

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, December 28, 2015

MEETING CALLED TO ORDER AT 7:00 p.m. by Council President Joseph Suster.

INVOCATION BY: Councilman Matthew Burke

PRESIDENT SUSTER: Roll call please.

ROLL CALL: **PRESENT:** Council Members Dudley, LaMalfa, Glenn, Suster, Burke, Vaughn

EXCUSED: Nenadovich

READING AND DISPOSAL OF MINUTES:

PRESIDENT SUSTER: I would like to make a motion that we excuse Clmn Nenadovich. He's not feeling well this evening.

CLMN GLENN: I second it.

PRESIDENT SUSTER: I would like to make a motion to excuse him.

CLMN GLENN: I second it.

PRESIDENT SUSTER: All in favor? All opposed?

AYES: Suster, Burke, Vaughn, Dudley, LaMalfa, Glenn

ABSENT: Nenadovich

OK.

PRESIDENT SUSTER: Reading and disposal of the Minutes of December 14, 2015.

CLMN BURKE: Mr. President, I would like to make a motion that we accept the Minutes of the Regular Meeting of Council, City of Garfield Heights, Monday, December 14, 2015 as written.

PRESIDENT SUSTER: On the motion made by Clmn Burke to accept the Minutes of the Regular Meeting of Garfield Heights City Council of December 14, 2015 as written, all in favor signify by saying Yea. All opposed?

AYES: Burke, Vaughn, Dudley, LaMalfa, Glenn, Suster

ABSENT: Nenadovich

That passes with 6 Yes votes.

WRITTEN COMMUNICATIONS TO COUNCIL: None.

LEGISLATION OUT OF COMMITTEE: None.

REPORTS OF THE MAYOR AND DIRECTORS:

PRESIDENT SUSTER: There being none, we will move on to the reports of the Mayor and his Directors. Mayor, do you have a report for us this evening?

MAYOR VIC COLLOVA: Thank you, Mr. Chairman. Yes, I do. As 2015 comes to a close, I want to take this opportunity to thank all of Council. If you remember a few years back when the country's economy was devastated, foreclosures hit an all-time high and the Governor's budget took millions out of this city's General Fund, Garfield Heights was at an all-time low. We were reaching rock bottom with a very bleak outlook for the future. Since that time, through all your efforts, we have rebounded nicely. In 2015, we were able to resurface over 45 city streets. Through the County Land Bank Program we were able to demo dilapidated houses that were a terrible eyesore in the city with more to come down. Through the Court Community Service Program we have picked up hundreds of bags of litter, which has really made the city look better. We've had renewed excitement in the City View/Bridgeview projects and best of all we're going to finish this year at approximately \$1 million in the black, which is really great from where we came. I want to thank all of you for your efforts, I want to thank my staff, all the employees that work for the city, most of all I want to thank the residents because they stuck with us, they supported us. They endured the pain that we endured and they will enjoy the better days to come and hopefully 2016 will definitely be a better year and each year we can progress I will be very happy. Barb, I know you are wondering if 2016 will be better. It will be. I'm telling you it will be. With that said, that's pretty much my report. Thank you very much Council. You did a great job and you should be proud of your efforts over these last few years.

Getting on with tonight's legislation, Ordinance 53-2015 is a second reading regarding the automotive sales. Ordinance 56 and 57 is regarding the appropriations for 2015 and 2016. Ordinance 58-2015 is applying for a firefighter's grant to purchase a new rescue squad and safety equipment. Ordinance 59 is to enter into the extension of a contractual agreement with the State Auditor's Office Ciuni & Panichi, Incorporated, an independent public accounting firm for the purpose of providing the city with auditing services for the period January 1, 2015 to December 31, 2018.

Mr. Chairman, again I want to wish all the residents of Garfield Heights, Council, the people here, a Happy New Year with best wishes from my family, my wife and I. With that, Mr. Chairman, you have my report.

PRESIDENT SUSTER: Thank you, Mayor. Does anybody have any questions of the Mayor on his report? Does anybody have any questions of the Mayor on his report? There being none, we will move on to Law Director, Tim Riley. Do you have a report this evening?

LAW DIRECTOR TIM RILEY: Thank you, Mr. President, no report tonight.

PRESIDENT SUSTER: Thank you. Acting Police Chief Bob Byrne. Do you have a report this evening?

ACTING POLICE CHIEF ROBERT BYRNE: Thank you, Mr. Chairman. No report.

PRESIDENT SUSTER: Service Director, Tim McLaughlin, do you have a report for us this evening?

SERVICE DEPARTMENT DIRECTOR TIM McLAUGHLIN: Thank you, Mr. President, I have a small report. First of all I want to thank you for the candies, cards, etc. I wasn't here the last meeting but as I look down at my stomach, I enjoyed them very much.

In the last 2.5 weeks with the weather being halfway decent, one of the patch plants stayed open all this time so we got some patching in with some hot patch trying to fill in some holes here and there. We also got some tree work done and some sewer work in the last couple weeks and they caught us up a little bit from the summer time. The weather made a difference. In 2.5 weeks we got a lot done. That's the end of my report.

PRESIDENT SUSTER: Are there any questions of our Service Director on his report? Are there any questions of our Service Director on his report? There being none we'll move on to Parks and Recreation Director, Bob Dobies. Bob, do you have a report for us this evening?

PARKS AND RECREATION DIRECTOR BOB DOBIES: Yes, I do. Mr. President and Council Members, good evening. First, I wanted to say thank you to all who came out to and enjoyed our Annual Skate with Santa on December 20th. We had about 200 patrons and I'm going to emphasize families who came out for a fun afternoon with Santa. They all got to take a picture with him and received a treat compliments of the Rec Center. If you were there, you saw a true representation of our city in its diversity. I was very proud of the event. That's an annual event free to our residents every year.

Signups for futsal are being taken now through January 18th. Please register early. If you enjoy high school hockey we have three games coming up this weekend, Saturday at 3:30 p.m. Garfield Heights vs. Brush, Twinsburg vs. Normandy. If you didn't know, Twinsburg does use our ice rink as their home ice. Then Sunday again Twinsburg vs. NDCL at 5:30 p.m.

Just last, from the staff of the Recreation Department, my family, myself we wish all a Happy Prosperous and safer New Year. Thank you. That concludes my report.

PRESIDENT SUSTER: Are there any questions of Mr. Dobies on his report? Are there any questions of Mr. Dobies on his report? We'll move on to Finance Director, Barb Biro. Do you have a report for us this evening?

FINANCE DIRECTOR BARBARA BIRO: Yes, I do. Thank you, Mr. Chairman. This evening we have Finance's three ordinances on the agenda. The first one, 56, is to make final appropriations to close the year 2015. Ordinance 57 is to make appropriations for next year so we can begin business on January 4th and the final ordinance is 59. We're asking Council to enter into an extension agreement with Ciuni and Panichi. They are independent auditors to come for an extension in our original contract to cover the audit years of January 1, 2015 through December 31, 2018.

Finally, the Finance Department was hit hard this year. We've had a lot of turmoil, gone through a lot of things, professionally and personally. On behalf of the Department, we want to thank Council and the Directors and all the staff for your support and understanding during our transition. We are now up to full staff. We hope to start the New Year with renewed energy and on behalf of the Finance Department I want to wish everyone a Happy New Year and a very safe New Year's Eve. That's my report

PRESIDENT SUSTER: Thank you. Are there any questions of Barb on her report? There being none, we will move on to Social Services Director Kathy Rush-Parssons. Do you have a report for us this evening?

CITY ENGINEER DAVID KROCK: Absent.

SOCIAL SERVICES DIRECTOR KATHY RUSH-PARSSONS: Thank you, Mr. Suster, I have nothing new to report this evening.

PRESIDENT SUSTER: OK. Economic Development Director Noreen Kuban. Do you have a report for us this evening?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Thank you, Mr. President, no, I have no report this evening.

BUILDING COMMISSIONER BILL WERVEY: Absent.

COMMENTS BY CITIZENS ON THE AGENDA:

PRESIDENT SUSTER: That's the end of all the Directors reports so we will move on to Comments by Citizens on tonight's agenda. Would the Clerk please read the rules?

CLERK: Comments shall be strictly limited to brief statements not to exceed five minutes with comments limited to legislation on the current evening's agenda. No citizen shall speak more than once.

PRESIDENT SUSTER: Does anyone want to speak on tonight's agenda? Does anyone want to speak on tonight's agenda? There being none we will move on to Committee Reports. Do we have any Committee Reports this evening?

COMMITTEE REPORTS: None.

ORDINANCES AND RESOLUTIONS:

PRESIDENT SUSTER: There being none, we will move on to Ordinances and Resolutions, beginning with Ordinance 53-2015.

ORDINANCE NO. 53-2015

AN ORDINANCE CREATING GARFIELD HEIGHTS CODIFIED ORDINANCE CHAPTER 773: AUTOMOTIVE SALES.

Moved by VAUGHN to CONSIDER BY TITLE:

AYES: Vaughn, Dudley, LaMalfa, Glenn, Suster, Burke

ABSENT: Nenadovich

Motion to SUSPEND THREE READING RULE:

AYES: Vaughn, Dudley, LaMalfa, Glenn, Suster, Burke

ABSENT: Nenadovich

PRESIDENT SUSTER: On its adoption, beginning with Councilman Vaughn.

VOTE ON ADOPTION:

AYES: Vaughn, Dudley, LaMalfa, Glenn, Suster, Burke

ABSENT: Nenadovich

PRESIDENT SUSTER: Ordinance 53-2015 passes with 6 Yes votes.

ORDINANCE NO. 56-2015

APPROPRIATION ORDINANCE: AN EMERGENCY ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENDITURES FOR THE CITY OF GARFIELD HEIGHTS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2015.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: Suster, Burke, Vaughn, Dudley, LaMalfa, Glenn

ABSENT: Nenadovich

Motion to SUSPEND THREE READING RULE:

AYES: Suster, Burke, Vaughn, Dudley, LaMalfa, Glenn

ABSENT: Nenadovich

Motion to WAIVE RULE 24:

AYES: Suster, Burke, Vaughn, Dudley, LaMalfa, Glenn

ABSENT: Nenadovich

PRESIDENT SUSTER: On its adoption, beginning with myself.

VOTE ON ADOPTION:

AYES: Suster, Burke, Vaughn, Dudley, LaMalfa, Glenn

ABSENT: Nenadovich

PRESIDENT SUSTER: Ordinance 56-2015 passes with 6 Yes votes.

ORDINANCE NO. 57-2015

APPROPRIATION ORDINANCE: AN EMERGENCY ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENDITURES FOR THE CITY OF GARFIELD HEIGHTS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2016.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: Suster, Burke, Vaughn, Dudley, LaMalfa, Glenn

ABSENT: Nenadovich

Motion to SUSPEND THREE READING RULE:

AYES: Suster, Burke, Vaughn, Dudley, LaMalfa, Glenn

ABSENT: Nenadovich

Motion to WAIVE RULE 24:

AYES: Suster, Burke, Vaughn, Dudley, LaMalfa, Glenn

ABSENT: Nenadovich

PRESIDENT SUSTER: On its adoption, beginning with myself.

VOTE ON ADOPTION:

AYES: Suster, Burke, Vaughn, Dudley, LaMalfa, Glenn

ABSENT: Nenadovich

PRESIDENT SUSTER: Ordinance 57-2015 passes with 6 Yes votes.

ORDINANCE NO. 58-2015

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, OR HIS DESIGNEE, TO MAKE APPLICATION AND ENTER INTO AN AGREEMENT WITH THE

FEDERAL EMERGENCY MANAGEMENT AGENCY§ FY 2015 ASSISTANCE TO FIREFIGHTERS GRANT TO PURCHASE A NEW RESCUE SQUAD AND SAFETY EQUIPMENT.

Moved by VAUGHN to CONSIDER BY TITLE:

AYES: Vaughn, Dudley, LaMalfa, Glenn, Suster, Burke

ABSENT: Nenadovich

Motion to SUSPEND THREE READING RULE:

AYES: Vaughn, Dudley, LaMalfa, Glenn, Suster, Burke

ABSENT: Nenadovich

Motion to WAIVE RULE 24:

AYES: Vaughn, Dudley, LaMalfa, Glenn, Suster, Burke

ABSENT: Nenadovich

PRESIDENT SUSTER: On its adoption, beginning with Councilman Vaughn.

VOTE ON ADOPTION:

AYES: Vaughn, Dudley, LaMalfa, Glenn, Suster, Burke

ABSENT: Nenadovich

PRESIDENT SUSTER: Ordinance 58-2015 passes with 6 Yes votes.

ORDINANCE NO. 59-2015

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND THE FINANCE DIRECTOR, TO ENTER INTO AN EXTENSION OF A CONTRACTUAL AGREEMENT WITH THE STATE AUDITOR§ OFFICE AND CIUNI & PANICHI, INC., AN INDEPENDENT PUBLIC ACCOUNTING FIRM, FOR THE PURPOSE OF PROVIDING THE CITY WITH AUDITING SERVICES FOR THE PERIOD JANUARY 1, 2015 THROUGH DECEMBER 31, 2018 EXTENSION, PURSUANT TO THE EXTENSION AGREEMENT AND COST PROPOSAL ATTACHED HERETO AS EXHIBIT A.

Moved by BURKE to CONSIDER BY TITLE:

AYES: Burke, Vaughn, Dudley, LaMalfa, Glenn, Suster

ABSENT: Nenadovich

Motion to SUSPEND THREE READING RULE:

AYES: Burke, Vaughn, Dudley, LaMalfa, Glenn, Suster

ABSENT: Nenadovich

Motion to WAIVE RULE 24:

AYES: Burke, Vaughn, Dudley, LaMalfa, Glenn, Suster

ABSENT: Nenadovich

PRESIDENT SUSTER: On its adoption, beginning with Councilman Burke.

VOTE ON ADOPTION:

AYES: Burke, Vaughn, Dudley, LaMalfa, Glenn, Suster

ABSENT: Nenadovich

PRESIDENT SUSTER: Ordinance 59-2015 passes with 6 Yes votes.

MISCELLANEOUS COMMENTS BY CITIZENS

PRESIDENT SUSTER: Next we will move on to Comments by Citizens. Would the Clerk please read the rules?

CLERK: Comments shall be restricted to any problem a citizen has which has previously been submitted to his/her Councilperson or to the city hall department directly involved. If submission of a problem to a city hall department or a Councilperson is made and there is a lack of service rendered in this regard, the problem may then be presented during Comments from Citizens at a future meeting. It is the intention of this rule that no request of a first nature is presented on the floor at this time. Comments shall be limited to five minutes. No citizen shall be heard more than once.

PRESIDENT SUSTER: Is there anyone that would like to make any comments this evening? Is there anyone that would like to make any comments this evening?

Bob Halan, 12416 Oak Park Blvd. I did speak with three Councilmen about this problem over a period of years. There are limitations which you can say and which you can't say, primarily because you have or have not discussed this whatever problem you have with City Council individually. I've said this in the past. This is a stranglehold on this city on the people that are citizens that we cannot get up and talk in a meeting. Something happened this afternoon to me I wanted to bring it to your attention, but I can't because I have not had time to talk with any of the Council people. In the past I had discussed this problem. A stranglehold on the city is of the city. In other words they can't bring up something that has happened either it was forgotten about and happened to me that day. In other words if you have not discussed it with the Councilman prior to this meeting you can't say a word. I think that's strangling the citizens' voice and I think I should be heard. Not just me, other people that come up to the podium that have something that they have not discussed with their Councilman prior to this meeting. In other words, too much restriction. You can't as a citizen be heard unless you talk a week--two days--beforehand. Sometimes you can't get all the facts gathered. Am I right, Mr. Suster? Thank you.

MAYOR VIC COLLOVA: Mr. Chairman, if I may? Bob, the reality of it is that we have to follow the rules just like everybody else that follows the rules. These Council Rules on how the residents could speak and what they have to do have been in place for many, many years. This group here did not put them in place. We just merely follow what the Rules are. I can only guess why they did that. The reality is the reason they want you to touch base with it is because we don't always have the facts you may be looking for. We need to research those facts to be able to respond accurately and that's why they need to have someone call and say why is there a parking ban? Or why is this? If you just throw that question out at us we may not have the accurate answer. So to allow us the time to research and get the accurate answer that's why they want you to notify someone in advance. You can notify me, a Councilperson, a Director. It does not have to be a Councilperson.

MR. HALAN: The other day we had a gentleman had a problem and I had a solution to bring forth, but I didn't speak prior to that because it was just brought that night to this Council's attention. It was about the restrictions on the fences. Now that happened here. How could I speak earlier to some Councilman when this was just brought up that day?

MAYOR VIC COLLOVA: What happened at that time was Mr. Suster followed the Rules that we have to follow. Until those Rules are changed, maybe you want to put in a letter to the Council people and ask to change that Rule? But presently we have to follow the Rules as they read.

MR. HALAN: I did speak with three Council people and they agreed with me that the Rules should be changed. Maybe I ought to put that on the agenda to have that legislation changed? Mr. Dudley, LaMalfa and Mr. Burke, I brought it all to your attention prior to this over the periods of months. I think somebody should make that ordinance. Thank you.

PRESIDENT SUSTER: Is there anyone else that would like to speak this evening?

MISCELLANEOUS BUSINESS:

PRESIDENT SUSTER: There being none wed, I move on to Miscellaneous Business beginning with Clmn Burke.

CLMN BURKE: Thank you, Mr. President. I don't have too much to say. I just want to thank everybody that came out to my Community Awareness Meeting that I had a few weeks ago.

To think that we resurfaced 45 streets this year- that's incredible considering where we've been. I just look forward to hopefully being able to do 45 more next year, if we can shake that? I don't know, but it would be nice. Let's just hope that this weather stays the way it's been because I think that helps save the wear and tear on our streets.

I also want to wish everybody a Happy New Year. Just be safe out there.

I know we've got a big game coming up this weekend- Ohio State and Notre Dame. I'm a big Notre Dame fan so I hate to say it but, Go Irish! That's all I have.

PRESIDENT SUSTER: Mr. Vaughn.

CLMN VAUGHN: How do you follow that? I want to thank everybody that came out for my Block Watch last week. We had a good time. All the food was good. Everybody seemed to enjoy themselves. I want to thank Chief for taking time out to come, be with us.

On behalf of my wife Barbara and my boys I want to wish everybody a Happy safer New Year. Be careful out there everybody. Let's hope that 2016 is even a better year than 2015 for all of us.

You know, Matt, let's do 60 streets. Go Irish!

PRESIDENT SUSTER: Mr. Dudley.

CLMN DUDLEY: First of all, I'd like to wish everybody a Happy and safe New Year and like they say safety is first, but some people like to go out. Remember when you're out partying that night some people may have their eyes on your home so make sure you set your alarms and keep your security tight so it's there when you come back home. Most of all, be safe. If you're going to drink, don't drive. Definitely don't drive. We'd like everybody to make it through.

Also I'd like to mention, people, I thank the school because every year they offer to me that we can have our African Heritage Black History Program there. We will be having it on February 19th at 6:30 p.m. in the Performing Arts. Mr. Sluka never forgets us. I thank the Board, I thank the school. They always allow us to have it there. It's a great place. I would like to see you all come and turn out. We always have refreshments. It's a great program. We got a great speaker, but I can't mention her name until after she calls me back tomorrow. We have another prominent individual going to be doing it through the Skype thing. I look forward. That's

February 19th, 6:30 p.m. at the Performing Arts. The Mayor always shows up and several Members of Council make it also. I look forward to everyone next year.

I also ask that we keep the city of Cleveland in prayers, you know. It came down from the Grand Jury today. Not just keep the city, but you want to keep the Tamir Rice family, but also keep them officers in your prayers because I don't think nobody's doing back flips over what happened there so you got to put those prayers across the board. Keep them families in the prayer. Keep that young man's family in your prayers. Keep him in your prayers even though he's gone. Demonstrations is OK to have but they always need to stay peaceful. That is my prayer, that they be peaceful demonstrations. Keep them officers' families in your prayers as well because I don't think they are all happy about what happened neither, you know? So you got to keep them in your prayers. Most of all keep praying for the peaceful demonstrations. Cleveland is our neighbor. I have family in Cleveland and friends in Cleveland.

I wish everybody up here a Happy and safe New Year's. That will be all, Mr. Chairman.

PRESIDENT SUSTER: Thank you, Mr. Dudley. Mr. LaMalfa, do you have anything this evening?

CLMN LAMALFA: Yes, I'd just like to wish everyone a Happy New Year. Next year I'd like to not forget about the second half of Silver Road that's not paved. You paved the one-half. You didn't pave the other half.

MAYOR VIC COLLOVA: Joe, you were opposed to me at that time. That's why. If you do the right things this year, you never know, it might happen. Just kidding.

CLMN LAMALFA: If you pave that, you know what it is.

PRESIDENT SUSTER: Is that it, Joe?

CLMN LAMALFA: Yes.

PRESIDENT SUSTER: Mr. Glenn.

CLMN GLENN: A short report here. We have our Block Watch January 5th seven o'clock at the Civic Center. Hopefully the Mayor and the Police Chief will be there.

I want to notify the people on East 85th Street there's a waterline being put in. Repaving is going to be done. It's going to be a hard winter on East 85th Street. It's also been noted that they're talking about repaving Alexander.

I just want to wish everybody a Happy New Year, another prosperous year.

I'd also like to thank whoever put the poinsettias up in front of the City Council. They look very nice. That gives to the Christmas spirit. Thank you, Mr. President.

PRESIDENT SUSTER: On behalf of my family, I'd like to wish the Mayor and his entire staff and all the Members of Council to have a Happy New Year and a prosperous New Year. If you're driving anywhere (and I always say this) please be safe so that you come back to the city. Be safe. That's all I have this evening. Mr. Burke.

CLMN BURKE: Yes, Mr. President, I'd like to make a motion that we adjourn.

PRESIDENT SUSTER: On the motion made by Mr. Burke to adjourn the meeting, all those in favor signify by saying Yea. All opposed?

AYES: Burke, Suster, Vaughn, Dudley, LaMalfa, Glenn

ABSENT: Nenadovich

MEETING ADJOURNED AT 7:30 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Joseph Suster
President of Council

Barbara Molin
Clerk of Council