

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, February 22, 2010

MEETING CALLED TO ORDER AT 7:00 p.m. by President Frank J. Geraci, Jr.

INVOCATION BY: Councilman Thomas Vaughn

ROLL CALL: **PRESENT:** President Frank J. Geraci, Jr.
Council Members Dudley, Marincic, Nenadovich,
Sarnowski, Suster, Mahoney, Vaughn

READING AND DISPOSAL OF MINUTES:

Moved by Clmn SUSTER to accept the minutes of the Regular Meeting of City Council of February 8, 2010 as submitted. The minutes were adopted with seven YES votes.

Moved by Clmn SUSTER to accept the minutes of the Special Meeting of City Council of January 28, 2010 as submitted. The minutes were adopted with seven YES votes.

WRITTEN COMMUNICATIONS TO COUNCIL: None.

LEGISLATION OUT OF COMMITTEE: None.

REPORTS OF THE MAYOR AND DIRECTORS:

PRESIDENT GERACI: We will go on to the reports of the Mayor and the Directors. Mayor Collova.

MAYOR VICTOR COLLOVA: Thank you, Mr. Geraci and Council. Good evening. I want to talk about a couple of things before I get into the ordinances and resolutions. The convention center that's due to open the first week in March. We've gotten a little bit of good news although it's not 100%. It looks pretty good that they will be opening and they will be on schedule. We'll know more by the end of the week and I hope I'm not getting too anxious but we don't have full approval yet but I understand they are very close. So we're looking forward to that taking place.

The other thing I wanted to report, for those of you who haven't heard, Superintendent of Schools Mr. Beck has resigned his position for personal reasons. He is being replaced by Linda Reed. I had an opportunity to meet Linda Reed a while back. She is a great young lady. I think she's got a lot going for her and she will be a great asset to the schools. I talked with her today briefly. We are going to sit down and discuss the relationship between the city and the schools. Myself and Mr. Beck had what I believe was a nice game plan and I believe we will be carrying that through with Ms. Reed.

So with that I'm going to move on to the ordinances. We'll start off with Ordinance 12-2010. That is the ordinance that is going to restrict the number of cats per household. There will be three cats per household if this ordinance is passed. I'm going to move down to the Ordinance 14-2010. It's a towing release charge of \$25.00. In the past the city has not charged a release fee or any type of fee for the towing. We are now going to be doing that. We got the \$25.00 number by checking with other cities what their rates were. \$25.00 is about an average that we can figure so we're going with the \$25.00 charge. The next one we're going to

enter into an agreement. This is something we do every year with ODOT. It's about purchasing the salt for the 2010-2011 season. If you have any questions about that Mr. McLaughlin would be glad to answer. Ordinance 16-2010 and 17-2010. We're rolling over notes. All this is is a matter of rolling over notes. These are notes that were done a while back. The procedures that were done with these notes have already been done. All we're doing is rolling over the notes with the selling of bonds, I think in September, but you can refer any questions to Mr. Obert on that. He could probably explain it much better.

Next is Resolution 9-2010. This is about bringing in Becky Repasky as the Zoning Board Secretary. This is a great young lady that has been working for us part-time for a while back in the Recreation Department. She has a degree. She does an outstanding job. She is now working on securing some grants for us and she's sort of a do-it-all girl. We moved her from the Rec Center up to the City Hall and she does just about anything we want. You talk about a utility player? She is it. Today we had some people off because they were sick and today she actually volunteered to deliver Meals-on-Wheels for the first time. That's to actually bring the food to the Seniors that can't get out of the house. She never did it before but she's very eager and anxious to help the city so she went out and she filled up the car. She uses a city car. She took the meals and she got in a city car and off she went to deliver these meals and as she was in the car the city radio was blaring and there wasn't any music so she turned the city radio way down low (I see Mr. Wolsky's laughing) and then she was trying to get some stations on the radio and they were like old-fashioned stations so she was popping in all her good stations. In the meantime our staff meeting ended today and as Chief Murphy was walking outside to get in his car, he noticed his car was missing. They tried to track down which car Becky had but of course she had the radio off so. I have to tell you she's a great girl. She works really hard. And believe me she's going to be an asset as a secretary but I had to bring that out to you because that was really something. When I was walking up to my office I heard the Chief saying what color his car was and I didn't know what the heck was going on. That's certainly what it was.

With that said before I get into Ordinance 13-2010 I wanted to talk a little bit about the city finances because it's important everybody knows where we were, where we are and where we need to get to. Approximately a year ago the city of Garfield Heights, as many of you know, was put into fiscal emergency. When you put it all told together we probably had up to \$3.5 million to \$4 million worth of deficit at that time. Since that time the city has taken some very substantial measures to lower that deficit and some of those measures that we took were staff cuts made and those staff cuts amounted to \$1,484,000.00. That is employees that were not replaced. Left and were not replaced. We had the administrative employees take a 40% cut in pay and benefits. That amounted to \$737,400.06. you can imagine, all of you have been in the work force in your life at one time or another. Think about taking a 40% cut in pay and that's what the staff did. Additionally their medical benefits were slashed drastically which amounted to a \$313,000.00 savings. That was all employees took that slash. The Union concessions amounted to close to \$150,000.00 and that's a side of the medical slash that they took also. Some other things we did is we took the architect off the retainer and there was an approximate \$30,000.00 savings there. As we speak we're re-working the engineer's cost at a projected savings of \$100,000.00 per year. We renegotiated the Medical Mutual administrative fee for approximately \$75,000.00 savings. We will not be purchasing new police cars this year. We've done it every year for I don't know how long. This year we will not be purchasing and that's a savings of \$124,000.00. Presently we're looking at all the city vendors for additional savings. We've dealt with the elevator vendors, there was about a \$4,000.00 savings. Each and every contract we're looking at. Each director's looking at them along with myself to try to trim the fat as much as we possibly can. With all that and that comes approximately with the projections to \$3 million in savings since we went into fiscal emergency. Unfortunately after all that we're still about \$1.5 million short of where we need to be.

The State will not allow us to run in a deficit any longer. The State says that we have to put a Plan together and the Plan is going to be delivered by the end of March or the middle of March. It has to be delivered at that time and we have to show how we are going to be in the black not only for 2010 but for the next five years. There's only three ways to cut into a deficit that big. Those three ways are 1) charging a fee for rubbish; 2) doing something with the taxes. Reducing the tax credit. Raising taxes; or 3) having mass layoffs

of safety forces and everyone else. None of those three are very attractive. None of them is what myself or the Council, after being in office for 12 weeks, want to present to the residents. We don't want to have to go to the residents for money, but our backs are against the wall and we have no choice. This Council and my Administration and myself could have handled this very easily. There was an easy way to handle this and that was to do absolutely nothing at all. Tell the people we're not going to charge for rubbish, we're not going to raise taxes, we're not laying off, We're going to do what we have to do this way. If we did that everybody would be happy with us because we didn't take a penny. The problem is the State would come in and layoff 35% of our work force. They will take control of the city and lay these people off. We will have no control of how we make up the money. I don't believe as a leader of this city, that the Council as leaders of this city, can let that happen. So tonight as hard as it is, and I understand how hard it is, and believe me, if you were in my seat think about how hard it is for me to ask you for money after I just got elected? It's not an easy thing to do. But when I tell you it's the only thing we can do, it's the only thing we can do.

Today the legislation is coming for rubbish collection. That is going to be \$15.00 per household; \$10.00 for the Seniors. So like I say it's not an easy thing. We're doing this in three readings. This is not going to be an emergency measure. We will do this in three readings so everybody has an opportunity to know what's going on. All the residents. As you can see, this meeting is being televised because we're going to put it on our channel. We want to get it out to the people because I don't want anybody to say that we didn't know this was going to happen. I'm sure next meeting and the meeting after that will be packed with people that are very upset about this. But understand that we don't do anything back door. Everything's above board and on the table. Hopefully we can answer any questions that you may have. So with that said I will say that I commend Council for taking this action because it wasn't easy and I will also say that I know that there are people out there. I get calls from Seniors that if they pay any more taxes they can't buy medicine. I know how tough it is. Noreen will be available for anybody who is in that kind of a jackpot and I know we have them to make sure that they are guided to the right departments to get help. We want to make sure that everybody can get through this with the least amount of resistance. So with that said, I'm sure we'll have some questions down the road, but for now, Mr. Chairman, you have my report.

PRESIDENT GERACI: Thank you, Mayor Collova. Are there any questions for Mayor Collova?

CLMN DUDLEY: I understand that you are putting us on the network, etc. but like I said once before we have to realize that a lot of people don't have the cable network that is being televised right now and the word is not going to travel fully through this city the way it should. I still think that we ought to consider sending letters out to the homes. Everybody should be given an opportunity to know what's going on about this.

MAYOR VICTOR COLLOVA: Clmn Dudley, if that's what Council would like to do, I would be more than happy to do it, but I do want to caution you that in this time we're going to try to do everything we can to let all the residents know. Sending a letter to each resident is a very costly measure. Something we're trying to save on, so whatever Council wants I'd be more than happy to do it, but I'm telling you when you start figuring out the postage and the letters. We're looking at 11,000 homes. I'm open for any ideas.

PRESIDENT GERACI: Any other questions for Mayor Collova? I have one question, Mayor Collova. In regards to the billing on this. Where will that go? Will that go on your tax bill? On your water bill? How is that going to work?

MAYOR VICTOR COLLOVA: We are going to bring in a billing company to get us through the first portion of this. It will cost approximately \$18,000.00. Dick can get into this a little more. Once that first year is over it will then go on to the tax bill. Is that correct, Dick?

FINANCE DIRECTOR RICHARD OBERT: That's correct.

PRESIDENT GERACI: Thank you. Any other questions? If not, we'll move on. Law Director Mr. Tim Riley.

LAW DIRECTOR TIMOTHY RILEY: No report.

PRESIDENT GERACI: Any questions for Mr. Riley? If not we'll move on. Service Director Mr. Tim McLaughlin.

SERVICE DIRECTOR TIM McLAUGHLIN: Thank you, Mr. President. I'd like to give the salt report tonight. Last year at this time we used 3,400 tons of salt. There was 99" of snow and the high employee had 158 hours of overtime. So far this year we've used 3,000 tons of salt; 58.5 " of snow and 131 hours of overtime. The difference is that there was one inch of snow where we had to go out and plow also. We've used a lot more salt in the last two weeks. In the last two weeks, like I said we've spent most of the time plowing, cleaning up sidewalks, lots, etc. Right now all the employees are focused on cold patch and getting all the holes taken care of. I know that on every street you drive there's something. The crews are out today doing the best they can. We start with the main streets and then we move to the side streets. That's the end of my report.

PRESIDENT GERACI: Thank you, Mr. McLaughlin. Any questions for Mr. McLaughlin?

CLMN VAUGHN: Mr. McLaughlin, I'd like to thank you for handling that call on St. Monica Lane as quickly and as cautiously as you guys did. I've also had some calls about potholes. Major ones on upper York and Alice Court, right outside St. Monica's drive there. Major concerns there. The residents over in Saybrook Hills are really up in arms at the way every 20 feet the road is buckling. If you guys could get down there and take a look at those I'd greatly appreciate it. Everyone wants to know when they are going to be repaved and we know that's not in the near future.

SERVICE DIRECTOR TIM McLAUGHLIN: I'll take a look at it.

CLMN VAUGHN: Thank you.

PARKS AND RECREATION DIRECTOR BOB DOBIES: Mr. President and Council Members, good evening. I'd like to report that our Annual Melt-The-Ice Tournament was a success, bringing in teams from around Ohio, Pennsylvania and New York to enjoy our facilities and our city. If you stopped by and joined us for any of the action-packed weekend you would have seen the atmosphere of families enjoying a fun-filled weekend. Last meeting I reported that my staff and I have offered our rink to surrounding schools for optional field trips or maybe an alternative to gym class, which we were advertising as March Madness Month. I'm happy to report that we have enjoyed some inquiries on this new effort and are hoping this generates some interest as a whole. T-ball and softball signups are just around the corner and we are in the process of getting all that information together to put forward.

Last, and this is unique. I'd like to share a unique situation that was bestowed upon the Recreation Department. My secretary, Ms. Mary Nichols, and Rec Staff employee, Ms. Amada Walden came into my office with the greatest smiles on their faces last Tuesday and handed me the morning mail. Much to my surprise, I opened the envelope addressed to the Rec Department with no return address on it. The message inside was addressed to the Recreation Staff, which you know includes many people. The message read as follows:

“Rec Staff:

Please accept this anonymous donation for all that you do every day. Thank you.”

I believe this says it all about my department and the thank you was more than enough gratitude. Also included with the note was a money order for \$300.00. I of course do not know who sent this, but I would like to thank publicly whomever for being so generous to my department and city. Again, the comment of thanking us for all we do every day was more than generous. But it always reminds me that we're in this together as a team. Sometimes with our actions or taking the time to care and do our jobs means so much to the citizens we serve. I just want to say thank you to the anonymous donor and my staff, you're the best. That concludes my report.

PRESIDENT GERACI: Thank you, Mr. Dobies. Any questions for Mr. Dobies? Finance Director, Mr. Richard Obert.

FINANCE DIRECTOR RICHARD OBERT: No report.

PRESIDENT GERACI: Any questions for Mr. Obert? Economic Development, Noreen Kuban.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Thank you, Mr. President. I just wanted to take the moment to remind everyone that we do have a social worker on staff to work with Seniors and disabled adults. Her name is Kathy Rush-Parssons and you can reach her at 475-3224. Also tonight at six o'clock I was just attending a meeting upstairs for the Community Gardening Effort. It is coordinated through the Ohio State University Extension Service. We were talking about establishing a community garden in the city. We have not set a place yet but the first thing is we need active or interested residents. So I'm going to leave a sheet of paper out here. If you're interested in participating just give me your name, address, telephone number, e-mail address and what we're going to do is apply for grants. Becky Repasky is going to be working on that with me and then we'll try to find locations within the city and get some community gardens started. I'll leave this here for this evening. After the meeting just come up and sign your name and then I can do some e-mailing and contacting for future meetings. Thank you.

PRESIDENT GERACI: Thank you. Any questions for Ms. Kuban? Building Commissioner Mr. Bill Wervey.

BUILDING COMMISSIONER BILL WERVEY: No report.

PRESIDENT GERACI: Any questions for Mr. Wervey? We'll move on. Mr. Vaughn, do you have something?

CLMN VAUGHN: Yes, at this time could Father Haren be allowed to speak so he could get back to the rectory? I'd like to make a motion that he be able to speak at this time out of order. If allowed?

CLMN SUSTER: I'll second it.

PRESIDENT GERACI: Roll call.

AYES: 7

PRESIDENT GERACI: That passes 7-0.

Father Thomas Haren, St. Monica Church. Thank you so much for allowing me to talk to you tonight. I'm a little bit out of my normal realm and so I really appreciate you inviting me in tonight. The reason I came is there's a special resolution that I'm asking that our Mayor and the Members of Council consider because it's very, very important to our city--extremely important to our city. If you don't mind I'd like to read a little bit of the background and explain why this is so important. The background is this. The United States Congress is now trying to pass a Health Care Bill, a legislation, which is very, very important for our nation. Unfortunately, some of the parts of that legislation could be very detrimental to the city of Garfield Heights. Both the House and the Senate passed health care bills and they are presently working on a combination bill that could become the law for our nation. Should a new healthcare bill be passed, there are certain protections that are necessary for some of our institutions here in Garfield Heights. Without these protections, much harm could be done to our city.

First there is a good chance that the Catholic presence in Marymount Hospital would be lost and it's also possible that Marymount Hospital would have to close. Secondly, Trinity High School, whose students intern at Marymount Hospital, might not be able to support this program in the future without these safeguards. This would affect the financial ability of many students to attend Trinity High School and could lead to the closing of our Trinity High School. Thirdly, these protections are necessary for the charitable institution called Womankind, which operates in our city. And finally, without these protections there's a chance that many of our Catholic churches and schools might have to close. These safeguards presently exist in our

healthcare systems, but they are being threatened by this new healthcare legislation. That is why the input of our City Council is so important.

These are the protections that we are asking the Members of our City Council to endorse and send to our representatives in the U.S. House and Senate. The first is this. That no one should be required to pay for or participate in abortion. Secondly, that the conscience rights of all institutions which do not support abortion should be protected. Thirdly, the conscience rights of doctors, nurses, employees, patients and volunteers who do not support abortion should be protected. This is what I'm asking for is a protection for conscience rights and protection for those institutions that do not support abortion. I'd like to just paraphrase this and bring up why this is so important. You know the First Amendment to our Constitution guarantees us the right to practice our religious beliefs. These rights have been with us for well over 200 years. But in the last few years one of the things that has been happening is these rights have been challenged in Court and gradually we are losing some of the rights that we've always had. One of the things that I've found out about rights is they are only as good as the people who are willing to stand up for these rights.

In the city of Garfield Heights we have many, many different churches here. No matter what faith we have. no matter what faith we belong to, I think religious rights are a part of our fundamental rights of living here in this city. Secondly, you know last year at this time there was an act that was being brought before Congress called the Freedom of Choice Act and Members of your City Council passed a resolution to support that the Freedom of Choice Act would not be part of our government. An interesting thing is the government listened to that. But what they did is behind the scenes they began to take the same protections that we had asked the government to protect and began to take those protections away. This is why I'm here before you today. You know, I'm just asking a very special way that you guard these protections. They are very important. I really believe not only are religious rights important but when you get into the conscience rights of people, I mean –our conscience, that's one of the greatest gifts that God has given to all of us. To choose right and wrong and to know what is good and evil and to live our beliefs that way. When you try to take away our conscience rights I think that's getting into an error that's beyond imagination. So I'm just asking if you would consider some type of resolution? I don't know how to write the wherefore, whereas, etc., but if you'd consider something that you might sign as Members of the Council and send it to our Congresspersons in the U.S. House and Senate that represent our areas, I would ask you if you'd consider doing so? I want to thank you for your time this evening.

PRESIDENT GERACI: Thank you, Father.

FATHER HAREN: Thank you.

COMMENTS BY CITIZENS:

PRESIDENT GERACI: Next will be Comments from the Citizens On Tonight's Agenda. I'll read the groundwork. Comments shall be strictly limited to a brief statement not to exceed five minutes with comments limited to legislation on the current evening's agenda and no citizen shall speak more than once. Is there anybody wishing to speak?

Bob Halem, 12416 Oak Park Blvd. I have a three-part question on Ordinance 2010 garbage, waste and rubbish. If that is passed also would that be piggybacked along with the increase in taxes? Future legislation. Would that also be piggybacked with the revenue coming in from the traffic lights? If that is also passed is it supposed to be started this month but I understand that's being partially delayed. That was my only comment.

MAYOR VICTOR COLLOVA: Bob, to answer your question at this point in time there certainly is no, at least as far as we know, there is no idea whatsoever to do anything with the taxes. If in fact this rubbish legislation passes we will be hoping that this legislation can get us through 2010. One of the things I didn't

say in my report, and I'm glad you brought it up now, was this legislation is going to be reviewed every year. I know we've been hearing that our whole lives. It goes back to the Turnpike where we're only going to use it till we pay for the road and 100 years later we're still paying for that road. In all seriousness, Council has given this much, much consideration and everybody's in agreement the minute that we're in a position when that economy breaks a little bit, when we catch a break with that shopping center, when we get a little money, that rubbish fee is going to be taken back off. That you can count on. As far as the red light cameras, we have agreements signed that were signed for close to a year now. Those red light cameras are now pushed back to my understanding to June before we start realizing revenue. On March 15th they are supposed to come in and start doing our survey. There's a lot of talk about what's going on with red light cameras throughout the country and as it stands right now we're going forward with it. That will be alongside of anything else. Rubbish or anything else.

MR. HALEM: Thank you.

PRESIDENT GERACI: Thank you, Bob. Anybody else have anything?

David Mays, 8250 Green Drive. Mayor, I have one question. I've read Resolution 13-2010 out there. In it it says it will be reviewed every year, but there's nothing in there that I see that says when and if the city doesn't need it, it will be taken away. Is that correct?

MAYOR VICTOR COLLOVA: I'm going to make a comment first, Mr. Mays. I want you to know that last week, at the last Council Meeting, you presented all these Council people at the table with a little chocolate. Is that correct?

MR. MAYS: That's correct.

MAYOR VICTOR COLLOVA: Everybody but me. Let me answer your question. No, it's not written in there and sure as it's on this tape and sure as it's on record right now, when we review that if there's money in the coffers it's coming off.

MR. MAYS: I think it should be amended and have that put in there because if something happens to you that you can no longer serve or you're not re-elected and nobody from this Council is re-elected then they can do exactly what they want. They will determine how long it stays. If it's in there as that then they have to take it off. That would be my recommendation to Council that you make an amendment just what he said. When the city doesn't need the money that will be taken out.

FINANCE DIRECTOR RICHARD OBERT: I'll answer your question on that. This is not the enacting piece for the real estate bills. We have a deadline around September 15th we have to have it down there the bills that are sent out in December and you will get the option to pay for a full year of garbage or a half a year. It will be sent out twice a year. That piece is not written yet. That is what they call enacting a special assessment which is the charge for the garbage. So it's in that piece (and it's in there. I saw it.) and that piece has not been brought up for a vote yet.

MR. MAYS: But it's not in.

FINANCE DIRECTOR RICHARD OBERT: This piece here, like the Mayor said earlier, all this is going to do is set up a quarterly billing with one of our billing companies right now so the billing will be going out in June. Then we have one in September and one at the end of the year. Those are going. This is what enables us to send the bills out. When it comes to the special assessment on the garbage becomes part of the real estate that has to be enacted in August legislation because the deadline is September. That's the piece that says every year you will review this. OK?

MR. MAYS: I'm not disagreeing with you. It will be reviewed, but there's nothing in here that says that you have to take it out. You can leave it here for as long as you want. I'm not disagreeing with you, but I believe what I read.

FINANCE DIRECTOR RICHARD OBERT: I think it's semantics. Once you enact it on the real estate it has to be renewed every year by a piece of legislation. That's where you really would be wrong.

MR. MAYS: I understand it has to be renewed every year, but what stops anybody or this Council or the next Council or whatever from saying, you know what? We don't want to stop this. We just want to keep it going because it's a good moneymaker for us. That's what I'm saying. I think it should be amended for that.

CLWN SARNOWSKI: Mr. Mays, what's going to stop this is every time it comes up before Council residents like you will come up and make sure that we don't vote on it. It's going to come up every year. We'll have to vote on it every year.

MR. MAYS: I may not be around. I would still like to see it amended to state that.

PRESIDENT GERACI: Thank you, Mr. Mays. Anybody else? We'll move on. Any Committee Reports this evening?

COMMITTEE REPORTS: None.

PRESIDENT GERACI: We'll now move on to the Ordinances and Resolutions.

ORDINANCES AND RESOLUTIONS:

ORDINANCE NO.: 12-2010

AN ORDINANCE ADOPTING SECTION 505.26, OF CHAPTER 505 ANIMALS AND FOWL OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS RELATIVE TO THE MAXIMUM NUMBER OF CATS PERMITTED WITHIN THE CITY OF GARFIELD HEIGHTS.

Moved by MARINCIC to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

CLWN MARINCIC: In an effort to get the word out to residents about this and get as much resident impact and information back in response I would like this to appear at the next City Council Meeting as well. For that reason I'm going to vote No to waive the three reading rule which will, in effect, cause this resolution to be on the floor again in two weeks. So I'm voting No.

NAYS: 7

VOTE ON MOTION TO PASS ON FIRST READING:

CLWN MARINCIC: This is a motion to pass on first reading. I vote Yes.

AYES: 7

PRESIDENT GERACI: That passes 7-0.

ORDINANCE NO.: 13-2010

AN EMERGENCY ORDINANCE ADOPTING SECTION 913.08 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS RELATIVE TO THE COST OF GARBAGE, WASTE, RUBBISH AND REFUSE COLLECTION.

Moved by MARINCIC to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

CLWN MARINCIC: Once again, in order to get as much resident feedback as possible and to have this be on Council floor again in two weeks I am voting No on waiving the three reading rule.

NAYS: 7

VOTE ON MOTION TO PASS ON FIRST READING:

CLMN DUDLEY: Before I vote on this one, I just want to mention one thing. It's not an easy thing for us to have to vote for because we all will feel the impact and like I said, I'm off of one of my jobs right now and this is basically my current income that I'm receiving from here due to an injury. I want to mention the fact that the city's probably been living off credit a little too long. Everything we do you got to put some bonds up or something like that. At some point in our life we got to come to the point that we have some money so some of that stuff can start being paid for when it's due. I remember people always mentioning, hey, we're going to put our grandkids in debt, you know? I remember several individuals sitting here now and they just continue to pound it in. This is an opportunity for the grandkids not to have to incur the debt. I said it myself when they said this is to be reviewed annually, make sure it's going to be reviewed. I'll make sure it's going to be reviewed. Like I said, we have to do it. We have to pass it. It's not easy. Like I say, I still, even though the Mayor said it would cost some additional money and a lot of us don't get the cable channel and I just spoke to some people in the neighborhood because that was a way to get the word out just a little more than what we did the first time around. With that I am going to vote Yes, but I think it's going to benefit us and should bring back the Seniors' snow removal and hope to provide some of the streets where we're going to pay to have the streets done instead of paying for it for the next 10 years just to come to get it repaved. So I do vote Yes.

AYES: 6

NAYS: 1

PRESIDENT GERACI: That passes 6 Yes one No on the First Reading. Next reading will be two weeks from today.

ORDINANCE NO.: 14-2010

AN EMERGENCY ORDINANCE AMENDING CHAPTER 307 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS RELATIVE TO VEHICLE TOWING AND STORAGE.

Moved by MAHONEY to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

PRESIDENT GERACI: That passes 7-0.

ORDINANCE NO.: 15-2010

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A PURCHASING PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION, FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT), FOR THE 2010-2011 SEASON.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

CLWN MARINCIC: We've got you flustered, don't we, tonight, Mr. Chairman?

PRESIDENT GERACI: Yeah.

CLWN MARINCIC: I vote Yes.

PRESIDENT GERACI: Thank you.

CLWN SARNOWSKI: I have a question. Don't we have to waive Rule 24? Or no?

PRESIDENT GERACI: Yes, we do.

CLWN SARNOWSKI: Would that be before the three reading?

LAW DIRECTOR TIMOTHY RILEY: It should be before the three reading rule, but I don't think we're actually spending any money right here, are we?

FINANCE DIRECTOR RICHARD OBERT: This is just to purchase. This will not spend a penny. No.

CLWN SARNOWSKI: OK.

AYES: 7

VOTE ON ADOPTION:

AYES: 7

PRESIDENT GERACI: That passes 7-0.

ORDINANCE NO.: 16-2010

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,100,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING CERTAIN STREETS AND PROPERTY IN THE CITY, INCLUDING MARTIN LUTHER KING DRIVE, PARKVIEW AVENUE, BLYTHIN ROAD, EAST 85TH STREET, SAXON ROAD, EAST 131ST STREET, MAPLE LEAF DRIVE, GRANIS ROAD, EAST 90TH STREET, EAST 117TH STREET, EAST 134TH STREET AND CERTAIN OTHER STREETS DESIGNATED BY THE CITY, BY RECONSTRUCTING AND RESURFACING, RECONSTRUCTING CATCH BASINS AND OTHERWISE IMPROVING, EACH ALL TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; AND DECLARING AN EMERGENCY.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 7

Motion to WAIVE RULE 24:

CLWN SARNOWSKI: I have a question, Dick, do we have to read the Fiscal Officer's Certificate with this?.

FINANCE DIRECTOR RICHARD OBERT: Yes, the new people attached it to the back.

CLWN SARNOWSKI: So we don't have to read it with the title?

FINANCE DIRECTOR RICHARD OBERT: Yeah, you have to read it.

CLERK: Should I finish the vote, Mr. Riley?

PRESIDENT GERACI: Yes.

AYES: 7

PRESIDENT GERACI: That passes 7-0.

CLWN MARINCIC: Mr. Riley, what should we do now? Should we go back and start all over and read the Fiscal Officer's report first?

LAW DIRECOR TIMOTHY RILEY: I would suggest you do that.

CLWN MARINCIC: That's what I think we should do. I make a motion that we start the roll call over again and read the Consider by Title and then read the Fiscal Officer's report.

Moved by MARINCIC to CONSIDER BY TITLE:

AYES: 7

(The Clerk read the Fiscal Officer's Certificate.)

PRESIDENT GERACI: Do we waive the 24 hour rule?

LAW DIRECTOR TIMOTHY RILEY: Dick, we're not spending any more money on this, right? This is just a rollover?

FINANCE DIRECTOR RICHARD OBERT: We're spending the interest money.

LAW DIRECTOR TIMOTHY RILEY: So I suggest you waive rule 24.

FINANCE DIRECTOR RICHARD OBERT: I would recommend it.

Motion to WAIVE RULE 24:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

PRESIDENT GERACI: That passes 7-0.

VOTE ON ADOPTION:

AYES: 7

PRESIDENT GERACI: That passes 7-0.

ORDINANCE NO.: 17-2010

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$4,408,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF (1) RENOVATING, IMPROVING AND EQUIPPING THE RECREATION CENTER, (2) ACQUIRING AND EQUIPPING MOTOR VEHICLES, INCLUDING POLICE CARS, AN AERIAL PLATFORM TRUCK AND OTHER TRUCKS, AND RELATED EQUIPMENT FOR USE BY THE DEPARTMENTS OF THE CITY, (3) IMPROVING BROADWAY AVENUE BY CONSTRUCTING, WIDENING, GRADING, CURBING, PAVING, RESURFACING AND OTHERWISE IMPROVING THE SAME, (4) CONSTRUCTING, INSTALLING AND EQUIPPING TRAFFIC SIGNALS IN TURNEY ROAD, BROADWAY AVENUE, GARFIELD PARK BOULEVARD AND OTHER STREETS AND LOCATIONS IN THE CITY, IN COOPERATION WITH THE STATE OF OHIO DEPARTMENT OF

TRANSPORTATION, (5) IMPROVING STREETS WITHIN THE CITY INCLUDING BUT NOT LIMITED TO RECONSTRUCTION AND REHABILITATION OF TRANSPORTATION BOULEVARD AND ANTENUCCI BOULEVARD, WIDENING, UPGRADING AND IMPROVING BROADWAY, INSTALLATION OF TRAFFIC SIGNALIZATION, AND INCLUDING PREPARATION OF PLANS, SPECIFICATIONS AND ESTIMATES, AND OTHERWISE IMPROVING STREETS OF THE CITY IN ACCORDANCE WITH PLANS OF THE CITY ENGINEER, (6) IMPROVING EAST 131ST STREET BY CONSTRUCTING SIDEWALKS, CURBS, RAMPS, INSTALLING SIGNALIZATION AND SIGNS, LANDSCAPING AND OTHERWISE IMPROVING, AND (7) IMPROVING AND EQUIPPING HATHAWAY PARK INCLUDING DESIGN, ENGINEERING AND SITE IMPROVEMENTS, EACH ALL TOGETHER WITH THE NECESSARY APPURTENANCES AND EQUIPMENT, AS APPLICABLE, THERETO AND DECLARING AN EMERGENCY.

(The Clerk read the Fiscal Officer's Certificate.)

Moved by MARINCIC to CONSIDER BY TITLE:

AYES: 7

Motion to WAIVE RULE 24:

AYES: 7

Motion to SUSPEND THREE READING RULE:

CLWN SARNOWSKI: Point of order. Don't we have to announce the results of the voting?

CLWN MARINCIC: Not till the end.

PRESIDENT GERACI: At the end.

AYES: 7

VOTE ON ADOPTION:

AYES: 7

PRESIDENT GERACI: That passes 7-0.

RESOLUTION NO.: 09-2010

AN EMERGENCY RESOLUTION RATIFYING THE APPOINTMENT BY THE MAYOR OF BECKY REPASKY TO ACT AS SECRETARY TO THE BOARD OF ZONING APPEALS FOR THE CITY OF GARFIELD HEIGHTS, OHIO, DURING THE PERIOD COMMENCING FEBRUARY 17, 2010.

Moved by MAHONEY to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MARINCIC: I would have loved to have seen the Police Chief's face when he saw his car was missing. You tell Becky I said good job. I vote Yes.

AYES: 7

PRESIDENT GERACI: That passes 7-0. Thank you, Barb, for the wonderful job you did.

COMMENTS BY CITIZENS:

PRESIDENT GERACI: Next is Comments from the Citizens. These are the rules. Comments shall be restricted to any problem a citizen has which has previously been submitted to his Councilperson or to the City Hall department directly involved. If the submission of a problem to a City Hall department or a Councilperson is made and there is a lack of service rendered in this regard, the problem may then be presented during the Comments from Citizens at a future meeting. It is the intention of the rule that no request of a first nature be presented on the floor at this time. Comments shall be limited to five minutes and no citizen shall speak no more than once. Are there any residents wishing to speak tonight?

Frank Wagner, 13409 Oak Park Blvd. Mayor, Council, you have some tough decisions ahead of you and I wish you well, I rise to question the legislation that was passed because it wasn't done properly and I wanted to make sure you correct it and do it properly. In regards to Ordinance 1-2010 and Resolution 2-2010. I attended the last Council Meeting and expected to see that up for the third reading which it wasn't at the last Council Meeting and I read the Minutes and I had to leave. I'm sorry I couldn't address the Council at that meeting, but I had to leave while you were voting, but I saw at the meeting prior to that that Clwn Mahoney, you weren't here, but it was up for a second reading and there was four Yes votes. My understanding is. And two Present votes. Under your own Rules of Council, which I hope you all have a copy of, under Rule 9 a Present vote does not count as a vote at all. It just signifies under your Rules that that Council Member was present. It does not go with the majority. So I would suggest that the Council, Mr. Law Director, at the next Council Meeting that we have that up for a second reading or a third reading for the passage because I believe the positions were filled and if people are acting in those positions it needs to be done legally and properly, especially if they represent the city of Garfield Heights. Is that what happened? Or how did you signify that that was passed?

LAW DIRECTOR TIMOTHY RILEY: Which resolutions are you talking about?

MR. WAGNER: Resolution 2-2010, which was the appointment of the Assistant Law Director and Ordinance 1-2010, which amended Ordinance 18-2009, which originally did away with the position of Assistant Law Director and it did away with a third foreman position. So Ordinance 1-2010 you created the Assistant Law Director's position or your intent was to do that and your intent was to create a third foreman position but unless that passes at a third reading it hasn't happened legally.

CLWN MARINCIC: I believe a motion was made on the floor to adopt and that's why it did pass. It wasn't to pass. It was made to adopt and that's why it passed.

MR. WAGNER: It was up for a second reading at the last Council Meeting.

CLWN MARINCIC: You can adopt on second reading.

MR. WAGNER: But you need to have two-thirds of a vote because you never suspended the rules requiring three readings. You still fall under the rules requiring three readings. I see Mr. Suster shaking his head Yes. You've been on Council long enough to know that. And Mr. Nenadovich, you've said all along that you believe I understand the Rules of Council very well and I believe I do. I'm asking the Law Director to look into that only from the standpoint if the Assistant Law Director is representing the city he needs to be doing it legally. If we are paying a third foreman we need to be doing it properly.

MAYOR VICTOR COLLOVA: Mr. Chairman, we'll look into it.

MR. WAGNER: OK. If you have any questions, Mayor, I'd be more than happy to sit with you and go over that with you.

MAYOR VICTOR COLLOVA: I'll give you a call.

MR. WAGNER: Thank you.

PRESIDENT GERACI: Thank you. Anybody else wishing to speak?

David Paul, 10109 Russell Avenue. I have issues. I'm not an intelligent individual, but I have issues to address. One being cats. You already said you're talking about passing three cats in a household. My concern is in the neighborhood. They are spraying everybody's houses in the neighborhood. Cars, property, etc. It's worse than skunks. I don't know if anybody knows? Another I have on our road. We have individuals that travel 50 to 60 miles per hour up there and they think it's a speedway and I'm tempted to put a strip out there just to flatten some tires. Another issue I have to address is to the children. High school kids mostly. Coming there, being rude to the adults, smoking in public areas and I know damn well none of them are legally of age. You know I did it when I was a kid and I got my ass whooped by my old man. True enough. But these kids are going around and they're thinking that they're us adults. Talking all kinds of vulgar stuff to us, etc. I've even had right over by the police station where there was a whole gang of them lined up and they challenged me like I was not going to do anything about it and I just walked right through them. So those are my three issues to address to you all. Thank you very much for your time.

PRESIDENT GERACI: Anybody else?

Clifford Kelly, 12312 Eastwood Blvd. My main concern is, and it's kind of piggybacking off of our previous speaker, but this summer, hot weather is eventually coming up. I'm wondering is there any concern or have the citizens thought about a decency ordinance? I think that saggy pants is out of order and also just walking around with no shirt on is out of order. I know our young males. It gets hot. I understand that, but if the females get hot they're not allowed to take their shirts off. And I think that anything that can be considered as far as kind of looking at. This is a respectable city. We're all trying to raise our young people up to be, not to be offensive but to get to be your age—mature citizens—and anything we can do to make sure that they are respectable also should be looked at. If there's anything I can do to help I certainly offer my services. Thank you.

PRESIDENT GERACI: Thank you, Mr. Kelly.

MAYOR VICTOR COLLOVA: Sir, first off I personally couldn't agree with you more. The attire with these kids the way they wear their pants, etc. is deplorable. I really do and I'm sure that 99% of the people in this crowd would agree with that. As far as no shirts on at all or the pants the way they are, I don't know if we put an ordinance together if we could enforce it by law. That would be the problem. That's something we'd have to check into.

MR. KELLY: Not to interrupt you, but the reason why I brought this up is because I'm not certain, but there are some cities if it's reached Ohio yet, but I know that there are some cities they are enforcing a decency law. Some type of decency law and I think that Garfield should maybe at least consider looking into that. It's disrespectful. I'm just a cut and dried person. It's black and white. OK? I want to make sure I'm not just speaking for our African-American youths. It's also non-African-American, you know? It's just crazy. If our young ladies get hot they can't take their clothes off. If we don't find some way to attack this situation it's going to get out of hand. There are things that are already out of hand.

MAYOR VICTOR COLLOVA: Actually, Sir, I'm glad you brought this up because as I said earlier this is being televised. This can get out to a lot of our residents and hopefully our residents will come in and support you on that. We will look into something like that. I never heard anything about that, but we'll certainly check into it.

MR. KELLY: And to our television audience, if you have a problem with me, I'm at 12312 Eastwood Blvd. and my name is Clifford Kelly.

PRESIDENT GERACI: Thank you, Mr. Kelly. Any other comments from the audience?

David Mays, 8250 Green Drive. That one I can't top. Resolution 9-2010. Is that a person that's replacing somebody or is this a new hire?

MAYOR VICTOR COLLOVA: We're replacing the previous secretary.

MR. MAYS: OK. Is her salary staying the same or has it been reduced like the rest of them?

BUILDING COMMISSIONER BILL WERVEY: It stays the same, I believe.

MAYOR VICTOR COLLOVA: You know what, Dave? I can answer that. I don't know.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: I believe the secretary makes \$35.00 per meeting.

CLWN MAHONEY: I believe it's \$32.50.

BUILDING COMMISSIONER BILL WERVEY: Actually, it's neither. I don't have it written down, but I believe it's a gross of about \$41.00 bi-weekly.

MR. MAYS: \$41.00 bi-weekly? Then you can't afford to reduce her salary.

PRESIDENT GERACI: Thank you, Mr. Mays. Anybody else?

Leeroy Salee, 13402 Christine Avenue. I'm concerned about this garbage charge. You'd mentioned that each household will pay \$15.00 and Seniors will pay \$10.00. Who determines who's a Senior? What age range?

MAYOR VICTOR COLLOVA: I believe that's part of the Homestead and that's 60 years old. Am I correct?

MR. SALEE: Sixty? You have different organizations that state the Seniors are at 50 like AARP is 50. So I just wanted to know.

MAYOR VICTOR COLLOVA: The legislation says about the Homestead and I believe that is 60, Sir.

CLMN SUSTER: 65.

MR. SALEE: Sixty? So will they go with the household or owner of the house?

MAYOR VICTOR COLLOVA: The owner of the house.

FINANCE DIRECTOR RICHARD OBERT: Excuse me, on the Homestead Act it does not matter either if it's your spouse or you, as long as one member is 65 that you get the credit. OK?

MR. SALEE: OK. Fine.

PRESIDENT GERACI: Thank you, Mr. Salee. Any others?

Wayne Williams, 13960 Milo Road. The problem I've been having lately is ice and snow on sidewalks. This makes it difficult and dangerous to walk. If you walk out in the street you're in even more danger. I think a handicapped person that has to get to a store or a bus is going to be basically blockaded in. Ordinance 521.06 requires that it be kept clear of snow, ice, slush, mud, dirt. It's not a suggestion. It's an ordinance. Is there anything we can do to enforce this ordinance? I realize that you can't send police officers all over the city. If we can't enforce it can we at least remind people that this is a problem? You are required to do it?

BUILDING COMMISSIONER BILL WERVEY: A couple of weeks ago we asked that it be publicized in the paper and it was. We saw a little bit of improvement, but it's one of those things if we cite one, they're going to find 500 other ones to cite it. We operate pretty much on a complaint basis. I don't know that I have a good solution for it. As I said we go out on a complaint.

MR. WILLIAMS: If I give you every address it would take all night. I see the same houses over and over. I walk my dog around that neighborhood. Some houses have snow since the first snowfall this winter. It's still there.

BUILDING COMMISSIONER BILL WERVEY: If you want to give us a call or give me a call, we'll look at the problem areas you've got.

MR. WILLIAMS: We discussed using seasonal workers to cut grass in the summertime for \$200.00 a pop. Can we have them shovel snow for \$200.00 a house? You're looking for revenue?

BUILDING COMMISSIONER BILL WERVEY: I suppose we could. If you want to give me a call tomorrow with your problem areas we'll try to look after them.

MR. WILLIAMS: OK. Thank you.

PRESIDENT GERACI: Thank you. Are there any other citizens wishing to speak? Any other citizens wishing to speak? If not we'll move on. Miscellaneous Business. Clmn Vaughn?

MISCELLANEOUS BUSINESS:

CLMN VAUGHN: I have nothing to say. I hope everybody has a good week.

CLMN SUSTER: Going back to the snow removal that Mr. Williams was talking about and if you're looking for somewhere to maybe cite people, look down Turney Road. The whole length of it. Because those poor kids are walking in the street all the way to school. To school and back to school. I've had several complaints about that and even some of the businesses have not even shoveled their snow or gotten rid of the snow. So if you're looking for somewhere to start that would be a good place. That's all I have to say.

CLMN DUDLEY: You saved the best for last. I do want to mention something because I know in the neighborhood I got to sometimes tell individuals when they have these big stores and big parking lots for the gas stations, that they plow. People just love to push the snow either up towards the bus stops or they love to push it right where it creates a big hill. Even if you had an open spot for somebody to walk, when they get to that point they either have to step on the street like Clmn Suster said, walk in the street, then come back on the curb. Is there something that we can do to these businesses to prevent them from pushing their snow all the time to block the sidewalks they way they do?

BUILDING COMMISSIONER BILL WERVEY: Nothing other than citing them for having snow on the sidewalk.

CLMN DUDLEY: OK.

PRESIDENT GERACI: Thank you, Mr. Dudley.

CLMN DUDLEY: That's all I have today.

CLWN MAHONEY: I make a motion to adjourn.

PRESIDENT GERACI: Roll call.

AYES: 7

PRESIDENT GERACI: This Council is adjourned. The next Meeting will be March 8, 2010.

MEETING ADJOURNED AT 8:14 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Frank J. Geraci, Jr.
President of Council

Barbara Molin
Clerk of Council