

MINUTES OF A REGULAR MEETING OF COUNCIL
CITY OF GARFIELD HEIGHTS, OHIO

Monday, November 22, 2010

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

INVOCATION BY: Councilman Michael Dudley, Sr.

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

READING AND DISPOSAL OF MINUTES:

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

WRITTEN COMMUNICATIONS TO COUNCIL: None.

CLWN MARINCIC: Mr. Chairman, at this time I'd like to make a motion that we waive the 72 Hour Rule on Ordinance 83-2010 and if that passes place it on the order of business tonight.

PRESIDENT GERACI: Roll call.

AYES: 7

LEGISLATION OUT OF COMMITTEE: None.

REPORTS OF THE MAYOR AND DIRECTORS:

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

MAYOR VIC COLLOVA: Thank you, Mr. Geraci, Council. I wanted to talk about a few things that are going on in the city. I think we got some pictures of some new businesses and some renovations going on. I want to pass them around to give everybody an idea of what's been taking place. First off, you've heard us talk about Marymount Hospital the \$45 million addition that they're on. We've got some pictures of it. I think you will agree--I think it looks fabulous, but just pass it around. Take a look at it. I want everybody to take a look at that. They had a ground breaking ceremony today. They're getting ready to get underway. Myself and Bill Wervey were there the other day. They were actually picking up the Blessed Virgin, storing it and it will come back in a different location once this renovation is finished that will come back, but it looks really great.

The other thing that's happening, one of the other things that's happening that is finally after much talk, is finally getting off the ground. They're getting ready to go to Planning and Zoning is the

McDonald's that's going to be at the Garfield Mall. This is a totally different McDonald's from what we're use to . It really looks nice and I'd like for all of you to take a look at that also. Now our understanding is, we don't know for sure, but our understanding is the McDonald's on Dunham Road in Maple Heights is closing when this one opens.

The next thing I was going to pass out for everybody to see, Council. The County Waste Management Division that put the Recycling Center in on 131st which is getting ready to open. They're putting the final touches on right now. These pictures really don't do it justice but I want to present them tonight just to show what's going on. For the old-timers that may be out there, and there probably isn't too many of you, but if you remember King Pin Lanes on 131st, that's what this building is. If you take a look at this picture you can actually see the warehouse shows you actually where the lanes were. I think one of the best things that I saw there which is real unique is all the counter tops in place and table tops are done out of bowling alley lane wood and it looks beautiful. It's really unique. This is going to be a great green item to come into the city and they're ready to open probably within the next week or so.

There's another thing going on in the city that I'm pretty excited about also. There's a group out there called the Cuyahoga Neighborhood Development Company and what they have done is they have purchased some houses in the city and they're renovating them and putting them on the market to be sold to owners. They're not looking to rent or lease them. They may have to if they can't sell them but their number one target is for home owners. I'm going to pass out one of the houses they did. This house is on Thraves. They are having open house on Sunday. If you want to see what somebody really did for the city for these houses and their intent is, their reason I brought this group out is there's a lot of groups out here doing this, but this group goes from place to place telling them why it's a good idea to move into Garfield Heights. Sure, they want to sell their homes but the fact is they're building up the city everywhere they go. They remodeled this house as you see when I pass them out, they redid everything in the house from electric to plumbing. The house on Thraves is all furnished--turnkey operation. This is really something when you think about it this is just a small project from one group and there can be more groups that are doing this. This is one other thing that's really going to make this city look a lot better. I got to tell you that this house on Thraves was actually my wife's old girlfriend's who lived down the street from her and my wife can tell you this looks as good as it did when they first bought this house. It looks great. So take a look at that. I'm really impressed. Those are some of the good things that are going on in Garfield Heights. These are some of the things that are going to bring people in. The school district's doing some great things with the renovations they're doing. We got some good things going on. We got to keep it that way.

I'm going to talk little bit about Bridge View. There's not a whole lot I can say or put out there yet but I can tell you keep your fingers crossed because it looks real good. I know we've been talking about it but by the end of the year we're going to have something very, very positive to report on that. That's going to be huge in the city. We've been in contact with the developers. We've been in contact with the bank and this is all recent. It really looks good so keep your fingers crossed on that and I will also tell you that we have a developer a group of developers that are going to go to Chicago to see the receiver at City View because they're interested in doing something with City View. So what has happened is the market has gotten so bad and this property has dropped down so much that the developers now think it's the right time to come in and spend some money because they think they can make money and that's fine with us. So those are some of the good things that are going on and it's been a good week with the meetings that we had this week and last week, it's been a very good week as far as good things happening in this city.

One of the other things I wanted to talk about is on Saturday we have the City Craft Fair and the Christmas Lighting Ceremony. This is going to be nice. Again, I think I reported before we are not

bringing in the outside people as we have done in the past. This is for Garfield Heights residents. We're going to have a great time. It's going to be a good time for everybody in the city so I encourage everybody to come and let's enjoy this. I think we have a Santa Claus. I'm pretty sure Santa's going to be here. Santa got injured. Santa hurt his back for a while but he's going to be OK.

The last thing I wanted to say is we had a group called Minutemen Enterprises or Minutemen Corporation that donated 200 turkeys to the city and we started passing those turkeys out today. We have probably 40 or 50 turkeys left over. If anybody here needs a turkey for Thanksgiving tonight when this is over we're going to bring you up and give you a turkey. We got the Seniors taken care of. If there's more Seniors they can come. It doesn't have to be Seniors. Anybody in need of a turkey come tomorrow. We've got plenty here. We've got some upstairs that are frozen. We have no more room in our freezers or refrigerators. We would like to give them out tonight if at all possible. If some of you are looking for a turkey (11-12 pound turkey) they are nice size. Nothing huge, but nice size. Stop up afterwards or see me afterwards. Is Lenny Piazza here? Lenny's the man passing out the turkeys so after the meeting see Lenny. And Lenny, don't charge.

With that said we're going to get into tonight's legislation. Ordinance 76-2010. This is a certificate of registration fee for snow removal contractors. The previous fee was \$15.00 and \$2.00 for each additional tag. We've increased it from \$15.00 to \$18.00 for the initial fee and from \$2.00 to \$5.00 for the extra permits. Ordinance 77-2010 is about sewer calls. We got into that last week. We're going to be charging for sewer calls.

Ordinance 78-2010. This Ordinance 78-2010 is about charging for trapping animals; for bringing the cages out. We had a Council session the other day. We had the Animal Warden come in and talk about how much is involved in doing this and how much it costs the city. We knocked around some different prices that we would charge for the cages. I'm hoping that this is going to go up to committee tonight because the more I hear about it the more we get into it. I don't want to charge people and stop them from trying to trap these animals because you know, forget the cats and dogs, we have a lot of possums, raccoons, you know, the skunks. I don't want to deter people from calling for cages because we need these animals out. We're going to do some more talking on this one.

Ordinance 79-2010. This came about. I had three different residents ask me if they were Seniors and if they could bring their rubbish out a little earlier than 6:00 p.m. in winter months because of it being dark outside. They didn't want to go out in the dark so Council talked about that. This ordinance will bring it from 6:00 p.m. to 4:00 p.m. during the winter months. Ordinance 80-2010 is for the purchase of, installation, maintenance and training of the new software packet for the Finance Department through RITA. This is the money that we received from NOPEC. Remember that check? That's what this is going to be for. This is a portion of that money. Our Finance Department went and looked at it, they're familiar with it, they like it, it will help the city immensely. It will turn that Finance Department completely around as far as getting things out. It's been antiquated. It's been in place since who knows? The 60's or 70's? But we're going to get out of the Dark Ages and the good thing is it didn't cost us a penny thanks to NOPEC so that's a good thing. OK.

Ordinance 81-2010. We're going to enter into a memo of understanding with gov.deals in order to provide the city with the ability to utilize an on-line auction system. What we're going to do is we're going to hire this company to put out our merchandise that we have sitting around that's not being used any more on-line and we pay them a percentage. Ron will get into it. I believe it's 7.5%, but we pay them a percentage. They sell this for us on-line. This will register dollars for the city. This equipment, these vehicles, are just sitting around gathering dust and we need to get rid of them.

Finally, Ordinance 82-2010. Basically what this ordinance does is allow us to sell the equipment and sell the vehicles that will go on-line from gov.deals. Ordinance 83-2010 I don't have that in front of me, but I have it in front of me now. This is the increasing the penalty for littering in Garfield Heights. We've had many people talk about the littering that's going on. People that do that is a total disregard for the looks of the city for what's going on in the city plus our service people that have to go out and instead of doing things that they should be doing they're out picking up garbage off the streets so I think this is also a good thing. And with that said, I just want to remind everybody to please see Lenny afterwards. We have like I say about 40 to 50 turkeys up there that we have to get out so please see him after the meeting. Mr. Chairman, you have my report.

PRESIDENT GERACI: Thank you, Mayor Collova. I have a comment in regards to your report. On East 98th on Plymouth there was a demolition that took place today. Compliments to the entire staff that was involved in it. It finally came to a reality so if anybody has an opportunity to ride by to check it out, it looks real nice. Thank you. Anybody else have any comments? If not, we'll move on. City Law Director Mr. Riley.

LAW DIRECTOR TIM RILEY: Thank you, Mr. Chairman. Just briefly I want to let everybody know that tomorrow is the date that the Board of Elections comes out with the official results so we will know what the election results were on the two ballot issues and there's a meeting tomorrow morning at 10 o'clock at the Board of Elections where they make the announcement. We will know the one was tied and the one was 115 vote difference. Depending on the numbers that are finalized it will determine whether there will be an automatic recount. That's all I have.

PRESIDENT GERACI: Any questions for Mr. Riley? I have a question, Mr. Riley. How will Council be notified in regards to the outcome of this?

LAW DIRECTOR TIM RILEY: They're on-line and we could send out an e-mail to everybody as soon as we find out.

PRESIDENT GERACI: OK. Anybody else? If not, we'll move on. Service Director, Mr. McLaughlin.

SERVICE DIRECTOR TIM McLAUGHLIN: Thank you, Mr. President. We are trying to close up a few areas with patch yet, some water cutouts and stuff and fix permanently. We're still going street to street on leaves. Volume is high, especially when it rains the machines clog up. We had some problems today but we're currently working in Ward 6 and Ward 7 and can start over again. Christmas lights. We're just about done with putting those up. That's all I have.

PRESIDENT GERACI: Any questions for Mr. McLaughlin? Let's move on. Recreation Director Mr. Dobies.

PARKS AND RECREATION DIRECTOR BOB DOBIES: Mr. President and Council Members, good evening. I'm happy to report that Anderson Recreational has finished up installing the playground equipment received through the County Enhancement Grant at the end of October. This afforded this city to enjoy some new and needed equipment at no cost while enhancing Hy Court, Forestdale and Donovan Parks. Come spring time, because of the money situation, we'll begin our seasonal cleanup and paint some of the older equipment to further enhance what we have. Thanks go out to Noreen Kuban and Becky Repasky for their work in accomplishing the grant. I'd like to personally thank all who came out for the Halloween Skate on October 30th. We had over 300 people attend that event and it was an enjoyable evening for families and friends. Thanks goes out to the Old Timers' Club for donating the funds to purchase the candy for the children and PS Awards for donating trophies to make it look more special for their costume

dressups and to the Garfield Heights Hockey Boosters and Munny Figure Skating Club for donating their time with helping with that event.

The weekend of November 13 and 14 the Recreation Center held the Rising Stars Figure Skating Competition. This brought over 140 competitors to our establishment and well over 300 fans with a large contingency from Pennsylvania for another fun-filled weekend.

Signups for our December Grab-Bag Fitness Classes are now being taken which starts November 30th. During the hectic holiday season it allows you to take as many classes as you can fit into your schedule for the month of December at a reduced rate. You can mix and match your schedule. I.D.s are required and payment is requested prior to you starting the classes.

This weekend, November 26th, 27th and 28th our Munny Hockey Program will be hosting the Annual Gold Cup Tournament with teams from all over Ohio. Mark your calendars for another exciting weekend. That concludes my report.

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

CLWN MARINCIC: Mr. Dobies, any idea how many children use the ice rink?

PARKS AND RECREATION DIRECTOR BOB DOBIES: With figure skating the numbers went up. We have approximately 75 children in that. The anticipated Municipal Hockey Program we're contemplating having around 90. We have around 55 at this point in time. Plus I have three high schools that use the ice and I have an adult hockey team that uses the ice, I have an adult figure skating group, which is new this year, using the ice. I have Hockey Time Productions that used the ice twice for small mini-tournaments and they like it so much they said they'll be contacting me in the future. Probably rough total 200 to 300 people.

CLWN MARINCIC: You have contracts signed with anybody?

PARKS AND RECREATION DIRECTOR BOB DOBIES: We do have contracts. We have contracts with all the high schools, all the adult groups and we have two additional youth groups besides the hockey program that rent the ice from me. Everybody is under contract already.

CLWN MARINCIC: What if, God forbid, the trash collection piece should pass? Can we get out of those contracts if we have to close the Rec Center?

PARKS AND RECREATION DIRECTOR BOB DOBIES: We made a stipulation. I sat down with the Mayor and Mr. Tomola and we have an exemption clause in all the contracts which was always there. We have it for fiscal reasons also. Before I entered into any contracts I talked with all the parties and explained that to them. Everybody knew our dilemma and where we were. I remain optimistic we'll fulfill those contracts and that's the way I explained it to them but, again we don't know what's going to happen and they were fully understandable. It would be somewhat devastating but I think again with the revenue that that brings in, which is the majority of the revenue that the Rec makes, I think we can fulfill those obligations even with what confronts us today.

CLWN MARINCIC: Thank you very much. That's all I have.

PRESIDENT GERACI: Any other questions for Mr. Dobies? We'll move on. Finance Director Mr. Tomola.

ACTING FINANCE DIRECTOR RON TOMOLA: Thank you, Mr. Chairman. I'd like to talk a little bit about Ordinances 80, 81 and 82. Ordinance 80 is the new finance package. As the Mayor explained, funded through the NOPEC Grant. That will be the initial step for us to put the new software and hardware that we need in by passing this piece here. We're looking at hopefully having it installed and operational by April 1st. I had initially wanted to try and get it up for the beginning of the year but that's just not going to happen at this late date. Ordinance 81, as the Mayor said, was the gov.deals on-line auction. The cost of running an open auction like we used to in past years just got astronomical. We spent as much as we made selling the vehicles and it's just not worth it for us to do it that way any longer. We didn't have an auction last year for that reason. Right now Ordinance 82. There's five vehicles that have been parked at the garage for about a year, I believe, Tim? Because we just had no way of really getting rid of them before. So if you pass 81 and 82 that will get us the ability to go into the agreement and actually post something out there and get the training so that we can see how to do this in the future and once we get used to it we can use it to sell any type of city equipment or confiscated goods that the police may be holding in impound, etc. That's my report.

PRESIDENT GERACI: Any questions for Mr. Tomola? We'll move on to City Engineer, Mr. David Krock.

CITY ENGINEER DAVID KROCK: Thank you, Council President. I want to update you on a couple of items. One. Park Knoll. We did finally get that constructed. We had a water line through a storm sewer there that had been backing water up for years and we're hopeful now that those people in that area will be in better shape.

I want to spend a little time on the Henry Street closure. Anyone who's been driving over by the hospital knows we have a four-way stop over there now and I've heard some reports that we're having some trouble with people running the stop signs so I spent about 30 minutes over there myself one day around noon and I saw three people go through the stop signs. So we took a look and decided to add some additional signage there. Both advance warning signs and additional stop signs and we also have some rumble strips that will go on the pavement there coming but I think really this is a case where people have driven through that intersection so many times it's hard to always pay attention so with all the additional signage I think we're in better shape now than we were before so hopefully we've resolved the situation but it was not good at first but it is currently a four-way stop and it will be in place for about the next four months. That's my report.

PRESIDENT GERACI: Any questions for Mr. Krock?.

CLWN MARINCIC: Not a question but just a statement. I want to let everybody know that I'm so pleased having David Krock as our City Engineer. Anytime I've ever had to call him he's right on top of things and he doesn't ever shrug me off. He gets the answers and he gets them in a timely fashion and there's been a lot of things going on between the Marymount construction and the sewer district in Ward 2 and he's been Godsend, to be honest with you and I really appreciate having you as our City Engineer and I want to thank you. That's all I have.

PRESIDENT GERACI: Any other comments or questions for Mr. Krock? Economic Development Ms. Kuban.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Thank you, Mr. Chairman. I just want to remind everyone that the City Lights Lighting Ceremony is on Saturday evening this year—not Sunday evening. It's at 5:30 p.m. So please join us. That concludes my report.

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

BUILDING COMMISSIONER BILL WERVEY: Mr. President, I don't have anything new to report this evening.

PRESIDENT GERACI: Anything for Mr. Wervey?

COMMENTS BY CITIZENS:

PRESIDENT GERACI: We'll move on to 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. Anybody? If not, we'll move on.

Mr. Blake, 5039 East 114th Street. I have a question about this Ordinance 78 relative to the cost of the Service Department calls to residents' homes for the trapping of animals. I'm presuming that this trapping of animals is the duty of the Animal Warden, which I believe we have? Is this a paid job? Animal warden?

CLWN MARINCIC: Yes. We do have an Animal Warden on the city payroll.

MR. BLAKE: OK. What does he do?

CLWN MARINCIC: Well, he is the Animal Warden in case somebody has a stray.

MR. BLAKE: He gets paid for this?

CLWN MARINCIC: Yes, he does.

MR. BLAKE: Are you going to charge the residents now for the trapping of animals?

CLWN MARINCIC: Just so you know, I strongly disagree with this ordinance and that's why it's going into committee.

MAYOR VIC COLLOVA: Mr. Blake, I'll answer that. We're looking at, as I said in my report. There's some good parts to it and there's some bad parts to it. What we have to do is because of the financial situation in the city. We have to look at it whatever ways we can to bring money into the treasury. We need to bring money in and that was one of the aspects. Good points. Bad points. And that is going to be discussed in committee. What the Warden does, is he goes out everyday. He's probably got 50 or 60, if not more, traps out there and he checks the traps every day. He baits them, he catches the cats; catches the dogs. He has quite a busy schedule.

MR. BLAKE: I can understand the cats and dogs, but nuisance animals like raccoons, skunks, possums you mentioned. You shouldn't be charging the citizens extra for something like that that this man is hired to do. That's his position with the city.

MAYOR VIC COLLOVA: Well, in many cities you have to go out and get your own person to take care of the animals or somebody to catch the animals. In our city we've been fortunate enough all these years that that was part of the city program. Just like many other things—snaking out sewers and doing sewer calls were part of the city program before. There's a lot of things that happened in the past that unfortunately have to change in the future.

MR. BLAKE: I can understand the sanitary, sewers and stuff like that department but what kind of a cost are you toying with for this service if somebody would need it now?

MAYOR VIC COLLOVA: Let's say for every cat we catch.

MR. BLAKE: I'm not talking about cats and dogs. I'm talking about nuisance animals like raccoons, skunks.

MAYOR VIC COLLOVA: We euthanize those animals. It costs us to do that. The State does not allow us to trap them and bring them somewhere.

MR. BLAKE: How much is what I'm getting at.

MAYOR VIC COLLOVA: I don't have that figure before me but I'd be glad to get it for you.

MR. BLAKE: OK. Thank you.

MAYOR VIC COLLOVA: You're welcome.

PRESIDENT GERACI: Anybody else? On agenda items?

COMMITTEE REPORTS: None.

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

ORDINANCES AND RESOLUTIONS:

ORDINANCE NO. 76-2010

AN EMERGENCY ORDINANCE AMENDING CHAPTER 758 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS RELATIVE TO THE SNOW REMOVAL CONTRACTORS.
Moved by MAHONEY to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

PRESIDENT GERACI: That passes 7-0.

ORDINANCE NO. 77-2010

AN ORDINANCE ADOPTING SECTION 911.07 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS RELATIVE TO THE COST OF SERVICE DEPARTMENT CALLS TO RESIDENTS' HOMES FOR SANITARY LINE BLOCKAGE.
Moved by MARINCIC to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

NAYS: 7

Motion by MARINCIC to PASS FOR A SECOND READING:

AYES: 7

PRESIDENT GERACI: That's passed on the First Reading. That did not pass on the First Reading. I apologize for that.

ORDINANCE NO. 78-2010

AN ORDINANCE ADOPTING SECTION 911.08 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS RELATIVE TO THE COST OF SERVICE DEPARTMENT CALLS TO RESIDENTS' HOMES FOR THE TRAPPING OF ANIMALS.

Moved by MARINCIC to CONSIDER BY TITLE:

AYES: 7

Motion by MARINCIC to PLACE INTO LEGISLATIVE COMMITTEE:

AYES: 7

PRESIDENT GERACI: That will be put into the Legislative Committee.

ORDINANCE NO. 79-2010

AN EMERGENCY ORDINANCE AMENDING SECTION 913.04 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS RELATIVE TO THE TIME GARBAGE MAY BE PLACED IN FRONT OF RESIDENTS' HOMES.

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.

ORDINANCE NO. 80-2010

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A SOFTWARE LICENSING AGREEMENT, ATTACHED HERETO AS EXHIBIT A, FOR THE PURCHASE, INSTALLATION, MAINTENANCE, AND TRAINING OF A NEW FINANCIAL AND ACCOUNTING SOFTWARE PACKAGE FOR THE FINANCE DEPARTMENT, WITH THE REGIONAL INCOME TAX AGENCY (R.I.T.A.).

Moved by MARINCIC to CONSIDER BY TITLE:

AYES: 7

Motion to WAIVE RULE 24:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MARINCIC: Before I vote, I just want to say that the time has long gone and passed for a new accounting program. I think that Wilma and Fred Flintstone created our current program.

Didn't they, Ron? This is Godsend and I'm sure the accounting department will appreciate it and I vote Yes.

AYES: 7

PRESIDENT GERACI: That passes 7-0.

ORDINANCE NO. 81-2010

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A MEMO OF UNDERSTANDING (ATTACHED HERETO AS EXHIBIT A), WITH GOVDEALS, IN ORDER TO PROVIDE THE CITY WITH THE ABILITY TO UTILIZE THE GOVDEALS ONLINE AUCTION SYSTEM.

Moved by MAHONEY to CONSIDER BY TITLE:

AYES: 7

Motion to WAIVE RULE 24:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

PRESIDENT GERACI: That passes 7-0.

ORDINANCE NO. 82-2010

AN EMERGENCY ORDINANCE AUTHORIZING THE SALE OF MUNICIPALLY OWNED PROPERTY WHICH HAS BEEN DETERMINED TO BE NO LONGER NEEDED FOR MUNICIPAL PURPOSES PURSUANT TO SECTION 129.02 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS.

Moved by VAUGHN to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

PRESIDENT GERACI: That passes 7-0.

ORDINANCE NO. 83-2010

AN ORDINANCE AMENDING SECTION 527.99 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS RELATIVE TO THE PENALTY FOR LITTERING.

Moved by MARINCIC to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MARINCIC: Before I vote, I'd just like to say that one of the reasons I put this ordinance up is because the city lately for the past few years the people have increased littering to the extent where it's disgusting and I am asking residents who have children who walk back and forth to school to please instill some pride in their community into their children and ask them not to litter and do anything that they can to alleviate the problem. It may be perhaps if somebody gets hit with a \$500.00 fine they may get the message and I vote Yes.

AYES: 7

PRESIDENT GERACI: That passes 7-0.

COMMENTS BY CITIZENS:

PRESIDENT GERACI: We'll now move on to Comments By 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 department. You are limited to speak only once and for a period of five minutes. Please raise your hand to be recognized.

Carol Cieplowski, 4941 East 93rd Street. I'm in Ward 4 and I was just wondering how are we going to enforce the time we're allowed to put out garbage? They collect our garbage on Monday morning. It is out there Friday evening, Saturday, all day Sunday. Thank goodness they pick it up very early on our street on Monday. Who do we complain to? I'm sure the police.

MAYOR VIC COLLOVA: Carol, if you call in on a weekend to the police department and tell them that the rubbish has been out.

MRS. CIEPLOWSKI: I did last week when I called you, Debbie. They told me to call the Building Department on Monday morning. By that time it was picked up.

MAYOR VIC COLLOVA: We will take care of that.

MRS. CIEPLOWSKI: OK. So we call the police department on that? OK. And how are we going to? Ms. Marincic. The \$500.00 fine. Who's going to be looking out for them?

CLWN MARINCIC: Actually the policy have to see somebody litter.

MRS. CIEPLOWSKI: OK. Thank you.

PRESIDENT GERACI: Thank you, Carol. Anybody else?

Frank Wagner, 13409 Oak Park Blvd. I'd like to just address a question you had under Miscellaneous Business, Clwn Marincic, at the last meeting. I was not able to respond because this was under Miscellaneous Business in regards to the ballot language for the two issues. Back on September 14th the Citizens for a Greater Garfield Heights sent a letter to the Board of Elections on September 14, 2010. It says,

"Please consider this letter to be a formal protest under O.R.C. Chapter 35. The approved draft language for Issues 56 and 57 are misleading to the voters in these respects:

1. The closing line of Issue 56 says, 'Shall the Charter of Garfield Heights be amended by enacting new Section 59 Photo Monitoring Devices. The reality is that the new section limits the use of photo-monitoring devices. It does not create the use of such devices. The language could reasonably mislead a reader. We ask please change the language in this last line to say, 'Shall the

Charter of the city of Garfield Heights be amended by enacting new Section 59 limiting the use of photo-monitoring devices’.

2. The closing line of Issue 57 says, ‘Shall the Charter of the City of Garfield Heights be amended by enacting new Section 60 Trash Collection Fee. The reality is that the new Section abolishes a trash collection fee. It does not create such fee. The language could reasonably mislead a reader. We ask to please change the language of this last line to say, ‘Shall the Charter of the city of Garfield Heights be amended by enacting new Section 60 Abolishment of Trash Collection Fee. We ask that the Board of Elections consider this protest at its hearing on September 14, 2010 and modify the language as indicated above. Please let us know promptly your response to this request.”

The next day we received a letter from the Board of Elections and it says, “Please know that the Cuyahoga County Board of Elections is in receipt of your correspondence.’ I’m not going to read the whole thing.

PRESIDENT GERACI: You have 30 seconds, Frank.

MR. WAGNER: ‘Your correspondence was discussed, acknowledged and made part of the official record. During the discussion I informed the Board that the Law Director of the city of Garfield Heights was the agency’s point of contact regarding ballot languages for the Charter amendment. The ballot language was approved by the Law Director.’ So our purpose was trying to change the language so it wasn’t confusing, but it was the city’s intent to make it confusing. Thank you.

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

MAYOR VIC COLLOVA: Mr. Chairman, the Law Director will respond to that.

LAW DIRECTOR TIM RILEY: I would like to address that. I kind of want to give you a timeline of what went on with this ballot language. On July 19th the petitions were presented to the Clerk of Council. On the 20th the petitions were taken to the Board of Elections for review. On the 22nd the Board of Elections notified us that the signatures had been verified and there were enough signatures. On the 9th of August Ordinances 51 and 52 were presented to Council and passed with the exact language that came out of the petitions that were presented. There was not a word changed. The Yes/No language of those petitions was discussed at that Council Meeting and addressed whether you had to vote Yes or No on the issues to determine how they would pass. On the 10th of August those ordinances were sent to the Board of Elections.

On the 18th of August the Board of Elections contacted me and told me that there was too much language there; that I needed to summarize it. I said could you please see if you could put every single word on that ballot because the people who put these petitions up will do nothing but complain. He said, “I’ll see what I can do.” The 19th he sent me proposed ballot language which had every single word that was on the petition. He said he had to run it by the Secretary of State. At that time I expressed my gratitude to him, knowing full well that somebody from the group that put these petitions up would come up to that podium and complain. On the 20th the Secretary of State approved that ballot language. So at this point in time, I had approved the ballot language, the Board of Elections had approved the ballot language and the Secretary of State had approved the ballot language. On the 25th of August they requested 22 copies of the ordinances so they could post them at all of the polling locations. On the 14th of September, five weeks after the ordinances were passed and three and a half weeks after the Board of Elections and the Secretary

of State approved that ballot language the letter was filed with the Board of Elections. Interestingly enough I have that letter and you left out one part of it which says, "The Secretary of State, Jennifer Brunner, approved this ballot language". You didn't read that up there.

(Mr. Wagner spoke from the audience.)

LAW DIRECTOR TIM RILEY: At that point in time, in that letter, they also explained to you nobody showed up at the meeting concerning this ballot language. Just the letter was sent in. The ballots had already been printed. There was no complaints. Nobody ever contacted me. Nobody contacted the Board of Elections and nobody contacted the Secretary of State, but of course they are all wrong. Right?

Here's the problem. I find it ironic that you're up there complaining about the language when you created the problem. You made it. You made it a Charter change. That language had to read Yes that you wanted to change the Charter. If I would have put it any other way it would not only have been misleading but it would have been illegal to ask the people of Garfield Heights to vote No when they are changing the Charter. If you were to put it up as a referendum, the right way it should have been, there would not have been any confusion. So I stand by exactly what was put on that ballot and I find it disturbing that you would come up here and complain about a situation that you created, but then again, you did tell me at the polls that it didn't matter if your issue lost. You would just keep putting it up again and again and again so it wasn't the confusion that you're concerned about. It's what happened at the polls. That's all I have, Mr. Chairman.

PRESIDENT GERACI: Anybody else?

Peg Dawson, 5274 East 135th Street. You all know why I am here. My update. I continue to get signatures against the billboard signs, but in my five minutes today I would like to mention that there wasn't just one sign meant to be put up but two—one at the very end of my street on 135th and Silver and actually the address was 13601 Silver. I have a letter signed and dated by someone that was at a meeting in the backyard where Mayor Longo and Tracy Mahoney were at. It said

"I attended a meeting on a Saturday in November. The neighbors including myself met with Mayor Longo and my Councilwoman Tracy three to four years ago. The purpose of the meeting was to prevent a freeway advertising to be constructed behind our houses. The sign was not erected."

I have her name, her address, signature and a date. She signed it because I wasn't there, but what I'm trying to bring out is that it wasn't just one. It was two signs. These people just happened to be lucky enough to see surveyors in their back yard and jumped on it very quickly and stopped it. They not only had one but two. What I'm saying is that back in that ordinance in 2006 minimum amount of residential inconvenience. Our Councilperson knew that there was definitely residential reaction against this. They actually stopped it, but the rest of us weren't notified. How come? Even the people on Silver which are willing to come here, which I'm going to get here, are going to let you know that they think that their sign was moved to 133rd but by talking to certain people and Mr. Wervey he insinuated that he thought it was a completely separate issue. This is happening. It could happen all along the freeway to all your neighbors. If anybody's along there. This isn't right and I'm bringing to attention what has happened. Not on 133rd but on Silver and 135th the end of my street.

PRESIDENT GERACI: You have 30 seconds.

MRS. DAWSON: So the point is, Tracy, why? You knew we were against it. Why didn't you notify the rest of us and let us speak? Because no one on 135th knew about it, even the people on Silver and two people on 135th apologized to me that they couldn't have notified us.

PRESIDENT GERACI: Your time's up.

CLWN MAHONEY: There was a notification sent out. If you did not get a notification I don't know why that was, but there was a notification that was sent out.

MAYOR VIC COLLOVA: If I can jump in here, just so you know that there were two signs planned to go up. There was a contract for both signs. The reason the second sign didn't go up is because Tracy Mahoney's residents came to her and said they didn't want it up and it would be a nuisance. The main consideration was that pole was going to be approximately five feet from someone's garage. Five feet. Tracy Mahoney, as bad as the city wanted to put that sign up, Tracy Mahoney led the charge to stop it and it was stopped. At that time it was a \$600,000.00 sign that the city said OK, if this is going to be that close to that gentlemen's house, we will stop it so Tracy actually did a good thing stopping it but the first sign does not have that same dimensions. It's not that close to the house. That's why that sign was put up.

MRS. DAWSON: It's a street with a park. Excuse me. One street width. Believe me, if it fell down it will hit the house on 133rd. Where was Tracy there? She didn't help us.

MAYOR VIC COLLOVA: Well, let me ask you here. You've been standing up there. You've been coming up here trying to stop this billboard and I told you before and I will tell you again if it's against the law, if the State doesn't allow us to do it, it will not go up. If it's not against the law and the State will let us put it back up, it will go up. That sign has been up for four years without any complaints that I know about until it came down because instead of Garfield Heights getting the money the only way Garfield Heights could get the money that was rightly entitled to them, that sign had to come down and go back up. You come in and start complaining at that point in time. When the State had the money we didn't have any money I didn't get a complaint. I've been in office a year. You never complained to me before this came down.

MRS. DAWSON: Like I told you, in 2006 we weren't notified. You know when I found out? When it was being put up. I was not notified and when I saw it come down I now am letting you know. And I will continue for 30 years if that goes up and there's other rules.

PRESIDENT GERACI: OK. That's it. Your time is up.

MAYOR VIC COLLOVA: Excuse me, Mr. Chairman, I just want to respond by saying that you can by all means do whatever you can. You have notified every agency known to Man. They've all been calling me and telling me about you; they all think you're a wonderful person and so do I. But reality is that that thing is going to go up and people had plenty of notice of it and if we do anything with this Administration you will have plenty of notice like everybody else has. Everything will be done three readings, it's done on TV, everybody will know what's going on. What happened in the past happened and I can't change that, but if there's another one that goes up on Silver believe me you're going to have plenty of notice.

PRESIDENT GERACI: Thank you.

MRS. DAWSON: I'm going to make sure that I represent everybody in Garfield. I'm going to let everybody know that's all along the freeway. This is big money and you're going to try it more than just now.

PRESIDENT GERACI: OK. Your time is up. Thank you. Anybody else?

Paul Roney, 5531 Briarcliff. Mayor, if you have a lot of those turkeys leftover? There's a church on West 14th that feeds homeless people throughout the year. I'll gladly drive there with anybody else and take them over there.

Number 2. My dear Council. I guess the first speaker you dearly learned a lesson tonight, didn't you? I can't stay for the meeting. The Mayor's talking about me. I want to talk to the Council now and I want to talk to the Mayor. You learned your lesson. Six of seven of you let him talk. He got you real good, didn't he? Real good he got the city.

PRESIDENT GERACI: Thank you, Paul. Anybody else?

Linda Martino, 9717 Park Heights. I just want to say to the gentleman about the skunks and possums, etc. my daughter lives in Northfield Center and it cost her \$200.00 to get the skunk removed from under her porch, that had burrowed under and two weeks later—guess what—another one was back. So that's how much it cost. That's what some people pay in some cities and we've been doing it for free so that's pretty good.

But I also wanted to mention I have talked with a few people here and I'm going to mention it again only because I was down in Columbus last weekend and my grandson plays hockey down there and they have a establishment that's called Chillers. All the hockey teams around the area rent from this place and it's a beautiful establishment. It has two ice rinks. It has one just for skating for everybody just to have free skate and skate and classes, etc. and the other rink is just for hockey teams. They sell hockey equipment, etc. there and like I said it is a private establishment run privately, but it's also tax dollars for the city. If we could get something like that maybe in City View? And I've also seen indoor skate parks down in Florida in the malls and we could have a bowling alley, a regular roller skating rink. I mean we could have a regular little natatorium of our own over here at City View to bring all the little cities that don't have those things and let everybody privately run them, which would bring money in for us if we can't get anybody else in there in City View. It's something to do with the building and I think it would help a lot of kids to do a lot of different things.

MAYOR VIC COLLOVA: Linda, I actually had a group come in that wanted to put in something very similar to what you're talking about in the old Wal-Mart where they have the dodgem cars, they have all these different things going on. It's like a kids n' stuff or whatever that place is called. It was one like that. They really had some good things going in there. When I brought that to the Receiver's attention he wouldn't even entertain it. Understand that City View is not under our control at all. We could suggest to them but believe me he doesn't pay a whole lot of attention. If we had the people that are coming in there to buy it, once that person buys it then it's a whole different story. Right now the bank has it. That Receiver's there. He's getting a monthly salary. He's in no hurry to do a thing.

MS. MARTINO: OK. I understand. But if anybody ever gets a chance to see it. I think they own five of them down in Columbus and it's really, really a nice place.

PRESIDENT GERACI: Thank you. Anybody else to be recognized? If not we'll move on to Miscellaneous. Clmn Dudley.

MISCELLANEOUS BUSINESS:

CLMN DUDLEY: It was a good night. It kept me awake. I want to say you know, it seems like no matter what you do you're going to be running into some head-in around here. No matter what you try to do to keep the service intact you're going to have people who are going to fight against it. It's like you know, if you do, darn and darn if you don't. I'm going to tell you from the top. I'm going to fight hard to keep the safety forces intact in this city. I'm not going to jeopardize anybody's safety. I'm not going to jeopardize these streets being plowed in the winter time and some people are going to complain no matter what. Like I say, if we got to have a sign up. We got signs up on Broadway. We got signs up in other parts of the city. I understand why they didn't put it within five feet of somebody's house. But if you're talking \$600,000.00. It's going to save some programs in this city. Then I'd rather have the \$600,000.00 and I'd have to listen to a couple complaints. We can't afford right now, I'll tell you with the economy like it is you can't afford to be cutting any fire department, you can't cut the safety and mess around with the lives of the people. You can't cut your safety department and your police department. You know crime is going. Every time you turn around there's a new pedophile living in some city even in the city of Garfield Heights. Discover a rapist. You never know who stayed there before until you see it on the news.

So like I say it's just how bad do you want to keep the program? Once again people elected us to do a job. We're going to do--I'm going to do--what is in the best interests of the people and I'm going to serve the people right. Like I say right now I figure we got to hold those services. We are going to have to implement some other ideas. We didn't make the choice. And I still say it ain't over. Tomorrow hasn't come. Tuesday's tomorrow. I'm still hoping for the No votes. I'm praying that the No votes is going to prevail tomorrow. We just got to keep praying tonight and I think we're going to be OK tomorrow. But like I say we're going to have complaints either way. We're going to have to make some changes. We're going to have to charge a little fee, but like I say if you didn't want to make the sacrifice and if you voted Yes and you're voting against it, then you got to understand when you get these additional bills at your door. We didn't invent them. We didn't push them on you. It's something that you voted for. I want to keep the safety forces intact. I'm going to fight till the end for you. It's for the people. It's not for me personally. That's all I have.

CLWN MARINCIC: I have a few things tonight. Regarding the ordinance to charge residents for traps. One of the main reasons I encouraged for that to go into committee tonight is I live right across the street from Garfield Park and on a regular basis I hear a car slow down near my house, a door open, meowing or barking, and then the car races off. They'll dump animals right in front of my house, right in front of the neighbors' houses. We have a serious stray animal problem in my area. Not to say that it doesn't exist everywhere in the city, but by my house it's extremely terrible. To the tune of one year I think the Animal Warden trapped 30 cats in my yard. I don't think it's right that somebody like me and my neighbors should have to pay, if this ordinance was passed as is, \$3,000.00 to trap cats that are not theirs. But this ordinance is not without merit and if these issues pass we're going to have to take a long hard look at it. Perhaps not to the extent of \$100.00 per trap, but something.

The second thing is I would like to thank our City Law Director for clarifying last meeting the verbiage and I would like to thank him for what he said this evening in clarifying it again.

Finally, I'm asking everybody to pray, same as Mr. Dudley did, that both of these issues fail tomorrow. As I'm telling everybody if they pass I'm going to sit down and drink a bottle of wine all at once. That's how bad it's going to be in this town. It's not going to be a good situation and I don't want to lose a single person more in this city's employment. We are down to the bare minimum right now. Not only safety forces, Service Department, the clerical workers, Finance Department, Law Department. I don't know what we'll do. And I don't want to close the Rec Center. I don't want to close the Senior Center. But those are going to be right on the top of the list unfortunately

because I'm not going to cut one more safety force unless we really have to. So pray. We need your prayers right now. That's all I have tonight.

CLMN NENADOVICH: Yes, again, I'd like to say also keep in your prayers that these issues do pass. Ladies and gentlemen, we need money and we've had it pretty good in this city and now we're starting to charge or trying to charge for things that we took for granted. I'm sure when we become solvent again this will all disappear. Remember we got to keep the city moving forward and like Nancy and Mike said, and I'm sure the rest of the Council, keep it in your prayers that these issues pass tomorrow.

The thing I'd like to do is wish you all a Happy Thanksgiving and hope you are healthy throughout the year. Thank you.

CLWN SARNOWSKI: I concur with my fellow Council people with what they say and also wish everybody a Happy, healthy Thanksgiving.

CLMN SUSTER: I see Captain Sackett in the audience and today I was on the Turney Road turnpike and I hope these people are proud of what they've done because people are going twice as fast as what they did before. What I'm asking of Captain Sackett is we do have a radar car and I hope to God we see it on Turney Road. If we can't do it one way we'll do it another way. As far as the outcome for tomorrow I, too, hope it goes our way. I concur with both Mr. Dudley and Mrs. Marincic and you know people don't realize what they did. They think this is a joke. It's not a joke. As people have said, we've cut everywhere that can possibly be cut and there is no more. There might be a few odd things but the people that are going to suffer are you people along with us. I mean we live within the city ourselves, but we, too, and everything we have done we have not wanted to do, but it had to be done.

On that note I would just like to wish everybody, you and your family a Happy Thanksgiving. If you're traveling take your time so you return safe to us and that's all I have.

CLWN MAHONEY: Mrs. Dawson, I know you're not happy. Notifications were sent out. This is not very different from your plight that you seem to have. It's no different than the same people who put up the ballot issues to change our Charter. Our Charter is an important thing. These people wanted to change the Charter to make it illegal that we cannot charge citizens for things. The cameras for one and the garbage for another. We all live in a community. We need to be a community together working together. We can't do that when there's so many people trying to work against us. The economy is bad on every level. On a Federal level, on a State level, on a local level. We don't know what else to do. A billboard is a way of getting \$600,000.00 (\$500,000.00 now) into our community without having to go back and tax the homeowners. Where it was it was up. I'm sorry that you're not happy, but this community needs \$500,000.00--half a million dollars. And we need to do that without going to to homeowners. I'm sorry you're unhappy and I do wish everybody a very Happy Thanksgiving.

(Mrs. Dawson spoke from the audience.)

CLWN MAHONEY: I could speak with you afterwards.

PRESIDENT GERACI: No comments.

CLMN VAUGHN: We pray for a good outcome of tomorrow so all this can be put behind us. We can move forward. Mr. Mayor, I was grateful that we got some good news for a change. These are great things going on in our city and I really believe that come Thursday we should give thanks for

these things that are going on in our city and this is a good city no matter what people say or blog or put out there. We have a lot of wonderful people here and we should be damn proud of what goes on here.

I've been handed something from Clwn Marincic I'd like to read. I also want to remind people if anybody needs a dinner the Catholic Churches in Garfield Heights will be serving dinner up at St. Monica's on Thursday between 1:30 and 4:00 p.m. and the Garfield Heights Methodist Church also sent me a reminder that they will be doing the same.

"My Thanksgiving Wish to You

May your stuffing be tasty
May your turkey be plump
May your potatoes and gravy have never a lump
May your yams be delicious
And your pies take the prize
And may your Thanksgiving dinner stay off your thighs."

Happy Thanksgiving everybody.

PRESIDENT GERACI: Could we have a motion to adjourn?

CLMN VAUGHN: I would like to make a motion that we adjourn and have a good holiday.

PRESIDENT GERACI: Roll call.

AYES: 7

PRESIDENT GERACI: Once again, a reminder that there's turkeys upstairs if anybody's interested. Please stop up and see Mr. Piazza. Meeting adjourned.

MEETING ADJOURNED AT 8:10 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Frank J. Geraci, Jr.
President of Council

Barbara Molin
Clerk of Council