

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:35 p.m. to discuss the contents of the City Manager's memo.

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

Council Members excused: Ungar

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

Councilwoman Dunbar motioned to move to Executive Session at 7:30 p.m. 1) 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; 2) To consider the appointment of a public official. The motion was seconded by Councilwoman Yasinow.

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

Nays: None

Councilwoman Yasinow moved to end executive session. That was seconded by Councilwoman Roe.

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

Nays: None

Executive Session adjourned at 8:05 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 8:10 p.m., Mayor Stephens presiding.

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

Council Members excused: Ungar

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

Mayor Stephens stated, "Good evening and welcome to the City of Cleveland Heights Council meeting. Today is Tuesday, January 17, 2017. This is our regular Council meeting. We were a little delayed in Executive Session this evening, but it was all for the good of the City. Mr. Raguz, if you would call the roll please."

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

Nays: Ungar

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

Mayor Stephens stated, "Mr. Ungar unfortunately has business, and we're not feeling sorry for him, in LA and so he missed all the rain today and the cold weather over the weekend, but he will come back to work with us again. The approval of the minutes of the last Council meeting – have my traditional scribes had their scrutiny and pass the words on?"

Councilwoman Roe stated, "Yes."

Mayor Stephens stated, "Thank you ladies. At this point, I'd like to open this, our meeting, up to, in our tradition, early in the meeting we open it up for personal communication from our citizens or folks who have something they'd like to share with City Council this evening. If you would approach the microphone, give us your name, your address, and please speak for three minutes or less. We welcome everyone to the podium to my left and your right. Yes, you do."

Councilwoman Yasinow stated, "If you could speak into the microphone - other mic."

Robin Coslin stated, "But then you can see my Nasty Woman T-shirt."

Councilwoman Yasinow stated, "It is so noted for the record."

Mayor Stephens stated, "For the record, we'd like to note that you got a 'Nasty Woman' T-shirt. Bold letters."

Robin Coslin stated, "I got it especially for this event. Hi. My name is Robin Coslin. I live at 1618 Wood Road, Cleveland Heights, Ohio, and I've been depressed for a couple months and I'm trying to get better, and one of the things I decided to help myself get better is I needed to start; number one: getting to work even harder and working more locally. Cleveland Heights is a wonderful place. In 1964, Heights Citizens for Human Rights started off looking at our housing discrimination practices nationally and really we sent... we did big things nationally by starting locally and in 2003, we were the first Ohio City to have a Domestic Partner Registry voted on by the voters and approved. We've got new issues going. Now those old issues are not fixed. We still need to work on them, but now we have other issues to work on too. So, I got to work and I was looking at Oberlin's Welcoming City Manifesto or something like that and I did a little of... I don't want to say plagiarizing because it's illegal, right?"

(Inaudible.)

Mayor Stephens stated, "For government purposes, you appropriated some language."

Robin Coslin stated, "Yes, I did. Thank you very much. And here it is."

Robin Coslin read the following document which appears here verbatim as submitted to the Clerk of Council. "We in Cleveland Heights have a history of priding ourselves on openness, acceptance and not just tolerance, but embracing our diversity. The national political agenda appears to differ from the values we embrace. Now is the time for us to reaffirm our values and state, unequivocally where we as a community stand with respect to immigrants and undocumented individuals residing in or passing through our community. To that end:

Cleveland Heights affirms its commitment to equal access to all city services. City services will not be withheld on the basis of citizenship.

Cleveland Heights will not inquire about the immigration status of crime victims, witnesses or anyone else who approach the City needing assistance.

Cleveland Heights chooses not to participate in the Delegation of Immigration Authority (section 287 of the Immigration Nationality Act of 1996).

Nothing here prohibits the City staff from cooperating with immigration authorities when required by law.

Cleveland Heights will not single out individuals for legal scrutiny or enforcement based on the individual's documentation status or country of origin."

Robin Coslin stated, "That delegation of immigrations authority is - we could request that our Police officers help and be deputized with ICE. I don't think we want to do that. So, I'm submitting this to you with a whole lot of signatures and I know your legal department will have to look at it. If you can improve it, go for it and..."

Mayor Stephens stated, "Well, first we'll have to discuss it."

Robin Coslin stated, "Oh, okay."

Mayor Stephens stated, "That's Cleveland Heights style. You know, we talk through these things."

Robin Coslin stated, "Now?"

Mayor Stephens stated, "No, in another session. We were a little late getting in the room, so we don't want to make this meeting any longer, but if you would hand it to our Clerk also known as the Finance Director, Mr. Raguz. It's now part of the record."

Councilwoman Yasinow stated, "Thanks, Robin."

Robin Coslin stated, "See you all in Washington?"

Mayor Stephens stated, "Well, some of us will be doing the walk locally."

Robin Coslin stated, "Okay."

Mayor Stephens stated, "Somebody has to stay home."

Councilwoman Yasinow stated, "Keep the lights on."

"Thank you. Good evening, Council. My name is Mark Havis. I reside at 1044 Waldo Way in Twinsburg, Ohio. I am with Gardner Energy Group of Solon, Ohio. I'd like to read a statement for the

record regarding Resolution 006-2017, Letter of Intent with Evans Energy. The City of Cleveland Heights is considering a major expenditure of public resources for an exciting energy conservation project aimed to improve the City's infrastructure. The project was initiated through the issuance of a comprehensive request for proposal with a submission date or since September 16, 2016. It is our understanding the City administration has made a selection and is asking City Council to approve a Letter of Intent with Evans Energy of Dayton Ohio at the January 17 Council meeting, obviously this evening.

Gardner considers the RFP to be a legal document in compliance to its kind to be job one and I'm sure you would agree. After a careful review of EE's RFP response, we were requesting the Council delayed any legislative action that pertains to the actual project. Due to numerous errors and omissions, it has rendered Evans Energy's response non-compliant and to concerns related to the review in the selection process.

We recognize it's not standard practice to contact City Council at this point in the process. However, given the magnitude of the project and the questions related to the selection of Evan's energy, we feel compelled to make you aware of our concerns. With this backdrop in mind, we have brought it to you, the RFP responses from the two firms considered and other supporting documentation. The City is requesting a Letter of Intent be issued to Evans Energy to develop a project that the RFP clearly states should be fully developed at the time of submittal. That does not require a Letter of Intent because our proposal has been fully engineered and is ready to go to contract. The Letter of Intent with Evans Energy begs the question - how can a pricing decision be made on a project that has not been fully developed or engineered by Evans Energy?

We have also requested records through the Freedom of Information Act and the Ohio Public Records Act and I had it here that I have not received nothing in return, but I did receive something today about 4:30, so I don't want to say I've received nothing, but I have not looked at it. We shared these concerns with the City and its consultant at a meeting on December 14 and have not received a response back. Therefore, we request a City Council delay any legislative action that pertains to the actual project until these concerns are fully addressed. Thank you."

Mayor Stephens stated, "Thank you. Is there anyone else who would like to make a public comment to us tonight?"

David Woolen stated, "Hello. My name is David Woolen and I live at 2015 Rossmore, Cleveland Height, next to Cain Park. I just attended the committee meeting on the energy project that was just referred. I would like to ask how to initiate a discussion on the inclusion of solar energy on municipal real estate through power purchase agreements or PPAs which would involve no extra capital expenditure and would generate and, through the 20-year contracting of a fixed rate for the energy, constitute a hedge against energy inflation, and therefore in the savings, it's not savings of energy, but savings of energy expenditure in the Op Ex of the City would be cash flow positive starting in the year 2021. Generally, you would be paying the market rate, but since you've locked in rate for twenty years, you have a hedge against energy inflation in the price of energy from the utility that the City has contracted with.

Mayor Stephens stated, "Okay, what I'd like to recommend that you do if you have... if you could Email our City Manager as well as the Chair of Municipal Services, that's Melissa Yasinow, so that we can see... get a concept about what you're talking. I have heard of PPAs, but I didn't know anybody in this County that had one."

David Woolen stated, "Yes, there are a number of both organizations offering them and there have been a number of installations already made in the county through the PPA offer."

Mayor Stephens stated, "Okay then, David, we look forward to getting a quick Email from you so that we can see whether we need to reach out to you again or reach out to some other folks to follow up on."

David Woolen stated, "Thank you very much."

Mayor Stephens stated, "Thank you."

Councilwoman Yasinow stated, "Thank you. Carla."

Carla Rautenberg stated, "Carla Rautenberg. 3065 Berkshire Road. I just want to remind everybody that in November 2013, 78% of Cleveland Heights voters voted yes on Issue 32 which said that the people of Cleveland Heights want a constitutional amendment stating that Corporations are Not People and Money is Not Speech and establishing an annual public hearing before City Council for members of the public to address issues related to the political influence of corporations and big money in elections. The fourth annual hearing which we call Democracy Day will be held a week from Wednesday, January 25 at 7:00 p.m. right here in Council Chambers. Each individual from the community will be permitted to speak for up to five minutes on these topics. Please join us whether to speak about your concerns or just to listen to your fellow citizens and your Council people. It is your democracy. Thank you."

Mayor Stephens stated, "Thank you for giving us the commercial. Is there someone else you'd like to speak? Mr. Costello."

James Costello stated, "Mayor Stephens, Vice Mayor Stein, members of Council, citizens of Cleveland Heights both here in City Hall and those who'll be watching at home. My name is James Costello. I reside at 2707 Colchester Road in Cleveland Heights and I'm proud to announce here that I'm running for Judge of the Cleveland Heights Municipal Court. I grew up in Cleveland Heights. I may have delivered the Sun Press to some of you or bagged your groceries at Russo's or maybe I even sold you a car at Motorcars.

This City and the people that make it up in large part made me who I am today. It's the reason, and my love for this City, is the reason why Alicia and I after I graduated from Case Law School decided to stay here and make this our home and now raise our children here. I've been an active member of this community in a number of different things. I have served previously on the Cable Television Commission, the Recreation Board, the Civil Service Commission. I'm a long time member of the

Cleveland Heights Democrats Club and former President of that club and I recently just graduated from the Cleveland Heights Citizens Police Academy which, for anyone who is interested, I would highly recommend. It's a great opportunity.

My professional career also began here in Cleveland Heights. After I passed the bar, I opened my office right on Lee Road. Some of the first cases that I ever handled were here in the Cleveland Heights Municipal Court. In fact the first case that I ever tried was in front of Judge Buchanan in the Cleveland Heights Municipal Court. I have since then handled cases, hundreds of cases, in Municipal Courts all throughout Northeast Ohio and a number of Municipal Courts beyond.

In addition to my experience as an attorney in the courtroom, I actually have experience as a judge in the courtroom. I have been an Acting Judge here in Cleveland Heights. So, I have heard and decided the same types of cases that I would hear and decide if I'm ultimately elected Judge and I hope very much to be able to serve this community as a Judge and so, I would just simply ask that you check out my website. It's Costello4judge.com where you can learn more about me, about my experience, about my family, and about the court itself, and also about some of my ideas for the court, and I hope that in the upcoming months I can ultimately gain your support and ultimately your vote for James Castello, Judge of the Cleveland Heights Municipal Court. Thank you for your time."

Mayor Stephens stated, "Thank you."

Councilwoman Yasinow stated, "Thank you."

Mayor Stephens stated, "Is there anyone else who would like to speak with Council this evening?"

"Good evening, ladies and gentlemen of Council and residents of Cleveland Heights. My name is Deangelo Little. I reside at Concord Apartments, 35 Severance Circle within his great City. I am proud to also announce today that I am running for candidate of Judge of Cleveland Heights Municipal Court. It is with great pleasure that I do so. I will say I know Mr. Costello. I know it's a tall order for the both of us to run in this campaign. I will say that I do not have all the accolades of being a Cleveland Heights resident as Mr. Costello, so I know that this is going to be a tall order, but I will say I'm from the neighboring City of East Cleveland. There I started my legal career as a City Prosecutor. I was the Chief Prosecutor of East Cleveland. So, I understand the intricacies of how crime can affect a city and how victims are impacted by crime that's inflicted on them. So, after I left the City of East Cleveland, I went to the County Prosecutor's Office and prosecuted the most egregious type crimes ranging from robberies all the way to rapes and murders, so I am a trial attorney. I have that trial experience and because of that, I can tell you I'm a little nervous now. I did not expect by any imagination to be running for Judge of this great City.

It's always been my passion to serve others and to work behind the scenes and make other people's visions come to pass. I helped Judge William Dawson win his election in East Cleveland and I was rewarded and privileged to serve as his magistrate for the past five years. I know Mr. Costello has appeared in the courtroom, many times in front of me on eviction matters. I've done all types of cases in

East Cleveland ranging from the civil docket – evictions, small claim cases all the way up to handling the criminal cases that come before the court, so it's... I believe I'm uniquely qualified for this position. I will say I prayed immensely about this. I would not be doing this - this is not a career decision for me - this is because I have a passion burning with inside of me to help the residents of this community to reduce crime. I have a lot of plans that I intend to install in the Cleveland Heights Municipal Court that I know are lacking that will help rehabilitate people who commit crimes because we understand that if they're going to live here, they need to know how their actions affect others if they're going to live in this great City and how we can best deter crime and get rid of it and make sure that Cleveland Heights is as safe and prosperous as we know it is to be. Thank you so much. I hope you gain your support and your vote as well. Thank you."

Mayor Stephens stated, "Thank you."

Councilwoman Yasinow stated, "Thank you."

Mayor Stephens stated, "Is there anyone else who would like to speak with us this evening? Okay, good luck gentleman. Running for office is character building. Trust me. Okay, I'd like to move now to the report of the Director of Finance/Clerk of Council."

Tanisha Briley stated, "If I may, Your Honor. The City Manager's Report."

Mayor Stephens stated, "Oh, I just skipped over you. I'm sorry. That was unintentional. The Report of the City Manager first."

Report of the City Manager

Tanisha Briley stated, "Thank you. Tonight I would like to request a motion to appoint Douglas Dykes to the expiring term in 2019 of Mr. Costello who you just heard this evening announced his intention to run for Judge. Mr. Costello has served on our Civil Service Commission and has done so remarkably and we will miss his service, but we need to appoint someone in his stead. His term will expire in 2019 and I'm recommending or requesting a motion from Council to confirm the appointment of Doug Dykes to his role. Doug's been a member of the community for 20 plus years. He has a 22 year background in Human Resources Labor Relations and I think you'll be a great asset to the Civil Service Commission."

Mayor Stephens stated, "Thank you, Ms. Briley. I'd like to refer this matter to the Administrative Services Committee. Councilwoman Roe."

Tanisha Briley stated, "I'm requesting a motion."

Councilwoman Roe stated, "Do you want it now?"

Mayor Stephens stated, "Yes, please."

Councilwoman Roe stated, "Oh, I move that we appoint Doug Dykes to the Civil Service Commission."

Mayor Stephens stated, "Is there a second?"

Vice Mayor Stein stated, "Second."

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

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

Nays: None

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

Appointment Passed

Mayor Stephens stated, "Thank you. Is there anything else, ma'am?"

Tanisha Briley stated, "Yes, I'd like to give the remainder of my report to the Director of Law, Jim Juliano, for a quick report."

Jim Juliano stated, "Ladies and gentleman of Council, I would like to report that the Law Department has requested a hearing in the matter of application to the Department of Liquor for the stock transfer of the entity that has the liquor license for the Noble Roman property at the corner of Monticello and Noble Road and timely we filed that request for hearing this past Thursday, the 12th of January. We're continuing to investigate the circumstances of the stock transfer. We will report to you when we have the opportunity to do so. We do not expect the hearing to be anytime very soon; probably several months from now, but I just want to bring you up to date on that matter."

Mayor Stephens stated, "Thank you. I'm sure that neighbors in the area appreciate having staff to take care of that for us. Any comments from my colleagues?"

Councilwoman Yasinow stated, "I just want to say that I'm extremely happy to see this and I think it shows an ongoing strongly continued commitment of this City to making sure that the City of Cleveland Heights is a safe and comfortable and quiet place to live. I think it also shows a commitment to all of our neighborhoods including and in particular the Noble Neighbors, the Noble Neighborhood and I think I see all of my colleagues agree that we are very pleased to see this to see this request for hearing go through."

Jim Juliano stated, "Thank you, ma'am."

Councilwoman Dunbar stated, "Agreed."

Mayor Stephens stated, "Ms. Briley, anything else?"

Tanisha Briley stated, "Nothing else to report, Your Honor."

Mayor Stephens stated, "Thank you. Now I can go to the Director of Finance/Clerk of Courts."

Report of the Finance Director/Clerk of Courts

Tom Raguz stated, "I would like to notify Council that two notices had been received from the Ohio Department of Liquor Control advising that applications have been made by the following:

- Nevaeh Cuisine & Catering LLC dba The Fix Bistro & Patios, 2195-97 Lee Road, Cleveland Heights, Ohio 44118, Transfer D5 and D6 permits from 2195 Lee Road, Inc. dba The Fix Bistro & Patios, 2195-97 Lee Road, Cleveland Heights, Ohio 44118
- La Serena LLC, dba Quintanas Speakeasy, 2200 South Taylor Road, Cleveland Heights, Ohio 44118, D5 permit

I'd like to make this a Matter of Record."

Matter of Record

Mayor Stephens stated, "So, these are a Matter of Record and referred to the Public Safety and Health Committee of Council. Mr. Seren, if you have any comments on these."

Councilman Seren stated, "I have no comments."

Mayor Stephens stated, "Okay."

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

Mayor Stephens stated, "Well, at this time, we'd like to take a moment, even though we didn't prepare for this long-term. This will be Mr. Raguz's last City Council meeting in service as Clerk of Council and Director of Finance and I personally want to thank him for the years of service and all the due diligence he's done not to mention several late night phone calls from me on his cell phone. So, he answered when I called and I know the nosy Mayor in it was probably nosy Vice Mayor and nosy Councilperson about what we were doing with our money and how we were spending it and how we were saving it. Each of those times you took my call, I greatly appreciated it and I enjoyed your commitment to service and on behalf of myself and my colleagues, we want to recognize that your commitment and your growth with us led you to a bigger and better reward and we're not mad at you for that, but could you clone yourself and stay with us?"

Tom Raguz stated, "I'll try to. I'm still working on that. That's not a...."

Mayor Stephens stated, "That's not a science you're working on?"

Tom Raguz stated, "Yes, I mean I wasn't great at science in school."

Councilwoman Yasinow stated, "Just the numbers."

Tom Raguz stated, "I thank you very much for those comments."

Mayor Stephens stated, "I think I have seven votes in recognition of your great service to the City of Cleveland Heights."

Tom Raguz stated, "Thank you very much. I appreciate it."

Mayor Stephens stated, "I'd like to recognize the Vice Mayor at this time."

Vice Mayor Stein stated, "Thank you. Tom, it's been a pleasure working with you. RTA is definitely very lucky to acquire you, your knowledge, your skills; they made a great choice. I will miss you here. Good luck."

Tom Raguz stated, "Thank you."

(Inaudible.)

Councilwoman Dunbar stated, "I just... I've already given you my congratulations and I also even congratulated Joe Calabrese on his hire. I think it's a win-win for all of you and you'll be hard to replace, but I'm sure we'll do just excellent in the end so thank you."

Mayor Stephens stated, "If there is no one else. I'm sorry, Carol."

Councilwoman Roe stated, "I've only been on Council for a year, but I really did appreciate the time in my orientation spent with Tom and I have learned so much in the last year from you. Thank you."

Tom Raguz stated, "Thank you."

Mayor Stephens stated, "Councilman Seren."

Councilman Seren stated, "Thank you, Mayor. Tom, I just want to say farewell, and know that RTA will be losing \$18,000,000 in organization sales tax."

Tanisha Briley stated, "I did warn him about that before he accepted."

Councilman Seren stated, "Hundreds of millions of dollars in capital outlay that needs to happen. We spend 63 cents per capita in Ohio on public transit. So, all of that is to say you have your work cut out for you, but I think that you're up to the task and I look forward to working with you when you're at RTA."

Tom Raguz stated, "Thank you."

Councilwoman Yasinow stated, "I have comments now. I wasn't certain, but for saving it for Municipal Service, but I must say it has been a pleasure. After that cheerful note, it is that a pleasure working with you these past three years. As someone who has served on the Finance Committee, I have appreciated your straightforward no-nonsense approach to the numbers. I have appreciated the fact that when you give us advice, it always comes from the most fiscally conservative, focused way possible so that I know we always hope for the best, but you always prepare us for the worst and I know that's

not always the funnest job necessarily but it is a very necessary job and one that lets us adequately and responsibly weigh our financial situation in the risk and lets us make the best decision for the City of Cleveland Heights. You've been an integral part of the decision making process and we'll miss having you here in that role. I also would be remiss if I did not mention to the City of Cleveland Heights - how many years running - you've received the top rating for our CAFR reports."

Tom Raguz stated, "Two years."

Councilwoman Yasinow stated, "I mean two years in amongst the top 5%."

Tom Raguz stated, "Top 5%."

Councilwoman Yasinow stated, "Top 5%. You would know the number. Top 5% of annual financial reports has been a result of the hard work of Tom Raguz."

Tom Raguz stated, "And staff."

Councilwoman Yasinow stated, "And staff. Whoever will replace you is going to have some pretty big shoes to fill and though this may be presumptive, it is clear that you are a man who is full of talent and ambition going on to bigger and better things and I'm certain that, you know, once RTA is flush with cash thanks to your hard work, they will be saying similar accolades when you move on to bigger and better things thereafter."

Councilwoman Roe stated, "The Secretary of the Treasury."

Tom Raguz stated, "Thank you. Thank you, Councilwoman Yasinow. I thought that was more of a roast than anything, but thank you. I appreciate that."

Councilwoman Yasinow stated, "You have two years to make them flush. Go."

Tom Raguz stated, "Two years, wow! I thought you'd be more demanding than that."

Mayor Stephens stated, "You knew you weren't going to get away from here with no comments at all."

Tom Raguz stated, "I appreciate all the comments. Thank you. Thank you very much."

Mayor Stephens stated, "Thank you for your service. Moving on to committee reports. First, there's the Public Safety and Health Committee. Councilman Seren."

Report of the Public Safety and Health Committee

Councilman Seren stated, "I have nothing to report, Your Honor."

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

Councilwoman Roe stated, "I have no report from the Administrative Services Committee, but I do ask for a point of personal privilege."

Mayor Stephens stated, "Absolutely granted."

Councilwoman Roe stated, "As some of you may know, I have a history of working toward the goal of assuring access to health care for all of our citizens. My passion for this issue emanates from my religious beliefs, specifically the need to do justice in the world. My specific activities around health care and health care reform include providing public testimony, speaking to health care groups and developing position papers as well as direct communication with my elected officials on a consistent basis for probably the last 25 years. I was also pleased to host the former Secretary of Human Services Kathleen Sebelius in my home for a health care roundtable. The Affordable Care Act is not perfect. However, repealing the Affordable Care Act without a replacement will have expensive consequences some of which will be borne by the citizens of our City. If you would like to be involved in efforts to assure a replacement, please talk to me about how you can become involved."

Mayor Stephens stated, "Thank you. Next we have Community Relations and Recreation Committee. Vice Mayor Stein."

Report of the Community Relations and Recreation Committee

Vice Mayor Stein stated, "Thank you, Your Honor. First I have Ordinance Number 3-2017. This is on first reading only. This legislation authorizes and approves the presentation of entertainment programs in Cain Park for the 2017 year and repeals portions of Ordinance Number 143-2015. So in summary, this authorizes another summer of entertainment at Cain Park. Again, this is on first reading, so we will not be voting tonight.

The second piece of legislation that I have today which is also first reading is Ordinance Number 4-2017 and this legislation amends the use regulations and rates for admission and other services for the Cleveland Heights Community Center, City parks and Cumberland Pool for 2017 winter spring and summer seasons and repeals Ordinance Numbers 95-2015, 142-2015 and Sections of Ordinance Number 143-2015. So in summary, this is the schedule of fees to use the various recreational opportunities that we have here in Cleveland Heights and if you're interested in seeing them in depth, it's about eight pages and it will be available online. It actually is available online already if you want to check now. That actually concludes this committee's report."

Mayor Stephens stated, "Is there anything else you'd like to share with members of the audience this evening?"

Vice Mayor Stein stated, "No, there's not."

Mayor Stephens stated, "Then next we move to the Finance Committee. Mr. Ungar's not present this evening. Is there anyone from Finance Committee that would like to share anything?"

Report of the Finance Committee

Councilwoman Dunbar stated, "Nothing."

Mayor Stephens stated, "Okay, we'll be moving right along to make this meeting quicker and more efficient. We move to Municipal Services. Councilwoman Yasinow."

Report of the Municipal Services Committee

Councilwoman Yasinow stated, "Thank you very much, Your Honor. I have two pieces of legislation this evening. The first is a resolution Number 5-2017. This is a resolution authorizing the City Manager to enter into an agreement with the County of Cuyahoga that performs services to maintain the City's sanitary and storm sewer systems. Whereas the City owns and operates sanitary and storm sewers and catch basins that require regular maintenance and the City Manager has determined that the Cuyahoga County offers certain maintenance services for these sanitary and storm sewers and catch basins at a price that would be less than obtained by taking bids from private persons and it is in the best interest of the City of Cleveland Heights to retain the County for such services but the term of the agreement to expire on December 31, 2017 and the total sum to be paid by the City not to exceed the sum of \$160,000. I hereby present Resolution Number 5-2017 for passage this evening."

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

Vice Mayor Stein stated, "Second."

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

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

 Nays: None

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

Resolution Passed

Mayor Stephens stated, "Thank you. This resolution passes."

Councilwoman Yasinow stated, "Thank you very much, Your Honor. I now present Resolution Number 6-2017. This is a resolution authorizing the City Manager to execute a letter of intent with Evans Energy. Whereas this Council is determined that it is in the best interest of the City and its residents to consider engaging Evans Energy for an energy conservation project identified in the proposed scope of work submitted by Evans Energy in response to a request for proposals and on file with the Clerk of Council, whereas said project would result in increased energy efficiency, equipment reliability and reduced energy costs, and whereas in order for Council to determine whether to move forward with said project, Evans Energy may need to perform certain engineering services. It is proposed that the City Manager be authorized to execute a letter of intent with Evans Energy to negotiate an agreement for an energy conservation project and with the terms of the letter of intent shall include that the City may be liable to Evans Energy for engineering costs not to exceed \$20,000 in the event certain conditions occur

wherein the City does not move forward with an agreement for said project. I hereby propose Resolution Number 6-2017 for passage this evening.

Mayor Stephens stated, "Is there a second?"

Councilwoman Dunbar stated, "Second."

Mayor Stephens stated, "Is there conversation or comment?"

Councilman Seren stated, "Yes, thank you, Your Honor. I find myself doing this more often than I anticipated. I will be voting no on this resolution. The non-recommended bidder has made some comments about concerns that they have and my no vote is not reflective of those concerns in particular. I'm not speaking to those concerns, but I would like to say a bit about why I'm voting no on this on this particular letter of intent resolution. We were given this specific language and this was publicized very recently and I don't believe that our residents have really been given adequate chance to take a look at it and comment to us about it and so I stand firm that in general the default should be more than one reading. I don't generally tend to like the first reading passage or first reading consideration of things of this nature. I recognize that this is a letter of intent and this is not the contract, but I think that it's important especially considering all of the times that our residents point things out to me that I missed. I, you know, have relied on people to take a look at things and maybe point out some issues that I may not have seen in the first look. I will say though - I have faith in our staff, that they would, you know, I have faith in their integrity and their capabilities that they would bring us a recommendation of the deal that they believe is the best deal for the City. I don't have any questions about that, but I do believe that it is extremely important for us to allow residents especially of something of this nature that will ultimately result in a 20-year, you know, commitment in a certain way from the City to allow our residents a peek at this and a chance to get them in on the ground floor as it were with comments and questions and suggestions for us. So, that's why I'm voting no on this first reading consideration.

Mayor Stephens stated, "Councilman Yasinow."

Councilwoman Yasinow stated, "Thank you very much, Your Honor. I very much appreciate the integrity and the sincerity of my fellow Councilman Kahlil Seren. However, I will be voting yes for the resolution this evening. As he said, I firmly believe in the ability of our staff and their integrity. I believe that they have presented us with a comprehensive project that will result in over \$2.7 million of savings to the City of Cleveland Heights. This has been an ongoing project with the City of Cleveland Heights for at this point which is nearly nine months long of investigation and of hard work. What has been presented to us tonight involves a bid that is in the best interest for the City of Cleveland Heights. We have had our staff scrutinize this, look at the numbers; they have found no concerns, errors or admissions as my Councilman Seren also noted that he believes in the integrity of the work done by our staff in vetting our projects. This energy savings project will result in a substantial savings and modernization to the facilities and infrastructure of the City of Cleveland Heights infrastructure that our residents have told us loud and clear many a time is one of their number one priorities. This energy

savings contract will also help lessen the burden on our other capital expenditures that otherwise could not be covered under this energy savings program. This program will help the City of Cleveland Heights and any further delay in starting this program will not benefit us. One thing that has been made very clear to us are concerns about rising interest rates and costs that could affect our bottom line. Our staff is onboard. Their recommendation is clear. We believe that we will get the best bang for our buck, that we will save money, that we will enjoy quality maintenance and service and that by moving forward now, the City of Cleveland Heights will be in the best position financially to tackle the challenges that will come not just today, not just tomorrow, but over the next 20 years. So, I'm very proud and happy to cast my vote yes to get this necessary energy savings project underway and to start saving the City of Cleveland Heights its tax dollars. Thank you."

Mayor Stephens stated, "Is there anyone else that would like to make a comment?
Councilwoman Dunbar."

Councilwoman Dunbar stated, "This energy efficiency project was initiated late in 2015. It's been going on for a long time. It's been studied very thoroughly. We've gotten several proposals to analyze and we've looked at a lot of data about the project. I'm going to vote for it because I think there are risks to not moving ahead from the interest rate standpoint and other things. I'm not going to spend a lot of time talking about this because we spent a lot of time in meeting, but our City Manager is going to put up an explanation behind why the decision has been made the way it is on the website. So you can refer to that for details and I feel that it's... I am very impressed by the work our staff has done on this and I'm going to vote in favor of it because I think it's the right thing to do."

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

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

 Nays: Seren

Tom Raguz stated, "Five ayes and one nay, Your Honor."

Resolution Passed

Mayor Stephens stated, "At this point, one of the comments that Councilman Seren made specifically hit home with me because of phone calls and contacts that were made to me since we last met as Councilmembers and that was that there was not enough information for our residents out there for them to do analysis for something that is the equivalent of 10% of our general fund budget and so, at this time, I'd like to ask the City Manager to work to get up as quickly as possible either frequently asked questions or summary statement on our website about the process and what we hope to accomplish from it so that as we work on the letter of intent, public comment can be taken into consideration. Thank you, ma'am. With that, we finish the Municipal Services. Councilman Yasinow, is there anything else you'd like to share with us?"

Councilwoman Yasinow stated, "Stay warm."

Mayor Stephens stated, "It was 50° out there when I came in."

Councilwoman Yasinow stated, "In that case, you're doing a good job."

Mayor Stephens stated, "All right. Now we move to Planning and Development Committee."

Report of the Planning and Development Committee

Councilwoman Dunbar stated, "I have nothing formal to report, but I would like to let residents know or remind residents that there's a couple of meetings that might be of interest tomorrow night. If you'd like to come back to City Hall again for some more meetings, the Economic Development Advisory Committee is going to be meeting in the Executive Conference Room and will be making its final recommendations about priorities. The last year involved a lot of planning. The Master Plan is almost done I think, and that's just one. There were there have been a lot of planning work and it's getting to the point now where we've got to execute and so that's what the meeting tomorrow night is about and we'll be having meetings all this year to, not with that group specifically, but to move things forward. So, it's to come time to put things into action. In addition, there is a meeting of the Board of Zoning Appeals which is going to discuss focus on fences around the high school if anybody is interested in that topic. So, two wonderful meetings here at Cleveland Heights City Hall if anyone would like to come to those. Oh, both of them are a 7:00 in the evening. Excuse me. Thank you."

Mayor's Report

Mayor Stephens stated, "Thank you, Councilwoman Dunbar. This evening comes to a close with the Mayor's report and this evening, I am not focused on the business of the City but the business of the nation. As an African-American in this country there are certain people who are iconic and almost reach sainthood. Yesterday, we honored Martin Luther King, Jr. who for many of us, black and white, Asian or Hispanic represents, represented and represents into the future our ability to work with each other and respect each other no matter what our differences over. We continue to want to do that in Cleveland Heights. Many accuse us of living in a bubble in this community and one of our residents recently wrote me a letter and said that she'd like to see us become a bigotry free zone. Just as we have our nuclear free zone. I could live with that. It was a great note to me as to what we should uphold and what we stand for as a community. In becoming and being and staying into the future a bigotry free zone. We respect people like John Lewis who have a history of sacrificing their time, their money, their energy and a portion of their youth as well as almost losing their lives to equality in this country and what I would like to do for my low-level desk here in Cleveland Heights, while it might be the height of honor for me in our community for me to serve as Mayor, I'd like to ask Mr. President to respect all of our iconic figures who nearly gave up their lives to celebrate who we all are in this country and in many ways made an opportunity for him to speak just as he wants today, because if we weren't free to speak out, we would live in a country of McCarthyism and that just isn't where we want to be today. So, I encourage all of you to speak out for diversity, to honor the fact that only believe in being bigotry free and in diversity in this community, and that we all try to work with each other, but we were we have differences of opinion and we do respect those opinions without denigrating each other and our hard work to make

this community and this country the wonderful place it is. After all, what other country do people regularly do almost anything they can to get into the country rather than run out of the country? So, with those notes, I'd like to say what I always say. God bless America and God bless Cleveland Heights. This meeting is adjourned. Our next meeting of Council will be Monday, February 6, 2017."

The meeting adjourned at 8:58 p.m.

Respectfully submitted,

Cheryl Stephens, Mayor

Mitch Michalec, Acting Clerk of Council

/jkw