

City Council for the City of Cleveland Heights, Ohio, held a Committee Meeting of the Whole on the above date at 6:25 p.m. to discuss the contents of the City Manager's memo.

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

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

Mayor Stephens moved to begin Executive Session 1) To consider the terms of a purchase of real property for city purposes and 2) To consider the terms of a lease of city-owned real property. Councilwoman Roe seconded the motion. Executive Session began at 6:27 p.m.

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Stephens, Ungar  
Nays: None

Vice Mayor Stein moved to end Executive Session and Councilwoman Roe seconded.

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Stephens, Ungar  
Nays: None

Executive Session ended at 7:52 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 8:03 p.m., Mayor Stephens presiding.

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

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

Mayor Stephens stated, "Good evening and welcome to City of Cleveland Heights Council meeting. It's Monday, November 6 and we're rolling a little bit late this evening, but we had [an] important executive session on two separate issues this evening. Ms. Sabin, would you call the roll this evening please?"

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

Mayor Stephens stated, "Ms. Yasinow is excused. We will move on with six members of Council present. There were minutes from the October 16 meeting. I believe that one of our typical scribes will be delayed in presentation of her minutes and the other will pass those edits on to staff. At this time, we have always recognized the residents of our community and any others who would like to take the time to share something with City Council. So, we will accept personal communications at this point in time. If you would move to the podium, please try and keep your comments to three minutes or less. The first

thing that you must do is identify yourself with your name and your address. It can be your home address or your place of business. Would anyone like to speak to us this evening? Ms. Hart.”

Melody Hart stated, “Hi, I’m Melody Hart. I live at 2976 Monmouth Road in Cleveland Heights. I’ve been a resident of Cleveland Heights for 12 years. I’m here to talk to you tonight about budgeting and analysis. I decided to speak because of last Monday’s financial report and the forecast that was presented. Let me give a little background. During the financial crisis, corporations became intensely aware they needed to have realistic budgets. Often, they were too conservative or too aggressive and so, it became a high priority for corporations during that time because it became a problem not to have an accurate budgeting. Their financial analysis and planning professionals honed their skills and produced upside budgets, downside budgets and most likely budget. With upside and downside, they identified key items that could be triggered when certain criteria were met in order to make sure they didn’t have difficulties financially, and so they also identified risks and opportunities to the budget. This is the standard now, the best practice that is used now. So, the field of FPNA became more important to corporations and very key – so much so that there became a certification process to FPNA professionals which requires rigorous testing on best practices and budgeting statistical analysis, analysis modeling and there’s a whole group. I mean, not all financial planning analysis people have gotten the certification yet, but a lot of people have. I come before you today because last week you reviewed an analysis prepared by staff with a suggested need for a levy to replace a levy that is rolling off for the debt of the Community Center. I know those numbers are probably very preliminary and they were very conservative as they help property values and income taxes level for many years while they increased expenses. So, I want to raise for your consideration that you consider contracting an FPNA professional to work with staff to create the budgets during the budgeting process. This would add rigor to the process and staff could learn the best practices from such a professional. In recent years, a deficit was projected if there wasn’t going to be a tax increase. Post that tax increase, we ended up surprised with a very large surplus. I don’t recall what the exact number was. I think it was around \$4,000,000 and these funds were used to pre-fund for future years’ expenses. That’s not a bad use of funds, but they also could have been used to retire debt. They could have been used for capital expenditure projects which make an investment in the Noble area or to fund a CDC for development. This year we’re projecting another surplus of \$1,000,000 to \$1,500,000. I encourage you to look at utilizing this for debt retirement fund or some other value added options. A budget’s rigorous enough that it’s not considered conservative, not aggressive and follows the best practices of financial planning and analysis would allow the Council to, during the budget process, identify a surplus that was going to exist and to plan for its use. These items could be budget rather than simply allocating them to future years’ expenses and pre-paying debts that haven’t even [been] incurred yet whereas a bond has been incurred and importantly, at a time when tax is needed, that the projected impact is very realistic rather than conservative in order to avoid another large surplus surprise raising the prospect among residents that perhaps it wasn’t needed. Thank you.”

Mayor Stephens stated, “Thank you, Ms. Hart. Were those written comments that you’d like to submit to us? Thank you. Is there anyone else who’d like to speak to the Council? Yes, sir.”

Bill Bruml stated, "I'm Bill Bruml of 1768 Middlehurst and Council has received from me an Email and you, Ms. Briley, as well on the subject of the non-renewal of the gas aggregation plan about two weeks ago. I received some nice notes from people saying thank you for your comments, but here we are in November. Apparently the plan has ended as far as I can tell and I can tell you from trying to reach Dominion that it's real hard to reach anybody there and find out what's going on and gee, I'd like to know who my supplier is this week and what's going on. In my Emailed comments to you, I quoted something off of the Public Utility Commission site, but it talks about municipal aggregation opt-in plans when a customer fails to continue to opt-it. I don't think they ever thought that an opt-out plan would simply say, 'Oops, we're done.' And so, I couldn't find anything that definitively said what would happen. I would hope we end up on the SCO. It seemed like your analysis said that was a good idea and I kind of agree with that, but gee, it'd be nice to know what's going on without waiting for our bill at the end of the month. Thanks."

Mayor Stephens stated, "Thank you. We talked about the gas aggregation plan. I know that Councilman Ungar had raised a couple of questions and made some recommendations. Have we got a better fix on it yet?"

Tanisha Briley stated, "Mayor, thank you, I'm not sure what you mean by, 'better fix on it.' The plan was to allow the program to expire so that our residents can take advantage of lower rates, much lower rates than what we were locked into while we plan for a new contract that would allow us the flexibility to take advantage of lows in the market which is not the agreement that just expired. So, we're working on that plan."

Mayor Stephens stated, "Do we have phone numbers or contact points so they can search for themselves?"

Councilwoman Dunbar stated, "Or a timeline?"

Tanisha Briley stated, "Well, the timeline would be early 2018 for a new program to be announced. We can try and work through our government liaison person to see if there's a reason why Dominion isn't being more responsive to residents that are calling."

Mayor Stephens stated, "And then we could post that on our website? Is the number he says, 'Oh, they just didn't find it. Here's the number.' We could post that on our website so that folks would be able to reach out. Councilman Ungar."

Councilman Ungar stated, "Well, Mr. Bruml, I don't – did you see my post (which I don't usually do) to Next Door? I can't remember who's got what. I circulated them. I got a couple of requests from some folks, but anyway, on the Next Door, whichever one I was posting to, there was – and if you shoot me an Email, I will try to get it for you. Someone else had difficulty – and this is not a way of recommendation, just an observation – when I checked two weeks ago, that Dominion SCO was the best rate out there and someone else experienced the same difficulty that you had and someone else posted in response to it as to how best to connect with Dominion. I apologize, I don't remember the answer sitting here right now, but if you shoot me an Email or something, I'll try to remember. There's a little

election tomorrow, so I'm going to be a little busy tomorrow, but I will try to get that info to you and I, if I recall, it worked for several other people."

Mayor Stephens stated, "Mr. Ungar, posting on Next Door doesn't circulate to the entire city."

Councilman Ungar stated, "No, I know that, but I got requests from others to post. So, the bottom line is, I know that and I apologize if you're not in my Next Door."

Councilwoman Roe stated, "Send that to Tanisha for the website."

Councilman Ungar stated, "Well, they have access. The city actually has access to that global thing and it was just a chain of communications and someone else, again, experienced the same problem and there is a way to get through to SCO. The only other thing I remember noting was in order to take advantage of the SCO plan, you have to be current on your payments which I assume you are, so anyway, and you should go back because the markets have moved in the last two weeks. I would encourage you as I did - and I said this in my post - I would encourage you to go to that site - the Apples to Apples site that the PUCO puts up and check out rates because who knows, the markets may have changed and the futures have been very volatile the next few weeks. Worth looking at anyway, but I'll try to get you that information. Right and then, the other thing that we did (to our staff's credit), I raised the issue when other people raised the issue with me and it did go up on our website that we were discontinuing the aggregation program for the reasons Tanisha announced which is - we were, through no fault of the city, we were underperforming the open market, if you will, in terms of the prices that were being offered and we're working on now trying to negotiate a new aggregation plan. The idea works conceptually and we're going to try to put something in place that's going to save our residents money which is their whole idea, right? The combined volume purchasing power of all of us should translate into some discount buying opportunities for all of us and it just hasn't materialized through, who has it been, Constellation, the last few years, so we got to go back to the drawing board and negotiate. Precisely."

Mayor Stephens stated, "Okay, moving right along, is there someone else who'd like to speak to Council? Okay, yes sir."

Gabe Schaffer stated, "Hello. I'm Gabe Schaffer. I live at 2826 Washington which just happens to be right across the street from the Coventry Park and so, as a resident of that neighborhood, I would like to know before I vote tomorrow, which Council members are on record as supporting the Coventry PEACE initiative that the people here have proposed."

Mayor Stephens stated, "Well, you want a voice vote?"

Gabe Schaffer stated, "Yeah, I'd just like which members are on record as supporting them."

Mayor Stephens stated, "I have. I'm on record multiple times as having supported Coventry PEACE and their endeavors to work with the city and the School Board."

Vice Mayor Stein stated, "Same. I don't know a member of Council that hasn't expressed support for that. We've extended leases. We've supported their requests and of course we can't do that. That is School Board property, but we've intervened on behalf of them to get that extended. We requested to withhold the RFQ and RFP process at their request and that the city administration meet with them solely at this point. They've been the only ones discussing their plans so, as far as I know, all members - I guess each of them can speak for themselves – have been supportive of that location."

Gabe Schaffer stated, "Thank you."

Councilman Ungar stated, "I'm pretty vocal in my support and I filled out the questionnaire. There was a questionnaire. Are you familiar with that? I was surveyed and I responded. So, thank you."

Mayor Stephens stated, "Okay, is there anyone else who'd like to speak to Council. All right, thank you, we will close this section of the meeting out and move to the report of the City Manager."

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

Tanisha Briley stated, "Thank you, Your Honor. I actually have three items, only one is listed. The first is just – I think it's important to clarify this is the second year in a row after at least eight years of deficit spending where the city actually will have a surplus and what surplus means for us is that we have spent less than we've brought in. It does not mean excess. We haven't reached a point of excess, so we have about one month of operating expenses in reserve currently and that is not, by financial standards, that's not a great place to be, but it's a better place than we were a year ago and certainly two years ago. So, having one month of operating expenses in reserve is a move in the right direction. I think best practice would say that we would have two and there are a lot of communities around us that have three, four or five times that amount and so, we want to continue to balance building our financial strength with making sure that we fund services, particularly our core services adequately and now we have this new challenge of making sure that we're responsible with our debt and our borrowing and being able to keep the services that we're funding adequately with appropriate equipment and vehicles and that sort of thing. So, I know we had this discussion last year about the surplus and I think it may be interpreted that somehow we've asked for more revenue from the community than we need. In fact, that's not the case. I think we're still on not the greatest ground, but headed in the right direction and with Council's support and really prudent financial decision making; we're definitely in a better place and headed in the right direction, but not out of the woods yet.

"Two other pieces. First, I would like to notify Council that sealed bids were received for the purchase of one (1) 75 Cubic Yard Refuse Transfer Trailer CIP #17-07. Bids have been tabulated and reviewed and Spector Manufacturing, Inc. whose bid of \$63,079.00 is the lowest responsive bid; and I make that a Matter of Record. There's no vote needed for that."

### **Matter of Record**

Mayor Stephens stated, "No, I realize that."

Tanisha Briley stated, "The next piece – I would need a vote from Municipal Services Vice Chair since the Municipal Services Chair is not present and that was an addition today. I would like to ask for permission to request qualifications for professional engineering services. So, we'd like to issue that RFQ."

Mayor Stephens stated, "The professional engineering services are for street work or..."

Tanisha Briley stated, "Yes, it would be all engineering services, but the specific emphasis [is] on our road and street projects."

Mayor Stephens stated, "That's going to be referred to Municipal Services Committee to be voted on during their section of the committee."

Tanisha Briley stated, "Yes, or you can take the vote now if you like."

Mayor Stephens stated, "Well, I'd like for you to finish your section."

Tanisha Briley stated, "That completes my report."

Mayor Stephens stated, "Okay. Is there a report from the Director of Finance/Clerk of Council?"

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

Laurie Sabin stated, "I have nothing to report, Your Honor."

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

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

Councilwoman Dunbar stated, "Tonight I have Resolution Number 110 for this year, 2017. This is a resolution authorizing the City Manager to submit the Community Development Block Grant entitlement application for the year beginning January 1, 2018; and declaring an emergency. I'd like to note that the city has conducted hearings and has participated in an extensive discussion with the Citizens Advisory Committee and citizens relative to the activities to be accomplished in the 44<sup>th</sup> year of this program. This ordinance authorizes our City Manager to file with the Department of Housing and Urban Development and any required review agencies, for the program year beginning January 1, 2018, and continuing for a one year period thereafter, the Community Development Block Grant entitlement submittal, a copy of which is on file with the Clerk of Council and copies of which will have been reviewed by members of Council. A copy of the 44<sup>th</sup> year proposed budget is attached hereto as Exhibit A and is presently on file with the Clerk of Council and describes the activities and the proposed amount of expenditures to be approved by this Council for each such activity during 2018. There are some other specifications, but that's the gist of it, so I would encourage my fellow City Council members to vote in favor of this."

Mayor Stephens stated, "Is there a second?"

Councilwoman Roe stated, "Second."

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

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

Nays: None

**Resolution Passed**

Mayor Stephens stated, "That's six votes."

Laurie Sabin stated, "Yes, ma'am."

Mayor Stephens stated, "Excellent. Resolution Number 110-2017 passes. Councilwoman Dunbar, is there anything else you'd like to share with us?"

Councilwoman Dunbar stated, "Just one other thing – your city's Planning Commission will be meeting at 7:00 p.m. here in City Hall this coming Wednesday to review changes to our Zoning Codes. The Zoning Codes are very important to the quality of life in our community, so I encourage anyone interested in the topic to attend the meeting. In any case, we have a very competent group of residents on our Planning Commission and I believe you can count on them to provide excellent input regarding the proposal about Zoning Code revisions, but your input, should you wish to provide any, is always valuable, so that's it."

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

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

Councilman Seren stated, "Thank you, Madam President. First, I would like to move that we approve Ordinance Number 115-2017 authorizing the renewal of an agreement with the Cuyahoga County General Health District for the provision of public health services to the City and its residents; providing compensation therefor in the sum of \$190,019; and declaring an emergency."

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, Stein, Stephens, Ungar, Dunbar

Nays: None

**Ordinance Passed**

Laurie Sabin stated, "And that would be six ayes, Your Honor."

Mayor Stephens stated, "Thank you. Ordinance Number 115-2017 passes. Councilman Seren."

Councilman Seren stated, "Thank you. Second, I'd like to move that we approve Ordinance Number 116-2017 authorizing the sale of K-9 Officer Rocky to his handler, Lieutenant Robert Butler, for the sum of \$1.00; and declaring an emergency."

Mayor Stephens stated, "Is there a second?"

Councilwoman Roe stated, "Second."

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

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

                  Nays:   None

**Ordinance Passed**

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

Mayor Stephens stated, "Excellent. Ordinance Number 116-2017 passes. Councilman Seren."

Councilman Seren stated, "Thank you. Lastly, I'd like to announce that I am putting together a proposed substitute for Ordinance Number 106-2017, which is the ordinance related to local involvement in civil immigration enforcement. I will be collecting all of the amendments that we discussed thus far and putting them all into one document so everybody can see the changes with strikethroughs and bolded additions and I will be circulating this to my colleagues on Council for their review; also the administration, and I'm hoping that we can get this on the agenda for a brief discussion, very brief discussion, at next week's Committee of the Whole."

Mayor Stephens stated, "Okay, thank you. Is there anything else?"

Councilman Seren stated, "That's it. Thank you."

Mayor Stephens stated, "Next we move to the Administrative Services Commission.  
Councilwoman Roe."

**Report of the Administrative Services Committee**

Councilwoman Roe stated, "I have no legislation this evening. However, I did want the citizens to all be aware that the first meeting of the Charter Review Commission has been scheduled for Thursday, November 16 at 7:00 p.m. in the Community Center at the corner of Mayfield and Monticello. This meeting will provide an overview of the Charter Review process by the facilitator that we have engaged, Dr. Larry Keller of Cleveland State University. The community is invited to come for the presentation which is why we are holding it in a larger space. Further meetings after that of the Charter

Review Commission which will also be public will be held here in City Council Chambers and all of the meetings will be televised so they can be seen by all the citizens on our Cleveland Heights TV station.”

Mayor Stephens stated, “Thank you. Is there anything else?”

Councilwoman Roe stated, “No.”

Mayor Stephens stated, “Excellent, we’ll move on to Community Relations and Recreation Committee. Vice Mayor Stein.”

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

Vice Mayor Stein stated, “Thank you, Your Honor. I don’t have any legislation tonight, but I do want to remind everyone that tomorrow is Election Day. There are a number of City Council and Board of Education races as well as other issues on the ballot, important issues, so please, no matter who you’re voting for, no matter which issues you’re voting for or against, please do vote. Thank you.”

Mayor Stephens stated, “Thank you, Councilman. Finance Committee is next. Councilman Ungar.”

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

Councilman Ungar stated, “Great, thank you. I’m going to just quickly piggyback on Vice Mayor Stein’s comment and point out there’s also a judicial race which we haven’t had in a long, long time (at least not a real one) in Cleveland Heights. So, please, please, citizens, get out and vote. Let your voices be heard tomorrow and the weather’s supposed to be decent which is also good news. And the only legislation that I have this evening is Resolution Number 117-2017. This is a resolution amending Resolution Number 101-2017 to correct certain figures cited therein. I will note parenthetically [that] this correction is necessitated solely to correct an innocent clerical mistake. So, I move that we approve that.”

Mayor Stephens stated, “Is there a second?”

Councilwoman Dunbar stated, “Second.”

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

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

                  Nays:   None

#### **Resolution Passed**

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

Mayor Stephens stated, “Thank you. Resolution 117-2017 passes. Councilman Ungar, is there anything else you’d like to share with us this evening?”

Councilman Ungar stated, "Nope, thank you very much."

Mayor Stephens stated, "Next we move to Municipal Services Committee. I believe Councilwoman Roe is Vice Chair of Municipal Services."

Councilwoman Roe stated, "Yes."

Mayor Stephens stated, "Is there anything you'd like to share for that committee this evening?"

Report of the Municipal Services Committee

Councilwoman Roe stated, "I would like to move that we approve a Request for Proposals to seek professional engineering services for assorted city services."

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

Councilwoman Dunbar stated, "Second."

Councilman Seren stated, "Madam President?"

Mayor Stephens stated, "Yes, discussion?"

Councilman Seren stated, "Discussion, yeah, I'd just like to know – how long do we expect this to be out on the street?"

Tanisha Briley stated, "Typically our RFQs are out for 30 days."

Councilman Seren stated, "30 days. Okay, thank you."

Mayor Stephens stated, "If there are no other questions, Madam Clerk, would you call the roll please?"

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

Nays: None

**Authorization Granted**

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

Mayor Stephens stated, "So, you have authority to go out for requests."

Tanisha Briley stated, "Thank you."

**Mayor's Report**

Mayor Stephens stated, "Next, we moved fairly quickly through this meeting, we have the Mayor's Report. I would like to take a moment of silence and recognize Robert Dunbar's loss to the community this week. I heard some funny things about him, but I remember him best for his loyalty to

his wife, my colleague and our friend, Mary Dunbar. He was a very supportive spouse and I remember once she told me she's marry him all over again and that's the best thing you can ever say about your life partner is that you'd do it all over again. So, a moment of silence recognizing the loss to this community of Mr. Dunbar."

A moment of silence was held.

Mayor Stephens stated, "Thank you. This evening is the eve of election in the City of Cleveland Heights. There are several issues as my colleagues have said for support across the county from Tri-C to the Port Authority and then there are the elections of members of Council and the School Board, but you will have done your homework on the potential candidates or candidates who best fit your beliefs for this community. There are a diversity of beliefs out there and so we hope you've done homework on them and will vote responsibly, but whoever you are, wherever you are, it is important that you exercise your very American right to vote because at a time when votes are eroding, the City of Cleveland – they only had 13% turnout of the registered voters for [the] mayoral primary. I don't believe we've ever done anything that small in our election process. Cleveland Heights residents really do like to exercise their American right and I hope that all of you in this room and those of you watching on television remember to exercise your right as an American and as a resident of Cleveland Heights. With that, I want to thank everyone for their participation this evening and make sure that they understand that our next Council meeting, official Council meeting is Monday, November 20, 2017. God bless America and God bless Cleveland Heights. Good night."

The meeting adjourned at 8:33 p.m.

Respectfully submitted,

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Cheryl Stephens, Mayor

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Laurie Sabin, Clerk of Council

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