance at the City Hall; and

WHEREAS, a notice of public hearing (which will be held July 18, 2016 at 7:00 p.m) will be given at least ten (10) days prior to the public hearing on said 2017 Tax Budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council hereby approves the adoption of the 2017 Tax Budget as is on file in the office of the Director of Finance, Clerk of Council.

SECTION 2. The Clerk of Council is hereby directed to make a copy of the approved 2017 Tax Budget a matter of record.

SECTION 3. The Director of Finance is hereby directed to file two (2) copies of the approved 2015 Tax Budget with the Cuyahoga County Budget Commission.

SECTION 4. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 5. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being to permit its timely filing with the Budget Commission within the period permitted by law. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. 56-2016

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CHERYL L. STEPHENS, Mayor  
President of the Council

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TOM RAGUZ  
Clerk of Council

PASSED:

Proposed: 7/5/2016

ORDINANCE NO. 57-2016 (F)

By Council Member

An ordinance providing for the issuance and sale of \$1,700,000 of notes, in anticipation of the issuance of bonds, for the purpose of (i) reconstructing, resurfacing and otherwise improving City streets, together with necessary appurtenances thereto, (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto, (iii) acquiring motorized equipment and appurtenances thereto, (iv) acquiring computer hardware and related equipment and (v) improving the City's water system by constructing and installing water lines, together with the necessary related equipment, improvements and appurtenances thereto, and declaring an emergency.

WHEREAS, pursuant to Ordinance Nos. 71-2010 and 72-2010, each passed on June 21, 2010, and Ordinance No. 84-2010, passed on July 6, 2010, there were issued \$1,635,000 of notes in anticipation of bonds for the purposes stated in clauses (i), (ii) and (iii) of Section 1, as part of a consolidated issue of \$1,850,000 Various Purpose General Obligation Bond Anticipation Notes, Series 2010, which notes were retired at maturity, together with other funds available to the City, with \$1,353,000 of notes issued in anticipation of bonds pursuant to Ordinance No. 88-2011, passed on July 18, 2011, as part of a consolidated issue of \$1,703,000 Various Purpose General Obligation Bond Anticipation Notes, Series 2011 (the 2011 Notes); and

WHEREAS, pursuant to Ordinance No. 89-2011, passed on July 18, 2011, there were issued \$350,000 of notes in anticipation of bonds for the purpose stated in clause (iii) of Section 1, as part of the consolidated issue of the 2011 Notes; and

WHEREAS, the 2011 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,351,000 of notes (the 2012 Refunding Notes) issued in anticipation of bonds pursuant to Ordinance No. 90-2012, passed on July 2, 2012, as part of a consolidated issue of \$2,126,000 Various Purpose Notes, Series 2012; and

WHEREAS, pursuant to Ordinance Nos. 88-2012 and 89-2012, each passed on July 2, 2012, there were issued \$775,000 of notes (the 2012 New Money Notes, and, together with the 2012 Refunding Notes, the 2012 Notes) in anticipation of bonds for the purposes stated in clauses (iii) and (iv) of Section 1, as part of the consolidated issue of the 2012 Notes; and

WHEREAS, the 2012 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,488,000 of notes (the 2013 Refunding Notes) issued in anticipation of bonds pursuant to Ordinance No. 120-2013, passed on July 15, 2013, as part of a consolidated issue of \$2,378,000 Various Purpose Notes, Series 2013; and

WHEREAS, pursuant to Ordinance Nos. 117-2013, 118-2013 and 119-2013, each passed on July 15, 2013, there were issued \$890,000 of notes (the 2013 New Money Notes, and, together with

ORDINANCE NO. 57-2016

the 2013 Refunding Notes, the 2013 Notes) in anticipation of bonds for the purposes stated in clauses (iii), (iv) and (v) of Section 1, as part of the consolidated issue of \$2,378,000 Various Purpose Notes, Series 2013, which 2013 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$2,151,000 Various Purpose Notes, Series 2014 (the 2014 Notes), issued in anticipation of bonds pursuant to Ordinance No. 89-2014, passed on July 7, 2014, which 2014 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,925,000 Various Purpose Notes, Series 2015 (the Outstanding Notes), issued in anticipation of bonds pursuant to Ordinance No. 88-2015, passed on July 6, 2015, which Outstanding Notes mature on July 29, 2016; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvements described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in clause (i) of Section 1 is 13 years, in clause (ii) of Section 1 is 18 years, in clause (iii) of Section 1 (\$152,000 of the Notes) is three years, in clause (iii) of Section 1 (\$130,000 of the Notes) is four years, in clauses (iii) (\$842,000 of the Notes) and (iv) of Section 1 is five years and in clause (v) of Section 1 is 40 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds described in clauses (i) and (ii) of Section 1 is August 4, 2030, in anticipation of \$152,000 of the Bonds described in clause (iii) of Section 1 is August 4, 2020, in anticipation of \$130,000 of the Bonds described in clause (iii) of Section 1 is August 3, 2021, in anticipation of \$355,000 of the Bonds described in clause (iii) of Section 1 and \$62,000 of the Bonds described in clause (iv) of Section 1 is August 1, 2022, in anticipation of \$487,000 of the Bonds described in clause (iii) of Section 1 and \$9,000 of the Bonds described in clause (iv) of Section 1 is July 31, 2023, and in anticipation of the Bonds described in clause (v) of Section 1 is July 31, 2033;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, County of Cuyahoga, Ohio, that:

SECTION 1. Authorized Principal Amount of Anticipated Bonds; Purpose. It is necessary to issue bonds of the City in the aggregate principal amount of \$1,700,000 (the Bonds) for the purpose of (i) reconstructing, resurfacing and otherwise improving City streets, together with necessary appurtenances thereto (\$125,000), (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto (\$195,000), (iii) acquiring motorized equipment and appurtenances thereto (\$1,124,000), (iv) acquiring computer hardware and related equipment (\$71,000) and (v) improving the City's water system by constructing and installing water lines, together with the necessary related equipment, improvements and appurtenances thereto (\$185,000).

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately July 1, 2017, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 10 annual principal installments on December 1 of each year that are substantially equal. The first interest payment on the Bonds is

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estimated to be December 1, 2017, and the first principal payment of the Bonds is estimated to be December 1, 2018.

SECTION 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,700,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds available to the City, the Outstanding Notes. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Final Terms Certificate). The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The aggregate principal amount of and rate of interest on the Notes shall be determined by the Director of Finance in the Final Terms Certificate.

SECTION 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of U.S. Bank National Association, or at the designated corporate trust office or other office of a bank or trust company designated by the Director of Finance in the Final Terms Certificate after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent).

SECTION 5. Execution of Notes; Book Entry System. The Notes shall be signed by the City Manager and the Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance, provided that no Note shall be issued in a denomination less than \$100,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

As used in this section and this Ordinance:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes “immobilized” in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is

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the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

**SECTION 6. Sale of the Notes.** The Notes shall be sold at not less than par plus accrued interest to Robert W. Baird & Co. Incorporated (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

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The Director of Finance shall sign the Final Terms Certificate evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The City Manager, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

The City Manager and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Note Purchase Agreement between the City and the Original Purchaser (the Note Purchase Agreement), in substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Notes. The Note Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Note Purchase Agreement or amendments thereto.

The Director of Finance is authorized to request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7. Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

SECTION 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

SECTION 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or

the Bonds when and as the same fall due. In each year, to the extent other money is lawfully available for the payment of debt charges on the Notes and Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of money so available and appropriated.

SECTION 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation or treatment of the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such

compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes.

SECTION 11. Certification and Delivery of Ordinance. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the Cuyahoga County Fiscal Officer.

SECTION 12. Satisfaction of Conditions for Note Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

SECTION 13. Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 14. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

SECTION 15. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 16. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City, and for the further reason that this Ordinance is required to be immediately

ORDINANCE NO. 57-2016

effective in order to enable the City to sell the Notes at the earliest possible date, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage, provided it receives the affirmative vote of five members of Council elected thereto; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

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CHERYL L. STEPHENS, Mayor  
President of the Council

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TOM RAGUZ  
Clerk of Council

PASSED:

Proposed: 7/5/2016

RESOLUTION NO. 58-2016 (MS)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with GPD Group for administration and inspection services for the Cedar Road Resurfacing/ Cedar-Fairmount Streetscape Project; providing compensation therefor; and declaring an emergency.

WHEREAS, advertised bids were received for the Cedar Road Resurfacing/ Cedar-Fairmount Streetscape Project, pursuant to Section 172.02 of the Codified Ordinances of the City of Cleveland Heights; and

WHEREAS, the City Manager has determined that GPD Group is the lowest and best responsible bidder pursuant to Section 171.03 of the Codified Ordinances of the City of Cleveland Heights.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The City Manager be, and she is hereby, authorized to enter into an agreement with GPD Group for administration and inspection services for the Cedar Road Resurfacing/ Cedar-Fairmount Streetscape Project. The services to be provided are as set forth by the bid submitted by GPD Group, a copy of which is on file with the Clerk of Council. Compensation shall not exceed the sum of Two Hundred Thirty-Eight Thousand Nine Hundred Dollars (\$238,900.00). The City reasonably expects that the cost of all such expenditures will be paid with the proceeds from the City's issuance of tax-exempt notes or bonds. All contracts hereunder shall be in a form approved by the Director of Law.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to commence the above-described improvements at the earliest possible time to protect the safety and welfare of those persons using the roads and streets of the City. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. 58-2016 (MS)

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CHERYL L. STEPHENS, Mayor  
President of the Council

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TOM RAGUZ  
Clerk of Council

PASSED:

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.

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

Staff present: Briley, Butler, Freeman, Lambdin, Mannarino, McRae, Niermann O'Neil, Raguz

Councilwoman Yasinow moved to enter into Executive Session to discuss with an attorney for the public body, claims or disputes involving the public body that, in the judgment of such attorney, appear likely to be the subject of a future claim at 7:27 p.m. The motion was seconded by Councilwoman Roe. Mayor Stephens presiding.

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

Staff present: Briley, Butler, Freeman, Lambdin, Mannarino, McRae, Niermann O'Neil, Raguz

Councilwoman Yasinow moved to end the Executive Session. The motion was seconded by Councilman Ungar. Executive Session concluded at 7:46 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 8:00 p.m., Mayor Stephens presiding.

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

Staff present: Briley, Butler, Freeman, Lambdin, Mannarino, McRae, Niermann O'Neil, Raguz

Mayor Stephens stated, "Good evening and welcome to the Cleveland Heights City Council meeting of Monday, July 20, 2016. We apologize for our slight delay in starting the meeting this evening. Mr. Clerk, would you call the roll please?"

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

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

Mayor Stephens stated, "Thank you. At this time, I would like to read into the record a kind of a proclamation/appreciation document. We had one of our long-term staff, someone who had been employed by the City of Cleveland Heights over 25 years, and I want to recognize him this evening, even though he wasn't here. I was absent in the last week and so, I'd like this time to go on the record and indicate how grateful and appreciative this City Council's members are to Rick Wagner for his dedicated service to this community of Cleveland Heights. Rick led the City's challenge to maintain our housing stock and our neighborhoods so that we could continue to be competitive and vital with our primary product – housing. His creativity and problem solving, his energy to tackle whatever issue came along and his positive attitude about our community made impression on all our residents and his colleagues. Rick had as a goal every day to work cooperatively with all of the components in this community – the real estate agencies, the courts, the lenders, the construction companies, the non-profits. Everything he did, he focused on being good for our City. He was in so many ways the go-to guy on any housing issue.

His impact on our community will be felt for many years into the future. On behalf of this City Council and the people of Cleveland Heights, we are grateful to you, Rick, for your years of services to our community. You made a difference on how our quality of housing stock existed and you helped make some programs work right. For that, we are extremely thankful and we wish you well in your new endeavors. On behalf of my colleagues on Council and the staff of the City of Cleveland Heights, thank you, Rick, wherever you are. May you enjoy your Monday nights with your family from here on out. Thank you.

So, next on our agenda is the approval of the regular minutes of City Council. Did we have any changes tonight?"

Councilwoman Dunbar stated, "Just very minor."

Mayor Stephens stated, "Have you handed them to Mr. Raguz? Councilwoman Roe, did you have some as well?"

Councilwoman Roe stated, "I reviewed the June 6 minutes and I have no corrections."

Mayor Stephens stated, "Excellent. So, we'll just pass those along to Mr. Raguz. I can sign that at the appropriate time. Next we have personal communications from citizens. Is there anyone who would like to come to the podium and speak to City Council this evening? Yes, sir, if you'll approach the podium over here to your right and my left. When you get to the podium, please adjust the microphone because we are recording this session. I need for you to give us your name and your address in Cleveland Heights."

Mike Reilly stated, "Okay, Mike Reilly. Everybody can hear me?"

Mayor Stephens stated, "Your address?"

Mike Reilly stated, "223 Blackmore, Forest Hills. All good?"

Mayor Stephens stated, "All good. Remember to keep your comments under 5 minutes."

Mike Reilly stated, "I'll make them in two minutes. I have a general question about – we're in the process of going through some changes with the Forest Hills Homeowners Association and I've been spending the last year or two trying to get myself up to speed. With the power of the Homeowners Association, HOAs as they're called, it's a unique situation in Forest Hills because it's one of the only inner ring suburbs that has an HOA. I get out to Solon, Twinsburg and whatever; these are all mandated when they build the properties. Now we have at least, we've identified at least a dozen homes that are pretty blighted. There are some homes that we call it the church house next to the Forest Hill Church which I think, Madam Mayor, you're familiar with."

Mayor Stephens stated, "Very."

Mike Reilly stated, "You've got the Hereford House. We've been tagging these with names with the walkaway investor in Egypt and so, we are going to be going around the community starting this

week and we're going to be getting petitions from neighbors who unfortunately, this is not an existential argument. They actually have to live next to these, what I call toxic waste-dump houses which impact on their property values. Now, I've been in communication with Judge Russell Baron in terms of getting some ideas about how we can think outside the box in dealing with it and he's recommended that we pursue, in the worst case scenario, using covenants which are in the deeds of Forest Hill, to initiate a civil action against the homeowner because it's impacting on everybody's property values. That's not something we necessarily want to go, but I do want to ask one question and then I'm done, which is – we had a situation with a house on Newbury which I understand the Homeowners Association was given or asked to buy a house for \$500 next to Solani gas station and then, two months later, I find out that the Land Bank has picked that up. Now, it's my understanding that – and I may be wrong in this – that a Homeowners Association should be able to initiate action to seize a property working with the City that's vacant so that a Land Bank doesn't necessarily... they're not number two position. They wouldn't be number one. Homeowners would be number two now, or number one. Now, if the Homeowners Association is screwing around, endless meetings, not getting anywhere, something has got to be done with the house and I understand the Land Bank should step up to it, but there's a lot of questions going on within the Homeowners Association that the Land Bank just went ahead and took this house; where it is our position that, 'No, there was a lot of meetings going on,' and you guys decided you didn't know what to do. So, the Land Bank came in and picked it up."

Mayor Stephens stated, "I prefer not to comment on that. I'd like to ask that you work with City staff to follow up on that and let me say that if the Homeowners Association says to the Cuyahoga Land Bank is who I believe you're speaking of..."

Mike Reilly stated, "Right."

Mayor Stephens stated, "Since I have a potential conflict there, what I'm going to say is that – if the Homeowners Association wants to be a primary recipient of properties from the Land Bank, it needs to approach the Land Bank and tell it that. Blanket wise in Forest Hills, it wants to be... to have the first right of refusal or the first right of refusal goes to the City of Cleveland Heights."

Mike Reilly stated, "Okay. Thank you. Answered my question."

Mayor Stephens stated, "That was simple. If there are no other questions or anyone else who'd like to address Cleveland Heights City Council, we'll move along with our agenda. Next is the report of the City Manager. Mrs. Briley."

### **Report of the City Manager**

Tanisha Briley stated, "I have nothing to report this evening, Your Honor. Just enjoying being a champion."

Tom Raguz stated, "Congratulations."

Mayor Stephens stated, "Okay. 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 need to notify Council that three Resolutions of the Board of Zoning Appeals have been received pertaining to variances in the Zoning Code and is requested by the following:

- BZA Cal. No. 3399: John and Jenifer Coakley, 2521 Edgehill Road, to permit a 69% rear yard coverage.
- BZA Cal. No. 3401: New Kenilworth Partners LLC, 14 Kenilworth Mews, to permit a free form paver patio set back 10 to 15 feet from the rear property line.
- BZA Cal. No. 3402: New Kenilworth Partners LLC, 15 Kenilworth Mews to permit a free form paver patio set back 11.5 feet to 15 feet from the rear property line; and lastly
- BZA Cal. No. 3404: William and Debra Patterson, 2260 South Overlook Road, in an "A" single-family district, requesting variance from 1121.12(a)(1) to rebuild a garage 4 feet from the principal building.

Your Honor, I need to make these a Matter of Record."

**Matter of Record**

Mayor Stephens stated, "Thank you. This is made a Matter of Record and referred to the Planning and Development Committee of City Council and at such a time, as we move to them, their report, that will be part of that section. Is there anything else you'd like to share with us this evening?"

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

Mayor Stephens stated, "Thank you. The next committee report is Public Safety and Health. Councilman Seren."

**Report of the Public Safety and Health Committee**

Councilman Seren stated, "Thank you, Your Honor. I would like to move that we approve Resolution Number 40-2016; a Resolution authorizing the City Manager to enter into an agreement with Life Force Management, Inc., to provide billing, collection, and related services for all ambulance services rendered by the City; and declaring an emergency. This is a three-year term agreement with Life Force."

Vice Mayor Stein stated, "Second."

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

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

Nays: None

Tom Raguz stated, "That's seven ayes, Your Honor."

**Resolution Passed**

Mayor Stephens stated, "Resolution Number 40-2016 passes. Next we move on to ... unless you have any comments or statements to make."

Councilman Seren stated, "I have no further comments to make. Thank you."

Mayor Stephens stated, "Thank you. Next we move to the Administrative Services Committee. Councilwoman Roe."

**Report of the Administrative Services Committee**

Councilwoman Roe stated, "No report, Your Honor."

Mayor Stephens stated, "Thank you. Following the Administrative Services is the Community Relations and Recreation Committee. Vice Mayor Stein."

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

Vice Mayor Stein stated, "Thank you, Your Honor. I do have Resolution Number 50-2016; a resolution declaring the week of July 1-7 2016, "Independents Week." Independents Week provides a time to celebrate the independence of the members of the community of Cleveland Heights and the entrepreneurial spirit represented by its core of local independent businesses; and the individual decisions every community member makes today affect the future of Cleveland Heights; and Cleveland Heights' local independent businesses help preserve the uniqueness of the community and give the City a sense of place; and Cleveland Heights' core of independently owned businesses give back to the community in goods, services, time and talent; and the health of Cleveland Heights' economy depends on the support of businesses owned by the City's friends and residents; and Cleveland Heights' independent business owners and employees enrich community members' shopping experiences with their knowledge and passion. Therefore, this Council does hereby proclaim the week of July 1-7, 2016 as Independents Week and salutes our community members and locally owned independent businesses who are integral to the unique flavor of Cleveland Heights and honor their efforts to make Cleveland Heights a desired community to live and work in. I offer Resolution Number 50-2016 for passage."

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

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

Nays: None

Tom Raguz stated, "That's seven ayes, Your Honor."

**Resolution Passed**

Mayor Stephens stated, "Thank you. Resolution Number 50-02016 passes. We have an Independents Business Week this week – the first week of July. Is there anything else you'd like to say this evening?"

Vice Mayor Stein stated, "For this committee, that is it."

Mayor Stephens stated, "Okay. Next we have the Finance Committee. Councilman Ungar."

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

Councilman Ungar stated, "Mayor Stephens, I'm happy to move forward with all the resolutions except for the first one. As I advised Council previously, I would ask for permission to abstain on Resolution 44-2016(F) for the simple reason which affects a wonderful organization called Family Connections of Northeast Ohio. My reason is very simple. My wife is a very active member of the Family Connections Board and I don't think it would be appropriate for me to vote on this."

Mayor Stephens stated, "Okay, I'm going to ask Vice Mayor Stein to introduce this resolution please."

Vice Mayor Stein stated, "We first have to vote on that."

Mayor Stephens stated, "Oh, I'm sorry. Thank you."

Councilman Seren stated, "I would move to excuse Councilman Ungar from voting."

Councilwoman Yasinow stated, "Second."

Mayor Stephens stated, "Would you call the roll please?"

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

                  Nays:   None

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

### **Motion Passed**

Mayor Stephens stated, "Your ability abstain has been approved, Councilman Ungar. Now, Vice Mayor Stein, if you would please."

Vice Mayor Stein stated, "Okay. I have Resolution Number 44-2016; a resolution authorizing the City Manager to enter into an agreement with Family Connections of Northeast Ohio a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Family School Connections Program. The Family Connections of Northeast Ohio is a non-profit corporation with the mission to strengthen families and promote the healthy development of children by providing parent educations, parent support, and activities for families with children from birth to age ten; and Family Connections of Northeast Ohio has established a Family School Connections

Program to provide support to parents and youth; and the amount of funding is to be set at \$20,000.00 and I offer Resolution Number 44-2016 for passage.”

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

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

Nays: None

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

**Resolution Passed**

Mayor Stephens stated, “Resolution Number 44-2016 passes. The next resolution, Councilman Ungar.”

Councilman Ungar stated, “This is a request for a resolution authorizing the City Manager to enter into an agreement with Gesher, which is a non-profit corporation that offers a benefits referral program to help local families access much needed support they will be able to use Community Development Block Grant Funds for the payment of operating expenses, provide compensation therefor and declaring an emergency.”

Mayor Stephens stated, “Is there a second?”

Councilwoman Yasinow stated, “Second.”

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

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

Nays: Dunbar

Councilwoman Dunbar stated, “Against, and I would like to make a statement which is – as much as it pains me to disagree with my Council colleagues, I’m voting against this resolution for a couple of reasons. First, the Citizens Advisory Committee, also known as the CAC, reviewed all the proposals for Community Development Block Grants, also known as CDBG. Gesher requested \$35,000 to support its programs. The CAC voted 14 not to provide funds to Gesher with just one vote in favor. The City staff proposed giving \$5,000 to Gesher as a show of support for the Orthodox Jewish community. Since Council asked the CAC to evaluate proposals for CDBG funds and recommend what to do with our CDBG funds, I’m taking their advice. Secondly, a concern about Gesher is that it seems intended to serve just one ethnic or religious group, not the community as a whole. I found two website links for Gesher in Cleveland: geshercleveland.com, the website for the applicant, says that the purpose of Gesher is to provide Jewish Cleveland families access to benefits and government programs they’re eligible for, but seem to have difficulty accessing due to ‘cultural barriers.’ The other website accessjewishcleveland appears to be an offshoot of the Jewish Federation of Cleveland and provides a comprehensive list of Jewish organizations of all types. This website says that Gesher will serve any person, regardless of

religious affiliation. However, I am told that when CAC members suggest Gesher reach out to our community at large to market its services, Gesher staff seemed uncomprehending. As far as I can make out, all other CDBG funding is for members of the Cleveland Heights community at large, not any of our diverse components although they do end up sometimes being diverse components. So, these are the reasons I'm voting against this issue."

Mayor Stephens stated, "Would you continue the roll call please?"

Tom Raguz stated, "That's six ayes and one nay, Your Honor."

**Resolution Passed**

Mayor Stephens stated, "Thank you and the motion passes. We move on to the next resolution please."

Councilman Ungar stated, "Thank you, Mayor Stephens. The next is Resolution 51-2016 to authorize our City Manager to enter into an agreement with the Heights Youth Club, Inc., a non-profit corporation, for the use of CDBG funds to provide funding for assistance with its Project Learn Initiative, also known as The Educational Enhancement Program; and providing compensation therefor; and declaring an emergency. As I'm sure most members of Council know, the Heights Youth Club is a local gem, a not for profit corporation with the mission to provide and safe and positive environment for youth to learn and develop skills related to education, interpersonal growth and community involvement."

Mayor Stephens stated, "Is there a second?"

Councilwoman Dunbar stated, "Second."

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

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

Nays: None

Tom Raguz stated, "That's seven ayes, Your Honor."

**Resolution Passed**

Mayor Stephens stated, "Thank you and with that, Resolution Number 51-2016 passes. Councilman Ungar, would you move to the next resolution please?"

Councilman Ungar stated, "Sure. This one is 52-2016, right? Lake Erie Ink. Hold on. This is a resolution authorizing the City Manager to enter into an agreement with Lake Erie Ink, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with the organization's after school writing program at Noble School; and providing compensation

therefor; and declaring an emergency. Lake Erie Ink is a non-for-profit corporation with the mission to provide expression opportunities and academic support to youth in the community.”

Mayor Stephens stated, “Do I have a second?”

Councilwoman Yasinow stated, “Second.”

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

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

Nays: None

Tom Raguz stated, “That’s seven ayes, Your Honor.”

**Resolution Passed**

Mayor Stephens stated, “Resolution Number 52-2016 passes. Councilman Ungar, would you move to the next resolution please?”

Councilman Ungar stated, “Sure, next one is 53-2016. This is a resolution that authorizes City Manager Briley to enter into an agreement with Open Doors Academy, a non-profit corporation, for the use of CDBG funds to provide funding for assistance with the organization’s year-round enrichment program for youth living at risk; providing compensation therefor; and declaring an emergency.”

Councilman Seren stated, “Second.”

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

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

Nays: None

Tom Raguz stated, “That’s seven ayes, Your Honor.”

**Resolution Passed**

Mayor Stephens stated, “And Mr. Ungar, would you move to the next resolution please.”

Councilman Ungar stated, “This is Number 54. This is a resolution authorizing the City Manager to enter into an agreement with the Start Right Community Development Corporation, a non-profit corporation, for the use of CDBG funds for the payment of operating expenses for their Food Bank Program; and providing compensation therefor; and declaring an emergency. For those that don’t know, Start Right Community Development Corp.’s Food Bank provides emergency food supplies to needy families and individuals in the area.”

Mayor Stephens stated, “Is there a second?”

Vice Mayor Stein stated, "Second."

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

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

Nays: None

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

### **Resolution Passed**

Mayor Stephens stated, "Thank you. Resolution 54-2016 passes. Councilman Ungar, is there anything else you'd like to share with us this evening?"

Councilman Ungar stated, "One more, but it doesn't have to do with CDBG funds. So, the last one is resolution 55-2016 which authorizes the City Manager to amend the Commercial Loan Agreement with B & W Management, LLC; and declaring an emergency."

Mayor Stephens stated, "Wait, wait, you're going in to Planning and Development."

Councilwoman Dunbar stated, "That's mine."

Councilman Ungar stated, "Oh, I'm sorry."

Mayor Stephens stated, "You're done."

Councilman Ungar stated, "Well, it was pink. I thought it was color coded. I'm the junior member of Council. I'm still trying to figure this out."

Mayor Stephens stated, "We just will ignore that and we'll just edit it mentally."

Councilman Ungar stated, "Sounded like Finance to me. I don't know. Withdrawn. Nothing further."

Mayor Stephens stated, "Okay. Thank you. We now move into Municipal Services.  
Councilwoman Yasinow."

### **Report of the Municipal Services Committee**

Councilwoman Yasinow stated, "Thank you very much, Your Honor. I have no legislation this evening. However, I had the pleasure of talking with you about giving a brief statement about recent events that have impacted our country, our world and our community. We here in the City of Cleveland have a whole lot to be really happy about right now and I by no means wish to put a damper on it, but I would be remiss if this Council did not take a moment and acknowledge the events that have occurred recently in Orlando on the morning of Sunday, June 12, 2016. For those of you watching right now and as you probably know, we experienced the largest mass shooting in U.S. history eight days ago. There

was friends, family, brothers, sisters partying at a night club in Orlando. It was a gay night club. It was Latin night and there were people out having a good time at which point a – however you want to call him – a terrorist or domestic terrorist, a madman walked in with an assault rifle AR-15 that he purchase legally, despite being a convicted domestic abuser and twice being investigated by the FBI for terrorist links, came in and murdered 49 innocent souls. We as a community can't not acknowledge what has happened. We can't not acknowledge the sorrow amidst our otherwise joy.

The victims ranged in all shapes, sizes, colors, ethnicities, however, I do want to point out that of the 49 victims, 90% were Latino and 23 of the 49 were Puerto Rican. So, while we properly this is an attack upon Americans, it is also equally important to understand that this was an attack against people who were gay or perceived to be gay. It was an attack upon our Latin American community. It was an attack upon people of color and these victims – they were people who were people's mothers, wives, sons, daughters. The youngest was an 18 year-old girl Akyra Murray. She had just graduated from high school. She was set to go off to college on a full scholarship. She was visiting Orlando with family in celebration of her graduation. She wanted to go and study criminology and she's actually escaped Pulse Nightclub, but went back to find her family at which point she did not survive. Another was Brenda McCool, 49 years old, a mother of 11 and a breast cancer survivor, she was dancing with her son. When the shooter came in, she threw herself in front of her son so that he would survive. He did, but she did not. Another victim, though I will not name all of them, actually has a tie to Cleveland. He was 20 years old. His name was Luis Omar Ocasio-Capo. He immigrated to Cleveland in 2003 from Puerto Rico where he was well known and loved in the artistic communities and the LGBT community of Cleveland. His grandmother flew from Cleveland to Florida to bury her grandchild and on that flight, a Jet Blue flight from Cleveland, every single person on that flight came up to her to give her their condolences.

I frankly could go on about the victims – a 22 year-old named Luis Vielma who was in college, who was working at the Harry Potter attraction and who received flowers from J.K. Rowling at his funeral just to say, 'To Luis who died for love.'

These were all people's friends and all people's family and it... I don't think that I as a person or we as a Council have an answer to what we could do to stop this, but I think that there are many wrongs where an individual can legally purchase an assault rifle who could legally do so after being on the terrorist... after being investigated for terrorism, after having domestic violence convictions. I think it's wrong personally that this was an act of terrorism, but it was also an act of hate crime; and the fact that a hate crime against people who are gay or perceived to be gay in the State of Ohio is not a hate crime. To me, that is wrong and the particularly heinous thing is that the majority of hate crimes in the United States according to the FBI are committed against persons who are LGBT or perceive to be LGBT and that when there is a death that results from a hate crime against a person who is LGBT, the majority of... 90% of all of those homicide victims are people of color.

I find the acts that have happened to be particularly egregious because they happened almost one year to the day of the murder of nine innocent souls that Mother Emmanuel AME Church. The epidemic of gun violence, of hate that has infected our country, our community, our state, our country – it comes for us all. It comes for those who are straight, who are gay, colored, black, Latino; it doesn't

matter and we need to love to overcome it. So, I'm not particularly certain what to say other than I believe when I speak for Council when I say that we stand strong. That we stand for love. That we are a community that takes pride in our diversity; that takes pride in the fact that we are the first municipality in the State of Ohio to have domestic partner registry; that we were the first community the State of Ohio to have truly comprehensive LGBT protections, for public accommodations for housing and education and we are a community that welcomes all; and for those who are out there, please let us know your thoughts.

Let us know what you want us to see done as a Council. Let your representatives, your Senators, your Governors – let them know what you want to see done because we can love each other only so much and now we need to bring action. So, thank you.”

Mayor Stephens stated, “Thank you, Councilwoman Yasinow. This is particularly egregious to me because, from my perspective as an African American woman, it was 45 years ago that they were still putting the dogs on my people and calls that allow people to use hate or religion to justify behavior against people, that kills them is wrong; and so as a community based on diversity and our willingness to continue to live in a society where we engage people, we may agree to disagree, but we don't use violence to disagree against people. This is wrong and as you can see, I'm teared up by this and that's why I asked Councilwoman Yasinow to address this issue. While we may not be able to take action, we call our residents to verbally let our federal and state legislators know their perspectives on these issues. Thank you. I'd like to move on now to Planning and Development.”

Councilman Ungar stated, “Could I make one comment before we do?”

Mayor Stephens stated, “Yes.”

Councilman Ungar stated, “Just, I want to thank you, Mayor Stephens. I want to thank you, Councilwoman Yasinow for what you just said. You do – it probably goes without saying – you do speak for me. You said it more eloquently and much more powerfully than I could have, but I really appreciate your comments, both as a citizen and as the most junior member of this Council. I really mean that, so thank you for doing what you just did. It took a lot of guts.”

Councilwoman Yasinow stated, “I hope we don't have to make any other statements to this effect going forward.”

Councilman Ungar stated, “Yeah.”

Mayor Stephens stated, “Thank you. Councilwoman Dunbar.”

### **Report of the Planning and Development Committee**

Councilwoman Dunbar stated, “At this point, we will be going over the Board of Zoning Appeals Calendar Number issues I would like to move to amend the agenda to add Calendar Number 3404 to the cases that Kahlil Seren is going to present regarding the Board of Zoning Appeals.”

Mayor Stephens stated, "Okay, I need to have a vote on amending the agenda. Is that correct, Mr. Juliano?"

Jim Juliano stated, "Yes, Mayor."

Mayor Stephens stated, "I need a second."

Councilwoman Yasinow stated, "Second."

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

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

Nays: None

Tom Raguz stated, "That's seven ayes, Your Honor."

**Resolution Passed**

Mayor Stephens stated, "Thank you. We have amended the agenda and I believe now we move to Councilman Seren."

Councilman Seren stated, "Thank you, Mayor, [Councilwoman] Dunbar. All right. First I'd like to move that this Council approve the Board of Zoning Appeals Resolution for Calendar Number 3399: John and Jenifer Coakley, 2521 Edgehill Road, to permit 69% rear yard coverage."

Councilwoman Yasinow stated, "Second."

Mayor Stephens stated, "If, Mr. Raguz, would you call the roll for Calendar Number 3399?"

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

Nays: None

Tom Raguz stated, "That's seven ayes, Your Honor."

**Resolution Passed**

Mayor Stephens stated, "Calendar Number 3399 passes and we move on to the next Calendar Number, Council Seren."

Councilman Seren stated, "I move that we approve the Board of Zoning Appeals Resolution for Calendar Number 3401: New Kenilworth Partners LLC, 14 Kenilworth Mews, to permit a free form paver patio set back 10 to 15 feet from the rear property line."

Mayor Stephens stated, "Thank you. Is there a second?"

Councilwoman Dunbar stated, "Second."

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

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

Nays: None

Tom Raguz stated, "That's seven ayes, Your Honor."

**Resolution Passed**

Mayor Stephens stated, "Thank you. That Calendar Number passes as well. Councilman Seren, would you move on to the next one?"

Councilman Seren stated, "I move that we approve Board of Zoning Appeals Resolution for Calendar Number 3402: New Kenilworth Partners LLC, 15 Kenilworth Mews to permit a free form paver patio set back 11.5 feet to 15 feet from the rear property line."

Mayor Stephens stated, "Thank you. Is there a second?"

Councilwoman Yasinow stated, "Second."

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

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

Nays: None

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

**Resolution Passed**

Mayor Stephens stated, "Thank you. Calendar Number 3402 passes. Councilman Seren, would you move on to the final Calendar Number this evening?"

Councilman Seren stated, "I move that we approve the Board of Zoning Appeals Resolution for Calendar Number 3404: William and Debra Patterson, 2260 South Overlook Road to permit a garage to be rebuilt 4 feet from the principal building."

Mayor Stephens stated, "Is there a second?"

Vice Mayor Stein stated, "Second?"

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

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

Nays: None

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

**Resolution Passed**

Mayor Stephens stated, "Thank you. That completes our Calendar Numbers for the Board of Zoning Appeals this evening. Councilwoman Dunbar, I believe there's another item on your agenda."

Councilwoman Dunbar stated, "Yes. Yes, Your Honor. Tonight I have Resolution Number 55-2016; a resolution authorizing the City Manager to amend the Commercial Loan Agreement with B & W Management, LLC; and declaring an emergency. The City entered into a Commercial Loan Agreement with B & W Management, LLC, on March 2, 2004. Now the borrower has requested that the balloon payment currently due be converted into sixty (60) monthly payments. In addition, the borrower has informed the City that its composition has changed. The City has determined, the Council has determined, it would be in the City's best interest to amend the payment schedule as requested and to add a different guarantor. So, the bottom line is approving this resolution means the City Manager is authorized to amend the Commercial Loan Agreement to convert the remaining balance of \$115,957.98 from a balloon payment of 60 monthly payments, and that's the gist of it. I move that Council vote affirmatively on Resolution Number 55-2016."

Mayor Stephens stated, "Do I have a second?"

Councilman Ungar stated, "Since I prematurely moved it, I'll certainly second it. I make my apologies again to Councilwoman Dunbar."

Mayor Stephens stated, "Thank you. It's all right. It's a rookie mistake."

Councilman Ungar stated, "That's right."

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

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 55-2016 passes. Councilwoman Dunbar, is there anything else you'd like to share with us this evening?"

Councilwoman Dunbar stated, "Of course. I'd like to cordially invite you all to the Slow Roll Cleveland Bike Ride in Cleveland Heights on Saturday, June 25 from 4:00 – 5:30 p.m. This is a free group bike ride and it normally meets every Monday evening at a different location in Cleveland, but at 4:00 p.m. on Saturday, June 25, Slow Roll will start from the Peace Park at the intersection of Coventry Road and Euclid Heights Boulevard for a 4 to 8 mile bike circuit lasting up to an hour and a half. It's a family friendly ride designed for all ages, skill levels and rider types and it goes slow enough so that just about anyone can ride along and feel comfortable cycling. Lights and helmets are encouraged. The ride will

end where it started at the Coventry Peace Park and from there, riders may join a group heading for one of the restaurants or bars on Coventry. There's an event page on Facebook for this if you Google it.

On another topic, as you probably know, sewer bills will be going out because the Northeast Ohio Regional Sewer District is investing in storm water management upgrades to our sewer system. If you are interested in having the lowest possible sewer rate or boosting your property's ability to absorb storm water, you can attend a program on these topics on Wednesday, June 29, 5:30 – 7:30 p.m. at Lyndhurst Community Center, 1341 Parkview Drive, Lyndhurst. They'll undoubtedly give you this booklet which contains an application and tells you what to do to reduce storm water runoff from your property and how to apply for a resulting credit to your sewer bill.

Finally, also on an environmental note, the Cuyahoga Soil and Water Conservation District will sell you native seed plants packets. These plants have long root systems to hold the soil, slow storm water runoff and provide vital food and habitat for birds, insects, pollinators and many other species. You could choose from plant packets that include packets for shady spots, rain gardens, eastern Great Lakes native pollinators, butterflies and hummingbirds, wildflowers or an annual seed mix. They cost \$15.00 except for the annual which are a bargain at only \$12.00 and they're available until October 15 by filling out a form on the group's website. By the way, this group's newsletter cited Cleveland Heights residents Susan Miller and Carla Routenberg for stenciling storm sewers on streets in the Grant-Deming neighborhood of Cleveland Heights with the message 'Lake Erie Starts Here.' The newsletter also notes that in its 2015 Annual Meeting, Cuyahoga Soil and Water Conservation District presented a conservation award as volunteers of the year to the Cleveland Heights Monitoring Gang which includes some people who are no longer with us such as David Smith, David Murthspa, David and Bobby Ferrell and Ted Woodridge. Excuse me. That's all."

### **Mayor's Report**

Mayor Stephens stated, "Thank you. This evening we've come to the conclusion of our City Council meeting and it's time for the Mayor's Report. As you heard from Councilwoman Yasinow, we had some significant moments of despair beginning with the massacre in Orlando, but also on that same day, for those of us who have been involved in public service in Ohio for significant amounts of time, we lost a champion of good government, George Voinovich. There are several of us in the room who have worked with Mr. Voinovich who was first Mayor Voinovich, then Governor Voinovich, then Senator Voinovich and for me it was particularly important. I was a junior staff in the Department of Economic Development for the City of Cleveland when I first met the gentleman and I use the term gentleman with all due respect and honor. He was a great public servant and at a local level, he said that all politics were about our community, not about our political persuasions and I learned significantly from him. I had the pleasure of traveling as the staff person for him to D.C. to help him lobby for funding for a great Cleveland project. I was honored to serve him more than once and honored that at one point in time he selected me to lead a division of his staff at state government, but I turned it down to do something which I thought was more exciting at the time, but he still liked me and he still liked what I did for Greater Cleveland and my commitment to our community.

I believe that what we do as local servants is very, very important. Sometimes we don't respond as quickly as we can, but this Council and I are committed to serve in this community. We believe it with all our hearts; whether you all are a Democrat or a Republican or an Independent or none of the above because you're completely different because this is Cleveland Heights. We will support your issues and find answers to them and even if we make a different decision, we will still talk to you and we're committed to interact with you because that's why we serve here. We have had moments of joy, like the Cavaliers winning, the equivalent of a lottery ticket for us, but we also have had these moments of despair with the loss in Orlando and the loss of a great statesperson George Voinovich. With that, I know that this community will survive and once again, I close this meeting with God bless America, but God bless Cleveland Heights as well."

The meeting was adjourned at 8:44 p.m.

Respectfully submitted,

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Cheryl Stephens, Mayor

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Tom Raguz, Clerk of Council

/jkw