

# MINUTES OF A REGULAR MEETING OF COUNCIL

## CITY OF GARFIELD HEIGHTS, OHIO

Monday, December 13, 2010

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

**INVOCATION BY:** Councilman Joseph Suster

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

**EXCUSED:** Mahoney

**CLMN NENADOVICH:** I'd like to excuse Clwn Mahoney.

**PRESIDENT GERACI:** Roll call.

AYES: 6

ABSENT: 1

**WRITTEN COMMUNICATIONS TO COUNCIL:** None.

**LEGISLATION OUT OF COMMITTEE:** None.

**READING AND DISPOSAL OF MINUTES:**

Moved by Clmn SUSTER to accept the minutes of the Special Meeting of City Council of December 6, 2010 as submitted. The minutes were adopted with six YES and one ABSENT votes.

Moved by Clwn MARINCIC to accept the minutes of the Regular Meeting of City Council of November 22, 2010 as submitted. The minutes were adopted with six YES and one ABSENT votes.

**REPORTS OF THE MAYOR AND DIRECTORS:**

**PRESIDENT GERACI:** We will now move on to reports of the Mayor and the Directors. Thank you, Mayor, for your patience.

**MAYOR VIC COLLOVA:** Thank you. I want to read a couple of letters that I received. This letter came from Chief Nemetz from the Fire Department. It's addressed to

“Dear Mayor, Council & Ron Tomola,

As I brought up at our last Finance Committee Budgetary Meeting, our LifePak 12 Cardiac Monitors have gone past their life expectancy of 8 years.

At the meeting, I made a Capital Improvement request for #2 LifePak 15 Cardiac Monitors to replace our existing ones. This would have cost the City approximately \$55,500.00.

In the meantime, Lt. Shull & I made numerous requests to our Paramedic Coordinator at Marymount Hospital explaining our City's economic hardships and asking for the possibility of them purchasing these machines for us. I'm happy to announce that Marymount Hospital brought us two new LifePak 15's last week. We can use these machines indefinitely and do not have to return them. Also, Marymount Hospital would take care of the maintenance on the two machines which would be over \$1,300.00 a year.

The LifePak 15 Cardiac Monitors are state of the art machines and contain quite a few additional life saving devices.

I know these ECG Monitors will assist our Paramedics in giving our residents the best service they deserve!"

I want to especially say thank you to Marymount Hospital for giving the Fire Department and the City this important equipment. This is great. It's a great thing to see Marymount Hospital working with the City in this way. We appreciate it.

The next thing I wanted to read is from RTA;

"The Ohio Department of Transportation (ODOT) has informed the Greater Cleveland RTA that ODOT will be accepting applications for a Statewide competitive grant program to fund new bus service for a period of up to three years. If this grant is approved for RTA, among the different things that will take place is new service to MetroHealth Medical Center, Turneytown shopping center, Marymount Hospital, Mapletown shopping center."

So this is something that could really be good for us. I hope RTA gets this grant because we certainly could use that service back.

The next thing on my agenda is Shop With a Cop.

"This past Saturday, December 11, 2010, the Annual Shop With a Cop Program was held and once again was a huge success. This program, headed up by Garfield Heights Lt. Nick DiMarco involved 17 different police departments. Each city raises money for their own kids. There was a total of 391 kids, 80 of which were from Garfield Heights. For every \$100.00 collected a child was able to shop with a cop at Wal-Mart. Upon giving Wal-Mart the \$100.00 Wal-Mart contributed an additional \$20.00 to each child, making it \$120.00 they could spend on Christmas gifts. The total collected and spent at Wal-Mart was \$38,900.00. Two Garfield Heights school buses along with two of our city buses were donated for the motorcade. The event concluded with a pizza party at the Garfield Heights High School cafeteria. This is what Christmas is all about."

I want to personally thank Lt. DiMarco and all the other police officers that were involved. This is something that's really great. They do it very year. It goes unnoticed. It seems like the newspapers want to report about the bad things that are going on in this city but not some of these great things. So this is a good thing and I really thank them for their involvement.

Another gesture of kindness by the Garfield Heights police came about last week after a two-year-old girl was severely burned and was hospitalized in Metro's Burn Unit. Garfield Heights Officer Heather DiPenti along with Officers Merchant and Walker started a collection from fellow officers to

help the little girl. By the end of the next day they collected \$550.00 and also received a Shop with a Cop gift card from the George Murray Lodge. The thing about this is these officers they don't do this for recognition. They do it because it's the right thing to do and they said it themselves. This is something that shows what goes on in the City. This isn't only our police department. This is our fire department, our service workers and all the staff. Everybody is always working to try to help the residents and I'm proud to be a part of that myself.

Lastly, I want to talk about the snow plowing. The guys have done a great job. They really have, under some really trying circumstances. We normally had eight trucks on the street plowing in the past. Right now we have five trucks out there and because of the less personnel that's in the streets. We have done a great job with those trucks. We've received some good comments today about the road clearing. We've received some from people that said the trucks haven't been out, but I wanted you to know not only the trucks were out but one of the drivers was Tim McLaughlin. He's sort of tired. I'm sure if he did your street it's probably got much more snow on it than it had before. I want to congratulate him on the effort and with that said I'm going to get into tonight's legislation.

Ordinance 84-2010. This has to do with our Engineers Krock and Esser. What they did is they sent me a letter. They are actually lowering their rates for the year because of the financial problems that the city is in. They have come to us. We didn't ask them. The rates that we had from them previously were much, much less than our previous engineers and they have come to us to redo the contract to even make them less and we really appreciate that. Thanks. Ordinance 85-2010. Basically this is just a correction of some dates. I think Noreen could explain it a little better. All we're doing here is this ordinance was a 69-2010 and this ordinance corrects the dates from that ordinance. If you have any questions I'm sure Noreen can answer. Ordinance 87-2010 is about the garbage. Originally planned we would bill for rubbish this year 2010 and in 2011 would be assessed. Because of the election, because of the recount, we missed the deadline to have the County assess this so next year this legislation will allow us to bill as in the same way we have this year. Ordinance 88. We're entering into a contract on behalf of the City of Garfield Heights with the Cuyahoga Soil and Water Conservation District in compliance with the Environmental Protection Agency and the National Pollutant Discharge Elimination System. It's something we do on a yearly basis. We're just continuing on a bit of house cleaning. Ordinance 89-2010. We're entering into a contract with Meritech Inc. for the supplying and maintenance of office equipment and I'm pretty excited about this. We met with about three or four different vendors to see who could give us the best price and the best deal and Meritech was the winner. This contract will include the use of 24 laser printers, nine colored printers, six multi-functional products and two fax machines as well as unlimited maintenance and ink. The previous Meritech contract cost the City \$32,338.00. This new contract will cost the City \$21,720.00 for an additional savings of \$10,618.00. Along with that \$10,618.00 saving is the fact that we will have new equipment in the city, once again getting rid of some of the antiquated machines that we have here presently. Ordinance 90-2010. This is a temporary budget we will be putting in for the first quarter of 2011.

Resolution 47-2010. What we want to do is honor Minute Men Staffing Services for their generous donation of 200 turkeys to the Garfield food bank which was passed out shortly before Thanksgiving. It was great. We used all 200 turkeys up. Resolution 48. Very similar. Tomlinson Industries. We want to thank them for their gracious contribution. Over 2,000 pounds of food to the Garfield Heights Food bank. Both of these vendors get our sincere thanks because they made life a whole lot easier; the holidays a whole lot easier for the residents in Garfield Heights. Resolution 49-2010. I wanted to congratulate the Maple Heights Mustangs High School football team for winning the Division II state championship. They're our neighbors and we want to show our appreciation and thanks for what they did and I don't want to shun St. Edwards in any way. They won a Division I State championship and we certainly acknowledge that but Maple Heights is our

neighbor, we're good neighbors, and we appreciate their efforts and we would like to see in the near future Maple Heights be able to congratulate us for winning a State title so we're certainly looking into that.

Ordinance 77-2010. It's the Second Reading about the charges for the sanitary sewers. I am asking Council to place this in committee. I think we have to look at and we have looked at some other ways that we can make up the difference of these dollars for the time being. We may have to look at it again down the road, but I would appreciate it if this was put in committee for further looking at it. With that said, Mr. Chairman, you have my report.

**PRESIDENT GERACI:** Thank you, Mayor . Any questions for the Mayor? City Law Director Mr. Riley.

**LAW DIRECTOR TIM RILEY:** Thank you, Mr. Chairman. Just a short report. We attended the recount of the rubbish fee issue that was on the ballot and it didn't change at all. The numbers were exactly the same. It was very well run and I would like to personally thank Jane Platten, the Executive Director of the Board of Elections for answering any questions we had and having her staff be accessible and surprisingly how well it ran. It was very organized and very well run and it goes to show you that they have come a long way; the votes are counted and they are counted right. With that you have my report.

**PRESIDENT GERACI:** Any questions for Mr. Riley?

**CLWN MARINCIC:** Mr. Riley, for our next meeting I would like to request legislation thanking and honoring Marymount/Cleveland Clinic for the contribution of the two LifePaks Monitors because I think that's wonderful. Secondly, Ordinance 89, for the office equipment, do we have to bid that out?

**LAW DIRECTOR TIM RILEY:** No.

**CLWN MARINCIC:** How come?

**LAW DIRECTOR TIM RILEY:** It's under \$25,000.00.

**CLWN MARINCIC:** OK. But if there were it might have been less if we had bid it out?

**MAYOR VIC COLLOVA:** We interviewed four or five different places. I brought them all in.

**CLWN MARINCIC:** That's why I wondered if we had to bid it out because you had said we interviewed four or five different places. I'm thinking there's a lot of places that do this. Do we have to bid it out?

**MAYOR VIC COLLOVA:** Actually what I'm trying to do is get through every vendor contract and trying to work one against the other and it's all about numbers. I tell them as soon as they walk in this is about money. It's not about who you are. It's about money and that's where we're going with the least amount.

**CLWN MARINCIC:** OK. So we're safe not bidding this out? That's what I want to know. Thank you.

**PRESIDENT GERACI:** Any other questions for Mr. Riley? If not, we'll move on. Service Director, Mr. McLaughlin. I don't mean to wake you up. Go ahead.

**SERVICE DIRECTOR TIM McLAUGHLIN:** Thank you, Mr. President. I've had many calls about the leaves. All we can do now is if there's a break in the snow at all when it starts to melt, I will run the trucks back out and try to get what is left out there but we're in the process of starting our third and final time through the city and you can't continue to pick those up when you have a piece of equipment that has a propeller that gets iced and it will shatter. There's no way to go out there and do it.

The rest of it has all been snow. Last night they came out at 5:00 p.m. The crew's been out ever since. There's a crew out now of four trucks that will be out until five in the morning. A lot of today was spent on the mains and the secondaries around the hospital. They kept blowing close around Marymount. Spent a lot of time there. We did get into some side streets. Probably not as good as I'd like to but we had to try to open up things as they went. The rubbish trucks got stuck. We had to worry if the police were stuck somewhere. I thought overall today we were just battling something that you go down the street and half hour later you go by and think that you didn't go down it but we're going to keep at it. Usually what happens is eight to ten hours after a storm is done we can pretty much get a good handle on it. What's going to be happening here is going to depend on the wind and snow for the next couple days until Wednesday. I guess they're saying on Wednesday it will stop so we might be able to get a better handle on the side streets.

One of the problems, I noticed today or more than one problem was we did put on the parking ban and there's a ton of cars in the street. The police are busy. You know, you can't say let's have the police go ticket them because they have accidents and all the other things going on but I just wanted it out there that there are people that leave their cars out and you're going around them and there's three or four cars and somebody calls and tells you you didn't do their street because the cars moved. The other thing is the plow drivers and the people cleaning their driveways. I mean they're blowing everything right back on the street. I had a little difference with a guy today that threw his shovel at the truck because I put snow back in his apron. They're just little things. It's the first big storm. A lot of people get excited and hopefully like I said we can get something accomplished tonight if it stops but we'll do the best we can with what we have. That's the end of my report.

**PRESIDENT GERACI:** Thank you, Mr. McLaughlin. I'd like to make a comment in regards to Mr. McLaughlin. I, personally, would like to thank you. It's unusual for a Director to get out there and roll his sleeves up and get behind the wheel. I admire you.

**SERVICE DIRECTOR TIM McLAUGHLIN:** They weren't real happy about it.

**PRESIDENT GERACI:** I still admire you for doing it.

**SERVICE DIRECTOR TIM McLAUGHLIN:** The last time that I did it I got the truck stuck twice and they asked me to go in. It was a little better today.

**PRESIDENT GERACI:** Thank you for doing it. Yes, Councilman.

**CLMN DUDLEY:** I just got a quick question. Have we ever considered (or are we prohibited maybe in the City) maybe dropping calcium when you have a big snowstorm like today? Say if you would have dropped calcium on your main line it would allow it to water up and then you could give a little more attention to the side streets? Are we allowed to use it? Have we considered using it?

**SERVICE DIRECTOR TIM McLAUGHLIN:** Calcium's way more expensive than salt. We've tried additives through the years. We tested them. It's a lot of money. It all comes down to money.

**CLMN DUDLEY:** I know it costs more, but it saves the salt because when you do the one drop you don't have to go back and keep dropping it and it waters the road pretty good. Just a question for you.

**SERVICE DIRECTOR TIM McLAUGHLIN:** Everybody has a different idea. I mean some of the places spray the streets ahead of time with stuff. Throughout the years they've used beet juice and I can't even mention every year something that's been brought to us and we've tested some things but I just don't think for the money's worth and especially in the position we're in that putting a chemical additive on the salt is going to make any huge difference but again we could probably take a look at it but right now, I'm holding what I can on the salt just to try to get through because I don't want Ron mad at me. We have looked at it and I mean we're always willing to look at something that will help make the job go a lot smoother. But so far the cities that put them additives to it usually have a lot of money.

**PRESIDENT GERACI:** Any other 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. This past weekend Garfield Heights High School had their home opener against NDCL (Notre Dame/Cathedral Latin). The Recreation Center along with the Hockey Booster Club worked in conjunction to have a small fund raiser for the club. After the game there was a rock n roll cosmic open skate with a special price for the attendees--those who stayed and for the public in general. We also had a dollar hot dog night and the Boosters provided some giveaways. There was over 100 attendees for this event.

This weekend we will be hosting Garfield Heights High School Hockey Holiday Tournament. Thursday December 16<sup>th</sup> with games at 7:15 p.m. and 8:45 p.m. Friday, December 17<sup>th</sup> with games at 6:30 p.m. and 8 p.m. and Saturday the 18<sup>th</sup> a game at 10:00 a.m. with the championships going off at 2:20 p.m. Come out and watch Canfield, TBCA, Parma compete against our Bulldogs.

Also on Saturday the 18<sup>th</sup> we'll have our Annual Munny Figure Skating Christmas Exhibition from 5 to 7 p.m. Come out and watch the figure skaters perform to songs of the holiday season.

On Sunday December 19<sup>th</sup> we will hold a Community Holiday Skate Day for Residents. We'll be collecting canned or boxed food items for the needy within Garfield Heights for the holiday season. Admission for that skate will be \$4.00 with a donation and \$5.00 without.

Next I would like to share a letter I received last week from a 12-year-old young lady who participates in our soccer program. She writes:

"Dear Garfield Heights Recreation Center:

I would like to thank you for allowing me to participate in your soccer program. You taught me how to arrive on time if I want to participate in soccer games, how to prepare for games by warming up and you taught me that by working and playing hard as a team we could win games. Most importantly, your center made the kids that didn't realize they had it in them reveal their true natural athletic gifts and you have given them a feeling of energy and engagement. I was able to show my skills and abilities by playing the position of soccer defender. As a defender my job was to prevent the other team from scoring. The months I played soccer were exhausting but very energizing. I now understand that arriving on time, practicing, warming up before games and working together with my team mates means

scoring goals and winning games. These lessons have made kids engage with each other and show team work.

With your help, I now use my skills of engagement and sportsmanship in physical education. I learned how to work in a team environment. I've also applied the important lesson of being on time to my school activities and my school assignments. I have learned that being prepared and practicing leads to being ready for the game. I haven't felt like this before and it made me feel so proud of myself to be with people and enjoying playing soccer. I thank you for all the benefits that you provided for me."

I would venture to say that our program touches many in the same way as Miss Murphy has expressed in her letter. I think it important for our community to know how we do in fact touch children that come through the programs and help guide our youth to become responsible young adults. Thank you for allowing me to share this with you and your support in the recreation program.

Last, a special thanks goes out to Clmn Vaughn for taking his time to play Santa during the Skate with Santa on November 28<sup>th</sup>. Everyone enjoyed Santa's company. Thank you, Tom. 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. President. I'd just like to make a couple comments about Ordinance 87-2010, the changing of the garbage invoicing. The original legislation, as the Mayor said, called for us to bill for 2010 and then put it on the tax duplicate for 2011, but because of the recount, etc. we missed the processing deadline for the County to have it attached. Therefore we have to bill for another whole year. This piece will allow us to do that by amending the original legislation.

I wanted to say also we have gotten some complaints about how long it takes us to process the checks once we do get them in. I'd like everyone to realize we're sending out 11,000 bills a quarter. I have one part-time person that processes all of those when they come in and it takes time. It takes us roughly about four weeks to process everything once we get them all back in so we do them as quick as we can, but we do have a lot of other things to do too and it does take about four weeks to process those checks just to get them into our bank account.

The other thing I have up tonight was Ordinance 90 which is the startup legislation for 2011. That's the quarter of the year. It basically allows us to operate until we get our final budget set for the period January through March. Anybody has any questions, I'll entertain them.

**CLWN MARINCIC:** I only have one, Mr. Tomola, regarding the funding the City receives from the traffic cameras. Have we received that yet?

**ACTING FINANCE DIRECTOR RON TOMOLA:** Yes. In the beginning of November we received \$367,000.00 from the traffic cameras for the period June through October. That's what was collected. There's a lot uncollected that's going through collection now so I am expecting a check probably by the end of this week or next week (a wire transfer). I don't exactly know what that number's going to be right now because they take all the expenses out. There's the bank accounts, cell phone charges and all the other kind of stuff that we had to put in place to get those things operational.

**CLWN MARINCIC:** Thank you.

**PRESIDENT GERACI:** Any other questions for Mr. Tomola? If not, we'll move on. City Engineer, Mr. David Krock.

**CITY ENGINEER DAVID KROCK:** Thanks, Council President. I have a couple of items. First of all, on City View I just want to report we're making some good headway. The EPA, Regional Sewer District and I have been working out some details there, but it looks like over the next couple of months things are going to get worked out to where the leachate situation for the landfill is going to be resolved and at one point there was a thought that this was going to take a small treatment plant up there at City View, but I think we're going to get things worked out in a different mechanism so that's good news.

Regarding the Rockside Road resurfacing, we received a new schedule from the County. They are now proposing 2012 rather than 2011 for construction. I did call them because originally we were planning on 2011. The response I got was they will be ready to go this summer, but there's a lot of other projects ready as well so if somebody drops out we'll jump in, but we are scheduled for 2012 but if things work out our way then we'll move it up a year.

The last item is just regarding our contract. That's Ordinance 84. That's just, as the Mayor mentioned, just a savings. If there any questions on that we'd be happy to handle them. Thanks.

**PRESIDENT GERACI:** Any questions for Mr. Krock? Economic Development Director Ms. Kuban.

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Thank you, Mr. Chairman. Just to reiterate what the Mayor said, Ordinance 85-2010 is just to amend the dates that are in the previous legislation. The company intends to move in in May of 2012. Their lease at their existing facility is up in March or April of 2012 so they want to time it properly. That concludes my report.

**PRESIDENT GERACI:** Any questions for Ms. Kuban?

**CLWN MARINCIC:** One quick question. I'm sure you've heard that AJ Wright is going to be TJ Maxx?

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Correct.

**CLWN MARINCIC:** Is that going to happen with the one in Garfield?

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** That I don't know. I understand that a lot of AJ Wrights are closing. I saw that in the paper on Friday. It was on-line on Friday and I saw it in the paper this weekend so I am anticipating that it will be closing.

**CLWN MARINCIC:** Would you look into it and let us know for sure?

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Sure.

**CLWN MARINCIC:** Because I would love a TJ Maxx.

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** I would too.

**CLWN MARINCIC:** And a JC Penney. Thank you. That's all I've got.

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

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

**PRESIDENT GERACI:** Any questions 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. Please raise your hand to be recognized. Please raise your hand to be recognized.

**COMMITTEE REPORTS:** None.

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

**ORDINANCES AND RESOLUTIONS:**

**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.

Motion by MARINCIC to PLACE INTO LEGISLATIVE COMMITTEE:

AYES: 6

ABSENT: 1

**PRESIDENT GERACI:** That will be put into Committee. 6-0.

**ORDINANCE NO. 84-2010**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MODIFIED AGREEMENT WITH KROCK ESSER ENGINEERING, INC. TO PROVIDE ENGINEERING SERVICES TO THE CITY OF GARFIELD HEIGHTS FOR THE YEARS 2010 AND 2011 AND DECLARING AN EMERGENCY.

Moved by SARNOWSKI to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to WAIVE RULE 24:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

**CLWN SARNOWSKI:** Before I vote, I just wanted to say thank you for taking our financial situation into account and doing that. We appreciate every penny that we can save. I vote Yes.

**CLWN MARINCIC:** Before I vote, I'd just like to let the audience know that this ordinance is actually lowering the fees to our engineering firm. They've taken into consideration that the City's having some rough financial times and they are stepping up to the plate. I'm thrilled with everything that your firm is doing for our City and I can't thank you enough for doing this. I vote Yes.

AYES: 6

ABSENT: 1

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

**ORDINANCE NO. 85-2010**

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN "ENTERPRISE ZONE AGREEMENT" BETWEEN THE CITY OF GARFIELD HEIGHTS AND BLUE SKY CAMPUS, INC., AND OVERDRIVE, INC., FOR THE PURPOSE OF PROVIDING INCENTIVES FOR THE DEVELOPMENT OF AN OFFICE CAMPUS FOR ITS HEADQUARTERS.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

**CLMN SUSTER:** I'd like to offer an amendment to this on the eighth page under "THEREFORE" under that would be the number 1 and change the "August 2011" date to "May 2012".

**CLERK:** The amendment shall read as follows: On page 8, part 1, "The property owner, Blue Sky Campus, Inc. shall create an office campus at 9501 Granger Road (Permanent Parcel Number 542-17-010). The project shall begin in December, 2010 and all acquisition, construction and installation will be completed by May 2012. Any changes to the beginning and completion dates must be agreed to by formal resolution and an amended agreement."

**PRESIDENT GERACI:** Roll call.

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.

**ORDINANCE NO. 87-2010**

AN EMERGENCY ORDINANCE AMENDING ORDINANCE 19-2010 AND SECTION 913.08 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS RELATIVE TO THE COST OF GARBAGE, WASTE, RUBBISH AND REFUSE COLLECTION.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to WAIVE RULE 24:

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.

**ORDINANCE NO. 88-2010**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ON BEHALF OF THE CITY OF GARFIELD HEIGHTS WITH CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT TO ENSURE COMPLIANCE WITH THE ENVIRONMENTAL PROTECTION AGENCY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

Moved by NENADOVICH to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to WAIVE RULE 24:

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.

**ORDINANCE NO. 89-2010**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ON BEHALF OF THE CITY OF GARFIELD HEIGHTS WITH MERITECH, INC. FOR THE SUPPLYING AND MAINTENANCE OF OFFICE EQUIPMENT.

Moved by VAUGHN to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to WAIVE RULE 24:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

**CLWN MARINCIC:** Before I vote, I would just like to say, Mayor, thank you for all your hard work on this. It's very refreshing to have a Mayor that every nickel counts and I know the residents in this town appreciate that you're watching every dime spent and I can't thank you enough. I vote Yes.

AYES: 6

ABSENT: 1

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

**ORDINANCE NO. 90-2010**

AN APPROPRIATION ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENDITURES FOR THE CITY OF GARFIELD HEIGHTS, OHIO, DURING THE FISCAL YEAR THROUGH MARCH 31, 2011.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to WAIVE RULE 24:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

**CLMN SUSTER:** Before I vote, I'd just like to say you heard the Mayor's report and also in the title of this ordinance that this is just money set in place so that we can operate until March 31<sup>st</sup>. If we didn't pass this ordinance we would not be able to pay any bills. On that I vote Yes.

**CLWN MARINCIC:** Every time I see this ordinance every year I think to myself here come the Finance Meetings. I vote Yes.

AYES: 6

ABSENT: 1

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

**RESOLUTION NO. 47-2010**

A RESOLUTION HONORING AND THANKING MINUTE MEN STAFFING SERVICES FOR THEIR GENEROUS DONATION OF TWO-HUNDRED (200) TURKEYS TO THE GARFIELD HEIGHTS FOODBANK.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

**CLMN SUSTER:** Before I vote, I'd just like to say I really commend this company for donating the turkeys. Not only that, there were some volunteers that also helped pass these out. Mr. Piazza and Vince Liotta. Can't forget Vince because where you find Vince you find Lenny. There were quite a few other people that helped pass them out. I was here also when one of the ladies that had gotten one of the baskets that was donated by the Ward 3 Block Watch and I'll tell you if you would have saw the look on that lady's face when she found out she won that basket. In her family there were herself and her husband and they had six children so they were very appreciative of receiving that basket. On that note I will vote Yes.

**CLMN VAUGHN:** Again, before I vote, I'd like to thank everybody, especially the people from Minute Men Staffing and all those that were involved, especially Mr. Lucarelli. With that I vote Yes.

**CLWN MARINCIC:** I, too, would like to thank Minute Men. This is a very generous gesture on their part. I vote Yes.

AYES: 6

ABSENT: 1

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

**RESOLUTION NO. 48-2010**

A RESOLUTION HONORING AND THANKING TOMLINSON INDUSTRIES FOR THEIR GRACIOUS CONTRIBUTION OF OVER TWO-THOUSAND POUNDS (2,000 LBS.) OF FOOD TO THE GARFIELD HEIGHTS FOODBANK.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

**CLMN SUSTER:** Before I vote, I'd again like to thank Tomlinson Industries because here again if you would have saw the pantry shelves downstairs they were quite empty but after they finished putting away all these groceries that were donated, it was stocked, but not fully. You have to look and be thankful for a company like this for doing that and it's a shame that we live in a society being in the United States where we have people that have to depend on a food bank in order to survive. I really would like to commend Tomlinson again and thank them because they'll make a lot of people happy with the items that they donated and I vote Yes.

**CLMN DUDLEY:** Before I vote, I'd like to say I'm really proud of Tomlinson's that is located in the Ward 1 community off Broadway and I wasn't here earlier, but I would like to have my name placed on that and like I said that was a major contribution in these hard economic times when a lot of people depend on these food lockers and I have always been proud of Ward 1 including the businesses that is located in our community. With that, I vote Yes.

**CLWN MARINCIC:** I too would like to thank Tomlinson. It never fails to astound me how businesses step up in our community to help those in need. I'm really, really proud of that and I vote Yes.

**CLWN SARNOWSKI:** I'd also like to thank Tomlinson for their generosity and hopefully that it will spread on to everybody else to be more generous this holiday season toward those in need. I vote Yes.

AYES: 6

ABSENT: 1

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

**RESOLUTION NO. 49-2010**

A RESOLUTION HONORING AND CONGRATULATING THE MAPLE HEIGHTS HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE DIVISION II STATE CHAMPIONSHIP.

Moved by VAUGHN to CONSIDER BY TITLE:

**PRESIDENT GERACI:** Before we get a roll call, Clmn Dudley, would you like your name on this piece?

**CLMN DUDLEY:** Yes.

**PRESIDENT GERACI:** OK.

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

**CLMN VAUGHN:** Before I vote, again, I would like to congratulate Maple Heights on a great job. Wish it could have been Garfield Heights but maybe next year? Thank you for bringing this back to Northeast Ohio and I vote Yes.

AYES: 6

ABSENT: 1

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

**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 Hall department. You are limited to speak only once and for a period of five minutes. Please raise your hand to be recognized.

David Mays, 8250 Green Drive. I guess this goes to the Financial Director. On Ordinance 87 what is the percentage of people that have not paid their rubbish fees in the last two collections?

**ACTING FINANCE DIRECTOR RON TOMOLA:** Right now it's running somewhere around 40%.

**MR. MAYS:** What are we doing to collect this money?

**ACTING FINANCE DIRECTOR RON TOMOLA:** At this point right now—nothing. What I plan to do is after the third quarter that we bill for the fourth quarter of this year is completed and we have the collection in, I'll see who has not paid and what I propose to do (and I talked to the Mayor about this) is sponsor legislation to have those people that did not pay have those charges assessed to their tax bill.

**MR. MAYS:** OK. Now we have to start billing the same way for the next year, right?

**ACTING FINANCE DIRECTOR RON TOMOLA:** For a whole another year.

**MR. MAYS:** OK. What are your plans for people in the future who don't pay? I mean there should be a penalty, a fine, a 50% assessment over what they owe, something?

**ACTING FINANCE DIRECTOR RON TOMOLA:** That was brought up just after the Caucus Meeting and I believe the Law Director and myself will be sitting down with a few of the Council people and coming to some terms as to what we'll do and will be put in place for that.

**MR. MAYS:** Because I think there should be something done because for the people like myself who have paid on time these people should be punished. Because if they're not? You know what? I'm not going to pay either.

**ACTING FINANCE DIRECTOR RON TOMOLA:** I agree with you. The legislation that's in place doesn't allow me to do anything. It sets the fee for the charges. The only thing I can do from that piece of legislation is possibly assess and I'd have to get Council to pass a piece to assess for those that didn't pay. Again, like I said, we'll be sitting down, a few of the Councilmen tonight. It was brought up the same point you are that there should be some type of penalty that should be assessed also. So we're going to look into that.

**MR. MAYS:** I think Council should look at this very seriously and take action yesterday. Because if they don't there's going to be a lot of people not paying, including myself. Thank you.

**PRESIDENT GERACI:** Thank you, Mr. Mays. Anybody else wishing to speak? Anybody else? We'll move on to Miscellaneous Business. Clmn Vaughn.

**MISCELLANEOUS BUSINESS:**

**CLMN VAUGHN:** I should have probably brought this up earlier, Mr. Mayor, in your report. I've had an inquiry from a resident in Ward 7 wanting to know if we were going to be judging the Christmas lights that the individuals do on their homes as in previous years. Have we decided to do anything?

**MAYOR VIC COLLOVA:** You know, I also have had some inquiries about it and what I would like Council to do is give it some thought. E-mail me back what you would like to do. We still have time to do this if you'd like. These lights go to the end of the month. If you want, let me know how you want to handle it and we'll respond accordingly.

**CLMN VAUGHN:** Thank you, Mr. Mayor.

**CLMN SUSTER:** The only thing I was going to mention is, and I wanted to direct this to Mr. Mays if I could, I had talked to the Law Director, the Mayor and also Mr. Tomola after the Caucus this evening about assessing a charge for people that pay late. We just have to come up with a percentage on that and then Ron can go from there. I also had suggested with the billing I think it's on the phone bill and a couple other bills that people get and I myself you know they'll have OK, if you pay by such and such a date it's \$45.00. If you pay after such and such a date you pay \$50.00. That would say take the place of the assessment that you're going to be charged for it so I don't know how they'd have to redo the bill but we still have to come up with a figure on that.

*(Mr. Mays' comment from the audience was inaudible.)*

**CLMN SUSTER:** I was only using that as an example. We're going to go from there. It's something for us to work on and think about. That's all I have this evening. Thank you.

**CLWN SARNOWSKI:** I have a question. Noreen, when you passed out the delinquent advertising list, could you explain that more? Who do they owe?

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** That's tax delinquent property owners. I passed that out. That's what was in the Plain Dealer and I put notations or check marks of businesses or LLCs or construction companies.

**CLWN SARNOWSKI:** These are taxes that they owe still?

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Correct, and you can see some of those taxes are pretty significant but my concern was with companies that are coming in and fixing up houses or doing some work and they are not paying the taxes. That's why I checked off those items.

**CLWN SARNOWSKI:** Is there anything we can do about that?

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Well, they'll be billed like everyone else but, you know, I suppose we could think about it as a Council but I don't know where we can go unless maybe there's something we can do at the time they apply for permits?

**CLWN SARNOWSKI:** That will be all. That's it.

**CLMN NENADOVICH:** I have nothing, Mr. Chairman.

**PRESIDENT GERACI:** You have nothing?

**CLWN MARINCIC:** Thank you, Mr. Dobies, for sharing that letter. That letter really touched me. Thank you, Mr. Vaughn, for helping out Santa. Bet you had to put a big pillow on?

**CLMN VAUGHN:** Not necessary.

**CLWN MARINCIC:** Thank you, Tim, for driving. I really appreciate it. I know you do a good job. I've seen you behind the wheel. Thank you, Mr. Mays, for the goodies. Noreen, tell us all about the food bank. I bet you there are a lot of residents who don't even know what the food bank is.

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Yes, I don't even know how long the food bank has been in operation, but.

**CLWN MARINCIC:** At least 20 years. I know that.

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** I was going to say, it's available to income-eligible families, residents. They have to show proof of income and family size. We also work with the Cleveland Food bank and Kathy Rush-Parsson, our social worker for the Senior Center, operates the program. She verifies income and residency and we get a lot of grant money to get the food. We only spend I think, \$300.00 to \$400.00 annually on food, but if she attends meetings she gets vouchers for food and there's also a whole free section at the food bank and we try to take advantage of that. But every month we can provide I think we're up to about 150 to 160 families. It's the third Friday of every month and if you know of any resident or if people in the

audience know of anyone who could benefit from it they could call Kathy Rush-Parsson and she'll get them signed up and every third Friday of the month we do a distribution right down here.

**CLWN MARINCIC:** So they just call 475-1100 and ask for Kathy Rush-Parsson and she will see if they fit the qualifications?

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Right.

**CLWN MARINCIC:** Because I bet a lot of people don't even know we do this.

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Right. Exactly. It's a great program and it doesn't really cost the City that much money.

**CLWN MARINCIC:** Thank you. The last thing I have is I just want to remind residents that our final meeting is next Monday. Not in two weeks. This next Monday. That's all I have tonight.

**PRESIDENT GERACI:** Thank you, Clwn Marincic. Clmn Dudley.

**CLMN DUDLEY:** I just want everybody to keep the members of the community in prayer who lost loved ones this year. There were quite a few of them who lost family members. Also I want to let everybody know that I will be doing a newsletter for what I call the End of the Year Reviews. You will receive that chronicle newsletter within the next several weeks. For some reason if I don't get a chance this next Monday I want to wish everybody in the City and their families a Happy and very Merry Christmas and Happy New Year. That's all I have.

**PRESIDENT GERACI:** Could we have a motion to adjourn?

**CLWN SARNOWSKI:** Mr. Chairman, I move to adjourn.

**PRESIDENT GERACI:** Roll call.

AYES: 6

ABSENT: 1

**PRESIDENT GERACI:** Once again, the next meeting is December 20<sup>th</sup>. Everybody have a good evening. Meeting adjourned.

**MEETING ADJOURNED AT 7:56 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