

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

Monday, December 19, 2011

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

INVOCATION BY: Councilman Joseph Suster

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

READING AND DISPOSAL OF MINUTES:

PRESIDENT MARINCIC: Reading and disposal of the Minutes from the Regular Meeting of Garfield Heights City Council from December 12th.

CLMN SUSTER: Mme. Chairman, I'd like to make a motion that we accept the Minutes of the Regular Meeting of Garfield Heights City Council dated December 12, 2011 as submitted.

PRESIDENT MARINCIC: All in favor say Yea. All against say Nay.

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

PRESIDENT MARINCIC: The Yeas have it.

LEGISLATION OUT OF COMMITTEE: None.

COMMITTEE REPORTS: None.

WRITTEN COMMUNICATIONS TO COUNCIL: None.

REPORTS OF THE MAYOR AND DIRECTORS:

PRESIDENT MARINCIC: We will move on to the reports of our Mayor and his Directors. Mayor Collova, you have a report this evening I'm sure?

MAYOR VIC COLLOVA: Thank you, Mme. Chair. Yes, I do have a report. I want to start off tonight by reading a memo from First Energy. This is a planned electrical outage.

"This is to inform you of a planned outage next Wednesday 12/21 for 35 customers on Grace, South Highland, E. 98th and E. 100th streets to trim or remove trees. No action is required on your part. The affected residents will receive a phone message on Monday 12/19 "

and then it goes into the following details. Everybody in those areas will receive a phone call prior but it's a planned outage that everyone needs to prepare for.

Next I want to talk a little bit about the Christmas Lighting Contest. We received back the nominations for the homes and we received back one nomination for Ward 1, four for Ward 2, seven for Ward 3, eight for Ward 4, one for Ward 5, ten for Ward 6 and eight for Ward 7. What we're going to do is we're going to put a committee together. I have already asked two people

that are present today and I don't want to mention their names, but if you look in that third row you might notice who I'm talking about. I asked Sue and Wayne Williams if they would do the honor of judging that contest. They haven't responded yet but I thought if I put them on the spot in front of everybody it might make it easier for their decision. If anybody else would like to be a judge on this, let us know. What we plan on doing is sending the judges out looking at all the houses. We want one house selected from each Ward as the Ward winner and we want one grand winner from all the Wards and we'll have a nice little something for the grand winner so keep that in mind. Like I said if somebody would like to be a judge let me know.

The next thing. Congratulations goes out to Garfield Heights resident six-year-old Damien Daniels from Ward 3 who was a winner in the National Family Partnership Drug Free Contest. How it was marked up with Fox News. My Town Garfield Heights. First grader wins \$1,000.00 for his school. Hope Academy in Lincoln Park is \$1,000.00 richer thanks to one of its first grade students six year old Damien Daniels who won the 26th Annual Red Ribbon Week's Contest. "It is up to me to be drug free" was his quote. The National Family Partnership created the event which promotes drug prevention. Students and families across the country decorated their homes and uploaded their photos on-line where the public voted for their favorites. There were 10 winners in all. Winners were each awarded an iPod 2 for their families and \$1,000.00 for their schools. "As schools across America celebrated Red Ribbon Week a new contest helps students take the message home," said Peggy Sapp, NFP's volunteer president. "By entering the contest and decorating their home together families carried the message to their communities. "I am grateful for this contest because it triggered me to start the conversation about drug prevention with my young children," said Nichelle Daniels, Damien's mother. "It is a great awareness project. We can continue to build upon this as they grow older. We still have the decorations up. The other kids in the neighborhood saw it and wanted to learn more so we were able to community conversations about drug prevention." Congratulations goes out to Damien Daniels for a job well done. The city of Garfield Heights is certainly proud of you. This is great when you see things like this. What young kids do. This is six years old.

I want to move on. Last Wednesday there was a specially called meeting for the School Board to discuss the levy that failed and the cuts that had to be made by the School Board. There was quite a few people in attendance and it was quite an interesting meeting from what I understand. During the course of the meeting I had the honor of being blamed for a lot of the levy failing. It was interesting to hear some of the reports and I want to talk a little bit about that today. Many people at that meeting are under the misconception that the Mayor runs the school. That is absolutely not true. I would like to explain how this works. The city is run by the Mayor and Council. That's the body that runs the city. The School Board is run by the Superintendent and the School Board Members. It's two separate entities. They decide what they're going to do. We decide what we're going to do. Although we are on good terms and we talk often they certainly don't come to the Mayor and say I'm making these cuts Mayor. Do you approve? Or don't you approve? They don't come to me for that. They know what that school system needs. They work it everyday. They make those decisions, not me. So the people that were there that thought it was my decision to put those cuts in were certainly misinformed.

The second part of this that I want to talk about was the question came up why wasn't I at the meeting? Again, this meeting was last Wednesday. I want to respond to that also. About six or eight weeks ago (I'm not sure when) there was a financial meeting put together by the School Board inviting all the residents, all the parents to come and listen to the financial problems that were created by Governor Kasich by the State and where they were with their deficit and why it was so important to pass that levy because if it didn't pass they were going to have to make cuts. That was about four/six weeks ago. There were 10 people at the meeting. Ten. I was

there. I don't know where all those people were Wednesday night complaining were, but I was there along with maybe eight or nine other people. Shortly after this levy failed the school and the committee had another meeting. At that meeting they talked about what they were going to have to do now that the levy failed. The cuts that they were going to have to make and what they were going to have to do because of the levy failing for a fifth time. I was at that meeting also. There was about 50 people at that meeting. We have approximately 4,100 kids at the school. Fifty people showed up at that meeting and many of those were teachers. But all those parents that showed up Wednesday night wanted to complain about whose fault it was the levy failed. It certainly wasn't their fault. It couldn't have been their fault. It had to be the Mayor and Council and the city. That's what it had to be.

A third issue that came up at that meeting. One that probably bothers me most of any of them, was that the Mayor and this Council did not support the levy. We did not endorse the levy. We did nothing to get this levy passed. Once again, it was our fault. I want to take a minute and it's going to take a couple minutes but I want to get this out because maybe one or two of those people out of the 200 or so who were at that meeting might watch this on TV and learn something.

Monday on April 11th before the May levy vote these are the Minutes from the Council Meeting. These are official Minutes of what was stated here at the Council Meeting which was probably for the most part copied into the Neighborhood News and then put on the TV. This a statement by myself during my report:

"The last thing I want to talk about today is the school levy. Many of the school people are here today. You can see them with their bright green shirts on. They look great. I want to tell you the importance and how tough it is when people talk about asking for money. It's a horrible time, it's a horrible economy, but I have to tell you for the city to make it, for the city to get where we need to get, we need the school to be functioning at the top level. We have to have them functioning the way we need them to function. We don't need 45 kids in a classroom. We don't need to pick up the paper and see that there are 30 or 40 teachers laid off. That does nothing to help our kids. It does nothing to help the city because when people come to buy a house one of the first things they ask is about the school system. That's very important to them. If the school system isn't functioning the way it should, they're looking elsewhere for a home. They're looking for a better school system. For this city to reach the potential that I believe it has and everybody on this Council believes it has, we need the schools to be able to do what they have to do and have the money to do it. I want you to know that I support the school levy 100%. Council has informed me tonight that they also support the school levy in every way and I hope that all citizens could find it in their heart to set aside this little bit of money because it would be a great benefit to the city."

This was in my report and along with that in the May levy election the School Board put out literature and on that literature was myself as Mayor and John Barnes as a Representative supporting the levy. Maybe some of them people didn't read the literature that were at that meeting last week that wanted to blame me for this? This is what happened the day before or the weeks before the May.

Now we come to the October meeting. This is what I said at that meeting:

" Mr. Chairman. I just want to respond and say I wish I would have said it earlier in my report, but Mr. Fruits (who was the head of the levy committee) is 100% correct. The

only way this city is going to prosper and we're going to sell homes the people look at the school district before they buy. I mean we can have great programs, give them a free year at the Rec but if we don't have a school where their kids can go and learn and get a good education they're not coming to Garfield Heights. I can also tell you that I've had an opportunity and sat in on a couple financial boards prior to being Mayor and I've had the opportunity to sit down with Supt. Reid and Treasurer Al Sluka and the Board and I've gone over the figures with them. People out there keep telling me well they got to make cuts. They're not making cuts. Believe me, folks, this is the end. They have made as many cuts as you could possibly imagine and at some point there's nothing left to cut. I know how tough it is out there and you come to the city meetings and we're looking for money and you go to the school meetings and they're looking for money and I know how tough it is for everybody out there. The only thing I could say is if you can see your way clear at all this is something that is very serious and vital to the city. I certainly endorse Issue 10. Thank you."

Now this was taking place on October 24th. Now I want to take it a step further. At that time Council President Frank Geraci.

"Thank you, Mr. Hopkins. As President of the Council, as my last duty for tonight I do endorse the levy."

That's what Frank Geraci said that very night.

Clmn Vaughn: "Support these issues. If we want a strong community we need a strong school system so let's get out and support them."

Clwn Mahoney: "I, too, would like to ask for support of Issue 10 that is before us tonight."

Clmn Suster: "Also on Issue 10 good schools make good communities. If we let these kids down by voting No on this school issue we're going to hurt this whole community. We need to build the community back up to where it has been and I just hope that people vote for Issue 10."

Clwn Sarnowski, former Councilwoman Sarnowski: "I echo Clmn Suster's sentiments about the issues and I strongly support Issue 10. Good schools make good cities."

Clmn Nenadovich: "Also I'd like to urge people to vote Yes on Issue 10. I'm being greedy. I got a grandson in the school so I'd like to see him continue with art classes and library. I support Issue 10."

Clmn Dudley: "You know you didn't have to ask because when it comes to education, I already know that and the community has plenty of kids the only meal they get is the meal that they actually eat at school. Also I know how important education is for the children because like I say if we don't educate them, the street's going to do the job for us. We don't want the streets to do it. You definitely have my support for Issue 10 and I'm hoping that people come out and realize it's a sacrifice made but it counts for the value of our homes like I said it does bring good people to the city. I believe that all children within the city of Garfield Heights should be entitled to a good education—the best possible education—that we can provide for those kids. So I do ask people to go out and support Issue 10."

Clwn Marincic: "As for Issue 10 you all know what your finances are, but if you can support our schools they need this money drastically right now. Programs are cut to the bare minimum so if

there's anything you can do. If you could find it in your budget. If you can find it in the kindness of your heart support our children, please. A good community is based on a good school and we really need your help."

Every single person on Council supported that issue. Now let me take it a step further and show you how important that was for Council to do it. Council was up for election. Every single Councilperson on this panel knew that that levy was going to go down by 60% or 70%. It was no secret. We knew that. We knew that we were taking the position that was opposed to the majority of the residents in Garfield Heights, but they took that position and I took that position because we knew it was the right thing to do for the kids. To go out there and say we don't care about the kids, we didn't do what we had to do?

Let me tell you what else happened. The Council Meeting prior to the election we had the committee get up here and talk and they gave great reports on why we should vote for the levy. The next day when we were going to put the Council Meeting on TV there was a screw up—a mistake—and it was erased. We couldn't get that on TV. There was only one thing that bothered me. Not what we said that night. What bothered me was that the school levy was not going to get its due. So I called a videographer in and I called the school committee in to do a video in my office the next day and the city paid for it to put it on the air so the school could get their recognition because the next Council Meeting was after the levy was over. That's what we did. It's very easy for those people that were at the meeting and the rest of those parents to blame somebody else. Blame me, blame Council, blame the Seniors. You know it's time they take a look in the mirror, these parents and start blaming who is at fault. We have 4,100 students in that school. If just one parent for each student votes for it it will win. Look in your own back yard. Don't blame us because we did what we can do.

Now let me tell you something that bothers me the most of all. Not the people. Really, truly the people at the meeting that doesn't upset me because I understand what it is to be Mayor. It's just like being the quarterback for any football team. It doesn't matter if you don't have anybody that can catch the pass. It doesn't matter if you have nobody to block for you. If things go bad they blame you because you're the head of the team and right now I'm the head of the city so I accept that blame. I'm not mad at those people. But I'll tell you what I can't accept. I can't accept because I couldn't be at that meeting and let me tell you what happened why I wasn't at that meeting was because we had Mr. Suster, the Finance Chairman, call for a Finance Meeting for this city to figure out how we're going to get to 2012 because we're on the verge of bankruptcy if the government keeps screwing with us the way they are. We're trying to figure out every way we could bring dollars into the city without putting the impact on the residents and that's where we were. I would have loved to have been at that meeting. So would this Council. But we have a city to run also and it was conflicting dates. Again the thing that bothers me the most is that when this was going on and all those people were up there blaming me and the city and the Seniors and this Council for that levy not passing that not one person from that committee stood up and said no, you're wrong. They did support us. They supported us in every way and they have helped as much as they can. That bothers me because I certainly would have done it for them. I can tell you this. With all due respect in closing I definitely will vote for this levy and I definitely want to help the kids. But I'm going to tell you what. This isn't a one-way street. If you come to us and ask us to support you you better damn well support us. And that's not happening right now.

So with that said I'm going to move on to legislation. Ordinance 75. The reason this ordinance is up is the dispatchers and jailers are changing from furlough days to paying for a percentage for the health care. So we need to put that up for legislation tonight. I think it's a great thing I think it

will have all the employees paying for the health care and be on the same page. I think that's good and I urge Council to vote for that. Ordinance 76-2011. This is the Financial Plan for the State Financial Supervision Commission. This is what Ron can get into on the ins and outs of the financial thing but this is what we have to do each year.

I'm going to move down to Resolution 58. The city of Garfield Heights wants to enter into a statement of intent with the Ohio Charity Poker LLC for consideration and discussion of the establishment of a Charity Poker venue in the city of Garfield Heights. I brought this up last week. What we're looking at today is doing a letter of intent. They were asking for the attorneys. I have Mr. Riley and Mr. Weiler working on an agreement with this company. Once that agreement is finalized everything we've heard up to this point is very good. Once that agreement is finalized at that point in time Council will vote on it. I think this is an excellent way for the city to make some money and have a very little impact on the community. Actually it will be helpful to the community because the charities from Garfield Heights will get first pick at this. This is the same thing that is going on at Nautica. We've had the police department, the law department and myself talk to the Attorney General. They all say it's perfectly legal. No problem at all. Our police force Chief Sackett has talked with the police department for Cleveland and they said they have no trouble at all with this place at all. They're very pleased with them so much like the Internet cafes we're taking a real strong look at this and we may be voting on this shortly. With that said I want to wish everybody a Merry Christmas and a Happy New Year. Mme. Chair, you have my report.

PRESIDENT MARINCIC: I just have one comment. Well said, Mayor, thank you. Anybody else have any comments on the Mayor's report? I need to ask the people in the audience if they could refrain from making comments because that microphone, probably the best one in the place, is picking up everything. Keep your comments down to a bare minimum if you can. How about our Law Director Tim Riley? Do you have a report this evening?

LAW DIRECTOR TIM RILEY: Mme. Chair, I have no report tonight except to say Happy Holidays to every body.

PRESIDENT MARINCIC: Thank you. Any questions for our Law Director? Moving on to Service Director, Tim McLaughlin. You're just dwindling away to nothing over there. Do you have a report this evening?

SERVICE DIRECTOR TIM McLAUGHLIN: I like that. Thank you. With the nice weather last week we got in some work tickets we had normally put off till the spring but the patch plant made some patch for a couple days so we went out and took care of some problem areas. We got rid of a lot of work tickets in one week. I was pretty happy about that. Saturday we had four trucks out with the plow and salting. Ended up staying out about eight hours from start to finish. It started out with just salting the bridges and then it changed. Even the weather people were surprised at the way some of the snow hit.

I would also like to talk to you about last meeting we talked about a company donating to us-- Aaron Signs--and also we have another Garfield Heights resident's company that fixed the roof on the historical house. The addition was leaking and it was quite a bit to fix as far as money goes and we were hoping to hold off for a little while but Elliott Kurth who's the owner of EMS Construction lives in Garfield Heights and Kurth was nice enough to fix the roof for free so I want him to be recognized. That's my report other than Merry Christmas and Happy New Year.

PARKS AND RECREATION DIRECTOR BOB DOBIES: Absent.

PRESIDENT MARINCIC: Thank you. Any questions for our Service Director? There being none let's move on. Parks and Recreation is absent so we'll move on to City Engineer Dave Krock. Do you have a report tonight?

CITY ENGINEER DAVID KROCK: Thank you, Council President. As I mentioned in the Council Caucus, at this point we're looking forward to next year and looking at some future projects such as small drainage problems and we have a few home septic issues we're working on so that's what we'll be looking at and if residents have some issues they can certainly call the city and let us know. Thank you.

PRESIDENT MARINCIC: Any questions for the City Engineer? There being none we'll move on to Finance Director, Ron Tomola. Do you have a report this evening?

ACTING FINANCE DIRECTOR RON TOMOLA: Yes, Mme. Chairman, I do. I'd like to talk about Ordinances 76 and 77. 76 needs to be put up and approved. It relates to Ordinance 75. When the dispatchers and jailers opted for the furlough days and everyone else took the healthcare deductions we made that officially a part of the Financial Recovery Plan so now that they've changed what they want to do and join everybody else in the healthcare deductions we need to also change the Financial Plan so that's Ordinance 76.

77 is the annual transfer/resetting of the appropriations for 2011. I can tell you that this document was the hardest one I've ever worked on, trying to close out 2011 and the major reason for that is the way I look at it and you all know was the cuts that the State put on us this year. I was able to through adjustments of other budgets move some monies around but it was not enough and as you're aware in the financial position we're in I'm not allowed to deficit spend which means that we closed last year with \$1,659,000.00 in the red. I can't increase that red any. I have to get it lower. I was able to do that, but you need to know how I did it and I've sent you an e-mail on this. I borrowed \$70,000.00 from next year's estate tax and \$300,000.00 from next year's income tax in order to get this year's. It's money that is in the hopper in December. It's dispersed in January. I can do that. It's perfectly legal to borrow it. So I requested those advances in those monies so it was about \$370,000.00 which made up the bulk of the over \$400,000.00 that was in the second wave of State cuts that hit us at the beginning of December. So that's how I was able to get this budget in line. It's very tight. There is only a \$75,000.00 reduction in the deficit in 2011. 2012 gets even worse. There's only about a \$30,000.00 reduction. 2013 and 2014 we have a problem with. I want to bring that to your attention. I did e-mail and put in your packets the forecast. The deficit in those two years increases. We definitely have to take a look at that before we can even think about coming out of fiscal emergency.

What I'm trying to tell you is the city is in very bad shape. I a week ago stopped approving purchase orders for the year. There's no money for me to go to. I can't approve them. So I've been voiding them. I explained that to the Mayor last week and he knows the position I have to take. With that you have my report.

PRESIDENT MARINCIC: Thank you. Any questions for our Finance Director? I just have one comment. Mr. Tomola, I don't know what we'd do without you. I mean you're so honest with us and up front and I for one truly appreciate that. We now will move on to Economic Development Noreen Kuban, do you have a report this evening?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Thank you, Mme. Chairman, I have no report tonight but I'd like to wish everyone Happy Holidays and a Happy New Year.

PRESIDENT MARINCIC: I have a question. A resident actually asked me tonight if it would be possible if Council Members had a comment or something they wanted to tell their Ward if they could put it on the scroll?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: That sounds reasonable. It has to be very short because we have limited size. We could do that.

PRESIDENT MARINCIC: Thank you. Anyone else have a question or a comment for Economic Development? There being none we'll move on to Building Commissioner Mr. Wervey. Do you have a report this evening?

BUILDING COMMISSIONER BILL WERVEY: Clmn Dudley wants to go first.

CLMN DUDLEY: No, Ms. Chairman. I was just joking with him about letting my comments go on the scroll first.

BUILDING COMMISSIONER BILL WERVEY: I only have a couple of minor things. The property at Rockside has transferred to McDonald's. Evidently they've worked out their parking easement problems and the bankruptcy Judge must have approved it.

The haul road is in at the end of Transportation. They have not actually brought any dirt or material in for the extension of the road but the haul road is in. They've completed improvements to the storm sewers behind the buildings over there.

The only other thing is that we're prepared to do our mailing next week for the rental property inspection and registration for next year. It's about 2,200 pieces of mail and I don't think he's here but we want to thank former Councilman Liotta. He had his Court Community Service people help do the folding and the envelope stuffing. That's all I have this evening other than to wish everybody Happy Holidays.

PRESIDENT MARINCIC: Thank you. Any questions for the Building Commissioner? There being none that concludes the reports of the Mayor and his Directors. Now we will move on to Comments By Citizens on tonight's agenda.

COMMENTS BY CITIZENS:

PRESIDENT MARINCIC: This is the portion of the meeting where residents can come up and speak for five minutes and only once regarding one of the four items or all four items if they could fit it in on tonight's agenda. You can only speak once. You will be timed for five minutes. You have to come up to the microphone, give your name and address and spell your last name for the Clerk. Anyone wishing to comment on legislation on the evening's agenda, raise your hand? Anyone?

Resident: This is in reference to Mayor Collova. Your conversation earlier.

PRESIDENT MARINCIC: OK. Give your name and address for the Clerk and spell your last name please.

Mike Hopkins, 5244 East 113th Street.

PRESIDENT MARINCIC: What was it in reference to? The Mayor's report? Something he said on the legislation?

MR. HOPKINS: On his report.

PRESIDENT MARINCIC: You can speak about that later on in the meeting. There will be a portion at the end of the meeting where you could address that.

MR. HOPKINS: Yes. I apologize.

PRESIDENT MARINCIC: It's OK. You're not the first one to make that mistake. Anyone else? There being none we'll move right into ordinances.

ORDINANCES AND RESOLUTIONS:

PRESIDENT MARINCIC: The first ordinance tonight is Ordinance 75-2011. Will the Clerk read the title?

ORDINANCE NO. 75-2011

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE MEMORANDUM OF UNDERSTANDING #5 BETWEEN THE CITY OF GARFIELD HEIGHTS AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL DISPATCHERS/RECORD CLERKS, JAILERS AND CHIEF DISPATCHER WHICH REPLACES MEMORANDUM OF UNDERSTANDING #4.

MOVED BY MAHONEY TO CONSIDER BY TITLE:

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

PRESIDENT MARINCIC: The Yeas have it. Is there any discussion on this matter? Is there any comment? There being none we will move on to Waiver of Rule 24.

Motion to WAIVE RULE 24:

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

Motion to SUSPEND THREE READING RULE:

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

PRESIDENT MARINCIC: Roll call on the adoption beginning with Clwn Mahoney.

VOTE ON ADOPTION:

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

PRESIDENT MARINCIC: Ordinance 75-2011 stands adopted with 7 Yes votes.

ORDINANCE NO. 76-2011

AN EMERGENCY ORDINANCE APPROVING AND AMENDING THE MAYOR'S 2009 FINANCIAL RECOVERY PLAN, ATTACHED HERETO WITH PRIOR AMENDMENTS, AND DIRECTING THAT THE HEREIN IDENTIFIED AMENDMENTS TO THE PLAN BE SUBMITTED TO THE FINANCIAL PLANNING AND SUPERVISION COMMISSION AT THEIR NEXT REGULAR MEETING.

MOVED BY MAHONEY TO CONSIDER BY TITLE:

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

PRESIDENT MARINCIC: The Yeas have it. Any discussion on this matter? There being none we will move on to Waiver of Rule 24.

Motion to WAIVE RULE 24:

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

Motion to SUSPEND THREE READING RULE:

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

PRESIDENT MARINCIC: Roll call on the adoption beginning with Clwn Mahoney.

VOTE ON ADOPTION:

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

PRESIDENT MARINCIC: Ordinance 76-2011 stands adopted with 7 Yes votes.

ORDINANCE NO. 77-2011

AN ORDINANCE AMENDING ORDINANCE NO. 12-2011 AND ALL OTHER TRANSFER AND ADDITIONAL APPROPRIATION ORDINANCES, TRANSFERRING AND ADDITIONALLY APPROPRIATING CERTAIN FUNDS WITHIN THE GENERAL; STREET LIGHTING; AVERAGE PAY; PERMANENT IMPROVEMENT; POLICE PENSION; FIRE PENSION; RECREATION; STREET CONSTRUCTION, MAINTENANCE & REPAIR; STATE HIGHWAY IMPROVEMENT; CITY INCOME TAX; MOTOR VEHICLE LICENSE TAX; STORM & SANITARY SEWER CONSTRUCTION; WATER MAIN REPAIR; FEDERAL NUTRITION BUDGET; COMMUNITY DEVELOPMENT BLOCK GRANT; LAW ENFORCEMENT TRUST; INDIGENT DRIVER ALCOHOL TREATMENT; ENFORCEMENT & EDUCATION; DEBT AMORTIZATION; LAW ENFORCEMENT BLOCK GRANT; MUNICIPAL COURT PROBATION SERVICE; MUNICIPAL COURT SPECIAL SERVICES; MUNICIPAL COURT CAPITAL IMPROVEMENT; VARIOUS IMPROVEMENT NOTE FUND 2005; EQUIPMENT ACQUISITION NOTE 2007; RECREATION IMPROVEMENT NOTE 2007; STREET IMPROVEMENT NOTE 2007; VARIOUS PURPOSE NOTE 2008 STREET IMPROVEMENT BOND 2010; TRANSPORTATION/ANTENUCCI IMPROVEMENT 2004; BOND RETIREMENT; REVOLVING EQUIPMENT; AND RESTRICTED FUNDS.

MOVED BY SUSTER TO CONSIDER BY TITLE:

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

PRESIDENT MARINCIC: The Yeas have it.

CLMN SUSTER: Mme. Chairman, I'd like to offer an amendment to this.

PRESIDENT MARINCIC: And what would your amendment be?

CLMN SUSTER: Section 36 will become Section 37 and we have a new Section 36 which was given to us by Mr. Tomola. If the Clerk would like to read that?

PRESIDENT MARINCIC: Would the Clerk please read the new Section 36?

CLERK: Section 36 is amended to read as follows: "The Finance Director, with the approval of the Mayor, be and he is hereby authorized and directed to make adjustments as may become necessary in order to maintain the integrity of all budgetary lines within this budget document, subject to remaining within the actual revenues of the funds identified herein, for the period beginning with the passage of this document and ending on December 31, 2011.

PRESIDENT MARINCIC: Thank you. All in favor of the amendment say Yea? All against say Nay? The amendment has been passed.

CLERK: Excuse me. Mr. Riley said to say the prior Section 36 is now Section 37.

PRESIDENT MARINCIC: Let me ask the Law Director. Did she have to specifically say that 36 becomes 37 in the new?

LAW DIRECTOR TIM RILEY: Yes. She should.

PRESIDENT MARINCIC: Should we go back and vote on that then?

LAW DIRECTOR TIM RILEY: No. That would be a second amendment. I mean that would be the second part of it.

PRESIDENT MARINCIC: OK. Then there's a second amendment that old Section 36 becomes new Section 37. All in favor say Yea? All against say Nay? That passes with 7 Yes votes. Is there any discussion on this issue? There being none we will move on to Waiver of Rule 24.

Motion to WAIVE RULE 24:

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

Motion to SUSPEND THREE READING RULE:

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

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

VOTE ON ADOPTION:

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

PRESIDENT MARINCIC: Ordinance 77-2011 stands adopted with 7 Yes votes.

RESOLUTION NO. 58-2011

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF GARFIELD HEIGHTS TO ENTER INTO A STATEMENT OF INTENT WITH OHIO CHARITY POKER, LLC FOR CONSIDERATION AND DISCUSSION OF THE ESTABLISHMENT OF A CHARITY POKER VENUE IN THE CITY OF GARFIELD HEIGHTS AND DECLARING AN EMERGENCY.

MOVED BY VAUGHN TO CONSIDER BY TITLE:

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

PRESIDENT MARINCIC: Any discussion on this matter? There being none, we do not have to waive Rule 24 on this.

Motion to SUSPEND THREE READING RULE:

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

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

VOTE ON ADOPTION:

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

PRESIDENT MARINCIC: Resolution 58-2011 stands adopted with 7 Yes votes. That concludes Ordinances and Resolutions on the evening's agenda.

COMMENTS BY CITIZENS:

PRESIDENT MARINCIC: Now we shall move on to comments by citizens that are miscellaneous. This section is for comments on miscellaneous things that have been brought up either to a city hall department or to a Councilperson and the problem has not been solved. But it has to be brought up to somebody beforehand. You can raise your hand, approach the microphone. You have five minutes to speak. No one can speak more than once. Give your name and address and spell your last name for the Clerk.

Bob Halan, 12416 Oak Park Blvd. The probability the reason the school levy failed is because the city people the population is ignorant of where the money goes. They have confused that issue with the red light issue. They wanted to cross the city by thinking it was going to go through the city while they accused the Mayor of controlling the School Board and the city school system. I put the blame on the people, the citizens of Garfield Heights. They let the school children down both ways. Both with the red light and school levy. One of the biggest misconceptions of where the money goes when the real estate tax comes approximately two-thirds of that tax money goes to the school system. Roughly 24% to 27% goes to the city. The remaining balance goes to the State and County. I blame the people themselves they are the ones that are screwing this up. They helped mess up the city. They helped mess up the schools. I hold them responsible, not the Mayor, not the Council. If they have anybody to blame it's to look in the mirrors themselves and accuse themselves of what they did. They did this--not the city, not the Mayor, not the City Council. I am mad for both reasons: schooling and the red lights. I'm sorry. I'm embarrassed because I was one of the few that did vote for both. I was on the positive side but the people of this city have to get on the positive side for the kids for the growth of this city. I'm ashamed of the people that I live next door to, down the street because they're the embarrassment. Thank you.

PRESIDENT MARINCIC: Thank you.

Mildred Whitmore, 13154 Forestdale Drive. I've been there since 1971. I'm not ignorant. I'm not stupid. A person has a right to decide what he wants to do. If he wants to vote for a levy he votes for it. If he don't he don't. A lot of people in Garfield are Senior citizens on a fixed income and every time the State or someone takes away something they think the homeowners can afford it. We are being taxed to death. I am on a fixed income. I have to live within my means. It's time somebody else started living within their means. Personally I don't have any kids in the Garfield school system but I do know when I had a grandson that had to come and live with me for one year because his mother was in college I know what the School Board did for me. They retaliated against me because I got the buses back for Ward 1. They wanted to put my grandson out of school but yet I have paid taxes since 1971. Everybody need to live within their means.

PRESIDENT MARINCIC: Anyone else? Anyone else wishing to comment tonight?

Steve Sanducci, 4762 Rockwood Road. On behalf of myself and the Garfield Heights Historical Society I want to further thank Elliott Kurth for his time and efforts in the repairs he donated to our building. On a personal note I grew up on Elmwood Avenue with the Kurth family and you can't find a better family of people than that and his donating his time is a living testimony to that. That's all I have. Thank you.

PRESIDENT MARINCIC: Anyone else? Raise your hand.

David Mays, 8250 Green Drive. Mayor, my wife, as you know, was at that meeting for over an hour. She left because she got disgusted about people complaining about you not being there. But in that time that she was there she heard nobody ever ask why there wasn't two School Board members there. They were missing but nobody seemed to care about that. I think the School Board should start policing their own. Thank you. Merry Christmas.

PRESIDENT MARINCIC: Anyone else? Raise your hand.

Mike Hopkins, 5244 East 113th Street. Mayor, I'd like to say thank you because you have publicly come out and supported the schools. We did spend the time in your office re-filming something you had already stated. That means a lot. For all of you that are on Council you stepped up and done that. It's meant a lot to the schools. I've got to tell you I'm really sad. That meeting Wednesday was about 2 ½ hours long. It was really long. Five hundred people showed up to that meeting best that I could tell, talking to Mr. O about that. I have to tell you that could have got me pretty fired up because finally people showed up. When the cuts hurt they showed up. They did ask where you were and I have to tell you that Linda and a couple others on the board did say that you had a Finance Meeting that night and they also answered equally the same on where the School Board members were.

Look, your job is to run the city. What you heard from me up front, if you did, I went pretty far to the end, was it was my fault. I'm a parent here. It's my fault. You said it perfectly. The citizens in Garfield particularly the parents need to look in the mirror. There's about 2,800 parents that have kids in the schools. We don't know yet how many of those voted this election. I hope that the 2,100 who are registered did vote. We'll find that out soon enough. But I want to tell you we know that a strong school means a strong community and it goes the other way too. So we as parents owe it to you all to vote for our kids. We haven't had new money in the schools in 20 years. I believe we have stayed within our means. Gas was \$1.13 then. It's well over \$3.00. We owe it to you, we owe it to our kids, we owe it to our community as parents to pass this thing. Thank you for your support.

PRESIDENT MARINCIC: Anyone else wishing to speak tonight, please raise their hand?

Joe Lamalfa, 13205 Silver Road. I've been sitting here listening about the Mayor. Hey, Tim you look pretty good. Again he doesn't want to accept how he misled the public as usual, OK? Last year in your haste to make Mr. Dobies there look more important than what he really is you invited him to say things about the school, you brought up a student here, you intertwined the School Board and the city. Then you got two people working for you that sit on the School Board and conveniently the one isn't here tonight. I probably think that was staged but I might be wrong? The other part is they don't understand when no is no. No is no like you tell a rapist. What did you know about no? People spoke about the red lights, they spoke about the school issue. They said no, no, no a thousand times no and people keep on putting it up. They're ignoring the will of the people. You guys are to blame for it and your staff is to blame for it because you allowed this to happen. Not that you allowed the school issue to fail You didn't have anything to do with that. I don't know where people got that from, but you allowed them to intertwine the school system and the city.

MAYOR VIC COLLOVA: Mr. Lamalfa, can I respond?

PRESIDENT MARINCIC: Wait until he takes his seat.

MR. LAMALFA: I'll wait.

PRESIDENT MARINCIC: Mr. Lamalfa, are you done speaking?

MR. LAMALFA: I got to see what he says.

PRESIDENT MARINCIC: Take your seat and I'll let the Mayor return the comments if you are done.

MR. LAMALFA: I may have to respond to what he's saying?

PRESIDENT MARINCIC: Mayor, would you wait until Mr. Lamalfa's done so we don't get into a debate here on Council floor? Are you OK, Sir?

MR. LAMALFA: If you think I'm not going to respond, you're crazy.

PRESIDENT MARINCIC: Mr. Lamalfa, I want you to know.

MAYOR VIC COLLOVA: I encourage you to respond, Joe. I love when people respond to me. You're looking very good.

MR. LAMALFA: Not as good as Tim.

MAYOR VIC COLLOVA: I don't know what you mean by I misled the public by having two people that work for the School Board work for me. I don't think I ever said they didn't work for the School Board.

MR. LAMALFA: I might have used the wrong word there.

PRESIDENT MARINCIC: Please. I don't want this debate to happen here. Mayor, make your comments. Mr. Lamalfa, make your comments.

MAYOR VIC COLLOVA: Here again when I gave my whole talk, it's very simple. I am not involved with the decision making of the School Board. That's all my talk was about. The residents don't seem to understand that and so all I'm trying to say is that if in fact the School Board makes a decision I have to live with that decision. If one of my employees wants to run for a School Board position as long as it's legal by law I can't stop him. So Joe, I would be breaking the law if I did what you said and removed him because he wanted to run for a School Board position. We have to follow the law. So that's my comments. I'm just saying I don't know how I misled anybody? You threw me off on that. It doesn't surprise me you threw me off but you did.

MR. LAMALFA: I made a mistake using that word, but when you invited him to speak it should be school issues are over there, city issues are over here. You don't announce what's going on in the school over here at these meetings and you don't invite a Senior to come here and talk about school issues. Now you're intertwining the two. Why sell them all this talk on city issues? That's what I meant. I didn't mean mislead. I meant intertwine this difference. You should have kept it separately.

MAYOR VIC COLLOVA: Don't get me wrong either because even though I'm not happy with the way that meeting went and how the School Board and the committee handled it I can honestly say that I do believe this city is involved with the school because we need that school system, Joe. We can't just let that school system fall apart because it comes back to the city.

MR. LAMALFA: We can support it.

PRESIDENT MARINCIC: Please keep your comments separate.

MAYOR VIC COLLOVA: If we want to talk then we must go to that mike and talk about anything as long as the Mme. Chairman allows it. I have no problem with it at all because there's nothing being hidden here. There's no back doors. We want everybody to be able to say whatever they want. That's why I allow it to happen. Or I don't try to discourage it. Let's put it that way.

MR. LAMALFA: Fair enough. Thank you.

PRESIDENT MARINCIC: Anyone else wishing to comment tonight please raise your hand? There being none, we conclude miscellaneous comments by citizens.

MISCELLANEOUS BUSINESS:

PRESIDENT MARINCIC: We'll move on to miscellaneous comments by Council beginning with Clmn Vaughn.

CLMN VAUGHN: Thank you, Mme. Chairman. I'd like to announce that next Thursday night on the 29th we'll be having our Ward 7 Block Watch up at St. Monica's in the St. Augustine Room. All are welcome. It's going to be more of a social. So please join us.

I'm sorry that this rift between the schools and the city has taken place. You know, in 1961 President Kennedy said, "Ask not what your country can do for you, but ask what you can do for your country". It's time we start doing what we can for our city. What better way can we do it than starting out 2012 by doing more for our city whether it's the schools or the city itself. We've got to make this a better place to live. Now's the time to do it. We've got to get things straightened around. Time's run out folks. Like the Mayor said we're close to bankruptcy. If that happens there will be a lot of things not going on in this town. Sorry we have to say this this time of year but that's how things happen.

On a lighter note I want to wish everybody a Merry Christmas, Happy New Year and God willing we'll all be back here again next year. Merry Christmas.

PRESIDENT MARINCIC: Thank you, Clmn. Clwn Mahoney?

CLWN MAHONEY: I absolutely agree with Clmn Vaughn. We all have to look in the mirror every morning when we get up and know what we do for others and to extend that just a bit what we can do for people in need. This time of year it's always easy to go and give things to people and help people out but hopefully we can remember that throughout the year.

I also would like to wish everybody Merry Christmas and a Happy New Year and if you're Jewish, Happy Hanukkah. That's all I have.

PRESIDENT MARINCIC: Thank you. Clmn Suster?

CLMN SUSTER: This one is for Mr. McLaughlin. It's easy. I was talking to Mr. Tomola and I think we need to get a letter off to CEI or Karen Goodson and have them start checking the street lights because we're charged for every street light that's hanging whether it's lit or not and not only is it costing us money but it's a safety factor and there are a lot of lights that are out right now. You and I have talked about that before. Some of them have gotten replaced but I think they need to come out and do a night inventory; not during the day because half of them or the ones that are out are out at night.

SERVICE DIRECTOR TIM McLAUGHLIN: We do the inventory, Clmn.

CLMN SUSTER: At night? Well maybe.

SERVICE DIRECTOR TIM McLAUGHLIN: We have started doing that. There's a lot out and we send it in. That's why this stuff needs to be sent to my office so that we know when it was sent in and what date. Some people have called it in themselves and then I have no idea.

CLMN SUSTER: I have had no problems when I call them in. It's just that there's so many of them that are out throughout the city and it's just not in my Ward it's in a lot of other Wards too That's what I'm looking at.

SERVICE DIRECTOR TIM McLAUGHLIN: What happens with my problem then is that I don't know that you called it in. So when my assistant sends it in she has a copy of their response that they received it and I have a record of that so if it doesn't get fixed in 20 days or whatever it is then I can go back to them and say this is what you sent to me. If somebody else sends it in whether it be a resident or whatever I get no record back that it was sent in. We have been looking at it. I talked to the Mayor a couple weeks ago and now that it's dark and at night if the snow plows are out my foremen will start checking them so.

CLMN SUSTER: Like I said when I call them and I have no problem so most of them are fixed within a week or so.

SERVICE DIRECTOR TIM McLAUGHLIN: Maybe I should give them all to you?

CLMN SUSTER: There you go. You been calling the wrong guy.

The other thing I wanted to straighten up some confusion. I read in the Neighborhood News last week that some of the Block Watches are going to combine. The Block Watch that I have will not be combining with these other 4 which will be Wards 2, 4, 5 and 6. We will stay separate. I think the amount of people that show up at our Block Watch I'm more than happy with. Our meetings have been good. Our speakers have been good and I'm going to keep it that way.

I want to thank the Mayor for his comments on the meeting that the School Board had and knowing where we were at and what we were doing and it wasn't that we were sitting home watching television or anything but as it was said we had a Finance Meeting. We know we're in trouble and I felt that it was necessary that we have this meeting before the end of the year. We talked over some ideas about raising money. We talked about some ideas for the first of the year that I said I wouldn't discuss because I wanted people to go home and have the time to take a look at it and figure out what we're going to do and that's where we're at.

I want to thank Mickey for the cookies. She was baking very hard yesterday. I would like to take this time on behalf of my family I'd like to wish the Mayor, his staff, my colleagues and everybody in the city of Garfield Heights a very Merry Christmas and a very Happy and Prosperous New Year. Thank you. That's all I have.

PRESIDENT MARINCIC: I'm going to ask our Clerk do you want to wish anybody a Merry Christmas?

CLERK: You took me by surprise. Yes, I'd like to wish a very Merry Christmas to everybody in Garfield Heights and a Happy New Year, too.

PRESIDENT MARINCIC: Thank you. Mayor, once again thank you for your comments. I think you hit the nail right on the head. After hearing a lot that happened here tonight I think that the quote that I picked for the end of the meeting tonight fits just perfectly. It's one of my favorites and it's from Charles Dickens. I'm sure everyone here remembers this quote.

"It was always said of him that he knew how to keep Christmas well if any man alive ever possessed that knowledge. Let that be truly true with all of us here. Let's keep Christmas every day this year. And so as Tiny Tim said God Bless us every one."

Last I'd like to thank my fellow Council Members for all the wonderful little Christmas presents and cards they left me. I'll move on to Clmn Glenn. Do you have any comments tonight?

CLMN GLENN: I do. Ward 4 will continue their Block Watches on a normal time frame. There's other groups starting Block Watches. I'll be in attendance at every Block Watch representing my Ward as Councilperson of Ward 4.

I wish everybody a Merry Christmas; Happy New Year's. This city is in deep trouble. Part of the problem is from the fiscal emergency resolution that part of it was that our State is cutting taxes. Our cameras. We do not have revenue from the cameras, which is part of the Plan so we're going to be minus that money and the Mayor needs all the help he can get. I'm on his side. I'm in support of the Mayor. Everybody have a Happy New Year, Merry Christmas and thank you very much.

PRESIDENT MARINCIC: Thank you. Clmn Nenadovich?

CLMN NENADOVICH: I'd like to thank the Mayor for his comments, sticking up for Council because he always has. He will always back us and I don't think he'll ever let us down.

I want to talk to you a little bit further about that Mr. Damien Daniels. We discussed it before and I thank you for bringing that to the light of Council and on our TV tonight. I thank you very much on his behalf.

I'd also like to make a comment that people out there are pointing fingers at City Council. This person did this. This person did that. When you're pointing the finger at somebody you got three pointing back at you.

I'd also like to thank the Vets, like I always do. They do a hell of a job this time of year This is the roughest for you. Christmastime seems to be the roughest on the Vets. I want you to keep in your prayers that Garfield Heights young man Sgt. Burgess that lost his lower leg. I want you to keep that in your prayers that he recovers and he gets home with his family as soon as

possible. Last but not least, my family and I wish you a very Happy, Healthy and Holy New Year and Merry Christmas to you.

PRESIDENT MARINCIC: That's all you have? And Mr. Dudley wanted to be last tonight so I can't wait to hear what he has to say.

CLMN DUDLEY: No, I just wanted to give my colleagues a chance to go first. Actually I wanted to thank you all, including former Clwn Debra Sarnowski for making this term that went by considering the conditions and economic trouble we had in the city that we all was able to work together and it made it a little bit easier, you know? To work with the Mayor, the Administration and all the various Departments and like I say also with the residents. We got a lot of caring residents out there and they knew the tough times we're going through and they had the right to vote how they choose to vote. They really stuck in there and I'm really proud of Ward 1. You met people in the street and there are positive people out there. I'd like to encourage in this up and coming New Year that the residents try to get out a little. Go to your neighborhood meetings that you have. Try to attend at least one or two meetings a year. Come to at least one Council Meeting a year. Just come here and be hands on, see exactly what goes on in this room. It's different than what you read in what you read in the paper what goes on in Council Chambers.

Also I would like to mention the fact that when the people thought we didn't care I remember I worked with some figures and I won't go into detail but I know some of my colleagues were pretty busy. I called the Mayor and he took time out of his schedule and we actually went over and we met with the Supt. Miss Reid, School Board President Joe Juby and we met with I believe Treasurer Mr. Al Sluka. We met with them and I had a proposal I worked on because I didn't want to see it come to the point it is. I took it to the Mayor and we discussed it and we took it over on our own time because we cared. I didn't want to see the layoffs. I didn't want to see these kids in the street at one o'clock in the afternoon with nowhere to go. I do hope that they take my proposal into consideration because I worked hard on that.

I'd also like to wish everybody a Merry Christmas to the residents, all the Departments and I hope we have a safe New Year and like I say the main comment I have tonight is a house divided against itself will not stand. As long as we keep it divided our city is going to totally fall apart. I wanted to leave something for people to work on. Last year was a tough year and if you're familiar with a word called Ziklag? That's what that year was about. At the end of Ziklag I was proud that we all came through and we managed to hold the city together. Merry Christmas to you all and thank you.

CLWN MAHONEY: Mme. Chair, I'd like to make a motion to adjourn.

PRESIDENT MARINCIC All in favor say Yea. All against say Nay.

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

PRESIDENT MARINCIC: Meeting stands adjourned.

MEETING ADJOURNED AT 8:08 p.m.

APPROVED:

Nancy Marincic, President of Council

RESPECTFULLY SUBMITTED:

Barbara Molin, Interim Clerk of Council