

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:24 p.m. to discuss the contents of the City Manager's memo. A presentation was given by Danielle Drake of Us Together regarding refugees.

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

Council Members excused: None

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

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

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:33 p.m., Mayor Stephens presiding.

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

Council Members excused: None

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

Mayor Stephens stated, "Good evening and welcome to the Cleveland Heights City Council meeting of Monday, February 6, 2017. This is our regular City Council meeting. Would the Clerk please call the roll?"

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

Mitch Michalec stated, "All present, Your Honor."

Mayor Stephens stated, "Next I would move to approval of the minutes of the regular Council meeting held on Tuesday, January 17, 2017. Have my colleagues who typically edit and make recommendations to the Clerk turned those in to the Clerk?"

Councilwoman Roe stated, "Yes, we have."

Mayor Stephens stated, "Excellent. Thank you. Moving next to one of our longstanding traditions in Cleveland Heights, we welcome personal communication from our citizens to the community, from the community to us and people who don't necessarily live in Cleveland Heights can speak to us as well. There are a couple of rules to the game. We ask that you step to the microphone which is to our left and your right, speak directly into the microphone, state your name and your address for the record, and then please try to keep your comments to three minutes or less. I think there are a few people who would like to say a few things to us this evening and so we do need for you to try to self-police, if you will, how much time you spend speaking. Okay if the first person closest to the mic would go ahead."

CJ Nash stated, "CJ Nash, Cleveland Heights resident, 1416 Vandemar Street and real quick, this is interesting to me because I've been so busy with family and work I have been keeping track of what you've been doing, so what I have to say is interesting tonight. I forgot my readers, so I would do my best with old eyes, okay? Today newly elected representative Candace Keller has sponsored a bill that would block sanctuary cities in Ohio. This bill would define and outlaw sanctuary jurisdictions and declare sanctuary policies contrary to federal law and state interests. This new Ohio bill comes as US cities including Cincinnati and Columbus have enacted immigrant protections in the wake of Trump's executive orders on immigration. Ohio would be the first state to do this. Under this proposed bill, mayors and other elected officials could be charged with 4th degree felonies for criminal commitment in their city, excuse me, like I said, no reading glasses, for crimes committed in their city by undocumented immigrants punishable by up to 18 months in prison and a \$5,000 fine. In a civil suit, city officials could be fined up to \$1,000,000.

State Treasurer Josh Mandel, a Republican U.S. Senate candidate who intends to challenge Senator Sherrod Brown, says he'll make the prohibition a priority. The overwhelmingly vast majority of serious crimes in the US are committed by US citizens, not immigrants, yet Mr. Mandel states this legislation is about protecting parents and kids here in Ohio. I call it political propaganda. The reality is that before sanctuary cities, law enforcement faced an uphill battle because people were afraid to go to them when crimes occurred. Officials in sanctuary cities say the policies encourage people to come forward with information to help solve criminal cases and testify as witnesses in court. This bill is on its way now. Please call your State Senate and Representatives and tell them to vote no on this bill. I find this bill and the Muslim registry that Trump favors very disturbing. I am a Christian, but if he ever enacts a Muslim registry, I will sign it. I won't even hesitate to sign it.

These may seem like little unimportant events that people don't want to talk about, but we've seen this pattern before. In the late '20s, this direction of government policy led to horrible things. We have to stand together for each other to make sure we never repeat that past again. Stop this Ohio bill. Stand together as brothers, sisters, neighbors and friends no matter your race, your religion, your sexual orientation, newly arrived immigrant or generally somebody that has been a really long time. We are all stronger together. Thank you."

Larry Shaw stated, "Larry Shaw, resident of Cleveland Heights, 3779 Lowell. Anyway, I'm here to give it a brief respite from the Sanctuary City controversy. I just want to commend certain several Cleveland Heights athletes for their success recently and, you know, for performing in such a way that Cleveland Heights has gotten a really good name. Jaylen Harris, who is a senior, was, you know, was named by the Greater Cleveland Sports Association as a High School Athlete of the Year. Charles Conwell, Jr., a Cleveland Heights High graduate and Cleveland Heights resident was Amateur Athlete of the Year. In addition, other people who were, you know, up for awards and there were only nine of them, Emily Infeld, who was from University Heights, but graduated from Beaumont School for Girls in Cleveland Heights and trained at Forest Hill Park was runner-up for High School Athlete, and John Carroll University and University Heights got Collegiate Athlete of the Year. So, those people, you know, brought great honor to Cleveland Heights. In addition, we have had now or recently had four Cleveland

Heights athletes who are in the National Football League and deserve commendation: Travis and Jason Kelsey. They're currently... and Travis was Offensive MVP in the ProBowl. Barry Cofield played recently for Washington and for Philadelphia or, excuse me, the New York Giants, and Mel Tucker, Jr. is a coach currently for the Chicago Bears. In addition, both the Kelsey's father and Mel Tucker, Sr., you know, volunteer coaches in Cleveland Heights. All of those players, for the most part, were long time Cleveland Heights residents and participated in all of the Cleveland Heights programs. So, I just want to say that, you know, given our great facilities, athletes and volunteer coaches, Cleveland Heights is one of the top sports cities in Northeast Ohio."

Mayor Stephens stated, "Thank you, Larry."

Eliot Gutow state, "Good evening. I'm Eliot Gutow. I live with 3654 Shannon Road. I've lived in Cleveland Heights since age three when my family moved here from 90th Street and St. Clair in the old Wendell neighborhood. I graduated Cleveland Heights High School. I attended Case here and even while I was attending Case I lived in Cleveland Heights. I raised my family here, my wife and five children. We're pretty committed you could say to the neighborhood. I've added on one time to our house already and I'm considering a second edition on our house. I even work in Cleveland Heights. First, I want to I want to thank every member of Council for all your selfless devotion and the hours you spend here away from your families and your private lives to be in the matters of the Chamber. Thank you very much.

So, I think about my growing up and living in Cleveland Heights. I think that this is a, more than anything, a place where differences have been respected. An example of that would be City Council not running on party labels. Although we might know who they are, but we have to do a little bit of work to find out what party affiliations there might be and that's a credit to this city that we've avoided party labels, and why do we do that? Why do we avoid party labels to be... to avoid needless divisiveness? Cleveland Heights, I believe, has an unstated heritage of political restraint that's only occasionally been broken. An example that I can recall, I'm embarrassed to say I can recall it, but I can't. In 1987, Cleveland Heights had the famous dubious distinction of becoming a 'nuclear free zone,' and nobody knew what this meant, but we were a nuclear free zone.

On our street, my street, Shannon Road, I saw signs of both candidates on the street and I'm proud to say that the same number of signs of the end of the campaign as a beginning meaning nobody tore each other's signs up. Nobody removed each other's signs. This is a major significant achievement. Cleveland Heights has an unstated awareness of avoiding needlessly embroiling our community and controversies that can be avoided. I can recall when Cleveland Heights was declared a nuclear free zone and nobody knew what it meant. I assure you it did very, very little to make Cleveland Heights become a more serious location."

Mayor Stephens stated, "Thank you, Mr. Gutow, your three minutes is up."

Eliot Gutow stated, "Thank you very much."

Svetlana Shriver stated, "My name is from Svetlana Shriver. I am also a resident of Cleveland Heights. I live at 295 Chatfield Drive and I have lived in Cleveland Heights for 42 years. I am here in support of your consideration of making Cleveland Heights a Sanctuary City. I speak on behalf of all the undocumented people who are members of our community and day to day contribute with their labor and their... and financially to support this community economically. There have been major cities and states, as you know, that have taken the lead on this proposition and I think, following this gentleman's statement about Cleveland Heights a long history of embracing diversity and opening itself up to ideas that are perhaps, I would say, liberal ideas that have made this community often on the vanguard of, you know, many other suburbs in the Cleveland area and I really made an attraction. That has been definitely the reason why I stayed in Cleveland Heights all these years. I'm an immigration lawyer. I work with this immigrant community and I can tell you that all the fears that people reiterate about, you know, the propensity to crime etc. etc. - that's mythology that it's being used as political propaganda. I am hopeful that our community will consider being a Sanctuary City and all of that means, by the way, the impact of that is that the police enforcement, the courts will continue to operate exactly as they have in the past, but there would be less collaboration between the local community and the federal government. The matter of controlling and then sanctioning people who come to this country and have been able to obtain the right documentation, that is the work of the federal government and as we know, after 9/11, the federal government asked the local communities to collaborate with the federal government in its work in identifying and then removing people who were in the US without proper documentation and as a result of that, numerous families were torn apart and horrific heartache was propagated and so I will ask that you consider being on the forefront of, I think, this very, very important issue and allowing me to continue to be very proud of my city. Thank you very much."

Mayor Stephens stated, "Thank you. Perfect. Yes, sir?"

Paul Greenberg stated, "This will be a little different. My name is Paul Greenberg. I live at 3248 Euclid Heights Boulevard and I've been a resident of Cleveland Heights for 59 years. Residents of the Boulevard neighborhood, we would like to reiterate to Council our concerns over an ongoing failure to maintain housing in our area. We feel it is reasonable to express these concerns to Council as it affects our daily quality of life and in the longer term, the value of our most significant asset, our homes, not just for us, but as it impacts all residents of Cleveland Heights.

As specific examples, we call Council's attention to the properties located at 3234 and 3238 Euclid Heights Boulevard. The picture I provided for you was recently taken at 3234. This property is a blatant eyesore and is in violation of numerous housing code violations. Not seen in this picture is one of the front windows boarded up with plywood that I'm told was replaced today; plywood being not only a city ordinance violation, but a violation of state law. This plywood appeared two weeks ago and replaced a black plastic trash bag that had been there for almost a year. 3234 is not only been in this decrepit condition for about 10 years; over this time, it has gotten steadily worse. This eyesore is located on one of our City's main thoroughfares and is passed by hundreds and hundreds of passersby daily. In addition to being blocks from City Hall where we are sitting, it faces Boulevard schoolyard. It is disconcerting to imagine what perspective residents and parents considering sending their children to

Boulevard think when they look out at this disaster. The number of emergency responses to this cost of this location and calls from residents about nuisances are too numerous for us to count. At one point last year, we watched Police file out the occupants one by one. Surely the parents and school children watching this from across the street were as horrified as we were.

It is notable to us that both 3234 and 3238 are rental properties owned by the same landlord. We also understand that this landlord owns other properties in Cleveland Heights which are similar in their longstanding disrepair and status as public nuisances. As residents, we are incredulous that despite endless streams of citations, court appearances, emergency response calls, and nuisance complaints, the City continues to issue certificates of occupancy to this property owner. Give me a break. From our perspective, the fact that Council together with the Department of Housing, Legal and the Municipal Court have not made any visible progress in abating the situation is shameful and an embarrassment to our community. If the City does not have the tools it needs to correct situations like this, Council needs to have some serious conversations and figure out how to put them in place. We are also dismayed that after years of bringing the situation to your attention, there are no outward signs of progress whatsoever. With the exception of a recent meeting with Councilwoman Roe and Mr. Allan Butler of Housing, in general members of Council do not respond or phone calls or Emails, do not see fit to sit down with us for a productive discussions about our concerns and how to move forward or to inform us of any actions whatsoever being considered in this matter. We therefore urge members of Council and City officials to engage the residents of our neighborhood, listen to the concerns and we have raised and pursued a more serious effort to resolve them and communicate the results. To be blunt, we are exceptionally frustrated and disappointed and feel the citizens of Cleveland Heights deserve better. Thank you.”

Mayor Stephens stated, “Thank you, Mr. Greenberg.”

Robert Schwab stated, “I’m Robert Schwab, 2972 Essex Road. So, I must be a newcomer to this town. I only came here in 2000, so well I've been here 17 years, but as we drove here, my wife and my two teenage kids at the time, we drove here into Cleveland Heights and we did see this nuclear free zone sign. We’re driving here from Connecticut and the four of us looked at each other and thought, ‘That's weird. That's kooky.’ So we weren't sure what we were into, you know, when we saw that, but so, I'm not sure what a Sanctuary City is, but it I don't think it's kooky. It might be actually dangerous or reckless. I'm not sure. If it's just some type of resolution of happy, you know, happy-feeling type resolution of the city wants to do, I can understand. I understand that it's if it's some type of sentiment that you want to express, but I don't know about the legality of it, but I do know this. If by your actions, you're talking about harboring criminals, you're talking, if you're talking about interfering with the FBI or interfering with some type of national policy, and I'm thinking of the story of Kate Steinle, who is walking down the pier in San Francisco, and is shot by a criminal who should have been deported, who came, apparently came back to United States time after time after time and I know that San Francisco called itself a Sanctuary City, that's not what we want Cleveland Heights. And if that's what we're, if that's where you're headed, then I've never been actually a Josh Mandel fan, but I'm going to contribute the maximum to his campaign...”

Mayor Stephens stated, "Hold on to your money."

Robert Schwab stated, "if that's what we're doing because I would support, I'm going to support that law that will hold all of you on the Council personally liable for any kind of harm that would be done to the City."

Mayor Stephens stated, "Thank you, Mr. Schwab. Mr. Zitch. Thank you. Hold on to your money."

Tom Zitch stated, "Thank you, Your Honor. My name is Tom Zitch, a resident of Cleveland Heights. I live at 2669 Edgehill Road and since it's become the custom here to reveal duration, I've been here for about 27 years; grew up all over. I take umbrage rarely, but I'm the son of a grandson of an immigrant who came from Poland and our family is not quite sure what his immigration status was at the time, but I can tell you for certain - there were Americans who talked about him the way people talk about immigrants today. It's nothing. You can sustain that has been part of our history since we've been a nation, but what I want to talk about is the idea, and I commend City Council for careful consideration, thoughtful consideration of who we are as a City and how we're going to deal with those who come to our City has been built by people coming from other places.

I've heard it said that people worry about this being a national issue and something we, at the locality, should not waste our time on. I don't think we could be more wrong in thinking that. This is fundamentally a legal issue. The issues are simple - what the priorities of our police force will be, what our jails will be used for and what our courts will be used for. Those are the fundamental issues. Those belong to Cleveland Heights. They belong to the taxpayers. They are entrusted to our elected officials. When I hear broad brush discussions of immigrants as criminals, not only am I personally offended because I am the grandson of an immigrant who brought my family here, but I'm aware of the statistics that show that I, as someone walking the street, am several times more likely to be accosted, injured or the victim of someone who was born and raised here. That's just how the numbers work. Facts can be inconvenient. People can reach for alternative facts. Those are the facts. We talk about our refugee community given that acts of terror been committed, 1975 and 2015 by someone here on refugee status - terrorist acts that have killed in America. The number is 0. The number is exactly 0. Where we have people walking in, native born people, walking to churches in Charleston and gunning people down; native born Americans.

So, I think we ought to be careful about this as we talk about how we exercise the prerogatives and the priorities of our city that we entrust to you. I understand that we're facing bullying and threats from a national government and that we have to act prudently and I respect City Council and the decisions that they make. At the same time, this community has a character. I raised my two sons here and they embody that character. We're a Welcoming City. We open our arms, we are built, we have businesses open by refugees and immigrants. We are a better place because we have opened our arms. That's the character of this City and we have to make... these are real times. These are times of decision and we're going to decide what our character is. Are we going to be afraid? Are we going to let an irrational fear drive us to close our City to people who will make it better and which are seeking to make

their lives better? We have to make decisions. You don't get the duck this one. None of us get to duck this one.

The last point I'll make is that Councilman Dunbar made the comment that perhaps the houses of worship should take this up. That's not the first time we've heard this suggestion and frankly that's not the first one who thought of it. I worship at Forest Hill Church; the largest public space in Forest Hill Church is called the sanctuary. There's a reason historically we call it a sanctuary, right? We're going to make a decision as a community of faith in what we do and we may choose to live out sanctuary. It's as old as there have been churches, this tradition. That's up to us and that's on us and we'll think that through. I would hope, however, that for houses of worship and faith communities that choose to follow this long-standing tradition to open our doors and to give solace and safety, I would certainly hope that, and I'll wrap this up, I would certainly hope that our faith will now actually be respected and that nothing that the city would do would impact our ability to give sanctuary to those who most need it. Thank you."

Mayor Stephens stated, "Thank you."

Danielle Drake stated, "Hello, my name is Danielle Drake. I am not a resident of Cleveland Heights. I live in Rocky River, but I work for a business Us Together. It's a refugee resettlement agency located at 2490 Lee Boulevard in Cleveland Heights and I am here to suggest and thank all of you, City Council, for taking into consideration choices between possibly being a Sanctuary City or a Welcoming City or both. I will not speak to the Sanctuary City at all because it would not negatively or positively affect Us Together's work with refugees but I am here to implore you to consider being a Welcoming City under the Welcoming American umbrella. We resettle about 300 refugees a year out of our office in Cleveland Heights and usually about half of those will end up living in Cleveland Heights and some live in other parts of the City of Cleveland and they are economically contributing, but we could always do a little bit better and by being a Welcoming City, that opens us up for more professional development and for potential grants to help these refugees continue to be productive members of Cleveland Heights. Thank you."

Charles Drake stated, "My name is Charles Drake. I live at 3020 Euclid Heights Boulevard. I am a graduate of Heights High and one of my younger brothers, although this is a nuclear free zone, is a nuclear engineer, although there have been no reactors built in our house."

Mayor Stephens stated, "How many years have you lived here?"

Charles Drake stated, "My parents moved here in 1969 and I'm also a graduate at John Carroll. Mayor Stephens and members of City Council, I come to speak regarding your discussion to make this great independent nation of Cleveland Heights a Sanctuary City. I am the second-generation American. My paternal grandfather escaped Czarist Russia and entered the United States legally through Ellis Island at the turn of the 20th century. He worked in the steel mills of western Pennsylvania, married and raised seven children. All the boys served in World War II. That's how we got the name Drake. The Army changed it for us. I believe this action of becoming a Sanctuary City is in direct contradiction to the oath

each of you to took when you raise your hand and swore to defend the Constitutions of the United States and the state of Ohio. I am sorry your Democratic Party's flawed candidate lost the election this past November. I suggest you hold your collective noses and let the President perform his sworn duties to protect this great nation. If each of you believe that it is your desire to let these lawbreakers - refugees and legal immigrants are not lawbreakers, they are in this country legally - yes, lawbreakers, these individuals did not comply with their laws to live in our community. You want to use our limited resources and place a greater strain on our poor and failing public school system with these people not making a financial contribution to our community. Why don't you use your personal resources and open your personal home to these illegal individuals or sponsor a refugee family that has complied with their laws and enter our country legally. If you choose to continue this folly, ask your director of finance how much in federal dollars you are putting in jeopardy. You raised our taxes a ¼% and you may risk significant loss of federal funds.

You have done... collectively done a great job that we, your subjects, are subject to and will for many years be paying a surcharge for drinking water for services that you, that we need to exist. Your outside auditor missed an egregious billing error for five years and you did not catch it, but I would rather you spend your time exploring alternatives to all the vacant places around the Cleveland Heights City Hall, especially at Severance. You may want to consider it to turn it into an indoor growing facility for cannabis for legal purposes.”

Mayor Stephens stated, “Okay.”

Charles Drake stated, “Right now, I think a majority of Council is high to consider making Cleveland Heights a Sanctuary City. Remember four of you must stand for reelection this November. Thank you.”

Mayor Stephens stated, “Thank you, Mr. Drake. Hold on, the story has not been completed yet.”

Heather Lee stated, “Good evening, my name is Heather Lee. I'm a City Cleveland Heights resident. I live at 3156 Oak Road. I'll keep my remarks brief just to be super clear. I support Cleveland Heights exploring becoming a Sanctuary City. Why I'm standing here though is just because I want to be abundantly clear about who we talk about when we talk about the illegals who are supposedly coming in, I don't know, under cover of darkness with some sort of ill intent toward our country. I have at various times in my life represented individuals seeking refugee asylum status pro bono. Those individuals have often not been here legally in the sense that you're considering, that they've been formally awarded refugee status because refugee status is damn near impossible to obtain within a reasonable amount of time when you are overseas. If you are fearing for the life of yourself and the life of your family, if you can get a tourist visa, and then seek refugee asylum here, you will do that. I suspect that everyone in this room would do the same thing on behalf of themselves and their family. That's all I want you to know. We are not talking about criminals in the traditional dark horrific sense. We are talking about people trying to protect themselves and their families from very, very real, very physical harm. Thank you.”

Maureen Lynn stated, "Hello, I am Maureen Lynn. I live at 2289 Stillman Road, lived here about six years ago, so relatively new to the community, formerly lived in Pennsylvania and Indiana and Illinois. First of all, I just want to make it clear that sanctuary cities are against federal law. I mean that is a given; that is it's against the federal law. So, our President Trump has already signed executive orders that is going to restrict funds to cities that become sanctuary cities which is a huge detriment to our community. So, the Cleveland Heights and University Heights School System alone, just those federal dollars, are \$7 million a year that we're putting at risk to our citizens to somehow make up because we want to be a Sanctuary City. So, I don't know where you think this money is going to come from, but you've already taxed us an outrageous amount. We're taxed over 4% of our property value and now you're going to potentially lose \$7 million in federal funds to break the law? To me, it just... it's unfathomable. I don't know where you think the money's going to come from. Are you going to pass another levy? Try to pass some more to take more money? Seriously, we need to address real issues like Mr. Greenberg's issue about the community that, and the blight in this in his area, not breaking a federal law. So, take a step back and think about the real issues that we're facing in this community, and money doesn't grow on trees and we need to be very aware of the potential of federal funds being taken away from our community. That's the underlying issue. Thank you."

Councilwoman Yasinow stated, "There's a microphone to the side. Can you check that that's on, CJ? CJ, can you check it's on?"

Patty Substenly stated, "Hello, my name is Patty Substenly. I live at 2393 Coventry Road. I'd like to thank you all for serving on Council and giving up your precious time. I would like to speak in favor of sanctuary cities. I respect the opinions of all who have spoken. I've lived in Cleveland Heights 20 years. I was born and raised on the west side, so I'm fluent in both languages. I live in Cleveland Heights intentionally and I think everyone in this room lives in Cleveland Heights intentionally. We pay a lot of taxes. We value the diversity of the community and I would hate that the diversity of the community would be negatively impacted if we did not welcome those that are different from us. I'm different. I roll rather than walk. I understand what it's like to be different. A lot of us understand what it's like to be different. So, let's have considerate thought when we look at sanctuary or Welcoming City status and understand that it may fit within the mission of our community. Thank you very much."

Mayor Stephens stated, "Thank you."

Blanche Valancy stated, "Good evening, Council and Mayor. My name is Blanche Valancy. I live at 3021 Yorkshire Road. I graduated from Heights High School in 1965. You do the math. First of all, I wanted to commend... I'm here tonight as part of the League of Women Voters. We observe all councils and boards in Cleveland Heights and University Heights. Please read our summaries in the Heights Observer. I wanted to commend everyone in the room for the civility with which this discussion took place. This is one of the things I value about Cleveland Heights really remarkably. And I wanted to clarify what the nuclear free zone is since I'm apparently the only one in the room who actually worked on this issue; I would like to tell you that it has to do with storing and transporting nuclear materials in or through the City. You can look it up. It's not something to make fun of. In fact, I feel sad for the people who put as much work into that as people have put into other things. I've also worked on the domestic

partnership registry, now no longer necessary, but still as pertinent as it always was in terms of who we are as a City. So, I just wanted to clarify what the nuclear free zone is. It's not frivolous. It's not meaningless. It has to do with things that you would not want in your backyard, which is nuclear materials and waste. It cannot be trucked through this City and it certainly can't be stored here and for that I'm eternally grateful because I too choose to live in Cleveland Heights. Thank you very much."

Mayors Stephens stated, "Thank you."

Councilwoman Yasinow stated, "Thank you, Blanche."

Jill Lang stated, "I'm going to try not to show how upset I am. I'm Jill Lang. I live in Cleveland Heights too on Staunton Road, 2045. I moved here at least 30 years ago. I came to Cleveland Heights and I moved to a racially integrated community because that's what I liked and I've been comfortable here. I knew about the nuclear free zone and unfortunately, I also thought we might already be a Sanctuary City. So, I'm very, very interested in supporting it now. I happen to have been an immigration attorney. I am retired from legal aid, I spent 25 five years there working on immigration and other poverty law issues and I could stand here for two days telling you beautiful stories about the immigrant people that I had the good fortune to know. I could only represent those who had some exception because government funding prevented us from representing undocumented, but there were a number of sections like battered spouses that I could be involved with. I'm very happy that we are an integrated city as I know from a couple of years back. It might have changed, but we are one of two communities in the whole state that meets that test which is 20% at least of a minority race or of the other race to balance. So, East Cleveland lost that because they lost their 20% white standing. So, I think we need to be conscious of those things. I think we need to be open and welcome. The people who we are talking about and this big federal law and the person passing some of these decisions these days doesn't exactly understand federal law all that well himself, but besides that, they're talking about people who have been vetted for years and years, tested more than any of us when we came or our families did as immigrants and so, the chances of there being a criminal element that everybody is concerned about is next to nil. Thank you. I hope you take all of that into consideration."

Mayor Stephens stated, "Thank you."

Evie Rose Morris stated, "Can you see me? Okay, good evening, Mayor. Good evening, Council. Good evening, very active and involved community; you do me proud. I, like Blanche graduated Cleveland Heights High School in 1965. I'll do the math. That was over fifty years ago as did my three grown daughters and my oldest granddaughter and I've got a 14 year old at heights. Okay, so we're clearly committed to our community. What I want to talk about..."

Councilwoman Yasinow stated, "Ma'am, could you please give your name and address?"

Evie Rose Morris stated, "I didn't? I'm sorry. I'm Evie Rose Morris. I live at 3033 Edgehill Road. I want to talk about two things very briefly. The house next door to us used to be toxic. It was toxic for 25 years. It was a foreclosure. It was destroyed by the last person that lived there. We were fortunate after they left to be able to purchase the quarter of acre of land to the Cuyahoga Community Land Bank and

an area that was toxic, that people avoided for years, that I used to do sage all around it to protect my son from it, is now, where the first year we brought it, we let the ground lie fallow. For the past three years, my husband who can grow just about anything, legal or not, but he chooses for the legal. (Just a joke folks, just a joke, please don't send anyone after us.) My husband has for the past two years grown raised beds of vegetables. Now that terrible, terrible, terrible property is a place where our community gathers, where people come to admire the garden all summer long, and where people come to ask my husband questions; the point being that we took a toxic, very, very negative and dark place and we turned it to something quite the opposite, quite beautiful. That point leads me to the next. The last time I spoke to Council was when the Center Mayfield was going in - we were talking about the Circle K and I asked you passionately and from my heart to please consider turning the Center Mayfield into an art center as they had done in Collinwood where our children, who are at risk because the only places they have to go are malls and for shopping or hanging, they really didn't have anywhere to go. Well, didn't happen. We didn't follow through on it. I didn't follow through on it in terms of really talking to people and trying to make it happen and the Center Mayfield is gone. Okay, so my question to you Council and to my community is - what can we do for our kids? We don't have an art center here in Cleveland. Susie Kaeser will tell you that music saves lives. I can tell you as not the best student at Cleveland Heights High School that being in the vocal music department there saved my life during high school. It gave me something to do and focus on. I'd like to put this on the table and I'll come back to it. I'm going to be vigilant about it now. We need something for our kids. We need a place where they can go, where they can be nurtured by all the wonderful musicians, the wonderful teachers who live and choose to live here in Cleveland Heights and they have something to share. Please, let's consider giving our children a future that enriches their lives, doesn't diminish or limit it. Thank you."

Mayor Stephens stated, "Is there anyone else who'd like to speak?"

Ray Bayless stated, "Good evening, Council, citizens. My name is Ray Bayless."

Mayor Stephens stated, "Ray, I need for... Mr. Bayless, I need for you to speak closer to the mic."

Ray Bayless stated, "My name is Ray Bayless. 3386 Bradford Road and I've been as resident of City of Cleveland Heights, hate to say it, 66 years, born and raised here. What I'm trying to do is I'm trying to wrap my head around the notion of our City even considering becoming a Sanctuary City knowing that it's against the law, knowing that we would be protecting criminals; and you can say - well, why are they a criminal? They're a criminal because they came into our country illegally. Period. That's the first crime and it's an important crime. I have no problem of immigration. I love this group - immigration, but it should be done legally, not illegally. You know, coming into this country illegally doesn't make you an immigrant, no more than sneaking in the back window of my house makes you part of my family. Think about it. Okay.

No matter what we think of our President, he has said that he is going to withhold funds from any city, county or state that has a sanctuary to it. You can't afford to lose that kind of money at all. You know, someone else mentioned that you all took an oath of office. You swore to uphold the Constitution and the State of Ohio laws. If you do this sanctuary, you will violate that oath. Think about that too.

You know we don't lock our doors of our houses because we don't like the people outside. We lock our doors because we love the people inside. It's for our own protection. You know, the other thing I used to think about is – Immigration, an immigrant, a legal immigrant, is a wonderful thing. We're all from illegal immigrants, but they are (an illegal immigrant) is an absolute affront to every legal immigrant that has gone through the process and become a citizen of the United States. All that work they did is for naught if you're going to let people come in and be here illegally and protect them.

Thomas Jefferson once said..."

Mayor Stephens stated, "Mr. Bayless, Mr. Bayless."

Ray Bayless stated, "...immigration is a welfare of the receiving nation...it, therefore, must be approached carefully and cautiously.' We are nation a borders and laws. If we can't protect the first, we can't have the second."

Mayor Stephens stated, "Thank you, sir. Yes ma'am."

Sarah Koch stated, "My name is Sarah Koch. I live at 14172 Superior Road in Cleveland Heights. And tonight I know that we've been talking a lot about safety in our community and I think that when we talk about safety in our community, we also to remember that we're talking about safety for the immigrants and our community. I've lived in Cleveland Heights for a few years now, but before this I lived in New Jersey where I worked at a church that provided sanctuary for immigrants from Indonesia and I worked with their children a lot of times and to this day one of the things that breaks my heart is remembering the fear that those children felt - that fear that their parents are going to be deported and that their families are going to be torn apart, and how that was destructive in a lot of their lives. I hope that when we talk about safety, we talk about the safety of some of the most vulnerable people in our community, the safety of undocumented immigrants. I urge you to designate Cleveland Heights as a Sanctuary City because it will make our City safer. Thanks."

Mayor Stephens stated, "Is there anyone else who would like to speak this evening? Yes ma'am."

Katherine Child stated, "Hi, my name is Katherine Child and I have not lived in Cleveland Heights for a very long. I think two years. Yeah, just moved in, and I have been troubled to hear some of the comments about immigration and immigrants. My aunt was a refugee from Cuba when the revolution broke out there and technically came to this country legally, but if she had been from any other place it would not have been legal and for those of us whose Caucasian ancestors have been in this country since before 1921, the reality is there just wasn't much in the way of US immigration law before 1921 and then in 1924, when most of the immigration laws that were created between that period and the 60s were put in place to keep out people that the white majority thought were undesirable such as Asians - the Chinese Exclusion Act. Just because something is a law does not mean that it is a just law and if by conscripting our local police to serve as agents of the federal government who seems to be making threats that are legally ambiguous at best, I don't know that this is something that as a

community we should be supporting. So, I think the city ought to consider carefully and with an eye towards the morality of the issue becoming a Sanctuary City. Thank you.”

Mayor Stephens stated, “Thank you. Is there anyone else who would like to speak this evening? If there's not, we will go on to the business of the City and I would encourage you to stay if you're interested in figuring out what we're going to do because we did make a decision.”

Councilwoman Yasinow stated, “Are you certain?”

Councilwoman Dunbar stated, “We didn’t make a decision.”

Vice Mayor Stein stated, “We did not make a decision.”

Councilwoman Yasinow stated, “There was no decision made, but we have legislation for this evening.”

(Inaudible.)

Mayor Stephens stated, “We have... staff has written a piece of that... drafted a piece of legislation for consideration. First, I'd like to move out of the personal communications and have the report of the City Manager.”

Report of the City Manager

Tanisha Briley stated, “Thank you, Your Honor. I have several items of business this evening. First, I would like to request permission to go to bid for the 2017/2018 Pavement Striping Program and I would like to make that a Matter of Record.”

Matter of Record

Mayor Stephens stated, “I'd like to refer that to the Municipal Services Committee.”

Councilwoman Yasinow stated, “Thank you.”

Mayor Stephens stated, “We’d like to move through them, so we can do vote for three of them together.”

Tanisha Briley stated, “Okay, I believe we can do that. Jim says yes.”

Councilwoman Yasinow stated, “Thank you very much, Law Director.”

Tanisha Briley stated, “Our next item is to request permission to go to bid for the 2017 Road Resurfacing Program and I would like to make that a Matter of Record.”

Mayor Stephens stated, “That is also referred to the Municipal Services Committee.”

Tanisha Briley stated, "There's a couple more for Municipal Services. I would also like to request permission to go to bid for the 2017 Surface Treatment Program and I would like to make that a Matter of Record."

Mayor Stephens stated, "That is also referred to the Municipal Services Committee."

Tanisha Briley stated, "I believe that is all for the Municipal Services Committee."

Councilwoman Yasinow stated, "All right. Well, with those references in mind I respectfully move my colleagues to authorize the City Manager to go to bid for the 2017/2018 Pavement Striping Program, the 2017 Road Resurfacing Program and the 2017 Surface Treatment Program."

Mayor Stephens stated, "Can I hear a second?"

Councilwoman Dunbar stated, "Second."

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

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

Nays: None

Authority Granted

Mayor Stephens stated, "Seven ayes, so it passes. The City Manager has authority to go to bid for all of those items. Is there another item?"

Tanisha Briley stated, "Yes, I would also like to request permission to disseminate an RFP that is a request for proposals for the acquisition of new recreation software and I would like to make that a Matter of Record."

Matter of Record

Mayor Stephens stated, "Thank you. We refer that to the Administrative Services Committee."

Tanisha Briley stated, "Yes, I have one additional item for the Administrative Services Committee and that is to request a motion to appoint Mitch Michalec as the Interim Finance Director and Clerk of Council for the City of Cleveland Heights. I would also make that a Matter of Record."

Matter of Record

Mayor Stephens stated, "Thank you. I want to refer these two items to the Administrative Services Committee. Councilwoman Roe."

Councilwoman Roe stated, "I move that we appoint Mitch Michalec as the Interim Finance Director and Clerk of Council for the City of Cleveland Heights."

Councilman Ungar stated, "Second."

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

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

Nays: None

Appointment Approved

Mayor Stephens stated, "There was one other item, Councilwoman Roe."

Tanisha Briley stated, "The RFP for the Recreation software."

Councilwoman Roe stated, "Oh, thank you. I move we grant permission to disseminate an RFP for the acquisition of new recreation software."

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

Councilwoman Dunbar stated, "Second."

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

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

Nays: None

Permission Granted

Mayor Stephens stated, "Thank you. The resolution passes. Next we move to the Report of the Interim Director of Finance and Clerk of Council, Mr. Michalec."

Mitch Michalec stated, "Thank you, Your Honor. One item - I would like to notify Council that a resolution of the Board of Zoning Appeals has been received pertaining to variances in the zoning code and as requested by the following. BZA Cal. No. 3412: Cleveland Heights/University Heights City School District, Heights High School, 13263 Cedar Road, to permit an 8-foot tall chain link fence with a 20-foot tall fence along a section of the baseball field parallel to Goodnor Road; and I'd like to make this a Matter of Record."

Matter of Record

Mayor Stephens stated, "I will refer this to the Planning and Development Committee and we will hear that later with the Planning and Development Committee's items. I'd like to move to committee reports at this time. The first committee is Administrative Services. Councilwoman Roe, do you have anything?"

Report of the Administrative Services Committee

Councilwoman Roe stated, "No report this evening."

Mayor Stephens stated, "Thank you. Next, I'd like to go to the Community Relations and Relations Committee. Vice Mayor Stein."

Report of the Community Relations and Relations Committee

Vice Mayor Stein stated, "Thank you, Your Honor. I'm going to go out of order and bring forward the resolution that most of you are here for tonight. For the last two weeks, Council has had substantive discussions on the topics of becoming a sanctuary or a Welcoming City. Council has received dozens of Emails, phone calls and social media comments of all sides of the issue; and we've heard from many of you tonight as well. This next resolution is not to become a Sanctuary City. The next resolution is important and timely. The resolution is not... it is not a feel-good piece of legislation, but the beginning of an ongoing process to rededicate ourselves to being an even more welcoming community and working with all of our residents and potential residents. This includes our immigrants to make our City the best and most welcoming it can be. With that in mind, I'm proud to introduce Resolution Number 15-2017.

The following is the resolution which Vice Mayor Stein read. "A Resolution strongly objecting to the recent Presidential Executive Order temporarily banning entry into the United States for migrants from seven Muslim-majority countries and refugees from around the world and joining with all Americans who believe that the Executive Order is unlawful and un-American; declaring the City of Cleveland Heights to be a "Welcoming City" and calling upon the people of Cleveland Heights to join together to building a stronger, united community; and declaring an emergency.

WHEREAS, on January 25, 2017, the President of the United States issued Executive Order No. 13768, banning entry into the U.S. for migrants and U.S. legal residents from Iraq, Iran, Sudan, Somalia, Syria, Libya and Yemen, and for migrants from across the globe (hereafter, the "Executive Order"); and

WHEREAS, the Executive Order has banned entry to the U.S. of persons who risked their lives to assist American service members, including English-Arabic translators; and

WHEREAS, the Executive Order has directly impacted Cleveland Heights, as at least one (1) known resident of our City, Dr. Suha Abushamma of the Cleveland Clinic, has been denied re-entry to the United States; and

WHEREAS, this Executive Order is anathema to our shared values as a nation of immigrants, a nation that grants relief and safe haven to people from war-torn countries and from religious, ethnic, and all other forms of persecution; and

WHEREAS, this ban enflames U.S. relations with Muslim-majority countries, indeed with all Muslims, and will surely make the United States less safe from acts of terrorism; and

WHEREAS, in the United States, as in Cleveland Heights, our success depends on making sure that all residents feel welcome; and

WHEREAS, Cleveland Heights always has been and continues to be a Welcoming City to everyone, including immigrants who contribute economically and culturally to making our city a better place; and

WHEREAS, immigrants and refugees are a vital part of this City: bringing fresh perspectives and new ideas; starting businesses; and contributing to Cleveland Heights' treasured and vibrant diversity; and

WHEREAS, this Council honors the spirit of unity that brings neighbors together and makes our community the kind of place where diverse people from around the world feel valued and want to put down roots; and

WHEREAS, regardless of where we are born or what we look like, we are Cleveland Heights residents united in our efforts to build a stronger community; and

WHEREAS, this Council understands that by recognizing the contributions that all of us make to create a vibrant culture and a growing economy, we make our City, and our country, more prosperous and inclusive; and

WHEREAS, the Executive Order violates the principles of the U.S. Constitution and promotes dangerous public policy, eroding the trust between public safety agencies and the communities they serve, which ultimately undermine safety in the City of Cleveland Heights and across our country.

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

SECTION 1. That this Council strongly objects to the Presidential Executive Order No. 13768, temporarily banning entry into the United States for migrants from Iraq, Syria, Iran, Libya, Somalia, Sudan and Yemen, seven (7) Muslim-majority countries and refugees from around the world and joins with all Americans who believe that this Executive Order is unlawful and un-American. Further, this Council declares the City of Cleveland Heights, Ohio to be a "Welcoming City" and calls upon the people of Cleveland Heights to join together to build a stronger, united community.

SECTION 2. The Clerk of Council is hereby directed to transmit a copy of this Resolution to the President of the United States, Ohio Senators Rob Portman and Sherrod Brown, and Congresswoman Marcia Fudge.

SECTION 3. Notice of the passage of this Resolution shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely object to the President's Executive Order which enflames U.S. relations with Muslim-majority countries, indeed with all Muslims, and will surely make the United States less safe from acts of terrorism. Wherefore, provided it receives the affirmative

vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage.”

Vice Mayor Stein stated, “I offer a Resolution Number 15-2017 for passage tonight.”

Councilman Ungar stated, “Second.”

Councilman Seren stated, “Your Honor.”

Mayor Stephens stated, “Thank you. I'd like to hear comments from Council. Mr. Seren.”

Councilman Ungar stated, “I have a comment on my second if I may please. I second everything Vice Mayor Stein said. I want to address some of the concerns that we've heard this evening. We're not, we're not talking about, through this resolution, we're not talking about harboring criminals. I believe as Councilman Stein stated, we have a responsibility in Cleveland Heights to welcome everyone. All of our residents here should feel welcome to fully participate in and contribute to our City's economic and social life regardless of where they come from and most importantly regardless of what their religious beliefs might be. This discussion, and I think a lot of it was evidenced in the room this evening I think, and one of the folks comment on it, you know, puts our City in an incredibly favorable light. I think that there was a lot of thoughtful input. It was all done with the utmost of civility regardless of which side of the debate you're on. I can tell you as Council people, I was both impressed and frustrated with the amount of input Council person Stein indicated. We all received some of the same, but I'm sure number of us received discrete comments as well. And again, they were an incredibly thoughtful and well written and could best be summarized as you know on the one hand, ‘How could you not do this?’ to ‘How could you possibly do this and how could you possibly put our city in harm's way?’ and I thought a lot about that and I know others have thought a lot about that is as well, so those that say, you know, you're punting or you're not coming up with as strong as resolution as... or action as I would like to see by going the Welcoming City route and not the Sanctuary City route - to you, I will say in supporting this versus something stronger, I'm very mindful of and respectful of the comments that people made about the potential for putting federal funding at risk because the perverse irony is that in doing something that you might think is very, very good, you could actually be potentially visiting an incredible amount of harm on some of the most vulnerable members of our population and there's just no way that I could do that. So, as long as the threat exists and I think at a minimum you can deem it to be a very credible threat that upwards of \$8.5 million as estimated by our staff to be our 2017 budget coming from funds that could potentially be at risk. I'm too risk averse to put those funds at risk and go the extra step to deem us a Sanctuary City and I just want to end with, and where... is Tom Zitch still here? Tom's here and he's a wonderful representative of the community and his comments were so thoughtful and he hails from Forest Hill Presbyterian Church and I said this last week and I got to tell you - we've got a... we're blessed with a community leader and a pastor who also is a friend of mine as I know he's a friend of many on Council and many in the in the room - Pastor John Lentz who says it far more eloquently than I ever could.

So, I'm just, with his permission, once again I'm going to quote from a letter that he wrote to me and I know to other members of Council on it and it goes as follows. I won't read the whole thing to you. 'My hope is that you will do more than discuss,' and I certainly think we've evidence to a willingness to do that this evening, 'whether or not you name us as a Sanctuary City or a City of Welcome or more simply reaffirm Cleveland Heights historical welcome to all people who both live here and pass through, it is important to do something. They,' referring to the individuals, 'they need to know that they are welcome, that the police will protect them and that they are an integral part of what we are trying to create together. Standing up and proclaiming to the immigrant, the foreigner and the refugee that they all are welcome in this City is the moral and righteous thing to do. We cannot lose sight of our local identity and what makes us unique and wonderful.' And that is why I strongly second Resolution Number 15-2017. I'm sure my fellow Council persons have a thing or two to say themselves and I'm looking forward to hearing their comments. Thank you."

Mayor Stephens stated, "Mr. Seren and then Councilwoman Dunbar."

Councilman Seren stated, "So, first I'd like to say that risk aversion can sometimes be of benefit to a municipality such as ours, but I'd also like to point out that fear-based decision making generally tends to cut off creative thinking and knowledge gathering. So, I'd like to point that out as I think that this is a step in the right direction. Maybe it's the step in the right direction. I'm not quite so risk averse that I would not seek more information and so, as a result of that I will be a holding Public Safety and Health Committee meeting on the evening of February 15, 6:30, here in these Chambers and the purpose for this this committee hearing is to investigate exactly what it means to be a Sanctuary City for Cleveland Heights because, at this point, there is no legal definition. There is no indication that anything that we are already doing doesn't meet that test to some degree or another. Additionally, there is... there hasn't been I think to my satisfaction an explanation of what violation of US Code 1373 actually looks like. My understanding is that there are certain obligations that we have and certain obligations that people infer incorrectly. So, I'd like to investigate that. I'd like to investigate what our actual law enforcement practice is and how it interfaces with our federal allies in law enforcement and so, among other topics on the 15th at 6:30, I will be holding a Public Safety and Health Committee meeting to discuss this concept in depth and get more information so that we can determine not just what we declare ourselves and I'll tell you, I think everybody on Council knows that I'm not one to stand on ceremony or ceremonial resolutions. I do believe that this is something of value because there are tangible benefits and I think in this case, there is good reason to at least make a statement about how we feel about the actions of our federal government and apparently our state government as well.

So, I feel that there is value in this, but I'd also like to take a look at what we do because frankly we can call ourselves a Welcoming City and still potentially have practices that inhibit an undocumented immigrant from reporting a crime because they're worried about us reporting them to the federal authorities or these types of issues that I know have come up in other jurisdictions. It's something that I'd like to investigate more so that we can be more creative and not reactionary. So, I'll support this, but I think it's a first step in a conversation. So, thank you."

Mayor Stephens stated, "Thank you, Councilman Seren. Councilman Dunbar."

Councilwoman Dunbar stated, "Thank you. I would like to preface comments by saying that I am the children... a child of immigrants. My parents came into the United States in the 30s during the Great Depression from Canada. The Canadian in government in one way or another paid for my father to get a Master's Degree at Cornell and a PhD at the University of Wisconsin, but then the University of British Columbia could not afford to keep their untenured professors. So, he went down to California and got a job at the Agricultural Research Station which later became a branch of the University of California and ultimately, there's a building named after him there. So, an American success story, but he didn't want to leave Canada necessarily, but he didn't have any choice and so, I also want to thank the ministers around town who have given us a lot of pastoral counseling on this issue and I respect their opinions. We were just given this piece of legislation at the end of the meeting we had and really didn't have a chance to talk about it in Council chambers and just to... what I said – I'll go right to the point which is it says all Americans... 'joining with all Americans who believe the executive order is unlawful and un-American.' I have no idea whether it's unlawful or not. I think that's why it's going to court right now, so I can't support it as written. I'm more than happy to make us a welcoming community because I think we are already, but this goes beyond that and it just goes a little too far for me frankly.

I also will say that I would prefer to be spending our time on the issues that Paul Greenberg raised about housing and so on because there's nobody else that's paying attention to that and I have a feeling that we're going to be chasing around after an awful lot of issues with this President. However, Melissa wanted us to be more humorous, so I will say I think there are ancillary benefits to what our President is doing. I have a sense of, you know, we've been told that Americans aren't getting enough exercise and with all the marching that so many people are doing."

Councilwoman Yasinow stated, "You are good at humor."

Councilwoman Dunbar stated, "That's the ancillary benefit. Now, the other thing I would say is - if it makes you folks feel good about this community to have this be whatever we are going to be, at least a welcoming community, I think there's a benefit in that and so, you know, I don't think spending our time on these things is... it isn't where I would prefer to spend my time, but if it makes you feel good about the City and you will recruit people to move here, I would think that would be all to the good and I encourage you to do that. So, let's see. Yeah, I think I've covered everything. Again, I'd like to be a Welcoming City, but I guess I can't say that what happened is unlawful because I just have no clue and it's going to be determined by the courts."

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

Councilwoman Roe stated, "Yes, thank you. As a person of faith, I am personally committed to loving my neighbor and doing justice in the world. As stewards of Cleveland Heights resources, we have a duty to analyze both the benefits and risks of any action that we take. To that end, we asked our Law Department to perform that risk analysis for us and I quote from that opinion that we received about a Welcoming City. The quote is, 'declaring Cleveland Heights a Welcoming City would symbolically reject the executive order and affirm Cleveland Heights' commitment to being a diverse and Welcoming City. Notably no new police policies would be required before drafting a resolution declaring Cleveland

Heights a Welcoming City and no federal funding would be at risk.' That is why I am in support of this resolution to be a Welcoming City."

Mayor Stephens stated, "Thank you, Councilman Roe. Councilwoman Yasinow."

Councilwoman Yasinow stated, "Thank you very much, Your Honor. This resolution has a lot of meaning to me on a personal level. On my father's side I'm a fifth generation Heights resident. My family and Menachem Lechem Ledorski originally came here fleeing Czarist Russia, fleeing programs. On my mom's side, I'm a second generation American, the grandchild of Holocaust survivors. Both my grandfather and my mother and when my grandfather passed, he took with him still a Nazi bullet in his back on its way to Treblinka. So, when I hear that we are being hostile to immigrants, when I hear that we are being hostile to refugees, I can't help but think of a Malia Lewis. She's got a poster in the back, Exodus 23:9 reminding us that at some point or another, we were all strangers in a strange land and to take Mary's reminder of humor, sometimes there is no stranger land then Cleveland Heights.

For me, there are many things to unpack in these past few weeks. Typically, when we've heard of the concept of sanctuary cities, it is in the discussion of undocumented immigrants that is traditionally also been separate and thus this debate about whether or not a place should be a Sanctuary City has existed separate and apart for years from the most recent executive order; an executive order which bans all refugees from entering the United States from anywhere in the world for 120 days and that places a permanent ban on anybody, including lawful permanent residents, green card holders, visa holders from seven Muslim majority countries and that aspect of the executive order has hit home in Cleveland Heights wherein a resident of Cleveland Heights, a lawful resident of Cleveland Heights of this country, Dr. Suha Abushamma was denied entry to the United States and to the City of Cleveland Heights.

So, there are many aspects here to unpack. For me personally, I hear what Councilman Seren is saying in the sense of - I still am not certain what it means for a place to be a Sanctuary City. There is no standard definition and there is no clear requirement as to what it means legally to be. What are the policies that exist for it? As I understand our police policies and procedures here in Cleveland Heights, the... first off, I don't believe we even from that memo, we do not have a written policy one way or the other, number one. Number two, as I've also been made to understand, our interaction in the reporting of persons who are here illegally, it's not due to a general inquiry if a person walking on the street is a documented or undocumented individual. To the extent that we have had interaction as I understand it, it's if a person has committed a crime and has been detained for committing a crime and it has been determined that this individual is not here with documentation then and only then has ICE contacted and even then in those situations, from my understanding of the discussion tonight which I recommend continues, sometimes ICE is not particularly interested in picking those individuals up; sometimes they are. It depends upon the nature of the incident. So, frankly for me, the whole discussion about immigration, about documentation, about the relationship between our local police forces and law enforcement and what it means to be a Sanctuary City in that regard, I don't feel that I have enough information personally. I mean, I think it's frankly that it's a still developing issue and that there should be more discussion on it. That's part one.

Part two - regardless of the fact that there is not a single set definition for Sanctuary City anywhere in the United States, there is a concern that it could cost the City millions of dollars. That is important in and of itself. Full stop. I am here to be a steward of the public's trust, to be a representative of the values, and also a guardian of its tax dollars. So, whether this law... it's currently been stayed, but whether this law comes into effect, whether there is such a set definition of Sanctuary City, I don't know, but I must be mindful that there could be a significant ramification to the finances of the City and that weighs on my mind tonight.

Next up, frankly I am so grateful to live in the City because everybody who spoke here tonight on any side of this issue and frankly people who came and talked about nothing related to this issue tonight i.e. the nuclear free zone came and spoke passionately and spoke eloquently and spoke civilly and I'm grateful for that, but one thing that matters to me is I want to make sure that whatever we say tonight embodies the values of this City. I find whether it's through this executive order, through other events that have happened, a cloud of fear of the other I feel has descended upon this country and I, in whatever way that I can, I want to say, 'Not in my town.' So, I feel that some statement, particularly given how fast this is all been going, I do feel that a statement is necessary from the City of Cleveland Heights that we are a Welcoming City. I also enjoy the fact, and as we have been eloquently told by one of our City leaders that we want whatever comes out here tonight not only to be fast to send a message but also have an impact beyond a nice little feel good statement of, 'Not in our town.' We heard eloquently from tonight from Us Together that by becoming a Welcoming City, we are taking a first step in a process that will actually benefit an organization that helps refugees in the City of Cleveland Heights. By being a Welcoming City, this at least opens the door to them for additional funding, for additional opportunities, for additional networking for a refugee relocation organization in our City and that we currently have over 400 refugees living in the City of Cleveland Heights, some of which have become job creators opening businesses, and if we can help those who have legally entered this country as refugees through any statement here tonight, I am for it.

So, to unpack everything tonight, I don't necessarily believe that by declaring ourselves a Welcoming City tonight is the perfect or necessarily final answer, but I do believe it is a statement that needs to be made, a statement that will help our citizens, a statement that as we understand will not jeopardize a penny of federal funding for the City of Cleveland Heights. So, whether this is or not a last step, I think it is an important one to make and I'm proud to help declare the City of Cleveland Heights a Welcoming City tonight. Thank you."

Mayor Stephens stated, "Thank you, Councilwoman Yasinow. With that, since I think all the good pieces have been taken, I want to ask our Clerk to call the roll."

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

Nays: Dunbar

Resolution Passed

Mayor Stephens stated, "That gives us six votes in favor of the resolution?"

Mitch Michalec stated, "Yes, six ayes, Your Honor."

Mayor Stephens stated, "It passes. This is - Cleveland Heights has now become on Monday, February 6, 2017, a Welcoming City. Thank you. Vice Mayor Stein, I ask that you move on with our agenda in the Community Relations and Recreation Committee."

Vice Mayor Stein stated, "And I'm going to give everyone 30 seconds or a minute to exit if you like. We do still have some more business and you're welcome to stay and we did a very important legislation as well, but it's a long night. I understand. Have a good night. Drive safely."

All right. I said I had gone out of order, so going back in the order, I have Ordinance Number 3-2017; an ordinance authorizing and approving the presentation of entertainment programs in Cain Park for the year 2017. This is on second reading so we already explained at our last meeting and I will go ahead and offer it for passage tonight."

Councilwoman Roe stated, "Second."

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

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

Nays: None

Resolution Passed

Mayor Stephens stated, "The resolution passes, seven votes in favor. Vice Mayor Stein."

Vice Mayor Stein stated, "Okay, again, this is on second reading. Ordinance Number 4-2017 and this legislation amends the use, regulations and rates for admissions and other services for the Cleveland Heights Center, City parks and Cumberland pool for the 2017 winter, spring and summer seasons and repeals Ordinance Numbers 95-2015, 142-2015 and sections of Ordinance Number 143-2015 as I said, it's on second reading. We already went over. It is available on line if you like to take a closer look for passage tonight."

Mayor Stephens stated, "Is there a second?"

Councilwoman Yasinow stated, "Aye."

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

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

Nays: None

Resolution Passed

Mitch Michalec stated, "That's seven ayes."

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

Vice Mayor Stein stated, "Okay, I offer a Resolution Number 7-2017; a resolution recognizing February 2017 as National African American History Month and declaring an emergency. The City of Cleveland Heights is rich in its diversity of cultures and races. The citizens of Cleveland Heights take great pride in the harmonious relationship that exists among and within the city's many diverse communities and this Council recognizes the importance of explaining and sharing the rich cultural and spiritual heritage of each of the City's various ethnic groups in order to foster and encourage harmony and understanding among these groups and the month of February is recognized as national African-American History Month by communities throughout the United States in order to honor and review the accomplishments and contributions of African-Americans to the United States. Therefore, be it resolved, the month of February 2017 is hereby designated National African-American History Month in the City of Cleveland Heights in recognition of the accomplishments of contributions of African-American citizens to the community and to our country. The City hereby reaffirms its commitment to maintain Cleveland Heights as a truly integrated community and to continue the tradition of appreciation and respect of cultural diversity. I offer a Resolution Number 7-2017 for passage tonight."

Mayor Stephens stated, "Is there a second?"

Councilman Ungar stated, "Second."

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

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

 Nays: None

Resolution Passed

Mitch Michalec stated, "Seven ayes, Your Honor."

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

Vice Mayor Stein stated, "Resolution Number 8-2017; a resolution proclaiming February 2017 American Heart Month and declaring an emergency; whereas cardiovascular disease is responsible for approximately one in four deaths in the States is the leading cause of death among men and women and the risk. Factors for cardiovascular disease including smoking, high blood pressure, high cholesterol, obesity, physical inactivity, diabetes, family history and age; and the research is clear that there are tools available to increase survival rates of cardiovascular disease with the American Heart Association encouraging citizens to help save lives by calling 911 if symptoms occur, becoming trained in CPR and supporting comprehensive automated external defibrillator AED programs in their communities; and the American Heart Association and numerous government and these are celebrating February 2017 is American Heart modern encouraging citizens to learn the warning signs of heart attack and stroke and this Council joined with these entities to encourage residents to raise their awareness of heart disease in order to make healthy lifestyle choices to reduce their own risk and to recognize the warning signs in the

be able to assist other persons suffering cardiovascular symptoms. I offer Resolution Number 8-2017 for passage.”

Mayor Stephens stated, “Is there a second?”

Councilman Dunbar stated, “Second.”

Mayor Stephens stated, “Thank you. Mr. Michalec, would you call that will please?”

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

Nays: None

Resolution Passed

Mitch Michalec stated, “Seven ayes, Your Honor.”

Mayor Stephens stated, “Thank you. That means the passage of this resolution as well. You’re on a roll, Vice Mayor.”

Vice Mayor Stein stated, “One more to go. Okay, Resolution Number 9-2017; a resolution declaring Council’s support and understanding of the importance of public education and strong community schools; whereas strong local public school districts are critical to the success of a community and every child should be afforded access to a high quality education and ensuring that all children have the opportunity to compete and succeed in a global economy and public school districts provide students the opportunity to attend school in their own neighborhoods giving students and families the opportunity to become invested, involved in committed to the future of their community and community support, and public education and commitment by families to utilize their local school district will likely result in the school districts achieving better outcomes and encouraging community support and encouraging families to utilize local public schools is something this Council enthusiastically endorses. I offer Resolution 9-2017 for passage.”

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

Councilman Ungar and Councilwoman Yasinow stated, “Second.”

Mayor Stephens stated, “I have been asked to allow Councilman Dunbar to make a comment.”

Councilwoman Dunbar stated, “Yes, I just wanted to say that there were a couple of members of Heights Community Congress that asked me to bring this to the attention of our City Council and I’m delighted that everybody seems to be on board with it. So, I just wanted to let you know that that’s where it came from and also it’s something that was previously passed by South Euclid and some other cities, so we’re joining other local communities in supporting our public schools.”

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

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

Nays: None

Resolution Passed

Mitch Michalec stated, "Seven ayes, Your Honor."

Mayor Stephens stated, "Thank you. Also, Vice Mayor, would you like to make any other comments?"

Vice Mayor Stein stated, "This concludes my report."

Mayor Stephens stated, "Thank you. We move next to the Finance Committee. Councilman Ungar."

Report of the Finance Committee

Councilman Ungar stated, "Okay. First is resolution... these all are the same genre, having to do with signatories designated for certain accounts of the City. First one is Resolution 10-2017(F). I move approval of a resolution amending prior a resolution which in turn amends the signatories designated for an account with Nirvana Public Funding, LLC. I asked during a Committee of the Whole meeting for some definition on what that entity was and I'm told that it relates to an existing investment account for the City, so I move approval."

Councilwoman Roe stated, "Second."

Mayor Stephens stated, "Mr. Michalec, will you call the roll please?"

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

Nays: None

Resolution Passed

Mitch Michalec stated, "Seven ayes, Your Honor."

Mayor Stephens stated, "Thank you. Seven ayes. Councilman Ungar."

Councilman Ungar stated, "And second, very similar, is Resolution 11-2017 which authorizes certain designated City employees to be signatories on certain city accounts. They are not delineated there, but in detail, we see that it's USBank, Fifth Third, Star Ohio, and then Star Ohio has a fund called Star Plus Ohio. So, on those four funds, I move approval."

Mayor Stephens stated, "Thank you. Is their second?"

Vice Mayor Stein stated, "Second."

Mayor Stephens stated, "Mr. Michalec, if you'd like to move forward please."

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

Nays: None

Resolution Passed

Mitch Michalec stated, "Seven ayes, Your Honor."

Mayor Stephens stated, "Thank you. Councilman Ungar, that's your last piece of legislation. Is there any comments you'd like to make this evening?"

Councilman Ungar stated, "No, that's it. Thank you."

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

Report of the Municipal Services Committee

Councilwoman Yasinow stated, "Nothing for... no legislation this evening, Your Honor."

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

Report of the Planning and Development Committee

Councilwoman Dunbar stated, "So, the first item is the Board of Zoning Appeals Calendar Number 3412."

Mayor Stephens stated, "And we'll move that to Councilman Seren."

Councilman Seren stated, "Thank you, Your Honor. I move that we approve the resolution of the Border of Zoning Appeals Calendar Number 3412, Cleveland Heights-University Heights City School District, Heights High School, 13263 Cedar Road, for their variance from the fence regulations of the Zoning Code to permit a 8-foot tall chain link fence with a 20-foot tall fence along a section of the baseball field parallel to Goodnor Road where the maximum allowed fence height is 3-feet."

Mayor Stephens stated, "Is there a second?"

Councilwoman Yasinow stated, "Second."

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

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

Nays: None

Resolution Passed

Mitch Michalec stated, "Seven ayes, Your Honor."

Mayor Stephens stated, "Thank you. This resolution passes 7-0. Is there anything else, Councilman Seren. Then we go back to Councilwoman Dunbar and the balance of the Planning and Development Committee."

Councilwoman Dunbar stated, "Okay. Tonight I have Resolution Number 12-2017. This is a resolution authorizing the City Manager to enter into an agreement with Boss Dog Brewing Company, LLC for a loan under the City's Commercial Revolving Loan Fund Program to assist in the establishment of a full service brewpub at 2179 Lee Road in Cleveland Heights. This is where formerly there was a McDonald's. It's next to Heights Arts. They've applied for a loan to assist in the establishment of the brew pub and this was thoroughly worked out with our... by our Economic Development crew and it's expected... it's committed to creating a total of ten full time jobs and 18 part time jobs with at least six full time equivalent jobs to be held by or made available to low to moderate income people. The details are that the amount of the loan is a sum of \$200,000 and it has an interest rate of 2%. There's more details here and this is being passed on an emergency basis which we try to avoid, but we want to move this forward so that they can open on time and on schedule and not hold up the establishment of this business which people that vote for it feel will be positive to the Lee Road Business District. So, I would like to move that we authorize the City Manager to enter into the agreement as described."

Mayor Stephens stated, "Is there a second?"

Councilwoman Roe stated, "Second."

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

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

Nays: None

Resolution Passed

Mitch Michalec stated, "Seven ayes, Your Honor."

Mayor Stephens stated, "Resolution Number 12-2017 passes unanimously. Councilwoman Dunbar."

Councilwoman Dunbar stated, "Next is Resolution Number 13-2017. This is a resolution authorizing the City Manager to enter into a lease agreement with Boss Dog Brewing Company, LLC to expand its outdoor dining at 2179 Lee Road in Cleveland Heights. Increasingly, outdoor dining is popular all over the place and in order for the Boss Dog Brewery to have the outdoor dining that they would like, they are asking us to give them a slice of land that is owned by the City and we've looked at the drawings for this and decided that it would be a good use of the space and positive. So, we're presenting this again on an emergency basis to allow them to move forward and get the place open, start earning money and employing all those people that were previously described. So, I move that we pass a

resolution authorizing the City Manager to enter into the lease agreement as previously described with Boss Dog Brewing Company.”

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

Councilwoman Roe stated, “Second.”

Mayor Stephens stated, “Mr. Michalec.”

Councilman Ungar stated, “Before we call the roll, can I ask one question of staff which it's my bad I forgot to ask this in Committee of the Whole. I just want to make sure with respect to this piece and on an important section of Lee Road that Planning is involved and fortunately Richard is here. Planning is involved, on board with this, think this is a good idea?”

Tanisha Briley stated, “Yes, the Planning and Economic Development teams work together.”

Councilman Ungar stated, “Okay, got it. Okay, that's all I need. Thank you.”

Mayor Stephens stated, “Mr. Michalec, if you would call the roll please.”

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

 Nays: None

Resolution Passed

Mitch Michalec stated, “Seven ayes, Your Honor.”

Mayor Stephens stated, “Thank you. Resolution 13-2017 passes. Councilwoman Dunbar, your next piece.”

Councilwoman Dunbar stated, “All right. Next is Ordinance Number 14-2017 and this is on first reading only, so we won't be voting on it tonight, but it's an ordinance amending various sections of Part 11 of the Zoning Code of the Codified Ordinances of the City of Cleveland Heights. Our packet this time included 171 pages and we previously in a separate meeting went over all of the pages. We looked into the Zoning Code changes they're available for anybody who wants to review them with our Clerk of Court. I would be happy to pass on my copy to anybody because it's, I already have another copy of it, if anybody wants to scrutinize it, but we won't be voting on it tonight. We'll vote on it the next time. So, it's mostly tweaks to the Zoning Code that we're going to do on an ongoing basis to continue to improve our zoning regulations and address current issues.”

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

Councilwoman Dunbar stated, “I think we've gone on long enough.”

Mayor Stephens stated, "All right, thank you. Next we move to Public Safety and Health Committee. Is there anything else you'd like to say?"

Report of the Public Safety and Health Committee

Councilman Seren stated, "Yes, Mayor. Thank you. Very, very briefly and it's unfortunate that Mr. Greenberg has left, but just as evidence that we can focus on multiple issues at once, I would like to mention that the Sanctuary City idea does not necessarily represent the will of focusing on things like Zoning Code enforcement and as evidences of that, I would like to mention as well that the meeting, the Public Safety and Health meeting that I will be holding on the 15th of February at 6:30 will also focus on a topic. Recently I supplied a draft ordinance related to rental occupancy permits and both property tax delinquencies on the part of the landlord and nuisance abatement charges that have gone unpaid on the part of the landlord, and my understanding is that our administration will have a response to that draft and the comments that the Council made at a Committee of the Whole meeting discussing this topic and that response should be ready I'm assuming by I believe our meeting on the 13th, and so that will be one of the things that I'll be discussing at the Public Safety and Health Committee meeting on the 15th as well to further flesh out that idea so that we can hold landlords accountable if their tenants do not take care of the property or damage the property in some way in the way that he outlined to us in his public comments this evening. So, I'd like to let everybody here know that, let everybody at home know that, and if people here would let Paul Greenberg know that as well. He is welcome to attend that committee meeting too. Thank you."

Mayor Stephens stated, "Thank you. That brings us to the Mayor's report. That means this evening is almost over and we move forward knowing that many times everyone doesn't agree with Council, but we work hard to come up with the best decisions we can have for the City. Okay, is there something we need to pass this evening?"

Tanisha Briley stated, "We just need to announce the public hearing that Council will hold on the zoning changes on March 13th at 6:30."

Mayor Stephens stated, "Thank you. We end this evening with a multitude of things that we've committed to do, the best task that we could and our next meeting is Tuesday, February 21, 2017. Thank you for attending this evening and if you're watching online, please read and pay attention to all of the things we've done, but once again God bless America and God bless Cleveland Heights."

The City Council meeting adjourned at 9:35 p.m.

Respectfully submitted,

Cheryl Stephens, Mayor

Mitch Michalec, Acting Clerk of Council

/jkw