

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, May 10, 2010

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

INVOCATION BY: Councilwoman Debra Sarnowski

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

CLMN SUSTER: I'd like to make a motion that we have moment of silence tonight. In Cuyahoga Heights they are having a parade for all the fallen police officers. Seeing as the Members of Council and some of the residents here that might have wanted to attend couldn't be there I think that we should at least have a moment of silence at this time.

(Minute of silence.)

PRESIDENT GERACI: Thank you, Councilman. Before we start the meeting this evening I would like anybody that has phones, please set them on vibrate or whatever you need to do to them and we'll move on with the meeting.

READING AND DISPOSAL OF MINUTES:

Moved by Clmn SUSTER to accept the minutes of the Regular Meeting of City Council of April 26, 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 move on to the reports by the Mayor and the Directors. Mayor Collova, do you have a report this evening?

MAYOR VICTOR COLLOVA: Yes, thank you, Mr. Geraci. I want to start off by welcoming the students back. Sitting at the podium with us is David Wright. He is joined by two other students from Garfield Heights that are sitting in the audience: Chad Feeney and Remy Dorado. It's good to see you here. I'm looking forward to hearing your report.

I'd also like to go on to welcome Dave Krock, the new engineer. He's sitting on the corner. Dave, welcome aboard and we're looking forward to a great relationship. Thank you for being here.

I want to talk a little bit today about City View and Bridgeview. The City View portion of the extraction system is 99.9% complete with one small hookup that needs to be done at Get-Go on the mound. We are in

the process of taking out the wrinkles there. There's a problem with who is going to be the signee for that system, but it's very close and I expect something in the next week or two to get that completed. Once that extraction system is in, it works, we will then have the EPA put an announcement out giving us a clean bill of health and I think we're going to do a nice PR work on that so we could talk to some of the developers and you know, get some developers in here talking about a nice clean shopping center with no methane problem. We're working on that. We're getting closer.

In the Bridgeview side. About a month or so ago I was telling people we could probably plant corn there because we weren't going to do anything there for a while, but much to my delight and much to all of our delights, we actually have some pretty good movement. When I say movement I mean we have talks going on from developers who are very interested in the property and also with the bank. This isn't something that is going to happen overnight but I got to tell you from where we were three or four weeks ago to where we are now I'm very excited. I think you're going to see something happening there very shortly and we're looking forward to that. So that's a good point.

The next thing I want to bring up is that I want to talk a little bit about our Service Department. The reason I want to do that is because I get calls every day and I have to tell you what. Ninety-five percent of the letters I get are what a great job the Service Department does and they do a great job. If you call somebody up for sewer work they're out there. They do the job. They are courteous to the people. They are doing a great job. Right now they're into the patching. You know how much patching is needed to be done in Garfield Heights? They're not staffed as good as they were in the past. The patch is being done a little bit slower than what we would like to be done but I'll tell you what. They're doing it. They're getting around the city and they're doing a great job. The reason I'm telling you that is that I think it's important for everybody here to know what has taken place over the last 10 years with this Service Department. When you talk about staffing, on May 10, 2000, we had 43 workers in the Service Department. On May 10, 2005, we had 37. On May 10, 2008, we had 34. Presently, today we have 26. We've gone from 43 to 26 and let me tell you something. There isn't one less chuckhole out there than we had 10 years ago. It's tough when you lose that kind of staff and you have to try to keep up on everything. They're doing a great job. The problem that we have is that very shortly we're going to be losing probably another four or five Service. By the end of the summer we'll be losing another four or five Service people. Quite honestly, and Ron knows this better than I do, the State is not looking for us to replace these fellows. Quite honestly, if we didn't replace them the Service garage would be decimated. We would not be able to provide the services. We have to figure out an innovative way to keep staffing that Service garage and at the same time saving the money that the State is looking for us to save so I want Council to know that very shortly, probably in the next 30 to 60 days, if not sooner, we're going to be looking at some different ways using part-timers, using some different ways, innovative ways and I know the Unions aren't going to be happy. We'll have to sit down and negotiate. We need to bring people back. We can't afford to lose any more Service people and so we'll have to figure out a way to keep them there and at the same time keep the State happy.

So with that said I want to move into tonight's legislation. Ordinance 22-2010 talks about increasing the penalty for loud music. Mr. Riley's going to get into that on his report. Ordinance 26-2010 allows chimeneas. It changes our burning legislation a little bit from what it was and Mr. Riley will also get into that. Ordinance 27-2010 is something we spoke about in earlier meetings. Parental responsibility. We're putting this legislation in because we need to make sure that the juveniles out there that are not doing what they're supposed to be doing which is causing some of the havoc out there, we need to put a little heavier regs on. If in fact we find out, or the Law Department finds out, or the Police find out that a parent in any way was negligent or did something to create the youngster to do it, we're going to punish them. That's what that's about.

Resolution 29-2010. We're asking the State to free up some of the funding for the public transportation systems. We know what happened here. It happened throughout Cuyahoga County. It happened throughout the State actually. We got hit pretty hard by losing some of the bus routes so we're putting some legislation

in asking the State to get involved and get us some funding so we can get these routes back. We also have Resolution 32-2010 talking about the Internet Café. This was brought up at numerous meetings. We all know what it's about. We've had much discussion about it. Part of the problem that we had with it, some of the residents were not happy with the location on Turney Road across from residential places. This company has moved to Turneytown behind Turneytown in the back out of the way of everybody. Plenty of parking. I spoke with one of the businesses, primarily Angelo's Restaurant. They're happy to see them. We had a public hearing last week. No resident came to voice displeasure. We think it's a good idea and so I'm asking Council to approve that today on this reading. Lastly, we have a Resolution honoring Dennis Markiewicz, the Garfield Heights baseball coach. Dennis Markiewicz has won his 200th game last week and that's quite a feat. It's an unbelievable feat. Just to have a coach hang around that long to win 200. He's done a great job. He's got a great team this year. He's got some really good kids and every time they have a baseball game they have some of the scouts out there. I know the Cleveland Indians are out there looking at them. We've really got some good young men, so we want to honor Dennis for that achievement and with that, Mr. Chairman, you have my report.

PRESIDENT GERACI: Thank you, Mayor. Any questions for the Mayor?

CLMN SUSTER: Mayor, could we have a Resolution drawn up when the last link of the system is hooked up by Get-Go requesting that the EPA give us a clean bill of health on that?

MAYOR VICTOR COLLOVA: We've been in discussions with the EPA on that. What they told me is after that piece is in they want to wait 30 or 60 days to make sure everything works as planned and as everybody tells me, all the engineers and experts tell me it's going to work great. At that point in time they plan on bringing the EPA Director out and having him give a press conference right there. So we're looking at 30 to 60 days after the hookup.

CLMN SUSTER: I understand but can we still have a Resolution requesting it?

MAYOR VICTOR COLLOVA: Absolutely.

CLMN SUSTER: To be within that time period. OK. Thank you.

PRESIDENT GERACI: Any other questions for the Mayor? City Law Director Mr. Riley.

LAW DIRECTOR TIMOTHY RILEY: Thank you, Mr. Chairman. I just want to address the two ordinances here. Ordinance 22-2010. We've had some concerns raised by Clmn Dudley, I think was the Councilman who raised the issue with regard to loud music out of automobiles. So what we've done is we have imposed mandatory fines which increase with each offense. First offense is a set amount. Second offense and third offense within, I believe, a three year period. Ordinance 26-2010 is the open burning ordinance, which is we're putting in to mirror what the State code has changed in the State of Ohio so our ordinance reflects the same as the State Code. It does allow for chimeneas. It does not allow for bonfires unless you have a permit. Those are the two reasons for those two ordinances. With that you have my report.

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

CLMN NENADOVICH: Mr. Riley, I do have one question. I read this here ordinance and one of the problems I'm having is the smoke is filtering in some of the residents' homes and I see it's 15 feet in the property line. If the nuisance is creating a smoke or choking hazard to the residents around, even though it is an approved device the resident can be asked to put that out or told to put it out by the police department or fire department, correct?

LAW DIRECTOR TIMOTHY RILEY: That is correct.

CLMN NENADOVICH: OK. Just wanted to make sure. Thank you.

PRESIDENT GERACI: Any other questions? If not, we'll move on. Service Director Mr. McLaughlin.

SERVICE DIRECTOR TIM McLAUGHLIN: Thank you, Mr. President. The Mayor touched on the patch issue. We're trying to finish up a couple of the mains—Granger Road and McCracken Road from Turney to the Broadway. We have crews on Warner Road working now. When they finish there they'll be coming up Garfield Blvd. hopefully if the weather holds out. I guess we're supposed to have some rain this week. As soon as it rains the patch plant closes down. Hopefully we'll be getting into the side streets shortly. Also today and tomorrow for a couple days we had some tree lawn tree damage from the storm Friday night. It was just in certain areas. It wasn't that widespread. Some of it was strange to see like the whole intersection 115th and Wallingford got hit but all the rest of the trees around there were good, so I don't know. If it was a treetop or all the different things they call it it was strange the way it took trees down. We are going around street to street. We do have people that called in today with big branches down so we will be working on that. Its going to rain tomorrow so I doubt they'll be patching so I'll move everybody over to the tree damage.

The Household Hazardous Waste Roundup-Up is complete. It was very successful. We had seven large pallets, large boxes full of hazardous waste and two skids of 55 gallon drums out for disposal. We'll probably have another one again around September. I don't have the dates on that yet. We get that from the Solid Waste District. That's the end of my report.

PRESIDENT GERACI: Thank you, Mr. McLaughlin. Any questions for Mr. McLaughlin? If not we'll move on. Recreation Director Mr. Dobies.

PARKS AND RECREATION DIRECTOR BOB DOBIES: Mr. President and Council Members, good evening. The major cement work at the pool is now complete. We will be concentrating on finishing the landscaping over the next couple weeks. We began taking registrations for swimming on May 3rd. If you need any information please contact our office during business hours which are from 8:30 to 4:30 p.m. Monday through Friday. You may also go on the city Website and look at aquatic activities and it will bring up the schedule for hours and lessons. Thank you. That concludes my report.

PRESIDENT GERACI: Thank you, Mr. Dobies. Any questions for Mr. Dobies? If not, we'll move on. We'll move on to the City Engineer, Mr. David Krock.

CITY ENGINEER DAVID KROCK: Thank you, Council President. A short report this evening. I should have a more detailed report the next meeting. Clwn Marincic and I had a phone conversation the other day regarding the future closure of Henry Street between McCracken and Southern. This is part of the Mill Creek Tunnel Project connection to the sewer. We do intend to have possibly a public meeting or at least some notification of residents about what this detour looks like. It will impact school buses, RTA routes, ambulances, etc. so we're going to work through those issues. Thank you.

PRESIDENT GERACI: Thank you, Mr. Krock. Any questions for Mr. Krock? If not, we'll move on. Acting Finance Director Mr. Ron Tomola.

ACTING FINANCE DIRECTOR RONALD TOMOLA: I just wanted to say to Council we have a whole new Finance Department. I don't know if you're aware of that. The training of the new staff is coming along great and they are a bunch of great people. So if you haven't met them yet, please stop up to the Finance Department. I'd like to introduce you to all of them and them to you. That's my report.

PRESIDENT GERACI: Thank you, Mr. Tomola. Any questions for Mr. Tomola? If not, we'll move on. Economic Development Ms. Kuban.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Thank you, Mr. President. Briefly, we received two grants. They were the CDBG grants that we put in applications for earlier. The one was the Gardening Grant. We got about \$4,000.00 for a community garden. So we have two grants totaling about \$4,500.00 each, total for three gardens so we just found this out last week.

We also received a Playground Grant. We can put some new equipment in a couple playgrounds. That's about \$24,000.00 and Mr. Dobies will be able to do some improvements at some playgrounds. Also I know I had trouble e-mailing that Mill Creek report. I put a hard copy in your package. Please review it. If you have

comments, questions, you know it is a draft so this is a time for comments or questions. At the conclusion of the comment period they'll be concluding that report and it will be distributed to you in Council and residents. That concludes my report.

PRESIDENT GERACI: Thank you, Ms. Kuban. Any questions for Ms. Kuban?

CLWN SARNOWSKI: I don't know if you handle the scroll, etc. that's on TV, but a couple of residents complained that they haven't gotten it for like a week on WOW. Is our signal going through to them?

ACTING FINANCE DIRECTOR RONALD TOMOLA: That's my department. I just found out about that this morning. WOW was out here. Hopefully we can get that fixed. I don't know what happened to it. Alright?

PRESIDENT GERACI: Any other questions?

CLWN MAHONEY: Ms. Kuban, I'd like to thank you and Becky for the hard work that you both put into the Garden Grant and the Playground Grant. She seems to be quite the asset to your department.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: She's been doing great work. Thank you.

PRESIDENT GERACI: Any other questions?

CLWN MARINCIC: Regarding the Playground Grant, does that have to be used in one specific area or will it be distributed throughout the city?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: No, we only applied for a few playgrounds.

CLWN MARINCIC: Which ones did you apply for?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Let me see? Mr. Dobies might have to help me?

PARKS AND RECREATION DIRECTOR BOB DOBIES: Hy Court. It was based on the census data.

CLWN MARINCIC: But Hy Court was one of them? That's good to hear.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: We're also going to have a Community garden.

CLWN MARINCIC: Is it a possibility we could have one also at the location of the old theater when it comes down?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Well in applying for this grant we had to tell them the specific locations. One will be at the School Board office, one will be at Hy Court and one will be at the Community Life Center on Dressler. However what we're hoping is to get this idea started this year and perhaps next year being able to buy into new sites.

CLWN MARINCIC: Perhaps this grant might be on again next year?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: We don't know.

CLWN MARINCIC: It's a possibility, though?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: They change their focus on grant funding every year so hopefully they would have grants for community gardens but we don't know that for sure.

CLWN MARINCIC: OK. Thank you.

PRESIDENT GERACI: Any other questions for Ms. Kuban? Building Commissioner Mr. Wervey.

BUILDING COMMISSIONER BILL WERVEY: I don't have anything to report this evening Mr. President. There was last meeting some concern about the house near the Payless Shoe store. That property's been written up for Court because they weren't making the progress that they should have been making. That's all I have tonight.

PRESIDENT GERACI: Any questions for Mr. Wervey? We'll move on to the students. Before I do that I would like to recognize Mr. Terry Olszewski. He's the Principal of the high school. Stand up, Terry. Give him a round of applause. We'll now move on to the students. We have Chad Feeney, David Wright and Remy Dorado. Which ones are speaking?

David Wright. Just me.

PRESIDENT GERACI: What is your name?

DAVID WRIGHT: David.

PRESIDENT GERACI: OK, David.

DAVID WRIGHT: Thank you. Just like any other end of the school year, it's an exciting one for Seniors and underclassmen both. In the past week there's been several events going on. The most prominent was Senior Week for those who are graduating. There's a different activity each day. Non-sponsored by the school but it was like basically a unity thing for the Senior class to graduate and enjoy their last weeks together. Also last week, just previously mentioned in the Resolutions, Dennis Markiewicz won his 200th game and I believe that was the one that went 10 innings and our very own Chad Feeney had the winning hit. Then also in the past week we had, well it was a combination of the class elections, the NHS officer elections and like the good bye week basically. We had a lovely Senior Breakfast put on by the staff and the Administration. This week there is the NHS (which is the National Honor Society) banquet. That is tomorrow. It honors the children who have excelled in their academics. Then in about two weeks we'll have the Senior Prom, which is basically the final goodbye for all of us and one last night to enjoy each other. Thank you.

PRESIDENT GERACI: Thank you, Mr. Wright. Is there any questions for David Wright?

CLWN MARINCIC: I actually, not on your report, but I'm not sure if you're aware that the City Council tonight all the Council Members had sponsored legislation to increase the penalty fine for children at school when they get out of line and it holds their parents more responsible. How do you feel about that?

DAVID WRIGHT: Well, the way I see it, I've been raised in a stable house and I have not had any problems with the police or with the Administration at school. But for those that I do see, I can definitely tell from the ones that I know personally, they have a lack of a strong home life and they need more support from home so the parents should be held more than they are.

CLWN MARINCIC: That's what I wanted to hear. Thank you.

PRESIDENT GERACI: Thank you, David. Any other questions? Excellent job, David. Thank you.

DAVID WRIGHT: Thank you.

COMMENTS BY CITIZENS:

PRESIDENT GERACI: Now we'll move on to Comments from the Citizens On The Agenda items only. The rules are this portion of the meeting is for the residents' comments on tonight's legislation only. Comments are limited to five minutes. No one can speak no more than once. Please raise your hand to be recognized. Anybody? Going once, going twice, going three times. It's done. Committee Reports?

COMMITTEE REPORTS: None.

PRESIDENT GERACI: We're now moving on to Ordinances and Resolutions.

ORDINANCES AND RESOLUTIONS:

ORDINANCE NO: 22-2010

AN EMERGENCY ORDINANCE AMENDING SECTION 535.99 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS RELATIVE TO THE PENALTY ASSESSED FOR MISUSE OF SOUND DEVICES IN MOTOR VEHICLES.

Moved by DUDLEY to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLMN DUDLEY: Before I vote, I say I'm really happy to see this piece come forward, but once again it's something that couldn't have been done by just me myself. I appreciate the support of my colleagues. Without them I couldn't make this possible. I think this is going to bring a temporary end to my insomnia. I'm going to get me some sleep from now on once this works out. It was long overdue. With that I vote Yes.

CLWN MARINCIC: I would like to commend Clmn Dudley on sponsoring this piece. I was proud to add my name to it. For those in the audience who don't realize what this is doing, it's increasing the fine for people who are violating the noise law with these big boom boxes in their car. It used to be by violating it the penalty was a fourth degree misdemeanor. Mr. Dudley has added some teeth to that. The first offense is a mandatory minimum fine of \$200.00. For the second offense within two years it's a mandatory fine of \$350.00 All other offenses thereafter are \$500.00 per offense. I'm not even going to play my radio loud any more and I happily vote Yes on this.

AYES: 7

PRESIDENT GERACI: That passes 7-0.

ORDINANCE NO: 26-2010

AN EMERGENCY ORDINANCE AMENDING CHAPTER 1511 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS RELATIVE TO OPEN BURNING.

Moved by NENADOVICH to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MARINCIC: I've been waiting for this for years. I'm going to go out and buy a chimenea this weekend. I'm going to make a little fire. I vote yes.

AYES: 7

PRESIDENT GERACI: That passes 7-0.

ORDINANCE NO: 27-2010

AN ORDINANCE REGARDING UNRULY CRIMINAL CONDUCT OF A CHILD WHILE AT SCHOOL, FAILURE TO SUPERVISE RESULTING IN CRIMINAL CONDUCT OF A CHILD; REPEALING

CURRENT SECTIONS 531.051 AND 531.06 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS AND DECLARING AN EMERGENCY.

Moved by MAHONEY to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MAHONEY: Before I vote, I would also like to thank my colleagues for their support on this particular issue. We had it up in the past and you all supported me then; those of you who were present on Council at that time and I appreciate the support now. I'm sure a lot of your residents will also appreciate this and I vote Yes.

CLMN DUDLEY: Before I vote, I would like to say that we can see the Council is really trying to clean the city up a little, you know? I think that the quality of life somewhere along the line has kind of drifted away from us and I can say this is a great Council we have here and you can see the changes that we're trying to get it back. Not get it back but get it kind of that it is going to make it better so the kids feel safer and as an adult I want to feel safer when I'm out there in the street, but most of all some of the parents have kind of shied away from their responsibility and this kind of puts back the ball in their hands. If you don't take care of business at home then we're going to have to take care of it out there, but you will be responsible for your children and I vote Yes.

CLWN MARINCIC: I agree with Mr. Dudley. We have to start holding the parents more responsible when the children are not obeying the laws of this community. Maybe if the parents have to pay a little bit they might watch their kids a little better and I vote Yes.

CLMN NENADOVICH: I'd like to say that during the campaign the Mayor promised to have a zero tolerance. He's a man of his word. I vote Yes.

CLWN SARNOWSKI: I'd like to thank Clwn Mahoney for pushing so strong for this and the rest of the colleagues for supporting this. This is very important and I vote Yes.

CLWN MAHONEY: Thank you, Deb.

CLMN SUSTER: Before I vote I'd like to say we're going to hold kids responsible. We're going to hold their parents responsible for what they do. Councilperson Mahoney, myself, the Law Director Tim Riley and also Mr. Weiler are working on another piece which is going to go back to adults. It's going to be a combination of all the nuisances that people cause because summer hasn't even started and already we're having people calling about people having parties going on all night, etc. We're going to incorporate this all into one ordinance and it's also going to be on a scale of the first time the police come out to your house they may just come out and warn you. The second time they will probably fine you. We have come up with a figure. The third time the same thing and probably the fourth time you will be arrested so we have to make sure that all our residents are safe and they have a good quality of life if we're going to continue to move Garfield Heights along. On that I vote Yes.

AYES: 7

PRESIDENT GERACI: That passes 7-0. I compliment Council for taking a stand on that particular issue this evening and to the Mayor and his Administration.

RESOLUTION NO: 29-2010

A RESOLUTION BY THE MAYOR IN SUPPORT OF THE SAVE TRANSIT NOW, MOVE OHIO FORWARD CAMPAIGN TO REVERSE THE DECLINE OF PUBLIC TRANSPORTATION LOCALLY AND ACROSS OHIO.

Moved by MARINCIC 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.

RESOLUTION NO: 30-2010

A RESOLUTION APPROVING A SPECIAL USE PERMIT TO GH123 GROUP LLC FOR THE OPERATION OF AN AMUSEMENT CENTER AT 4934 TURNEY ROAD, GARFIELD HEIGHTS, OHIO 44125 (PP# 541-23-002), AND DECLARING AN EMERGENCY.

Moved by SARNOWSKI to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLMN VAUGHN: Before I vote, Clwn Sarnowski, you're OK with this in your Ward? You don't have any issues with it?

CLWN SARNOWSKI: I have no issues and I have no residents who came forward with negative comments.

CLMN VAUGHN: I vote Yes.

CLWN MARINCIC: Before I vote, I attended the public hearing for this last weekend. Nobody even showed up. I've asked residents since then about it, if they had any concerns and I have not gotten any negative feedback about it so I am going to vote Yes.

AYES: 6

ABSTAIN: 1

PRESIDENT GERACI: That passes 7-0.

RESOLUTION NO: 31-2010

A RESOLUTION HONORING THE GARFIELD HEIGHTS HIGH SCHOOL BASEBALL COACH DENNIS MARKIEWICZ FOR HIS MANY ACCOMPLISHMENTS.

Moved by MAHONEY to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MAHONEY: Before I vote, I would like to congratulate Dennis. He's a good person and a good friend and who works very hard for the kids of the city of Garfield Heights and it's a privilege to know him and to call him friend and congratulations. 200 is a lot and I vote Yes.

CLMN VAUGHN: Before I vote and of course I'm going to vote Yes for this. He's a graduate of Holy Name High School. So it's automatic. I congratulate him and wish his team the best luck. I vote Yes.

CLMN DUDLEY: Before I vote, I'd just like to congratulate the coach and all the players. You're a coach but you got to have good players to make it also, so I congratulate him. With that I vote Yes.

CLWN MARINCIC: That's quite a winning streak and I vote Yes.

AYES: 7

PRESIDENT GERACI: That passes 7-0. I also would like to make a comment in regards to Mr. Markiewicz. I worked with Mr. Markiewicz at South High School. When he did work at South High School he was a well-reputed man. He was a man of his word, He did a lot for the students at South High School. This is going back just a couple years ago. No, it's not. It's going back a few years ago, but Dennis is a great guy and he's done a lot for this community and I wish Dennis the best in his continued success in all his endeavors. We'll move on.

COMMENTS BY CITIZENS:

PRESIDENT GERACI: We'll now move on to Comments By the Citizens. The rules are you cannot bring up anything of a first nature. You must have previously brought a problem to a Councilperson or a City Hall department. You are limited to speak only once for a period of five minutes. Please raise your hand to be recognized.

David Mays, 8250 Green Drive. Mayor, I have a question. The speed cameras that we're setting up. I understand these are allowing 11 miles an hour over the speed limit. Right?

MAYOR VICTOR COLLOVA: In regular zones. In school zones the seven mile an hour is the limit. You would get a ticket eight miles or over.

MR. MAYS: Are these the same allowances that would be for radar also? Of a policeman who is running radar?

LAW DIRECTOR TIMOTHY RILEY: The radar or the laser unit that the police use is going to give you an exact speed and based on the circumstances and the conditions of that day, the police officer has discretion. You understand what I'm saying? The laser gun and the radar gun give you an exact speed. But the police do not tend to write up somebody for going 27 in a 25. You know what I mean? Just because you got to give some leeway. There's no hard and fast rule when it comes to that.

MR. MAYS: OK, so I could go through a speed camera at 31 miles an hour or 30 miles an hour in a school zone if a policeman's running radar?

MAYOR VICTOR COLLOVA: No. Seven miles an hour in a school zone is the limit.

MR. MAYS: OK. I'm sorry. 26 and if a policeman is running radar I will get a ticket for it?

LAW DIRECTOR TIMOTHY RILEY: He could give you a ticket for that. Yes. If he catches you.

MR. MAYS: Why is it different for the cameras than the radar? It should be the same.

LAW DIRECTOR TIMOTHY RILEY: It's not different. It's a discretionary call by the police officer.

MR. MAYS: There should be a rule. If it's 26 for cameras it should be 26 for radar also.

LAW DIRECTOR TIMOTHY RILEY: With the cameras you have to have a set number. There's no way you could give them any type of discretion on that. You understand what I'm saying?

MR. MAYS: Yes, I understand what you're saying.

LAW DIRECTOR TIMOTHY RILEY: So if you're going 27 miles in a school zone you're probably going to get a ticket from a police officer because under the conditions that is unsafe.

MR. MAYS: I think it should be the same. If it's 27 in a school zone, and 27 for a red light camera it should be 27 for radar too. What you're telling me is I can break the law one way but I can't do it another way.

LAW DIRECTOR TIMOTHY RILEY: No, you can't break the law. It's self-serve. He'll give you a ticket if you're breaking the law.

MR. MAYS: I can do it.

LAW DIRECTOR TIMOTHY RILEY: I guess we have to go this route. Do you want the police officers to write a ticket for one mile or two miles? What is your number?

MR. MAYS: I would like to see it the same. I don't necessarily want one or two miles over although I've been given one or two miles and over in a school zone by Maple Heights. That's beside the point. If it's 24 or 25 it should be the same for radar and red light cameras.

LAW DIRECTOR TIMOTHY RILEY: You'd have to talk to the police department. Talk to the Police Chief about that. If he wants to determine there's a set amount that you're over. But the cameras have to have a number. We're trying to do the fairest thing. Frankly, it's pretty much the standard across all the cities that have the cameras. With those numbers.

MR. MAYS: I'm not questioning the numbers, but I just think they should be equal all the way across.

LAW DIRECTOR TIMOTHY RILEY: OK.

MR. MAYS: Thank you.

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

Linda Martino, 9717 Park Heights. I want to say something about Ordinance 27-2010 that was just passed. That's a great ordinance but it doesn't quite go far enough. I'm a foster parent and number one the schools have to be working with you because I have it for a fact that in the past I had a foster child who didn't attend a class from the beginning of the year till the first grading period before I even knew she was not in that class because nobody ever contacted me. The question was well we just thought she dropped out. Nobody asked me. I thought she was in school in the classroom. So I mean there has to be a very good thing with the parents and the schools. Number one.

And number two. As far as t a grhwgs pd thdisciplmor

parent but also take that child and tell them every day or every weekend for the next month or something that they have to do something because unless the child learns they just laugh at the parents. Parents going to go to class. Ha, ha. Who cares? Parents going to pay \$500.00. Who cares? You know the kid has to be responsible for their actions. Some children you have to admit, as good a parent as you may want to be, if that child wants to be bad, he's going to be bad. So yes, parents have to be held responsible but the child at a certain age has to be held responsible for their actions also. The schools need to be held responsible for what goes on in the schools and report it to the parents so that everybody works together. Unless that happens you can fine the parents all you want. It's not going to do you any good.

MAYOR VICTOR COLLOVA: Linda, if I may respond. We have been working very closely with the schools with the new Administration on numerous juvenile problems or solutions. This is one. This parental responsibility is one that is put into effect because there is a very small handful of parents that allow their kids to do things wrong. When we can prove that something through neglect by a parent causes that juvenile to break the law they will be held responsible. But 98% of the time it's going to be the juvenile who pays the price. We are also putting the Juvenile Diversion Program into place. Probably should be into place very shortly. That is going to give the child some responsibility. And when they're walking in the street and they're not getting out of the way, we grab them for curfew, we're bringing them in to this Juvenile Diversion Program instead of sending them down to the County we're going to handle it here. What we'll do is we're working with the school on this also because part of the community service that that juvenile's going to do is going to be related through the city or through the schools whether he's washing a school bus or washing a police car, etc. We're going to make that child responsible. We're not going to ease up on him. This parent one is probably going to be for two percent of the cases that take place.

Also remember that starting the first day of school this year we will have an SRO officer in place. That SRO officer will be a Garfield Heights Police officer that is trained in the techniques needed for his job and in correlation with the school as far as the police officer being chosen, as far as the police officer being paid, as far as all the rules, we are working together on that and that's going to be a large impact also. So you're 100% correct. The parents out there can't be held responsible all the time. If you say goodbye to your son and he says I'm going to the library and you send him to the library and he stops and gets in a fight you certainly can't be held responsible for that, but he can and we will make sure that he is.

MS. MARTINO: I just hope that any parent that have to go to classes or anything, if they are told to go to classes by the Judge I would hope that those children either have to go to classes with the parent or have something else that they have to be doing during that time also. Because it teaches the child that the parent isn't just going to go without them.

MAYOR VICTOR COLLOVA: I agree.

MS. MARTINO: Thank you.

PRESIDENT GERACI: Thank you. Anybody else? We almost squeaked by.

Dale Lindeman, 4772 Blythin. First off let me thank you for passing Ordinance 27. Ms. Mahoney I guess you're the leader on that. Thank you. We have a troubled child in Ward 3. We have letters going to the Juvenile Court. The Mayor is aware of this. Some of you may be aware of it. He's just a bad kid. Fourteen years old. Horrible. If my kid was doing that she wouldn't be walking. So enough of that. That's just my opinion.

Second off, let me thank Mr. Dobies, At the last Council Meeting I brought to his attention some parking issues on Blythin and Rockwood. I got the letter two days later in the mail. Thank you for that. And so far no problems. So they're doing a great job. That's all I have, Frank. I'm letting you off easy tonight.

PRESIDENT GERACI: Thank you very much. Anybody else wishing to speak? We'll move on to Miscellaneous Business. Clmn Dudley.

MISCELLANEOUS BUSINESS:

CLMN DUDLEY: First of all, I'd like to thank community service. I don't know if anybody recognizes how they've been cleaning the houses. I got several houses they cleaned up in the community in the Ward 1 area. I mean we used to just get the grass cut, but they went in, took down all of the old brush. They took the garbage out the back, they trimmed the bushes, they lined the grass up and you look at the home now it looks like somebody lived there. With the exception of some that are still boarded. I'd love to see some of the boards come off the windows but we have a bad habit of some people breaking the windows when they take it down. So I believe Vince Liotta is running that area and he's done an excellent job. He's doing a great job.

Once again I'd like to thank my colleagues and the Administration because I tell you last year was a tough year. The year before was a tough year and we're looking pretty good now. Things is going better, but that comes by working together. It's teamwork. No one person can get anything accomplished and done by themselves. If you really want to help a city you have to be able to work with people. You have to be able to work with constituents and your fellow colleagues too.

Another thing I'm happy to see is we got some grants to be able to do something for the playground to make it a little more family oriented, etc. so I'm happy to see that on Ms. Kuban's part.

I thank Mr. Dobies. He's doing a good job with that Rec Department I guess we got him because he likes children. He's doing a good job over there.

We know the Service Department has been great because we'd have had a big problem with the animals' mating season and I've been called about skunks, etc. and we've been getting traps out and getting them on time and getting them picked up on Friday morning, not getting stuck with them for the weekend. So right now we'll say things is going pretty good. We weathered a tough storm. The storm is not over. Working together will get us through that. That's all I have.

PRESIDENT GERACI: Thank you, Councilman.

CLWN MARINCIC: I have two things. Mr. Wervey, when there is a public hearing such as the one that was held regarding the Internet Café, how many residents were informed? About how far do you go when you send out the public notice?

BUILDING COMMISSIONER BILL WERVEY: I couldn't tell you exactly how many, but the law says we must send notice to all the abutting property owners and any property owners across the street from the property that is in question. So in the case of this public hearing for the property at Turneytown, we sent notices to any abutting property owners on Alexander and David. We sent notices to all the property owners across the street on Turney and the property owners I believe on Plymouth that is behind Turneytown.

CLWN MARINCIC: So you sent to quite a few. Do they put that in the newspaper?

BUILDING COMMISSIONER BILL WERVEY: There was also an advertisement in the Neighborhood News.

CLWN MARINCIC: OK. Thank you very much. Now, Mr. Dobies, can I ask you a school question?

PARKS AND RECREATION DIRECTOR BOB DOBIES: Absolutely.

CLWN MARINCIC: Are the kids wearing school uniforms?

PARKS AND RECREATION DIRECTOR BOB DOBIES: It will probably be another year.

CLWN MARINCIC: I thought it was going to be starting this year?

PARKS AND RECREATION DIRECTOR BOB DOBIES: Yes it was. You can challenge me on that.

leave and they also had clipboards and they were going to go door to door. The reason I mention this is because in Euclid what happened is there were four guys working a street. Two of them would distract the homeowner at the front door. The other guys went in the back door and went through the house. So if you see anybody going door to door, call the police and let them check it out to make sure that they do have a permit. They have to go to the Building Department to get a permit and it's for everybody's safety. Like everybody's saying here tonight about passing this Ordinance 27 and the other ones we're working on, etc. Like I say we want to have the best quality of life for the citizens of Garfield Heights and this is the only way we're going to do it. If you see something let somebody else know because it has to have a ripple effect. That's all I have.

CLWN MAHONEY: I absolutely agree with Mr. Suster. I have been getting numerous calls in regard to solicitors in my Ward as well. That's excellent advice to have them call the police. I also tell my residents the same. I don't believe that actually WOW is the one who did not have a permit because I actually called on them as well. On WOW.

I'd like to welcome David. You did a great job and it was nice having you up there. Thank you to my colleagues again for the support on parental duty legislation.

Linda, one of the stories that I had heard in regard to parents was there was a fight. These girls got in a fight and a mom actually drove the daughter to fight the other girl. So in an instance such as that there would be a prime reason to use this piece of legislation. With that I have nothing else.

CLMN VAUGHN: I have nothing to say but wish everybody a good holiday. Enjoy the rest of the month. I make a motion that we close this meeting.

PRESIDENT GERACI: Roll call.

AYES: 7

PRESIDENT GERACI: Meeting adjourned. The next Regular Council Meeting will be June 14, 2010.

MEETING ADJOURNED AT 7:59 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Frank J. Geraci, Jr.
President of Council

Barbara Molin
Clerk of Council