

# MINUTES OF A REGULAR MEETING OF COUNCIL

## CITY OF GARFIELD HEIGHTS, OHIO

Monday, September 27, 2010

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

**INVOCATION BY:** Councilwoman Nancy Marincic

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

**EXCUSED:** Sarnowski

**CLWN MAHONEY:** Mr. Chairman, I'd like to make a motion to excuse Clwn Sarnowski from this meeting.

AYES: 6

NAYS: 1

### **READING AND DISPOSAL OF MINUTES:**

Moved by Clmn SUSTER to accept the minutes of the Regular Meeting of City Council of September 13, 2010 as submitted. The minutes were adopted with six YES and 1 ABSENT votes.

### **WRITTEN COMMUNICATIONS TO COUNCIL:**

**PRESIDENT GERACI:** Are there any written communications coming out of Council?

**CLERK:** Yes, there is, Mr. Chairman. We have one that I've been asked to read. This letter is from Christine Piazza from the Garfield Heights Flag Project in Garfield Heights.

"A project is being initiated to purchase pole-mounted American flags to be displayed throughout the City of Garfield Heights. This project will replace the flags that are currently worn and will provide additional flags to be displayed in more locations on national holidays.

The Garfield Heights Flag Project is being implemented at no cost to the City with the cooperation of V.F.W. Post 3445. This project hopes to bring together organizations, businesses and individuals in an outward display of commitment to democracy, support for military personnel and our pride in the City of Garfield Heights.

Please consider making a donation to the Garfield Heights Flag Project. Your generosity will help to make this effort a success.

Sincerely,  
Christine Piazza

Make checks payable to "V.F.W. Post 3445/Flag Project" C/o Christine Piazza, 11004 Brunswick Avenue, Garfield Heights, Ohio 44125

Special thanks to the V.F.W. Post 3445 and the Garfield Heights Historical Society for donating \$100.00 each to initiate this project.”

That’s all.

**PRESIDENT GERACI:** Thank you.

**LEGISLATION OUT OF COMMITTEE:** None.

**REPORTS OF THE MAYOR AND DIRECTORS:**

**PRESIDENT GERACI:** We will now move on to reports by the Mayor and the Directors. Mayor Collova?

**MAYOR VIC COLLOVA:** Mr. Geraci, Council, thank you. First off to start the report off tonight I’d like to sadly announce that Mike Dudley, Clmn of Ward 1, lost his mother in the last few days and Mike, we give you our deepest condolences. If there’s anything we can do would you please let us know?

I want to start off by talking a little bit about our grass cutting program. The grass cutting program has been in effect since April. It is coming to a close this week. It was headed up by Rick Bluso. His assistant was Cindy Thompson. He had a great crew that worked with him. They cut over 1,300 lawns this year on the vacant homes and numerous public properties. They really did their part in really making the city look a whole lot better. When you consider that in past years we did 100 or 125 homes, this year we did 1,300. So I want to thank them for that. They had a great crew working. Probably the most energetic was Kim Sanducci. She is without a doubt the best grass cutter I’ve ever seen. She does a great job. They all did. That’s Rick, Cindy and the entire group.

In recent Council Meetings I’ve talked about the excitement that I had over Bridge View. I’m still excited about that. The project is still working well, but I also reported that City View wasn’t quite that good. We had the EPA issues and I wasn’t nearly as excited about that. But recently we had a meeting with the EPA. We had a meeting with the Sewer District and I have to tell you some really good news has come about. The biggest problem that we were having at that point in time with the City View project was the mound behind Get Go and to be able to turn on the extraction system to get the methane gas out we had to figure out a way to get the leachate (it’s a fluid that comes out with the landfills) anyways to get rid of that we had to get in touch with the Sewer District. When it was presented to the Sewer District the Sewer District wouldn’t take it because it had too much iron so we were at a standstill. It didn’t look like either side wanted to give. For whatever reason, I don’t know who was involved, I have a feeling it was Governor Strickland because we did contact his office, but the EPA, the Sewer District came into our offices last week and they talked to us and the plan that they put on the table was that the EPA is going to pay for us to put a pre-treatment system in and they are going to give us the funding for that plus some additional funding to maintain it and along with that the Sewer District is going to give us a five-year permit to run that through their sewer system free of charge to the city. Se we were really happy to hear about that. We have Dave Krock, the Engineer, working on getting that thing put together right now. Although we’re a long way from being excited that certainly is a step in the right direction and I was glad to be able to report that to you.

A couple events coming up. We’re holding another Town Hall Meeting. It’s going to be at Community Life Center this Wednesday and that’s the old Roosevelt on Dressler Avenue. The reason it’s going to be over there is we have a lot of older people on that side of town that can’t get

around, that don't have transportation, so we want to bring it to them so they can find out what's going on in the city also. That's taking place on Wednesday evening at 7 o'clock.

Tomorrow morning we're having a business meeting with the businesses in Garfield Heights. We're bringing them in to talk about some of the programs that we are going to be presenting to the businesses. I'm going to share a couple of those programs with you now. One of the programs and there was an article in the Plain Dealer if you saw it, it's called the Special Improvement District (SID). If you remember we passed legislation on that just a couple of meetings ago. It's Garfield Heights created a Special Improvement District for Alternate Energy with Cleveland and other inner-ring suburbs. The formation of these alternate energy districts helps businesses to invest in solar panels and other alternate energy systems. This is the first program of its kind in the State of Ohio. What it does is it helps businesses borrow money for these improvements and they pay it back through assessments in property taxes down the road so they're not hit with a large fee at the beginning so they can pay it off over a period of time. In June 2010 this was expanded to include all other types of alternate energy: wind turbines; energy efficient windows and lighting. In July Garfield Heights passed Resolution 36-2010 to create a SID. Garfield Heights has taken the lead by installing a solar powered light at the Rec Center. This will finalize the creation of the Garfield Heights SID. We have had many inquiries that we have checked into and we had a couple of our employees go to a seminar involving the wind turbines. We had as recently as today Ron Tomola, our Finance Director, put together for me how much we are actually paying in these utilities in kilowatt hours. We could probably save some serious money if we could get this thing done so we're looking into that and we're excited about it and this also appears for the businesses in Garfield Heights and I understand that we have one that has been applied for--NEO Parkway--so we're looking forward to seeing what they come up with.

The next thing we're going to get is going to be a new program. It's called "Shop Garfield Heights". How this is going to work is we're trying to keep business in Garfield Heights and we're looking at Garfield Heights residents to shop in Garfield Heights businesses. How this is going to work out, residents will purchase a card from the Recreation Center that identifies him/her as a Garfield Heights resident, "Shop Garfield Heights" participant. The card will be a dollar. It will be very inexpensive. Business owners wishing to participate, and I will be presenting this to the businesses tomorrow, will set their own guidelines and offers to the participants. So if you show this I.D. card the participating businesses will respond with a discount. Hopefully it's a good discount. We'll discuss that tomorrow. The city, Chamber of Commerce and the Garfield Heights Community Development Corporation will partner with business owners to encourage to market this program. A Shop Garfield Committee will be planning a kick-off event for the program and if anybody's interested in this, Becky Repasky, our wonderful photographer, is the person that's going to be taking care of this so fact sheets will be available on e-mail. They're handed out if you're interested. Just get hold of Becky and she will tell you what's coming down but we're looking forward to it. We think this will be a great program.

Helicopter inspections. CEI is having their helicopter inspections over the next couple of weeks to check the transmission lines. They'll be flying low overhead. They have all the approval from all the aviation people so everything will be fine so don't get upset when you see the helicopters hovering over.

The Neighborhood News reported last week (I had an interview with Ellen) and they reported that the speed van, if in fact the permanent cameras are put in place would in fact we'd be using the speed cameras and I reported that we would be down to one speed van and that mobile van would be in school zones, but I want to clarify this. I thought I did. Obviously there was a miscommunication. This will be predominantly in school zones unless we get reports from

residents that there's a troubled area and we need to put that van over there, so predominantly in school zones, but it can be moved around if there's a problem.

Street striping has begun and should be complete within the next few weeks. That's something long overdue but it's a matter of dollars and cents. We got the number where we needed it and so we're off and running with that. Our Service Department has taken the lead on that. They are going to do a lot more than what they normally do and then a company will come in shortly after they're finished.

Getting into tonight's legislation, Ordinance 66-2010. What we're doing on this is we're toughening up the requirements of pawnbrokers and second hand dealers to prevent illegal activity. This was presented to us by our Police Department. It was something that they wanted so we certainly wanted to cooperate with that. Ordinance 67-2010. We're going to be forming a committee to address community relations in our city. What we're doing is we're going to put a committee of people that can get involved with our city. We have a very diverse city. We have many things going on. It's a good idea to get some fresh ideas from people. We'll be reporting more on that soon but that will be getting underway in the next couple of weeks.

Resolution 41-2010. We're going to put a moratorium on Internet cafes until we can fully assess their impact on the city. What happened is we have two of them in the city right now. We have had no problems whatsoever. We really have not had one police call that was made to either one of those places. They have been very cooperative, good and what happened since that point is that six more Internet cafes asked for permission to come into the city. We understand through other cities that there's legislation going on in other cities to limit, to prohibit and we want to take a look at some of this legislation. We want to make sure everything we're doing is OK so we're asking for a six-month moratorium to see where the Attorney General's going with this, etc. and get our feet on the ground. Doesn't necessarily mean it has to be six months. It could happen sooner than that, but that's what we're asking for.

I'm going down to the Third Reading on Ordinance 49 and 50. Myself and Council have discussed this for quite some time. We are going to be asking this to be placed into the Safety Committee, these two pieces of legislation and basically for the reason that depending on what happens in November will dictate what happens to the police force and the fire department so by acting before the November outcome we might be acting and then having to change it in a matter of a month so I'm asking Council to put that in the Safety Committee and we will revisit it again in November. With that, Mr. Chairman, you have my report.

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

**CLMN SUSTER:** You had mentioned the wind turbines. The dentist that I go to in Northfield Center, he is going to the turbines and right now they are generating the power for their whole building. From what I understand I don't know what their cost was, but he says it will probably take them about a year and a half to two years to pay off the cost, but they're looking down the road.

**MAYOR VIC COLLOVA:** There was a report on the TV about that and Bob Dobies and myself were over there last week to take a look at them. They're phenomenal. They're like nothing I've ever seen before. The whole tube turns. It's not the windmill like a helicopter. It's very compact. It's very unique. It stands as tall as a building 30 feet tall. It shows some interest. Whether or not we would like one of those at every store on Turney Road I'm not sure, but those are the things we're going to look into.

**CLMN SUSTER:** That's all I have. Thank you.

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

**LAW DIRECTOR TIM RILEY:** Thank you, Mr. Chairman. I have no report tonight.

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

**SERVICE DIRECTOR TIM McLAUGHLIN:** Thank you, Mr. President. We're in the process of trying to block up some of our summer projects. We're still working on repairs on the streets. There's another 40 water cutouts that we're trying to get billed to Cleveland. As the Mayor mentioned about the striping, we are in the process of doing the crosswalks, etc. We've done a few extra areas. What the Mayor was pointing out is that there will be a company that comes in and does all the rest of the city. I mean the yellow lines, etc. We've had a lot of calls on that because we didn't do it last year and as the Mayor said they worked the price down this year and us pushing out a little bit more ourselves some things that we never did before, we're getting them done so that will be taken care of shortly. The normal, the tree truck and the sweeper will be out. The sweeper will be out one more time before I shut that down and turn that over to being a leaf pickup machine. We've gone through all the leaf machines and there's been a lot of questions about that. We will be out picking up leaves. That's the end of my report.

**PRESIDENT GERACI:** 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. I just left the soccer field. Soccer is alive and well in Garfield again and has started this evening. We have again over 200 participants. Because of construction at the Maple Leaf School building this season and for safety reasons we only have one field on top at the middle school and we placed the second field at the colt varsity baseball field. Coaches, parents, players, thank you for your understanding in this matter. We hosted a mini-hockey tournament this past weekend. We had the pleasure of welcoming teams from Canada, Chicago area, Pennsylvania and New York. It was stiff competition. Hockey-Time Productions, the promoter of the tournament, assured me they'd be looking for additional time throughout the season.

We have a Halloween Skate Party scheduled for Saturday, October 30<sup>th</sup> from 5:30 to 8:00 p.m. Because of financial straits I went out and secured a benefactor who donated \$200.00 for the purchase of candy so we can make this evening enjoyable for the children. I just wanted to take the time to thank Mr. Bob Whitehouse and the officers of the Old-Timers' Club. This group continually backs at least two of our munny program teams every program we've done and in every season along with reaching out to other programming within the city. There is never hesitation on their part and we are blessed to have them as far as the team. Thank you again to those people.

Last, the work for some of the removal of equipment at Hy Court, Forestdale and Donovan Parks has began last week and continues this week. The replacement of equipment for parks will be arriving this week. Anderson Recreational has a tentative timeline to complete the project mid- to late-October. Although all their equipment isn't being replaced in the parks a good portion will be giving these facilities a face lift, which our community may enjoy. Thank you. That concludes my report.

**PRESIDENT GERACI:** Thank you, Mr. Dobies. Any questions for Mr. Dobies? Finance Director Mr. Tomola.

**ACTING FINANCE DIRECTOR RON TOMOLA:** Thank you, Mr. Chairman. I have no report.

**PRESIDENT GERACI:** Any questions for Mr. Tomola? City Engineer, Mr. David Krock.

**CITY ENGINEER DAVID KROCK:** Thank you, Council President. Two updates tonight. First the Park Knoll project. This is the project where we're taking the water line out of the storm sewers. We expect within the next two or three weeks that project will get under way. There will be some disruption in water service to residents but they will be notified in writing ahead of time,

Secondly the Henry Street closure is still pending an actual schedule but we know that it's coming this fall yet. I will update you more next Council Meeting. That's my report.

**PRESIDENT GERACI:** Any questions for Mr. Krock? We'll move on. Mr. Wervey is not here. Nothing for Mr. Wervey? OK, we'll move on. Comments from the Citizens on the Agenda.

**BUILDING COMMISSIONER BILL WERVEY:** Absent.

**CLWN MARINCIC:** Mr. Chairman, you forgot Economic Development.

**PRESIDENT GERACI:** I'm sorry, Noreen.

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Thank you, Mr. Chairman, I think. In any event, just want to point out that there was an article in today's Plain Dealer about the hardest hit fund. Residents who are having difficulty with their mortgage payments or are unemployed can get up to \$15,000.00 in assistance to help them modify or refinance their mortgages. I made a copy. It refers to 35 approved housing counseling agencies. Neighborhood Housing Services is an approved agency and is the agency that comes to our office every Wednesday. You do have to call the main office number which is (216) 458-4663. There are other agencies. I know a lot of people at Neighborhood Housing. That's why I usually recommend them. If there's a problem I can usually intervene or call the director. So I'm going to pass this out to Council and I have a big stack here to pass out to members of the audience. Sam, thanks.

Second we are organizing Becky Repasky and Chris Piazza, one of our community gardeners they are planning a Harvest Fest on October 24<sup>th</sup>, which is a Sunday. It's going to be a family event. It's from 1 to 5 p.m. We're going to have food and activities. We're going to have soup, hot dogs, dessert. There will be bakery to buy and there will be a lot of activities for kids. Mark that down on your calendar.

Finally, you know we've been talking about the Land Bank doing a lot of demolition of properties some residential and some commercial properties, but I just wanted to make note that they also are going to doing some renovation of properties and I'm working with a homeowner right now. The mother had to move out of her house because she's unable to take care of herself and they are donating the house to the County Land bank. The County Land Bank will renovate it and it will be sold. It happens to be in Ward 3. So there are some different options that the County Land Bank can do and that's just one of them. That concludes my report.

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

**CLMN SUSTER:** On these homeowner loans isn't there a qualification that you have to be unemployed?

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Yes, I thought I'd mentioned that. Yes unemployment is one of the criteria.

**CLMN SUSTER:** OK. That's all I wanted.

**CLWN MARINCIC:** Ms. Kuban, the Harvest Fest October 24<sup>th</sup>? Where is it going to be and when?

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Yes, it's 1 to 5 p.m. Its going to be upstairs in the dining room in the Civic Center.

**CLWN MARINCIC:** OK. Thank you very much.

**PRESIDENT GERACI:** Any other questions?

**CLMN DUDLEY:** Are they still maintaining the loans for those individuals who are employed but going through a hardship situation?

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Yes, we still have a counselor here every Wednesday. We're just trying to direct people into either program.

**CLMN DUDLEY:** All right.

**PRESIDENT GERACI:** Any other questions? We'll move on.

**COMMENTS BY CITIZENS:**

**PRESIDENT GERACI:** Comments from the Citizens On The Agenda. 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 more than once. Please raise your hand to be recognized.

Ian Friedman, Esq. Good evening. I represent Mr. Ace Entertainment regarding Resolution 41-2010. I appreciate the opportunity to be here. We came last week to this very room to seek a permit. There was a considerable amount of discussion. I see irony here tonight because the city's goal is to generate business and there are valid businesses willing to come here. I respect your concern. I represent seven other businesses around the State. There has not been a call anywhere. I guess I want to talk about three points. 1. what we get, 2. what we don't have and 3. what we will not get. I'll break it up as we go forward. Was there anyone who didn't hear? Good. Mr. Ace Entertainment would provide several employees from this area. One of the owners is in the back today. They've already made arrangements to move here to start this business. That's obvious. That would be generating money for this city. Entertainment for those who choose to go there. This is not a business that's forcing itself upon anyone. In fact, I would venture to say that those standing behind me probably wouldn't even know what was going on in those rooms unless they walked in there. Again I had the fortune of being here last week and I heard kind of the other side and the concerns about the sweepstakes cafes being here. Frankly and respectfully there was really no understanding of what was inside of those rooms. Improved property. I know that my company, Mr. Ace Entertainment, is looking to come in and take a vacant property, something that frankly is wasting space in your city and is wasting money. They were getting it beyond Code, making it nice and working with the Building Inspector to make sure that this was something positive for this city. What we don't have. We don't have any instances of misconduct as I said. We don't have any cities in the State of Ohio being saddled with any debt by any of these sweepstakes cafes. We don't have anyone to come up here and I'm pretty confident saying that being the first one to come up here tonight to come up here and say or provide anything more to this Council than anything of concern because there is nothing legitimate that has been detrimental by any of

these sweepstakes cafes. The other thing we don't have is any aspect of this business that can be deemed illegal. There is one Court case, which is the Dabbish Case, which is a municipal case. It has thoroughly analyzed the sweepstakes cafes and has held it is legal in the State of Ohio because it's not a game of chance nor is it a game of skill. This is a sweepstakes and by taking this out basically what we're doing here tonight is respectfully preventing legitimate business from coming in to Garfield only because we have concerns about it sounds like.

Last week I heard people come up here and talk about not wanting this to be a little Las Vegas. In my experience as a legal practitioner in this State I've dealt many more times with negative consequences of bars, drinking establishments than I have sweepstakes cafes. So why would you selectively choose to ban the sweepstakes cafes at this point? I'm not quite certain? What you will not get if this moratorium is, in fact, passed, is the money. There's a tremendous amount of money to be made. That's why these businesses are coming in from all the different States. If it doesn't come to Garfield it will go to another city. That's a choice that needs to be made. Again, the irony that I see is last week when I was here there was a very well-attended meeting upstairs where there was discussion of lack of funding in the city. And here on the one hand we say we're doing whatever we can to get funding yet we don't want legitimate business here. Jobs, improvement to property and lawful business. When we talk about waiting for the Attorney General's office for legislation, it should be known that House Bill 519, which was put in place in July last year which allowed the casinos into Ohio had two provisions in it that really pertain to this instance. One is the task force that's assigned by 10 legislators to determine whether or not these games of chance should be legal. The other one is that they will be subject to the Ohio Gaming Department. There is no legislation to deal with sweepstakes. To say that in six months we're going to have an answer, I believe is optimistic and while I appreciate it and it's certainly well-intended I think the harm you do tonight when you're chasing good businesses out that have five year leases with five year extensions on them is outweighed.

What I would ask for in my close is one of three options and that's either 1. a grandfather clause to those who have already applied. There have been a substantial amount of resources already put into coming into Garfield, securing this, to getting the landlords, getting the parking. There's been a tremendous amount done. Had there been any indication that this emergency resolution was going to come I'm quite certain that these businesses would not have expended the money and the time. 2. An exemption. At least for Mr. Ace Entertainment. I don't know if there are any other petitioners here tonight that would like to come in or, 3. if we cannot make a simple exemption at this point I ask for Council in its discretion to choose of the six if there's something that differentiates between the businesses, because I do submit that Mr. Ace Entertainment does work with the highest standard not only in Ohio but North Carolina, Florida as well. That is my request that this not be passed tonight. A simple definition of emergency resolution would detail that there should be some detriment that is imminent and I guess I put the question to City Council and the Mayor as to what harm is imminent at this point in order for purposes of an emergency resolution? If there are any questions I'm willing to entertain them.

**MAYOR VIC COLLOVA:** I would like to take a second to respond. You represent your client and you've done it very well. Myself and Council represent the citizens of Garfield Heights, the residents and we were one of the first cities to get involved in this area of Internet cafes and it didn't come under a lot of fire in the newspaper, on TV. We were presented with a lot of negatives. We overlooked that and we looked at the positive side of what they would do for the city; would it have any impact in a detrimental way. We decided to go along and this Council agreed to put the Internet cafes in. The residents for the most part respected our decision and went along with it. Now we have six more that have applied and there's no telling if there's not another six more that come next week. The residents are once again concerned with what that's going to do to the city. We have an obligation to the residents to make sure that if we make a move it's the right move. So,

as we represent these residents we feel it would not be fair to you or your clients to just say No, you can't come in. What we do think is fair is we want to be able to research it, understand exactly what we're getting into and the legalities that may be involved with our rights and that's why we're asking for a moratorium, to give us more time to see if it's the right thing.

**MR. FRIEDMAN:** Mr. Mayor, I appreciate your response and I certainly understand it. I appreciate your compliment and I compliment you on the fact that you have represented your constituents well. But with all due respect we know the legality at this point. There's not a single decision in this State that says it's illegal. Till the contrary that it says that, it is legal. We know that surrounding cities are licensing it and passing charters, etc. so this is a very intelligent Council you have voted in. I certainly don't think that anyone here has any questions as to its legality. What we're going to get from it as you stated. You already have two here. You have many other sweepstakes cafes to draw from the State. Again I don't disrespectfully believe that it takes six months to determine what we're going to get. You, so rightfully tonight stated that there's been no problems. I think we already know what we've got. We've gotten two businesses that have generated income. We have two businesses that probably haven't touched by anyone here in support of the resolution tonight.

**PRESIDENT GERACI:** Could we bring closure to this, please?

**MR. FRIEDMAN:** I was just responding to the Mayor.

**CLWN MAHONEY:** Mr. Friedman, what this does is it gives this Council an opportunity to review and study the impact of this on our residents. As a Council we would be not doing our jobs as representing our constituents if we did not do that. Whether or not it's six months or two for the process to go through has yet to be determined. What this does is it gives us six months time to do that. It may happen before that; it may not. But it gives us an opportunity to do what our residents are asking us to do and that is to review and study the situation. So you know, I intend to vote for this.

**MR. FRIEDMAN:** I kind of gathered that, Ms. Mahoney, but I appreciate that. Again, assuming that everyone here were to be in line with you, as I somewhat expect here this evening, I would simply ask for the discretion be kept to the board to study each and every proposal on a case by case basis because I don't believe that each proposal is the same. I can assure you that just in my attendance here last week I saw that there were six. One was not even present. Five presented and of those five I would think there would be very clear and very obvious to everyone sitting here today that there are some that probably would be seen as more productive and more favorable and better on the surface. Thank you.

**CLMN DUDLEY:** I'd like to make one comment. When I first voted when the first two came in I thought it was a great idea and I have no problems or issues with them now. But when I turned around and received this sheet that was passed out at the Zoning Meeting and when you look at the sheet it's almost as if you're going to have almost one in every block. We know there isn't one in every block yet. When you're talking about putting up almost 10 businesses and they're doing the same type of work it's like putting three K-marts in the city of Garfield Heights. There's only so much money to go around. The thing is I just didn't feel comfortable with this many, you know. It's going a little overboard in my opinion. You're right to say if we stop it six months we'll let everything take its toll. Six months we may decide maybe one more can be put there; maybe two or maybe none can be put there. Like I say right now I wouldn't be comfortable allowing on the sheet here a list of 10 in the city right now. I think it's a little too much overboard for me to handle.

**MR. FRIEDMAN:** Mr. Dudley, I appreciate that, I do. I thank the board and Mayor for the opportunity to speak. It's an honor to be here. I hope that we do have the ability at some point, if

not tonight, somewhere down the line, to address you again with the opening of this business, thank you.

**PRESIDENT GERACI:** Thank you, Mr. Friedman. Anybody else?

Art Hanford, 13928 Oakview Blvd., Chairman of the Garfield Heights Board of Zoning Appeals. The Mayor has already stated I think the reason why this legislation should pass so I am just going to say I am encouraging the Council to pass it and thank you very much for acting on behalf of the citizens of Garfield Heights.

**PRESIDENT GERACI:** Thank you. Anybody else? If not, we'll move on.

**COMMITTEE REPORTS:** None.

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

**ORDINANCES AND RESOLUTIONS:**

**ORDINANCE NO: 49-2010**

AN ORDINANCE ABOLISHING THREE FIRE LIEUTENANT POSITIONS IN THE CITY.

**CLWN MARINCIC:** I make a motion we place Ordinance 49-2010 into the Safety Committee of City Council.

AYES: 6

ABSENT: 1

**PRESIDENT GERACI:** That passes 6-0.

**ORDINANCE NO: 50-2010**

AN ORDINANCE ABOLISHING TWO POLICE CAPTAIN POSITIONS IN THE CITY.

**CLWN MARINCIC:** I make a motion that we place Ordinance 50-2010 into the Safety Committee of City Council.

AYES: 6

ABSENT: 1

**PRESIDENT GERACI:** That passes 6-0.

**ORDINANCE NO. 66-2010**

AN ORDINANCE REPEALING CHAPTER 721, OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS RELATIVE TO JUNK AND SECONDHAND DEALERS WITHIN THE CITY OF GARFIELD HEIGHTS, AND REPLACING IT WITH CHAPTER 721 RELATIVE TO PAWNBROKERS AND SECONDHAND DEALERS.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Moved by SUSTER to PASS FOR A SECOND READING:

AYES: 6

ABSENT: 1

**PRESIDENT GERACI:** That passes 6-0.

**ORDINANCE NO. 67-2010**

AN EMERGENCY ORDINANCE AMENDING SECTION 136 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS TO RE-ESTABLISH A COMMUNITY RELATIONS COMMITTEE IN THE CITY.

Moved by MARINCIC to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

AYES: 6

ABSENT: 1

**PRESIDENT GERACI:** That passes 6-0.

**RESOLUTION NO. 41-2010**

AN EMERGENCY RESOLUTION PLACING A TEMPORARY MORATORIUM ON THE GRANTING OF SPECIAL USE ZONING PERMITS FOR THE OPERATION OF AMUSEMENT CENTERS, OR ANY BUSINESS DEVOTING FLOOR AREA TO INTERNET-BASED SWEEPSTAKES MARKETING OR RETAILING IN ALL ZONING DISTRICTS AS DETAILED IN CHAPTER 11 OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS.

Moved by VAUGHN to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 5

NAYS: 1

ABSENT: 1

VOTE ON ADOPTION:

AYES: 6

ABSENT: 1

**PRESIDENT GERACI:** That passes 6-0.

**COMMENTS BY CITIZENS:**

**PRESIDENT GERACI:** We'll now move on to Comments From the Citizens. The rules are you cannot bring up anything of a first nature. You must have previously brought this 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.

Rick Pirrone, Garfield Heights. I just wanted to address September 15<sup>th</sup>, Mayor. We're beating this up but we need some clarity here. You sent me a spreadsheet about the 40% reduction on here and that's a good job, but I thought that we were going to send some benefit package reductions,

etc. because it's a 27% reduction as far as what everybody went ahead and took and the largest one was the Finance Director and was Mr. Obert a CPA?

**MAYOR VIC COLLOVA:** I believe he was.

**MR. PIRRONE:** Was he? So he took a reduction of 44% down to 33 bucks an hour. Are these positions exempt or not exempt?

**MAYOR VIC COLLOVA:** I'm not sure what you're asking. What positions?

**MR. PIRRONE:** This what you gave me. Are these positions exempt from overtime or non-exempt?

**MAYOR VIC COLLOVA:** From overtime?

**MR. PIRRONE:** Right.

**MAYOR VIC COLLOVA:** As far as I know none of our Directors make overtime.

**MR. PIRRONE:** The 33 dollars. Is that what the Finance Director's making as top shelf pay right now?

**MAYOR VIC COLLOVA:** I don't have the papers in front of me, Rick. Let me respond to a couple of things. First off, the 27.10%. OK? When I said 40% it included PERS, which is an additional 10%, which you know but you forgot to mention. Right?

**MR. PIRRONE:** You mentioned it but you didn't give a percentage on it.

**MAYOR VIC COLLOVA:** OK. Well, a PERS pickup is 10%. They used to get their PERS picked up. Everybody here is pretty well aware of that including yourself. They no longer get that 10% pickup. That's a benefit they had they no longer get. That's why I said they had 30% and an additional 10 for a 40% give back. You were right. We went back and checked. It was 27. some percent plus an additional 10 which make it 37. some. I was 2.5% off or something?

**MR. PIRRONE:** So you rounded it off?

**MAYOR VIC COLLOVA:** Yes.

**MR. PIRRONE:** All right. Another issue was on the citations. There's so much confusion going on here. Yeah, September 15<sup>th</sup> you said before those tickets go to Red-Flex or after they come to Red-Flex they are evaluated by a Garfield Heights police officer, correct?

**MAYOR VIC COLLOVA:** Correct.

**MR. PIRRONE:** Before or after?

**MAYOR VIC COLLOVA:** As far as I know and we have one of the officers in here right now to explain to you exactly, as I understand it, those pictures are taken and gone to Arizona. Arizona, the company Red-Flex sends back the infractions to the Garfield Heights Police Department for review. At that point in time the police department can pick and choose which ones they believe are violations under Garfield Heights standards. At that point in time they are sent back to Arizona and they issue the citations.

**MR. PIRRONE:** All right. It was also mentioned at the town meeting that I guess most of Council doesn't understand why there is so much you want to call it confusion with the ballots and the petitions. There's a time for everything. I think right now.

**CLWN MAHONEY:** I have no idea what you're speaking of? And you're speaking on my behalf so I'd like to know of what you're speaking?

**MR. PIRRONE:** I brought up at that September 15<sup>th</sup> meeting that there was nothing ever said about the speed cameras or the rubbish before the election.

**CLWN MAHONEY:** In what regard?

**MR. PIRRONE:** I guess because of petitions.

**CLWN MAHONEY:** I'm still having a hard time understanding you.

**MR. PIRRONE:** I'm wondering if it was meant that it may have been a vindictive type of act to go ahead and cause trouble for the city?

**CLWN MAHONEY:** You're speaking on my behalf. Please don't do that.

**MR. PIRRONE:** I'm not speaking on your behalf.

**CLWN MAHONEY:** You said there was some misunderstanding made by Council.

**MAYOR VIC COLLOVA:** If I can butt in? Excuse me, Tracy. I think that it was said at that meeting that there was a claim by one of the Council people that there was an opportunity to bring these issues up earlier and they were never brought up and they were brought up now and you're asking if I believe if that's retaliation?

**MR. PIRRONE:** I don't know. I just think that it's our responsibility as a resident to challenge anything that's being brought to the table and we are challenging it.

**MAYOR VIC COLLOVA:** Is that going to the vote in November?

**MR. PIRRONE:** It is. I don't understand why we have to classify it as retaliation because we have to because where the city's at right now, Ms. Mahoney, it's not just yesterday or not just Mayor Collova. We have 58% of the Council Members that served with the former Mayor and they were aware of where this city was going and we were asked September 15<sup>th</sup> to trust Council. We have 58% of the same Council Members that served with the former Mayor and they knew how and when we were going to get into trouble because you were able to vote on ordinances and legislation back then.

**MAYOR VIC COLLOVA:** Hold on a second. Let's get this straight, because I don't like you attacking Council, number one. Listen to this now, Rick, very closely because you seem to forget what you want to forget. This Council voted to apply a trash tax, correct?

**MR. PIRRONE:** Right.

**MAYOR VIC COLLOVA:** They did that. They didn't hide from that. They did it. Prior to me being in here the 57% or whoever else was here voted to put the red light cameras in, correct?

**MR. PIRRONE:** I'm assuming.

**MAYOR VIC COLLOVA:** They're here. That was the previous Administration when it was voted. They're here. So what are you saying they did wrong?

**MR. PIRRONE:** Mayor, I didn't say anything about them voting on the ordinances. What I said is that we were asked to trust Council, OK? And what I said was that 58% of the Members that we have today worked with the former Administration. They knew that the city was getting in trouble five-six years ago. It didn't happen two years ago. It's been going on and all I'm saying is I think it's our right to challenge you and just not accept what you say that we need.

**MAYOR VIC COLLOVA:** Excuse me. Let me say this, Rick. They voted because they knew the city was in trouble. They voted to put the red light cameras in. That was one of the things they did. OK? What did they do different since then? You're saying they did something different?

**MR. PIRRONE:** I'm not saying they did something different. I'm saying they already knew where we were headed so I think it's the residents' responsibility to challenge Council, to challenge you, Mayor, to challenge everybody that's on table and don't look at it as a retaliation.

**CLWN MAHONEY:** We did exactly what we thought we could do. The red light cameras are a way of creating a revenue and safety without going to the homeowner to raise the taxes. You, for some reason when you started this conversation I believed that you were trying to speak on my behalf which is why I spoke up at the beginning. When I as a Member of Council, when we were told that there was a deficit coming ahead we did what we can. You, as a resident, I'm not sure what other things you think we could have done or should have done. Every time you're up here I don't see you saying if I was sitting up there I would have done this or perhaps the city could do this. All you want to do is badmouth this Council. Every time you get up there you have something negative to say about Council and something negative to say about the Administration. What would you do? We tried to do something. If someone is getting a camera ticket it's because they are breaking the law. It was a way to create a revenue source without having to go to each and every homeowner in the city.

**MR. PIRRONE:** You're still going to the homeowners though, Mrs. Mahoney.

**CLWN MAHONEY:** If they'd drive properly they would not get a ticket.

**MR. PIRRONE:** You're going to the homeowners for the rubbish also, correct?

**CLWN MAHONEY:** Yes we are. Absolutely. But if we didn't have the red light issue it would be even more we'd have to ask of the residents. I don't know what you want.

**MR. PIRRONE:** I think there needs to be a lot of transparency. I don't know if there's complete transparency here?

**MAYOR VIC COLLOVA:** You know what, Rick? At this last meeting you said there's no transparency. I want the figures. How long did it take you to get the figures?

**MR. PIRRONE:** About four days.

**MAYOR VIC COLLOVA:** Should it have taken two? Would that have made it better?

**MR. PIRRONE:** You e-mailed them to me.

**MAYOR VIC COLLOVA:** And then you say you have a right to challenge it. That was enough challenge just to put it on the ballot. It's on the ballot. We voted for it to go on the ballot. We haven't argued with it. We stated our case and we're not really happy. I'm not really happy that the people that have really come out to push hard for this are doing it for the benefit of the city. I don't believe they are, but that's my choice. But I also said on numerous occasions people have a right to vote and they will vote. You're standing up here. All you're trying to do is make a mockery out of something that is good. We are allowing the people to vote. They put a petition together. We're putting it up. We said it was OK. You ask for transparency. I give you everything you want. The next meeting you're going to come up and say you want something different. And you get it.

**MR. PIRRONE:** Thank you, Mayor.

**MAYOR VIC COLLOVA:** You're welcome.

**PRESIDENT GERACI:** Thank you. Anybody else?

**CLMN DUDLEY:** I want to mention one comment before the next person comes up because you had commented. I'm the one who made the comment during the Town Hall Meeting. And what I stated was when we passed this back in March 2009 as Council, and then I believe it was April 2009 that the State Committee actually passed it with the former Council President, etc. I heard no comments that whole year between April 2009 up until the November election. If it was such a big concern that people wanted to step forward such as yourself and others and be the savior, then you should have come, I would have defiantly come forward then when it first was fresh and said hey, I don't like this. This is wrong what you're doing to the people. Nobody said nothing. I didn't hear no comments about it from any of the individuals running for office until after they lost in the November election. Then all of a sudden I even got a couple e-mails saying Councilman, this is wrong. That is wrong. But where was all this action prior to the November election? Nothing became of it until after the election was over and a certain individual didn't win. Then everybody got, not everybody but a few individuals, got so much to say. You hit it on the key. People elected us basically because they trust us and we are going to do what's best for the people. No matter what we do it's always going to be like anything in life. You're going to have certain individuals that are going to be dissatisfied. That's something I am going to live with. But I'm going to tell you, the passage of this to go through and do an act of rubbish is for the benefit and best of the city. I don't want to see a fire station closed. I don't want to lose officers and you know that is going to hurt. The thing that bothers me the most is that certain individuals know the damage it's going to do to the city and it's like the one purpose they seem to have in life is to see what they can do to bring the city down. But I'm the one who made the comment and I'm going to stick to it.

**PRESIDENT GERACI:** Thank you, Councilman.

Eugene Glenn, 5218 East 100<sup>th</sup> Street. Mayor, President of Council, Council people, Directors of the city of Garfield Heights, I want to direct my words to the previous citizen that came up here. We have a form of government here in Garfield. We elect Council people to do their jobs. They represent us. We have a Mayor that we elect every four years to represent us. If we don't like the elections when we have them and the results, there's other cities that have speed cameras and they don't have reputations like we have in Garfield here. There is animosity in this city and the people are stirring up trouble and I for one, stand behind my Council and my Mayor. We should go through the proper process. If we don't like it the next time there's a voting mechanism that takes place, but not in between elections. Let's get together and work together. Thank you.

**PRESIDENT GERACI:** Thank you, Eugene. Anybody else?

David Mays, 8250 Green Drive. I'd like to ask a question of the Council if I may? Council Presidents have to sign all legislation and ordinances passed by Council. Am I correct?

**LAW DIRECTOR TIM RILEY:** Correct.

**MR. MAYS:** Do they have to sign all the contracts passed by Council? Or some of the contracts?

**LAW DIRECTOR TIM RILEY:** No.

**MR. MAYS:** They don't have to sign the contracts? OK. If they refuse to sign an ordinance or legislation, what happens to it? If Council President refuses to sign something that has been passed by City Council?

**LAW DIRECTOR TIM RILEY:** Well, then he would be violating his duties as Council President and could be removed.

**MR. MAYS:** Is he bypassed? Is he overruled? Or is he thrown in jail? Or what?

**LAW DIRECTOR TIM RILEY:** There's a process in the rules for a Council Member who doesn't abide by the rules and he could be removed from office.

**MR. MAYS:** OK. Thank you. My next statement is the previous City Council President signed the legislation for the red light cameras. If he so felt so strongly about this at the time why didn't he refuse to sign it? He didn't refuse to sign it. If he felt that strongly about it then he should have got up and said I resign as Council President. I lost a job because I refused to do a job that I didn't approve of. I got up and left because I wouldn't do it. My personal opinion is he likes to draw attention to himself, he likes to keep the city divided and if he doesn't like what I say, it's too bad.

**MAYOR VIC COLLOVA:** Let me respond if I can. I need to clarify. The President of Council that we're speaking about, when the red light cameras came about, as President of Council you do not vote, OK? Where the President of Council voted for the red light cameras and the speed cameras was in the State Commission as he sat as a Board Member of the State Commission. When that financial package was put in front of the State Commission, he had a chance to vote Yes or No and give his viewpoints. At that point in time he voted for the entire plan including the speed cameras and actually made a comment on it that the reason he was voting for the speed cameras was because it was the right thing to do for the city, and the reason I'm saying that is for no other reason than to say that he is truthful when he says he didn't vote as a Council President on the Council because they don't vote, but he did vote as a State Commission when it was presented to him there. And he had a right to vote No.

**MR. MAYS:** And he also signed the ordinance to approve it here in Council.

**MAYOR VIC COLLOVA:** He did not sign that ordinance.

**MR. MAYS:** He didn't?

**MAYOR VIC COLLOVA:** No. Only because that ordinance came about when Frank Geraci was in.

**MR. MAYS:** On the red light cameras I thought it was passed before this gentleman took office.

**MAYOR VIC COLLOVA:** No, what was passed was the financial package to be presented to the State Commission. That's what was passed at the time and that's what he did vote for.

**MR. MAYS:** He did vote Yes for it?

**MAYOR VIC COLLOVA:** Yes.

**MR. MAYS:** If he spent as much effort into putting this city back together as he does trying to tear it apart we wouldn't be having this conversation right now.

**PRESIDENT GERACI:** Thank you, Dave. Anybody else wishing to speak? Anybody else wishing to speak? I'm not going to ask you again. Miscellaneous Business. We'll start off with Clmn Dudley.

**MISCELLANEOUS BUSINESS:**

**CLMN DUDLEY:** I already stated what I had to say about the cameras and the trash so we won't worry about that. I'm just encouraging everybody to remember that in November we got to come out and vote. No matter who you vote for, come out and cast your vote in November. Definitely do that. Keep in your heart that we're going to move this city forward. We're going to have to put to an end after November is over all this stuff we're going through now because it's nothing but a distraction to us. You can't allow yourself to constantly be distracted if you plan to move forward, etc. Once again I ask everybody to keep my family in prayer because of the loss of my mom. Like I say we still have work to do and we have a lot to do to move forward. With that, that's all I have to say. Thank you.

**CLWN MARINCIC:** I have a question for our Law Director, Mr. Riley. I know that you can't carry signs into Council Chambers, correct?

**LAW DIRECTOR TIM RILEY:** You can't carry signs.

**CLWN MARINCIC:** Yes, if someone would come in with a sign saying vote this way or don't vote that way you're really not allowed to do that?

**LAW DIRECTOR TIM RILEY:** You're not allowed to be disruptive of the meeting. Shirts you could not ban from the meeting as long as they weren't offensive.

**CLWN MARINCIC:** What's the difference?

**LAW DIRECTOR TIM RILEY:** It's basic free speech. Signs you could claim would be disruptive of the meeting, blocking views, things like that, but a shirt would be different. It's a free speech issue. As long as they weren't offensive.

**CLWN MARINCIC:** OK. That's all I have. Thank you.

**CLMN NENADOVICH:** Just briefly, again, I want to thank the Directors of this city for the job they're doing with no money. I want to thank Noreen for the job she's doing with no money. And I wan to thank the Mayor for the job he's doing with no money. Just think what it would be like when we have money? Thank you.

**PRESIDENT GERACI:** Thank you.

**CLMN SUSTER:** I'd like to concur with what Mr. Nenadovich just said and once again I'd like to offer my condolences to Mike over the death of his mother and that was a sad note and there's a happy note that's happening tomorrow. Mr. and Mrs. Tracy Mahoney will be celebrating their 25<sup>th</sup> wedding anniversary tomorrow. So I'd just like to wish her and her husband many more years to go. I've known Tracy since she was 16 years old so good luck to you. That's all I have.

**CLWN MAHONEY:** I've known Joe now for seven years. Maybe a little longer than that. Thank you for your well wishes. I also would like to send my condolences to Mike and his family and ask that everyone please remember him and his family in your prayers. I have nothing else.

**CLMN VAUGHN:** Mike, my sympathies to you and your family. Thursday evening we'll be having our Block Watch up at St. Monica's in the small cafeteria. We ask all Ward 7 residents to please attend. I think we're going to have food and drink and it should be a good time. That's about all I have to say. I say, Mr. Chairman, could we adjourn this meeting?

**PRESIDENT GERACI:** Roll call.

AYES: 6

ABSENT: 1

**PRESIDENT GERACI:** The meeting is adjourned.

**MEETING ADJOURNED AT 8:07 p.m.**

**APPROVED:**

**RESPECTFULLY SUBMITTED:**

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Frank J. Geraci, Jr.  
President of Council

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Barbara Molin  
Clerk of Council