

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Wednesday, May 29, 2013

MEETING CALLED TO ORDER AT 7:00 p.m. by Council President Nancy Marincic.

INVOCATION BY: Council President Nancy Marincic

ROLL CALL: PRESENT: Council Members Marincic, Nenadovich,
Glenn, Suster, Vaughn

EXCUSED: Dudley, Mahoney

CLMN VAUGHN: Mme Chairman, at this time I would like to excuse Clmn Dudley and Clmn Mahoney.

PRESIDENT MARINCIC: All in favor say Yea. All Opposed.

AYES: Marincic, Nenadovich, Glenn, Suster, Vaughn

ABSENT: Dudley, Mahoney

READING AND DISPOSAL OF MINUTES:

PRESIDENT MARINCIC: Reading and disposal of the Minutes from the Monday May 13th Regular Meeting of the Garfield Heights City Council.

CLMN SUSTER: Mme. Chairman, I'd like to make a motion that we accept the Minutes of the Regular Meeting of the Garfield Heights City Council dated Monday, May 13, 2013 as submitted.

PRESIDENT MARINCIC: All in favor say Yea. All opposed? The Yeas have it.

AYES: Suster, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley, Mahoney

LEGISLATION OUT OF COMMITTEE: None.

COMMITTEE REPORTS: None.

CLMN SUSTER: Mme. Chairman, I'd like to make a motion that we waiver the 72 Hour Rule on Ordinance 30-2013.

PRESIDENT MARINCIC: And place it on the evening's agenda?

CLMN SUSTER: Correct.

PRESIDENT MARINCIC: All in favor of the motion say Yea. All opposed? The Yeas have it.

AYES: Suster, Vaughn, Marincic, Nenadovich, Glenn
ABSENT: Dudley, Mahoney

WRITTEN COMMUNICATIONS TO COUNCIL: None.

REPORTS OF THE MAYOR AND DIRECTORS:

PRESIDENT MARINCIC: We will move on to the reports of the Mayor and his Directors. Mayor Collova, do you have a report tonight?

MAYOR VIC COLLOVA: Thank you, Mme. Chair. I do. I just want to thank everybody that was involved in the Memorial Day parade that took place Monday. Once again Garfield Heights can be proud. It was a great parade. I want to thank the people that put it together, that worked to put it together, the people that were in the parade and also thank all the people that were standing in the streets watching it. Don't forget this Sunday we have the Little League parade so I hope I can see everybody there also.

Tonight's legislation Ordinance 31. We're entering into a maintenance service agreement with the County. This agreement can only help the city. If this is a benefit to us we will go with it. If it's not a benefit to us there's no obligation to go with it. It covers many different services. Ordinance 32 is a 20 year agreement of signing with the Division of Water. This agreement will be very beneficial to the city. It's going to help us get water lines done in many of our streets that it's badly needed and we can get those streets done at no cost so this is really a good agreement for the city. Ordinance 33. This is the Northeast Ohio Regional Sewer District contract and either Ron or Dave Krock can get into this in their report. They have a little bit more in detail than I do. With that, Mme. Chair, you have my report

PRESIDENT MARINCIC: Well that was fast.

MAYOR VIC COLLOVA: Thank you,

PRESIDENT MARINCIC: Any questions or comments on the Mayor's report?

CLMN NENADOVICH: Vic, I just want to thank you for a great speech at the Memorial Day service. It was really touching. Thank you.

PRESIDENT MARINCIC: Anyone else? I have one thing. I thought that flag hanging over Turney Road by our Fire Department's shrubs was just amazing. Where'd that flag come from?

MAYOR VIC COLLOVA: We've had that flag for quite a while. That's why it's in such good shape. It was a great touch. It really was.

PRESIDENT MARINCIC: It gave me chills when I saw it.

MAYOR VIC COLLOVA: And me also.

PRESIDENT MARINCIC: Thank you. OK. Now we'll move on to our Law Director, Mr. Riley. Do you have a report?

LAW DIRECTOR TIM RILEY: Mme President, I have no report tonight.

PRESIDENT MARINCIC: Any questions for our Law Director? There being none, we will move on to our Police Chief Sackett. Any report tonight?

POLICE CHIEF ROBERT SACKETT: Yes, one thing. Thank you. I just want to remind everybody sign ups for Safety Town are going on now through June 10th at the Rec Center. There's two sessions. June 24th and June 17th a week long session, afternoon and morning. If you have any further questions, the number to the Rec Center is 475-7272, but you can sign up there during regular business hours. With that, you have my report.

PRESIDENT MARINCIC: Thank you. Any questions for our Police Chief? There being none we will move on to Service Director Tim McLaughlin.

SERVICE DIRECTOR TIM McLAUGHLIN: Thank you, Mme President. All I have is that we're still continuing street to street on the asphalt pothole patching. We're just finishing up Ward 2 and close to finishing up Ward 3 and we will hopefully get into 4, 5 shortly and that's all I have.

PRESIDENT MARINCIC: I saw them out there today in Ward 2. Thank you. Any questions for our Service Director? There being none, we will move on to our Recreation Director, Bob Dobies. Do you have a report?

PARKS AND RECREATION DIRECTOR BOB DOBIES: Good evening, Mme President. I have no report this evening.

PRESIDENT MARINCIC: Any questions for our Recreation Director? We'll move on to City Engineer, Dave Krock. Do you have a report this evening?

CITY ENGINEER DAVID KROCK: Yes, I do, thank you, Mme. President. You have my written report and just a couple things on that. The multi-purpose trail will be paved next week along McCracken and we should have the final striping and seeding on that over the next couple weeks as well. I just want to recommend the approval of all three of the ordinances on this evening's agenda. That's my report.

PRESIDENT MARINCIC: Thank you. Any questions for our City Engineer? There being none, Finance Director, Ron Tomola, do you have a report?

FINANCE DIRECTOR RON TOMOLA: Thank you, Mme President. No, I have no report tonight.

PRESIDENT MARINCIC: Thank you. Any questions for our Finance Director? There being none we will move on. I think Noreen is absent. Mr. Wervey do you have a report?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Absent.

BUILDING COMMISSIONER BILL WERVEY: I have nothing this evening, Mme President.

PRESIDENT MARINCIC: Any questions for our Building Commissioner? There being none that concludes the reports of the Mayor and his Directors and we shall move on to Comments by Citizens on tonight's agenda and these are the rules.

COMMENTS BY CITIZENS ON TONIGHT'S AGENDA:

PRESIDENT MARINCIC: Comments are strictly limited to a brief statement not to exceed five minutes with comments limited to the legislation on the current evening's agenda. If anyone has a question or a comment on this evening's agenda, please raise your hand. Anyone?

ORDINANCES AND RESOLUTIONS:

PRESIDENT MARINCIC: There being none we will move right along to Ordinances and Resolutions beginning with Ordinance 30-2013. Will the Clerk read the title.

ORDINANCE NO. 30-2013 (AMENDED)

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO REINSTATE 75% TAX ABATEMENT PER THE ORIGINAL AGREEMENT, ORDINANCE NO. 61-2003, AN "URBAN JOBS AND ENTERPRISE ZONE AGREEMENT" BETWEEN THE CITY OF GARFIELD HEIGHTS AND PIONEER BUILDING LTD AND DALAD CONSTRUCTION (ENTERPRISES).

Moved by SUSTER to CONSIDER BY TITLE

AYES: Suster, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley, Mahoney

CLMN SUSTER: Mme Chairman, I'd like to make a motion that we put Ordinance 30-2013 in the Legislative Committee.

PRESIDENT MARINCIC: On the motion to place Ordinance 30-2013 (Amended) into the Legislative Committee of Council all in favor say Yea? All opposed?

AYES: Suster, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley, Mahoney

PRESIDENT MARINCIC: Ordinance 30-2013 has been placed in the Legislative Committee with 5 Yes votes.

ORDINANCE NO. 31-2013

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF GARFIELD HEIGHTS WITH CUYAHOGA COUNTY – DEPARTMENT OF PUBLIC WORKS.

Moved by NENADOVICH to CONSIDER BY TITLE

AYES: Nenadovich, Glenn, Suster, Vaughn, Marincic

ABSENT: Dudley, Mahoney

Motion to WAIVE RULE 24:

AYES: Nenadovich, Glenn, Suster, Vaughn, Marincic

ABSENT: Dudley, Mahoney

Motion to SUSPEND THREE READING RULE:

AYES: Nenadovich, Glenn, Suster, Vaughn, Marincic

ABSENT: Dudley, Mahoney

PRESIDENT MARINCIC: Roll call on the adoption beginning with Clmn Nenadovich.

VOTE ON ADOPTION:

AYES: Nenadovich, Glenn, Suster, Vaughn, Marincic

ABSENT: Dudley, Mahoney

PRESIDENT MARINCIC: Ordinance 31-2013 passes with 5 Yes votes.

ORDINANCE NO. 32-2013

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF GARFIELD HEIGHTS WITH THE CITY OF CLEVELAND – DIVISION OF WATER.

Moved by SUSTER to CONSIDER BY TITLE

AYES: Suster, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley, Mahoney

Motion to WAIVE RULE 24:

AYES: Suster, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley, Mahoney

Motion to SUSPEND THREE READING RULE:

AYES: Suster, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley, Mahoney

PRESIDENT MARINCIC: Roll call on the adoption beginning with Clmn Suster.

VOTE ON ADOPTION:

AYES: Suster, Vaughn, Marincic, Nenadovich, Glenn

ABSENT: Dudley, Mahoney

PRESIDENT MARINCIC: Ordinance 32-2013 stands adopted with 5 Yes votes.

ORDINANCE NO. 33-2013

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF GARFIELD HEIGHTS WITH NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORSB).

Moved by VAUGHN to CONSIDER BY TITLE

AYES: Vaughn, Marincic, Nenadovich, Glenn, Suster

ABSENT: Dudley, Mahoney

Motion to WAIVE RULE 24:

AYES: Vaughn, Marincic, Nenadovich, Glenn, Suster

ABSENT: Dudley, Mahoney

Motion to SUSPEND THREE READING RULE:

AYES: Vaughn, Marincic, Nenadovich, Glenn, Suster

ABSENT: Dudley, Mahoney

PRESIDENT MARINCIC: Roll call on the adoption beginning with Clmn Vaughn.

VOTE ON ADOPTION:

AYES: Vaughn, Marincic, Nenadovich, Glenn, Suster

ABSENT: Dudley, Mahoney

PRESIDENT MARINCIC: Ordinance 33-2013 stands adopted with 5 Yes votes.

COMMENTS BY CITIZENS:

PRESIDENT MARINCIC: That concludes Ordinances and Resolutions on the evening's agenda. Now we will move on to Miscellaneous Business. I will read the rules because you have a hoarse throat here. Comments shall be restricted to any problem that a citizen has that has previously been submitted to the City Councilperson or to the city department directly involved. If submission of a problem to a department or a Councilperson has been made and there is a lack of service rendered in this regard, then the problem may be presented during comments from citizens at a Council meeting. It is the intent of this rule that no request of a first nature be presented on the floor at this time. Comments are limited to five minutes. No citizen may speak more than once. If you have a question or a comment please raise your hand. Anybody?

James J. Marino, 13413 Carpenter Road. I've been up here before. Everything goes well except for the kids just seem to be out of control in the street with fireworks and noise and walking and just it's I don't know if anything can be done, but I had a problem yesterday and it's constant. I was home and a few of my neighbors were coming here, but evidently it looks like I'm the only one. It's not good. I don't know what else to say, but it's just there.

MAYOR VIC COLLOVA: Can you use some specifics? What do you mean?

MR. MARINO: I asked them if they could play ball not in my yard and from there it ended up into a yelling match. It's just that being 44 years old when I was told by an adult to just move we went to the schoolyard; we went somewhere. They could have went to St. Monica's. I didn't argue with the authority so whether it was an older person, a policeman, whoever, you know. It's out of hand.

MAYOR VIC COLLOVA: Well times have certainly changed, but Chief, can you talk on this?

POLICE CHIEF ROBERT SACKETT: Yes, I think it's best if you give me a call tomorrow at the office, but the problem last night I'm not quite sure you know the problems in the past months to what have you, but the problem last night I have little background and I talked to another neighbor on the street today so if you want to give me a call because this is kind of the first time. I'll be in all day. I've got a few things, but please call me and we'll talk about it and we'll see what we can do.

MR. MARINO: I'm sure there's other complaints.

POLICE CHIEF ROBERT SACKETT: OK. We'll look at it and we'll find out what's going on on Carpenter.

PRESIDENT MARINCIC: Chief, you want to give him your number?

MR. MARINO: I have it.

POLICE CHIEF ROBERT SACKETT: You probably have my cell, right?

MR. MARINO: Yes.

POLICE CHIEF ROBERT SACKETT: Yes.

CLMN VAUGHN: Jim, as I stated last night, I talked to all the kids. I got them dispersed out of there. They claim that they were agitated by the situation down there. I explained to them that there will be no more fireworks, no more smoke bombs and basically they broke up when I got down there. I got them out of there. My concern to you is for your public safety, etc. Don't go out and agitate them. Call the police. Let the police handle the situation. We get a few complaints on these kids then we can go back to the parents. I spoke to the grandmother last night. I spoke to the mother today. I had four or five calls from other parents concerning it and I talked to a couple of the residents down there last night. We've had some problems on the street and we're going to take care of it.

MR. MARINO: Sure.

CLMN VAUGHN: OK?

MR. MARINO: Yeah. Being like I said the police I got really worked up last night just cause I was tired from working with my father and being Sicilian (*inaudible*) I can't just sit in the house and watch them run all over the yard, the lawn and that's fine. Then I'll call the police.

POLICE CHIEF ROBERT SACKETT: Make sure you give me a call tomorrow, OK? We can talk about it before something else happens.

MR. MARINO: Sure. Thanks.

MAYOR VIC COLLOVA: Mr. Marino, you know, some of us Sicilians are very calm.

Tamika Gibson, 13313 Carpenter Road. As far as the children, etc. the children are trying to be children. They are not breaking in people's houses. They are not vandalizing. They're just wanting to be children and the problem that I have is that we do have neighbors on the street that really are just hindering the kids from being children. I have a issue and a problem with that. My issue is I have a basketball in my back yard, children like to play basketball, neighbors call the police, stating it's too noisy, it's too loud. OK, but at the same token they are bouncing the basketball. I understand that could be annoying, etc. but at the same time they're playing basketball. How do you keep a basketball quiet? You don't. The kids were playing out in the street or the front with water and they called the police because they're playing with water. Again these are children trying to be children. I just have a major issue with that. Far as I don't know this young man personally, but at the same token from what I was told I was not there last night that the kids were provoked to come to him personally in his yard, but they didn't, which was a good thing. These are good kids. They're not running around vandalizing, etc. Because I won't have that at my home.

I have another issue as well. I have two dogs. The police's been called on my dogs stating that they've been barking. They're not my dogs. I actually called the police one night this weekend stating that there's a dog outside barking. I don't know what dog it is, but if you can listen I'm in my home and my dogs are not barking. I just did that to protect myself so that I don't get another call. My dogs aren't outside. My dogs go out three times a day. Once in the morning when I leave for work, once when the children get home from school and then in the evening before. They don't even stay outside. But I have a neighbor if you're facing my house to the right of me that has a dog that's doing this all day. I have another neighbor that's to the right of me they don't have the dog, but the neighbor next to them they have two dogs that does this all day long. By me having dogs do I call the police? No, because I have dogs so I kind of tune it out. I really can't hear the fact that there are other peoples' dogs barking, but I do know when I go outside

because these dogs are outside. I would like some type of courtesy when someone does come to my home and say your dogs are barking and I'm trying to explain hey they're not my dogs. I'm not trying to get anyone in trouble. I'm not trying to get my neighbor here in trouble because they have dogs. I had to pay \$191.00 last year and it wasn't even my dogs. That is my issue and I have one more issue and I'll walk away. I'm sorry.

CLMN VAUGHN: Your time's running out.

MS. GIBSON: I'm sorry.

PRESIDENT MARINCIC: You have another minute.

MS. GIBSON: OK. I have another neighbor who lives next door to me. They're constantly complaining about this, that and the other. I feel like I'm harassed. I feel like last year when I did make a complaint stating that they're feeding stray cats, I was the one that was fined and nothing was done with the neighbor next door. They have a fence that's up there. They're claiming that the fence is leaning, etc. The fence is leaning because it's not up there properly and they have extra boards up there which is too heavy. That's why the fence is leaning. So again I just would like the courtesy to not feel harassed and not have to tiptoe around in my own home.

CLMN VAUGHN: I realize that.

MS. GIBSON: I think I talked to you about it?

CLMN VAUGHN: Yeah, we talked today.

MS. GIBSON: No, you talked to Sheila.

CLMN VAUGHN: OK. I'm sorry. I talked to you before. Last night when I went down there I asked the kids to go up and play basketball at the Methodist Church, not knowing that they had taken down their hoop. So you know where the kids ended up, don't you? My yard. Which was fine, with my son. We have rules. It's done by 8:30. As I told somebody today you can come up and play basketball when Ian's around. I don't mind that. I'd rather have the kids there because they know what they're doing and that's my feelings.

We have some issues with some unruly kids, but they are not residents on Carpenter. They're kids coming from other places and that's what we need to really curb and take care of. Every year we have a three week period where this stuff goes on. We'll get it all straightened out. I want everybody to live together. We have residents that have been here 50, 60 years and we have residents that have been there two months, but there's no reason why we all can't get along.

MS. GIBSON: I would agree with that and that's all I want.

CLMN VAUGHN: OK I'll go into that later, but OK. I appreciate your comments.

POLICE CHIEF ROBERT SACKETT: Just real quick, I'm glad you came up for two reasons. One, with the kids it kind of exemplifies what we're up against sometimes. You know a lot of kids a lot of people want them hauled off to jail so to speak and on the other hand we're trying to balance it with kids will be kids so thank you for your comments.

About the dogs, when I came to your house the other day I found out a few days later that I was given a wrong address so we took care of that and it turned out they didn't really want to complain anyway. I'm glad I didn't write you a ticket. Thank you.

MS. GIBSON: I'm glad too. Could I get your number afterwards?

POLICE CHIEF ROBERT SACKETT: Sure.

PRESIDENT MARINCIC: Thank you. Anyone else wishing to comment?

David Mays, 8250 Green Drive. In the past as everybody knows, I've criticized Mr. Wervey and the Building Department for numerous things, but tonight I'd like to thank him for something that he got involved with and the Building Department has gotten involved with that I complained about. Mr. Wervey, thank you very much. Was that short enough, Mayor?

PRESIDENT MARINCIC: Anyone else wishing to speak tonight?

MISCELLANEOUS BUSINESS:

PRESIDENT MARINCIC: There being none, we will move on to Miscellaneous Business of Council, beginning with Clmn Vaughn.

CLMN VAUGHN: Why, thank you, Mme Chairman. A couple issues. We've heard of this situation that's going on in Ward 7 on one street, on Carpenter Road. We're going to be working with residents. I'm looking into having a barbecue for everybody. We can get together and talk and get the issues taken care of. Also I recommend that the neighbors, everybody come together tomorrow night. We're having our Block Watch at St. Monica's in the pavilion. That's where lots of this stuff can be discussed and we can handle it amongst ourselves.

I'm going to quote Father Flanagan, "There's no such thing as a bad boy." I don't believe that any of these kids are really that bad. They just need to have their energy focused and centered and they'll all be great citizens. That's why I back the Mayor on his idea totally of a Boys and Girls Club is needed here in this town. As when I talked to the pastor up at the Methodist Church, they took theirs down because of vandalism. St. Monica's had them up. Vandalism was the reason why they had to take them down. St. Martin's had basketball hoops up and it was vandalism. So this thing will be taken care of.

My last comment and then I'll be done, Nancy, is I just want to remind everybody that the paving has switched on Rockside Road so be careful when you're pulling out there because now we're on the opposite side of the street. Look forward to seeing everybody tomorrow night. Thank you.

PRESIDENT MARINCIC: Thank you. Clmn Suster.

CLMN SUSTER: I have nothing this evening.

PRESIDENT MARINCIC: I would just like to say a few things. First of all, miss you, miss you, Tracy. Come back. Also St. John's has an open gym once a week. It's the church at the corner of Granger and Turney and they play basketball.

(Voice from audience inaudible.)

PRESIDENT MARINCIC: So you know all about it?

(Voice from audience inaudible.)

CLMN SUSTER: Point of Order.

(Voice from audience inaudible.)

CLMN SUSTER: Point of Order.

PRESIDENT MARINCIC: When you talk over there we can't record it so I'm just letting you know, OK? Also just to remind everybody Applebee's is having a thing for our community gardens tonight. You still have plenty of time to go there and eat. I think that a percentage of it goes to the community gardens. It goes on till nine o'clock tonight. Other than that, I'd like to thank everybody for coming and I'll move on to Clmn Glenn.

CLMN GLENN: Thank you, Mme. June 4th, seven o'clock, we are going to have our Block Watch here at the Civic Center. That's all I have. My comments, Mme. Chairman.

PRESIDENT MARINCIC: Thank you. Clmn Nenadovich.

CLMN NENADOVICH: Very short and brief. Thank everybody that came out for Memorial Day remembering our troops fallen and the ones existing. Remember another thing too. We're nearing the 4,000 number of people lost in the war that we're having right now. Let's say some prayers and get these kids home. With that, I'd like to make a motion to adjourn.

PRESIDENT MARINCIC: All in favor say Yea. All opposed. The meeting stands adjourned.

AYES: Nenadovich, Glenn, Suster, Vaughn, Marincic

ABSENT: Dudley, Mahoney

MEETING ADJOURNED AT 7:28 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Nancy Marincic
President of Council

Barbara Molin
Clerk of Council