

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

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

Council Members excused: Stein

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

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:50 p.m., Mayor Stephens presiding.

Roll Call: Present: Dunbar, Roe, Seren, Stephens, Ungar, Yasinow

Excused: Stein

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

Mayor Stephens stated, "Good evening and welcome to the Cleveland Heights City Council meeting of Monday, December 4, 2017. We are a little late in starting this evening, but we just had a series of issues to discuss. If the Clerk would call the roll please."

Roll Call: Present: Dunbar, Roe, Seren, Stephens, Ungar, Yasinow

Excused: Stein

Laurie Sabin stated, "Six present."

Mayor Stephens stated, "Thank you. Six members out of seven present. I'd like to excuse Councilman Stein. He had a family issue to take care of. As usual, I'm sure that there are two specific members of Council who took a look more closely than the rest of us at those minutes. You've passed them to the staff. That's most excellent. Then we come to one of our favorite parts of the evening – one of the exercises of democracy, personal communications from our citizens or business people or people who are just concerned about something in Cleveland Heights. We'd like to welcome you to the podium to the left, my left, your right. Please be brief, three minutes or less. If you would come to the podium and state your name and your address, we'd appreciate that. Who would like to go to the podium first this evening? Ms. Hart."

Melody Hart stated, "Hi, Melody Hart, 2976 Monmouth Road. I want to thank the Council for recording the Charter Review Committee meetings. I think that's a really good effort. I think you heard from many residents at the meetings that people were really pleased to have those meetings recorded and I know our Health and Safety I believe is also recorded, their committee meetings. I'd like to encourage you to consider having the Council begin to record all committee meetings including

Committee of the Whole. This provides more transparency. There's a lot of people that can't just get out and come to the meetings and when they only see this portion, what they're seeing is the formality. They're not seeing the debate and the discussion. They're not seeing how their representatives are thinking about things. So, I think that having it open and recorded will allow more people to have access and get people to more understand the good job of due diligence that you do. So, I would like to encourage that. Thank you."

Mayor Stephens stated, "Thank you. Is there anyone else who would like to speak with us? Mr. Chilcote."

Lee Chilcote stated, "Lee Chilcote, 2322 Delamere Drive in Cleveland Heights. On November 20, I came here and asked on behalf of Coventry PEACE for your support of our effort in three ways. We asked for an extension of time for the stakeholders to June 30, 2019. We asked that you drop the RFP/RFQ and we asked that and I announced at that time the library had entered into discussions with us and I asked that you allow transfer to the library. Since those dates, there's been, I believe, two executive session meetings, one in which School Board members came to visit you I believe on the 27th and then there was a Board of Education Executive session meeting on the 28th. The library and Coventry PEACE have continued to talk and negotiate and discuss and what I want to say this evening is that we're prepared to go forward and we're asking you to, again, to support it. November 20 was a while ago. This is your last Council meeting and I understand that you're, I guess, waiting or going to talk with the Board of Education further and they do have further meetings, but what I'd say is this is a terrific opportunity. This is a sort of lifetime in a community opportunity here where the Library Board is willing to join with us and make this happen. So, I would welcome any comments that any of you would make tonight in response to our request. Thank you."

Mayor Stephens stated, "Mr. Chilcote and members of Coventry PEACE, Council has continued to try and move the dialogue forward with the School Board. We do not control the property. We have a Memorandum of Understanding and so all the final decisions for how we operate must be done in conjunction with the owners of the property, which is the School Board. So, we continue to talk with them. There's a request for an additional conversation on the table and as soon as we can make a public statement to you, we will with the permission of the School Board. We continue to talk with them. There are some differences of opinion on how things should be handled, but please know that we are still talking with them and as soon as we get everybody close to a similar decision, then we'll be able to make a statement to you. Thank you for your patience and your time and your continuous dialogue with us. That is greatly appreciated. Any other members of Council who'd like to make a statement? Okay, is there anyone else who'd like to make a statement to Council this evening? Yes, sir."

Bill Bruml stated, "I'm Bill Bruml of 1768 Middlehurst Road."

Councilwoman Roe stated, "Could you speak up please?"

Bill Bruml stated, "Sorry. I just wanted to speak about the condition of particularly the pavement right over there in Severance Center. I know there have been some discussions that have hit the

newspapers about what's going to happen with the property, but in the meanwhile, the owners apparently have allowed the pavement to deteriorate to the point where it's flat out dangerous. This summer I attempted to bicycle to my bank right here and as I was approaching the ramp, just riding on pavement that should have been normal pavement, that I was flying over my handlebars because a defect in pavement had grabbed the wheel, turned it. This is not something that's so easy at my age. The last time it happened was in 1970. I was a bit younger. It was easier and I know that's not the only place where the pavement is dangerous and I would appreciate if the city has ways of pressuring the landlord to do something about it, that you do so."

Mayor Stephens stated, "Thank you. Is there anyone else who would like... oh, I'm sorry."

Councilman Ungar stated, "Can I just follow up and ask a question of staff and, forgive me, I probably should know the answer to this question, but I don't. Who's responsible for that Ring Road and assuming it is the owners of Severance, what powers do we have to ensure that it is maintained safely?"

Jim Juliano stated, "May I? I believe that the Ring Road is the responsibility of the owner of the shopping center. We will check that and make sure and if that is true, then naturally the owner is responsible for keeping the pavement in acceptable condition at least so it's not a nuisance to people trying to get in and out of the Severance Center because it is in nature of a public area there."

Mayor Stephens stated, "If we find defaults in how... the condition of it, can we ticket them?"

Tanisha Briley stated, "Yeah, we have some remedies available to us. Ultimately, it could all end up in the court process which may not be the most beneficial for us. As far as the patching, I'm looking for Alex, I think that the asphalt plants have closed. So, it would be a cold patch which would be temporary at best whether we did it or the owners did it, but we will definitely look into the issue."

Councilman Ungar stated, "But I'm just curious, if it's a safety issue, do we have that right? The right to go in and patch it and assess the owner?"

Tanisha Briley stated, "We do, but what I'm saying is that that patching it won't be effective at this point, but yes, we have options."

Mayor Stephens stated, "So we have to give them notice first in the form of a ticket or declaration of public nuisance, correct? We can't just go in and patch because it's not like a fire where..."

Jim Juliano stated, "I would definitely recommend notice prior to taking action that might be charged back against the owner. Yes, ma'am."

Tanisha Briley stated, "We will follow up with the owner."

Mayor Stephens stated, "Okay. Is there anyone else who would like to say something to Council? Okay, if there are no other comments this evening, we will close the public hearing and move to report of the City Manager."

Report of the City Manager

Tanisha Briley stated, "Thank you, Your Honor. This evening, I'm just going to do a very short final budget presentation for our 2018 Operating and Capital Budget. For the last several years, we've done it this way, just to make sure there's some portion of this process that we've all been engaged in for several months, that the public can participate in and will also be recorded. So, our theme for this year is Onward and I'll talk a little bit more about that as we develop the 2018 Operating and Capital Budget, it really is building off of last year's theme which was Planting Seeds of Progress. The 2016 year was a planning year for us. We do lots of planning all the time, but 2016 was a very intensive planning year – everything from the Master Plan was underway to smaller departmental focused plans like our cyber security plan, so there were lots of planning efforts underway and we thought as we ended 2016 that the 2017 year would be about starting to move those plans forward and it certainly was. One of the guiding documents for us in 2017 was the 2017 City Council and Council Manager priorities that we set and we did get to this a little later in the year, but they fortunately are in line with many of the things that I think are important to all of you and then of course are important to residents and things that we are doing, but these priorities are a focus for us in addition to the day-to-day core business of keeping this city running and service to the residents and so I'm going to go through a few highlights of how we did in these different areas and I look forward to a more fuller update with you as we close out 2017 and we'll have a more robust report for you in early 2018 as how it relates with these priorities, but I want to thank the staff.

As you know, we had some tremendous challenges this year, particularly on the key staffing side. We had major transitions at key staff levels that really should have significantly impacted our progress on these priorities, but thanks to the hard work of the department head team and their staff, we were able to move a lot forward and I'm very proud of the work that they did. So, first, advanced City Council relations – there was a retreat held and I just showed you the full concept of the 2017 priorities that were established. You have other work that you plan to work on in 2018 and I look forward to working with you along those lines. The second priority was to continue to build fiscal sustainability and I'm just... I'm not going to read to you everything on the slide. I'm going to go through this fairly quickly so that we can get back to your meeting, but one of the things I thought was very important is that we were able to build our reserves modestly while also making some very key strategic investments in operations. So, the 2017 budget included adding back a few positions that had been held for several years as we climbed out of the economic recession. Those positions were related to our strategic priorities and I hope that you have seen, as I have, been pleased with the progress that we've made on the priorities. For example, the Communications and Public Engagement Director position was one of those positions that was filled in the 2017 budget and I think we've made a lot of progress on our communications with the community as well as the business community. We also added in a property investigator as another example which was a focus for the Housing Department to really manage those vacant and bank-owned properties, so that we can track them through the process and have better outcomes for those properties that can become a nuisance and those that are already a nuisance. So,

those strategic investments were made in addition to building reserves which is a great sign that we're headed in a positive direction with our financial sustainability.

The third goal was diversify and strengthen the tax base and this is, for us, a very broad goal, but it hits on both commercial and residential tax base, so I'll just highlight a few just discussed in the Committee of the Whole meeting that we're very pleased with the progress we're making on Top of the Hill after changing developers mid-year; not only executed the MOU, but the development agreement is essentially negotiated. There are no more concerns on either side for the development agreement and the ground lease document that will accompany it is just about finished as well. The next step is working with the school district. So, that process is moving forward and we expect Council to take action on those documents in January. Citywide CRA – I'd like to highlight as well. I know that was an important tool that Council was very interested in and we've made great progress and have brought those initial thoughts to you. You've given us some feedback and I think we'll be ready to move really quickly on that in the first quarter of 2018. We've added some new tools for business retention and recruitment. We've also, on the Housing side, I've mentioned we added the property investigator which has been extremely helpful with tracking vacant properties, tax delinquent properties, those sorts of things. We've instituted new tools thanks to Councilman Seren's leadership on the occupancy permit legislation. We are closing the gap between the time frame that residents expect once a property has been reported; if it makes its way through the court process, that has been a bit of a challenge for us over the last few years and the Housing staff has done a great job of taking some leadership there to close that, reduce the time frame for how long it takes Housing cases to matriculate through the process. Continuing to improve operational efficiency and effectiveness of course continues to be a priority for us. I'll just highlight a few – very excited about the progress we're making on our \$6,000,000 energy efficiency project. As you know, and we'll talk about, we have some serious constraints when it comes to funding capital projects for the city and to be able to not only improve our efficiency and our carbon footprint for the city (reduce our carbon footprint), we were able to use savings to also cover some very major infrastructure projects for us that we otherwise wouldn't have been able to fund and we did all of that off book and that was a very time intense, but great process to get to this point and now the projects are underway and under the great leadership of Joe McRae.

The other thing I'll highlight here is our regional partnerships which obviously go to our efficiency and effectiveness. We continue to add to this list, but very excited about the Heights Hillcrest Communications Center coming online. It's operational now for a full month and our EastCom Fire Dispatchers have moved in. They were one of the first to move in and our Police Dispatchers will be moving in this week I believe. So, is that this week? December 15; next week. So, we will be officially out of the dispatching business as an individual city and have joined with – we started with three other partners – and before the process was over, we had another join us and we expect to have more communities join in. It really is a service enhancement for our residents, but it's an operation efficiency for us. Other partnerships include the Police joining the EDGE SWAT team. So, we are part of a regional SWAT team. We no longer have our own isolated SWAT team, the mobile field force unit. And, of course, our partnership with Cleveland Water – that conversion has been underway all year. It's been a

major lift for our Utilities Commissioner and our IT Director in making sure that that process moves through smoothly and so, that's been a year-long process. I think we still have a little bit of work yet to go on the full conversion, but partnership is definitely a part of our operating program.

The next piece is the developed plan to address major infrastructure needs and we will talk again shortly about the capital challenges that we have, but despite that, in 2017, we were able to really accomplish some major projects under the leadership of Alex Mannarino. So, the Cedar Road Resurfacing and Cedar Fairmount Streetscape Project along with the multi-purpose path was no small feat. We're excited about it and how it has turned out and I'll just highlight again – we just discussed this at the Committee of the Whole meeting – the County's support to not only resurface Noble, but we also got curbs and other enhancements out of the project that we would not have been able to fund and it was definitely in our Capital Program, but we had no dollars to do it. So, we're very fortunate to get that support from the County and get those major projects underway. Waterlines, curb replacements, you know it, of course, our Residential Road Program continues each year. So, that was a great accomplishment despite our capital funding challenges.

So, next is our marketing our strengths and opportunities. We added the Communications and Public Engagement Director position about mid-year. Since then, we've been able to establish the bi-weekly community newsletter and we have established a circulation to 13,000 and that continues to grow. We've also added a focus on the business community. So, the Economic Development team, in partnership with the Communication staff have special events and communications that go to the business community and I think that's been very well received and very helpful as well. Our last goal/priority was to implement the Master Plan, prioritize goals and actions. I'm really excited about demonstrating for Council and the community in early 2018 our progress on the Master Plan. There's been significant progress made in this year and that will continue. We had a challenge with, as you know, the document is very large. In fact, on our website, it's kind of separated out into categories and trying to track that internally and the accountability associated with that, as well as, how do we display that progress to the community in a dashboard type of form that's easily digestible was a challenge for us. So, we found some software that will help us do that. We're excited about that launch. It will be rolling out in 2018 and I just got a call last week that Shaker Heights has jumped onboard with that as well. So, we're going to go and try to partner to see if we can get some cost savings on the software as that moves forward.

It says here two rounds of zoning. We'll say one round of zoning amendment is completed; one underway, and I'm sure the staff has already started on round three. As an example of some of the very intense work that comes out of the Master Plan to help better position our community to grow and meet our needs in the future - of course, the CDC working group is under way as well, and that was another recommendation. So, there's plenty to go through. I just won't do all of it for you tonight. I look forward to doing that with you early next year.

Now on to the 2018 budget – total budget - \$76,000,000. That includes all of our funds. Fiduciary, which are trusts and agency funds and internal funding sources like the hospitalization fund.

Proprietary, which are enterprise funds like the sewer and ambulance funds and governmental, which covers pretty much all of our core services. The general fund being the major culprit there, so \$58,000,000 for governmental and the general fund is the vast majority of that. You've seen this chart. I've tried to change it. Hopefully, it's helpful for Councilman Ungar – I've got colors now."

Councilman Ungar stated, "The color was the descriptor."

Tanisha Briley stated, "So, you don't like fiscal health?"

Councilman Ungar stated, "No, I like that."

Tanisha Briley stated, "Okay. All right, so, we've got a traffic light situation now. The only major operating fund (and we have six major operating funds) - the only one that we're going to watch very closely and we're going to discuss some options for at our Council work session on the budget is the parking fund. So, we will definitely be watching the parking fund very closely. There will be some analysis and some recommendations that will come to Council in 2018. The other funds are doing very well as far as being structurally balanced. So, we are spending revenues that come in for those expenses and not spending down fund balance in order to fund critical operations. General fund has a yellow light just because, as Council knows, when we started the general fund budgeting process this year, and last year for that matter, we have needed to fund future expenses using surplus dollars. So, that's not necessarily structurally balanced. We're definitely headed in the right direction, but when we have to pre-fund operations for the next year in order to close a deficit, that's something that we want to continue to watch, but the general fund is balanced and the \$43,300,000 is exactly a flat budget year over year, so there's no increase there from last year as our revenues are also flat. Yes?"

Councilman Ungar stated, "Can you go back one slide? I want to talk about the parking fund. So I can't tell from there why it got a red light."

Tanisha Briley stated, "Right, so the parking fund is... there's an illusion there that it's a healthy fund. We have borrowed debt in order to resurface all of our parking lots and that program finished last year and so, the debt proceeds make it seem as though it's healthy, but we've actually been spending down fund balance and so, when we don't issue any debt, which we aren't doing, we didn't do this year and we aren't doing next year, you start to see the health of the fund. Our expenses exceed our revenues. So, it's [structurally unsound] and we need to address that. Does that make sense?"

Councilman Ungar stated, "Yeah, it does sound to me to be structurally unsound when the expenses exceed the revenues, but I'm wondering – were there any temporary situations with regard to our parking revenue? This year we had a lot of disruption throughout the community and that's not a complaint about various concessions that we as a city made. I thought they were quite prudent to do so, but were there any one-off situations or episodal situations that might have lead to that?"

Tanisha Briley stated, "No, the one thing that stood out for us when we reviewed the parking fund with you all a couple weeks ago - the permit revenue, which shouldn't be impacted by construction

or other issues was down and so that's something that we need to better understand – what's happening there and that's something we want to dig into in 2018. So, the meter revenue is not our major source of revenue for the parking fund. It's mostly the permits. So, those are down. Meter revenues were about the same. We had had various programs over the last few years, from free parking every weekend for, I think, a whole year we did. We did a summer; so that the last three years of history on revenue for meters is kind of hard to peg whether that's normal, but we, and then the construction that we've had at Cedar Lee last year and Cedar Fairmount this year. The permit revenue is a great concern and while the Passport Parking Program should enhance revenue once it's fully online, that still is separate from permits, so we really need to dig into what's going on with the permit revenue and bring expenses back in line and expenses – we just have two employees who collect the meters and repair the meters. So, it's not heavily expensed. We aren't drawing any dollars from the fund as we used to be able to. So, we've sort of stripped all the expenses away. This could be a revenue issue or it could be a demand issue or combination of both. So, we really need to..."

Councilman Ungar stated, "I'm just curious operationally speaking, what do you do? First of all, what do we need to have to get a green light there? Does it just have to be a break even or is it proprietary? Are we trying to make some money here? What are the benchmarks? I have no idea what parking looks like."

Tanisha Briley stated, "Break even gets us to green."

Councilman Ungar stated, "Break even gets us to green. How far below... how much, you know, net, how much were we in the red this year? I can't tell from looking here."

Tanisha Briley stated, "I don't have that in front of me, but I can..."

Councilman Ungar stated, "Ballpark."

Tanisha Briley stated, "I don't know. I'm never comfortable ballparking. I'm a budget person, so I can get that information for you and it's in your packet from the workshop that we had a few weeks ago. You will see that we've been using fund balance and then if you control for the debt proceeds and strip that out, it looks like an even worse picture. So, one of the things we talked about was having a real parking study analysis done which we haven't done in the parking fund for quite some time and so, one of the good investments that Committee of the Whole discussed was that we can use some fund balance to get a real study done with the caveat that we know if the revenue recommendations that come back - say it's something Council needs to deal with, but we need to commit to dealing with that in 2018. So, I can get you more detail on that if you want."

So, that's a snapshot of our major operating funds. As I mentioned, the general fund is flat this year. We are projecting flat revenues year over year and so our expenses have come in line with that. Part of the reason is that we're going to continue to hold several positions. So, I have the list up here that we reviewed a few weeks ago. The 2017 list compared to the 2018 list – still 10 positions, slightly different makeup, slightly, but 10 positions will continue to be held. That helps us close the gap and the

other gap closer was Council's decision to pre-fund the anticipated increase in health insurance that we'll have in 2018. So, Council has agreed to pre-fund \$500,000 toward the health insurance and that helped to close our initial baseline deficit. So, the baseline budget, if you remembered, had all of these positions being funded and all of the health insurance being paid as it would normally be paid. That was a deficit, so in order to close the deficit, we pulled those 10 positions out again and pre-funded health insurance. So, here's what the \$43,400,000 looks like by function. Of course, public safety is 48% as it should be. Public works at 18%. General government includes everybody from Finance to Law, City Manager's Office, City Council, everyone else is sort of thrown in there. Finance at 4%; Planning and Development, 1%; Parks and Rec at 5%; Community Service is 2% and Hospitalization, which is our healthcare cost, 10% of that \$43,300,000.

Quickly, I'll just jump to the 2018 Capital Improvement Program, it's an \$8,500,000 program this year. It's about \$3,000,000 less than last year and this is a breakout by category. As you can see, we always spend the majority of our capital funding on streets which is, I'm sure, the community expects us to do. Signs and signals make up a larger chunk this year because of the big project we'll be doing on Mayfield signs and signals project which is mostly funded by a grant through NOACA. Fleet is all of our large equipment and vehicles. Public properties is all of the investments we're making in Parks and Recreations facilities and other city buildings. Police are what we discussed with you at the work session. It's radios and firearms. IT is a very small project to continue a slow replacement of our desktop machines and fire is our defibrillator/IED Lucas device... I'm sorry, our Lucas device. Here are funding sources. As usual, outside or other funds that we've paid as tax payers and have brought back to the city to be used for our benefit – that's the top line – governmental funds. So, about \$4,500,000 of governmental funds to do major projects in the city.

Street construction funds is our second largest which is what we run our Residential Road Program out of. Normally in second place would be finance capital. It's all the way down at the bottom now at \$0. We aren't issuing any debt for debt that would need to be retired out of retirement fund. As you know, we discussed that. Sewer fund. Issue 27 is our Parks and Recreation - equipment, playground, paths, the Community Center building, those sorts of things. General fund – what you see there, the 4973 is what we discussed with Council. Also, using some surplus dollars since we aren't issuing any debt. I'm trying to get some of those key projects, critical needs, filled by using some general fund dollars to do that, so that's what you see there. Forestry is some equipment. Police facility improvement is for the Police Academy I believe. Local Programming fund is for our multi-printer devices, multi-functional devices. So, that's a lease that we have for all of our devices throughout the city. We have a few funds that transfer money in to pay for debt that they have issued and you see finance capital fund at \$0. So, we've discussed this a few weeks back. Our issue with capital is not that we have a debt capacity issue. We have no capacity issue. Our issue is that we don't have a funding source to repay any new debt that would be issued. So, the bond retirement fund levy went from 3 mils to 1.5 mils when the Community Center debt retires at the end of this year and we are currently spending down the bond retirement fund reserve for the existing debt which, under the current program, will expire in 2021 and

so, our needs continue to grow and we're going to have to find a way to address our infrastructure needs.

And I'll just wrap up with two more slides. This is a slide from our resident survey that we just do every two years. So, it covers us for two years and [these are] the answers the community gave us to the questions of – what are the things we should be working on for the next two years? And we asked them to do it in a way where they rank it by the importance of it and how satisfied they are with it. So, things that they are not satisfied with that they also rank to be very important are what show up on this slide and we want to make sure that we've calibrated our funding for the next year to coincide with those priorities and the checkmarks mean that we've met that mandate.

The Financial Task Force was convened in 2015 and they made several recommendations that are listed here for the city. One was to pursue and tax income increase which we've done. We needed to recalibrate some of our general fund expenditures that were eligible to be funded out of other funds. We've done that. A big example would be our salt purchases which we make now out of the forestry fund which is an eligible expense instead of burdening the general fund with that. So, we've scrubbed the budget for those and we'll continue to do that. Continuing to find partnerships and regionalization opportunities, we of course are committed to that. We've been building a general fund reserve, I think, in a very responsible way. We continue to advocate for policies at the state level that support our interests and I know Mayor Stephens has been very active in that process with the Mayor's Alliance. We also use our resources through the Mayors and Managers Association as well for state level issues; currently engaged in the small cell tower fight with other communities and we'll continue to advocate for our interests at the state level. Diversifying revenue streams through economic development – we all know that's the long game and we don't get to financial sustainability without accomplishing that, so that's an ongoing consideration for us. And eliminating the financial liability of the water fund with we have done. So, the Financial Task Force recommendations, I believe, have been satisfied. Last year, we were still missing checkmarks, though we have, I believe, completed the Task Force recommendations and one of the things that I'd like to pursue in 2018 is to reconvene the Task Force just to review again and find some additional things that we can work on.

So, Onward 2018. Any other questions from Council members? Thank you for your time."

Mayor Stephens stated, "Thank you. Good summary of what we've discussed. Now we can move to the report of the Director of Finance/Clerk of Council, Ms. Sabin."

Report of the Director of Finance/Clerk of Council

Laurie Sabin stated, "Good evening. I need to notify Council that two resolutions of the Board of Zoning Appeals have been received pertaining to variances in the Zoning Code and are requested by the following:

- BZA Cal. No. 3435: Hebrew Academy of Cleveland, 1516 Warrensville Center Road, to permit a 7 foot tall chain-link fence in the front yard; and

- BZA Cal. No. 3436: Peace Lutheran Church, 3740 Mayfield Road, to permit a 26.15 square foot per side institution identification sign; and to make this a Matter of Record.

Matter of Record

Mayor Stephens stated, "Thank you. We will refer these to the Planning and Development Committee for presentation in just like 30 seconds. Is there anything else?"

Laurie Sabin stated, "No, ma'am."

Mayor Stephens stated, "Thank you and we move to our committee reports and the first committee up is the Planning and Development Committee. Councilwoman Dunbar."

Report of the Planning and Development Committee

Councilwoman Dunbar stated, "I would defer to Kahlil Seren for the BZA things to the extent we need to..."

Mayor Stephens stated, "Councilman Seren, would you review those with us please?"

Councilman Seren stated, "Certainly. Firstly, I'd like to move to approve the Board of Zoning Appeals Calendar Number 3435; a resolution for Hebrew Academy, 1516 Warrensville Center Road, in a AA single-family district, to permit a 7 foot tall chain-link fence in the front yard; where a 4 foot maximum fence height is required."

Mayor Stephens stated, "Is there a second?"

Councilwoman Dunbar stated, "Second."

Mayor Stephens stated, "Thank you. Ms. Sabin, would you call the roll please?"

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

Nays: None

BZA Resolution Passed

Laurie Sabin stated, "Six ayes, Your Honor."

Mayor Stephens stated, "Thank you. The Board of Zoning Appeals resolution passes. Next we move on to Board of Zoning Appeals Calendar Number 3436, Councilman Seren."

Councilman Seren stated, "Thank you, Madam President. I'd like to move to approve the Board of Zoning Appeals resolution Calendar Number 3436: Peace Lutheran Church, 3740 Mayfield Road, to permit a 26.15 square foot per side institution identification sign where a 24 square foot maximum per side is allowed."

Mayor Stephens stated, "Is there a second?"

Councilwoman Dunbar stated, "Second."

Mayor Stephens stated, "Thank you. Madam Clerk, would you call the roll please?"

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

Nays: None

BZA Resolution Passed

Laurie Sabin stated, "Six ayes, Your Honor."

Mayor Stephens stated, "Thank you. Calendar Number 3436 passes. Councilman Seren, is there anything else?"

Councilman Seren stated, "Not from me."

Mayor Stephens stated, "Thank you. Now we go back to Councilwoman Dunbar."

Councilwoman Dunbar stated, "Yes, I have tonight Ordinance Number 105-2017. This is second reading and we are not going to vote on this tonight. It's going to have a third reading when we start the new year, but it's basically an ordinance amending various sections of Part 11 of the Zoning Code of the Codified Ordinances of the City of Cleveland Heights and as our City Manager mentioned in her report, this is an ongoing updating of our Zoning Code to reflect modernity and so we went over this last week and are going to take a little more time to review it before voting on it at the beginning of the year."

Mayor Stephens stated, "Thank you, Councilwoman Dunbar. If there's nothing else, we'll move to the Public Safety and Health Committee."

Councilwoman Dunbar stated, "Well, there is one more thing."

Mayor Stephens stated, "Okay, I'm sorry."

Councilwoman Dunbar stated, "Just that we aren't going to be meeting again before the holidays, so I want to wish everybody Happy Holidays of respective denominations and so on. I also would like to say that to get into the spirit of things, I went over to Lakewood and ran a 5K in their Reindeer Run and the people that came in top in their age groups got this outstanding Reindeer Run shirt."

Mayor Stephens stated, "Oh, and it's a little reindeer."

Councilwoman Dunbar stated, "Yeah, it's a reindeer and it's very of the season."

Mayor Stephens stated, "Congratulations."

Councilwoman Dunbar stated, "So, happy holidays to everyone."

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

Report of the Public Safety and Health Committee

Councilman Seren stated, "Thank you, Madam President. I move to approve Resolution Number 125-2017; a resolution to suspend enforcement of Section 351.09 of Part Three (Traffic Code) of the Codified Ordinances of the City of Cleveland Heights for the period ending December 31, 2018, or at such earlier time as Council may subsequently prescribe, on the following-described streets; as listed in the resolution which I'll mention after I'm done reading the title, providing for on-street overnight permit parking on specified portions of Kensington, Hillcrest, Belmar, Glenmont and Eddington Roads, also described more fully in the resolution and I, certainly before you park on any of these streets, take a look at the specified portions of these streets. I'm not going to read the entire description to you, but you can find this information on our website clevelandheights.com. So, Mayfield Road, Euclid Heights Boulevard, Derbyshire Road, Surrey Road, Bellfield Avenue, Middlehurst Road, the south side of Hampshire Road, Grandview Avenue, Superior Park Drive, Yorkshire Road and Norfolk Road."

Mayor Stephens stated, "Does that complete the list?"

Councilman Seren stated, "That was my move."

Mayor Stephens stated, "Okay, do we have a second?"

Councilwoman Dunbar stated, "Second."

Mayor Stephens stated, "Thank you, Councilwoman Dunbar."

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

Nays: None

Resolution Passed

Laurie Sabin stated, "Six ayes, Your Honor."

Mayor Stephens stated, "Resolution Number 125-2017 passes. Councilman Seren, is there anything else you'd like to share with us this evening?"

Councilman Seren stated, "No, 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, "Thank you. I would like to move Resolution Number 126-2017. This is a resolution authorizing the City Manager to enter into an agreement with Arthur J. Gallagher & Company for continuation of its protected liability self-insurance program for the City; and providing for the compensation."

Mayor Stephens stated, "Is there a second?"

Councilwoman Dunbar stated, "Second."

Mayor Stephens stated, "If you would read the roll please, Ms. Sabin."

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

Nays: None

Resolution Passed

Laurie Sabin stated, "Six ayes, Your Honor."

Mayor Stephens stated, "Resolution Number 126-2017 passes. Councilwoman Roe, is there anything else you'd like to share with us this evening?"

Councilwoman Roe stated, "Yes, I echo Councilwoman Dunbar's wishes for a Happy Holiday season and I would like to also mention that the Charter Review Commission is meeting at 7:00 p.m., Thursday evening, here in this room and as one of our active citizens has already mentioned, all of these meetings are videotaped and available on the website and the agenda and the materials for the meeting are also on the city's website so that everyone can be informed of what's going on and understand what we're trying to do. Thank you."

Mayor Stephens stated, "Thank you. Next to Community Relations and Recreation Committee. Vice Mayor Stein has left for a meeting. I believe Councilwoman Roe, you are the Vice Chair of that committee."

Councilwoman Roe stated, "No."

Councilwoman Yasinow stated, "I am."

Mayor Stephens stated, "I'm sorry. I'm in the wrong direction."

Councilwoman Roe stated, "It's another blonde."

Mayor Stephens stated, "You're all youthful. Councilwoman, if you would move forward with that."

Councilwoman Yasinow stated, "Sure, I have for second reading this evening Ordinance Number 119-2017. This is an ordinance authorizing and approving the presentation of entertainment programs

in Cain Park for the year 2018 with, among many other aspects of this proposed ordinance, that admission charges for stage productions at Cain Park will not exceed \$125. I present Ordinance Number 119-2017 for passage on second reading this evening.”

Mayor Stephens stated, “Is there a second?”

Councilwoman Roe stated, “Second.”

Mayor Stephens stated, “Thank you, Councilwoman Roe. If the Clerk would read the roll please.”

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

Nays: None

Resolution Passed

Laurie Sabin stated, “Six ayes, Your Honor.”

Mayor Stephens stated, “Excellent. Ordinance Number 119-2017 passes. Councilwoman Yasinow.”

Councilwoman Yasinow stated, “All right. I have Ordinance Number 120-2017. This is an ordinance amending the use regulations and rates for admission and other services for the Cleveland Heights Community Center, city parks, and Cumberland Pool for the 2018 winter, spring and summer seasons, and repealing Ordinance No. 4-2017. I present this ordinance for passage on second reading this evening.”

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

Councilwoman Dunbar stated, “Second.”

Mayor Stephens stated, “Thank you, Councilwoman Dunbar. If you would read the roll please, Madam Clerk.”

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

Nays: None

Resolution Passed

Laurie Sabin stated, “Six ayes, Your Honor.”

Mayor Stephens stated, “Thank you. Resolution Number 120-2017 passes. Is there anything else you would like to share with us this evening, Councilwoman Yasinow?”

Councilwoman Yasinow stated, “I’ll wait until my committee.”

Mayor Stephens stated, "Okay, excellent. Moving right along, we move into the Finance Committee. Councilman Ungar."

Report of the Finance Committee

Councilman Ungar stated, "Okay, first, second reading – we have Ordinance Number 122-2017; and to amend certain subparagraphs of Ordinance No. 102-2016, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2017."

Councilwoman Roe stated, "Second."

Mayor Stephens stated, "Thank you. If you would call the roll please."

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

Nays: None

Resolution Passed

Laurie Sabin stated, "Six ayes, Your Honor."

Mayor Stephens stated, "Thank you. Ordinance Number 122-2017 passes. Councilman Ungar."

Councilman Ungar stated, "Next is Ordinance Number 123-2017, also second reading; an ordinance to make appropriations and current expenses and other expenditures of the City for the period January 1, 2018 through December 31, 2018."

Mayor Stephens stated, "Is there a second?"

Councilwoman Dunbar stated, "Second."

Mayor Stephens stated, "Thank you. Madam Clerk, if you would read the roll please."

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

Nays: None

Resolution Passed

Laurie Sabin stated, "Six ayes, Your Honor."

Mayor Stephens stated, "Thank you. Ordinance Number 123-2017 passes. Councilman Ungar."

Councilman Ungar stated, "Next is a resolution, Resolution Number 127-2017. This is a resolution amending Resolution Number 10-2017 to amend the signatories designated for the account with (and you can't make this name up) Nirvana Public Funding, LLC. As I said to our Law Director a little while ago, I can't imagine who wouldn't want to invest in Nirvana. Anyway, gratuitous comment."

Mayor Stephens stated, "Is there a second?"

Councilwoman Roe stated, "Second."

Mayor Stephens stated, "Thank you, Councilwoman Roe. Would the Clerk please read the roll?"

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

Nays: None

Resolution Passed

Laurie Sabin stated, "Six ayes, Your Honor."

Mayor Stephens stated, "Thank you. Resolution 127-2017 passes. Councilman Ungar."

Councilman Ungar stated, "Thank you. Last on my list this evening, I believe, yes, is Resolution [128-2017]. This authorizes designated City employees to be signatories on certain City accounts."

Councilwoman Roe stated, "Second."

Mayor Stephens stated, "Thank you. Would you read the roll please?"

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

Nays: None

Resolution Passed

Laurie Sabin stated, "Six ayes, Your Honor."

Mayor Stephens stated, "Thank you. Resolution [128-2017] passes. Councilman Ungar, is there anything you'd like to share?"

Councilman Ungar stated, "That's it except to join my colleagues in wishing everyone a Happy and Healthy Holiday season."

Mayor Stephens stated, "Thank you. Next we move to Municipal Services Committee. Councilwoman Yasinow."

Report of the Municipal Services Committee

Councilwoman Yasinow stated, "All right. First up, we have for first reading only, the agenda says 129-2018. It is actually 129-2017. It's not January yet. This is an ordinance authorizing the city to enter into the Northeast Ohio Public Energy Council (NOPEC) and authorizing the City Manager to execute and deliver the agreement establishing NOPEC and approving the bylaws of NOPEC for purposes of establishing an electric aggregation program pursuant to Section 4928.20 of the Ohio Revised Code

and a natural gas aggregation program pursuant to Section 4929.26 of the Ohio Revised Code. I hereby present Ordinance Number 129-2017 for first reading this evening.”

Mayor Stephens stated, “Thank you.”

Councilman Ungar stated, “Electric was supposed to be pulled.”

Tanisha Briley stated, “Right.”

Councilwoman Yasinow stated, “Am I reading from the...”

Councilman Ungar stated, “Old one.”

Councilwoman Yasinow stated, “The new, the purple one that I’ve got though starts at 131-2017.”

Tanisha Briley stated, “They were renumbered. So, everyone should be working from the purple agenda and the purple legislation. There was some renumbering that needed to happen.”

Councilwoman Yasinow stated, “Okay, well, in that case, it is not for the purpose... I stand corrected with regard to 129-2017 and it is not for the purposes of electric, just gas only at this time. My mistake to my colleagues. Okay, I see.”

Mayor Stephens stated, “Next we go to Ordinance Number 130-2017. Councilwoman Yasinow.”

Councilwoman Yasinow stated “Yes, okay, 130-2017. This is an ordinance approving the plan of operating governance for the Northeast Ohio Public [Energy] Council (NOPEC) gas aggregation purposes for the purpose of jointly establishing and implementing a gas aggregation program. I hereby present Ordinance Number 130-2017 for first reading only.”

Mayor Stephens stated, “Thank you. Now we move to Ordinance Number 131-2017.”

Councilwoman Yasinow stated, “All right. This is an ordinance authorizing the City Manager to execute a natural gas program agreement with Northeast Ohio Public Energy Council aka NOPEC for the purposes of establishing a natural gas aggregation program for the benefit of eligible natural gas consumers located within the City of Cleveland Heights. I hereby present Ordinance Number 131-2017 on first reading only.”

Mayor Stephens stated, “Next we have a Resolution Number 132-2017.”

Councilwoman Yasinow stated, “Thank you very much, let me get to it here. This is Resolution Number 132-2017. This is a resolution authorizing the City Manager to enter into an agreement with the County of Cuyahoga to perform certain services to help maintain the city’s sanitary and storm sewers with the agreement necessary to retain said services expiring on December 31, 2018 and the amount

shall be paid by the city, not to exceed the sum of \$300,000. I hereby present Resolution Number 132-2017 for passage this evening.”

Mayor Stephens stated, “Is there a second?”

Councilwoman Dunbar stated, “Second.”

Mayor Stephens stated, “Thank you. If you would call the roll please, Madam Clerk.”

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

Nays: None

Resolution Passed

Laurie Sabin stated, “Six ayes, Your Honor.”

Mayor Stephens stated, “Resolution Number 132-2017 passes. Councilwoman Yasinow.”

Councilwoman Yasinow stated, “All right. I hereby present Resolution Number 133-2017. This is a resolution appropriating a fee simple interest in certain real property currently owned by Triple R Associates, Ltd., a Florida limited partnership, for the public purpose of a highway project; and with the value of such property as determined by the appraisal amount of \$893. I hereby present that Resolution Number 133-2017 for passage this evening.”

Mayor Stephens stated, “Is there a second?”

Councilwoman Dunbar stated, “Second.”

Mayor Stephens stated, “Thank you. Would you please call the roll, Madam Clerk?”

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

Nays: None

Resolution Passed

Laurie Sabin stated, “Six ayes, Your Honor.”

Mayor Stephens stated, “Excellent. Resolution Number 133-2017 passes. Next we’ve got a Resolution 134. Councilwoman Yasinow.”

Councilwoman Yasinow stated, “This is Resolution Number 134-2017. This is a resolution appropriating a fee simple interest in certain real property currently owned by Walgreen Company, for the public purpose of a highway project; and with such appropriation as determined by the appraisal in the amount of \$490, I hereby propose Resolution Number 134-2017 for passage this evening. Is there a second?”

Councilwoman Roe stated, "Second."

Mayor Stephens stated, "Thank you, Councilwoman Roe. Ms. Clerk, would you please call the roll?"

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

Nays: None

Resolution Passed

Laurie Sabin stated, "Six ayes, Your Honor."

Mayor Stephens stated, "Six ayes. Resolution Number 134-2017 passes. Councilwoman Yasinow, your last one."

Councilwoman Yasinow stated, "All right. This is Resolution Number 135-2017. This is a resolution appropriating a fee simple interest in certain real property currently owned by Seidman Family Limited Partnership, for the public purpose of a highway project with the value of such property as appropriated as determined by the appraisal in the amount of \$1,261. I hereby propose Number 135-2017 for passage this evening."

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

Councilwoman Dunbar stated, "Second."

Mayor Stephens stated, "Thank you. Madam Clerk, if you would read the roll please."

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

Nays: None

Resolution Passed

Laurie Sabin stated, "Six ayes, Your Honor."

Mayor Stephens stated, "Thank you. Resolution 135-2017 passes. Councilwoman Yasinow."

Councilwoman Yasinow stated, "Yes, I just wanted to tell everyone, residents, staff to please have a happy and a safe holiday. I also cannot help but reflect that this is not just the last Council session, but just on a personal note, to thank the residents of Cleveland Heights. This is the last Council meeting of the year for all of us who were elected to this position four years ago. That would have also included Vice Mayor Stein. I can't speak for my colleagues although I would presume they would share in the sentiments just to thank the residents of Cleveland Heights for their support and their trust over these past four years for their commentary, sometimes vanilla, sometimes quite colorful. It is clearly a

wonderful part to be a part of Cleveland Heights; and to just thank you all for not just a great year this year, but for the past four and to all just have a Happy Holidays.”

Mayor's Report

Mayor Stephens stated, “Thank you. We’ve come to the end of our Council meeting this evening. It’s now time for the Mayor’s Report and I actually have a statement to make. Happy Holidays to everyone. This is the final Council meeting as my colleague just said of the year. Because it is the holiday season, we think of good cheer and gift giving. As Americans, we are given one of the best gifts ever. When the Founding Fathers created our democratic system of governance, that was the best. In a democracy, people are sovereign and they are the highest form of political authority. There are four key elements to both democratic systems – an ability to choose and/or replace government leadership or make changes to our government through free and fair elections. The active participation of the people as citizens in politics and civic life, protection of human rights, of all people whether citizens or not in our county and our communities, a rule of law in which laws and procedures apply equally to all residents. The key role of citizens in a democracy is to participate in public life. Citizens have an obligation to become informed about public issues, to watch carefully how their political leaders and representatives use their powers and to express their own opinions and interests. When you make demands, you should understand that in a democracy, it is impossible for everyone to achieve everything they want. Every one of us has the right to have our own beliefs and to say and write what we think. No one can tell you what you must think, believe, say or not say. The key role for elected officials in this wonderful system is to listen to our residents and respond to their needs and suggestions. And remember that often democracy requires compromise. It has been a phenomenal year for democracy in Cleveland Heights. We’ve had engagement in things like Top of the Hill, development discussions, completion of our Master Plan, moving it forward, dialogue on a city-wide community development corporation, water and sewer system updates, the Coventry School redevelopment, the Forest Hill Presbyterian Church became a sanctuary church. We have had our Charter Review and last, but not least, as my colleagues said, of School Board member and City Council members. It is the most radical concept that our forefathers brought to us. In democracy, power flows from the people to the leaders of government who hold power only temporarily - every time you elect, re-elect us or if you should pull petitions to un-elect us. Thank you Cleveland Heights for believing in democracy and for believing that we represent you well by re-electing us. Remember, your participation allows us to lead, but never stop participating in conversations with us as your elected officials. Never stop sending us information to help better inform us. Never stop being patient with us because sometimes it takes us a while to learn what you already know. It’s great to have this gift of democracy in Cleveland Heights. Let us celebrate it always and often because we have freedoms of religion and freedoms of speech and we thank you for supporting all of us. God bless America and God bless Cleveland Heights. Good night and have a Happy Holidays and Happy New Year. The next meeting of our City Council will be January 2, 2018.”

Respectfully submitted,

Cheryl Stephens, Mayor

Laurie Sabin, Clerk of Council

/jkw

DRAFT