

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, February 28, 2011

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

INVOCATION BY: Councilwoman Tracy Mahoney

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

PRESIDENT GERACI: Thank you, Clwn Mahoney. Roll call please.

AYES: 7

PRESIDENT GERACI: The Reading and Disposal of the Minutes.

READING AND DISPOSAL OF MINUTES:

Moved by Clmn SUSTER to accept the minutes of the Regular Meeting of City Council of February 14, 2011 as submitted. The minutes were adopted with seven YES votes.

WRITTEN COMMUNICATIONS TO COUNCIL: None.

LEGISLATION OUT OF COMMITTEE: None.

REPORTS OF THE MAYOR AND DIRECTORS:

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

MAYOR VIC COLLOVA: Thank you, Mr. Geraci, Council. First off I'd like this evening to welcome the students joining us today. We have Steve Shavel who is joining us on the panel. We also have Tametria McGee and Nick Macheski in the back. They raised their hands. We're glad to have you here. We're looking forward to your report, Steve.

OK. It's been an interesting winter to say the least. One of my hopes this year, one of my goals was that we would have an easy winter to save some money on salt and some of the other things and obviously my luck hasn't been real good. So far this year we've used 3,464 tons of salt, we've been out on snow runs 69 different times this winter and the cost for the salt alone has been approximately \$138,000.00. That doesn't include what the overtime cost is and everything else than goes along with it. That's sort of rough but hopefully very soon our Service Director will be reporting that he no longer needs salt. We're hoping for that. But you know if the snow wasn't enough we had this morning one of the worst floods that ever hit Garfield Heights that hit this entire area. We had the fire department with the help of our police department and service garage using a front end loader. They had to rescue nine people out of a house, two out of their cars and two dogs. I mean it was amazing. They do a great job. We're very fortunate to have all the employees

that we have because when they're needed like this there's nobody better than these guys and I appreciate what they do and I'm sure we all do.

I want to tell you today we had many sewer calls, as you can understand, so we had quite a few sewer crews out there. We wanted to be able to get some of the patching done and get some of the holes fixed and this has been going on constantly throughout the winter. They fix the hole one day and it's right back the next day. Unfortunately that's what happens with the cold patch when the water gets underneath. I want to make an apology to everybody today because if you have a chuck hole on your street that wasn't fixed quite as good as normally I got an answer why that happened. Today we had our custodian Rich Berry, along with Billy Butterfield who is the custodian at the Justice Center and we had our Service Director, Tim McLaughlin out there patching holes. So I understand from reports from the service garage they asked me to bring Tim back in. They said he did enough work out there so with that said I received numerous calls as we do throughout the winter, people saying we had no snowplows out, Garfield Heights doesn't put any salt out. I hear this constantly. I want everybody to remember that's why I cited this amount of how many tons of salt we've put out. This is an unbelievable task this year. Every time it snowed it was a blizzard. If you think about it we didn't just get a little bit of snow one day and three days later a little bit of snow. We were getting blizzards all the time and it took a lot of manpower and you have to understand also that we are operating with 17 less service members/service workers than we were two years ago, so that comes into play. I appreciate the patience of the people and I know the frustration. It's frustrating for me to ride that street and hit chuckholes also, but we're trying to do as best we can and we hope to stay on top of this and hopefully with a little bit of luck the snow will be out of here pretty shortly.

With that said, and I also wanted to say something that has been escaping me for probably a year now. Many people have called me and said they're very happy about the Council Meetings being televised because they can't make it to the Council Meetings and so they are enjoying them on TV. They know what's going on in the city. They've been thanking me for a year and I've been taking all the credit and I love taking credit when people are happy but I do have to say that there's a young lady and I don't believe she's here tonight, by the name of Janice Tubbs that met with me very shortly after I became Mayor and suggested that we televise these and I need to thank her. She did great job and everybody seems to be very pleased with it. Thank you, Janice.

I'm going to get into the legislation tonight. Ordinance 09-2011. All this is is the Juvenile Diversion Program. We had this in play last year. We are hooking back up with the County to do it again this year. They have done a great job. This has been a great program. Every day since the weather's been bad we've had five or six young juveniles working in city hall and it's shown a great improvement. They sweep. They do whatever they're asked to do so this has been a great program and we want to continue it this year. Ordinance 10-2011. We have been talking about this for a year now. This is finally the last piece of the puzzle. This is the connection that is going to open up the extraction system at City View. We finally put it together, Dace Krock did a lot of hard work on this along with Tim Riley to put together the agreement with the EPA and the Sewer District to open up this last piece of the puzzle to be able to open up this extraction system. Understand that 60 to 90 days after this is up and running if the EPA believes (and I believe they will because they put the extraction system in) this thing is working like they said, the Director of the EPA said he will come out and do a news release to say how safe the shopping center is. We all know that the shopping center never was in danger with this methane gas but the perception out there was that it was. This should clear up that perception so I think this is good piece of the puzzle or finally the last piece of the puzzle that we need to put together. Ordinance 11-2011. This is replacing the present sewers with larger pipe and this will help alleviate floods and I'm sure people today would be glad to hear that. This will be around the North Granger sewer section. We think this is another good thing for the city. Ordinance 12-2011. This is the appropriation of the current

expenditures for the city of Garfield Heights for December 31, 2011. This is put together of course by the Finance Department. If you have any questions I'm sure Ron will be able to answer them.

Resolution 16-2011. I want to take a couple of minutes to talk about Senate Bill 5. Everybody I think has been hearing about Senate Bill 5 that's going on in Wisconsin, Ohio and getting ready to go on in other cities and States throughout the country. I've spent quite a bit of time looking over Senate Bill 5. The part that is involved in labor and the part that is involved in collective bargaining. I have to tell you that I think if this passes in its present form it sets every worker in Ohio back decades. I think this is a bad thing for the workers. They try to portray this as a good thing for the city. Let me tell you. Collective bargaining does not scare me. As a Mayor I embrace it because it gives me a level playing field to work from. They want to take away arbitration, binding arbitration and what happens if you do that is that if one side doesn't agree with the other side there is no end to the resolution. A binding arbitrator is finally someone that says yes, you're right; no, you're wrong. They are trying to take that away. Think about how it is in the Court system. Today if you have a disagreement you go to the Court and a Judge at some point, even if it's a Supreme Court Judge, makes a final decision. Without that final decision I think the collective bargaining agreement and the agreement procedure is dead in the water. So I will say that I am opposed 100% to Senate Bill 5 as it is in its present form. I do believe that there's a time that the Unions and a time to negotiate or modify some of their ideals. I think the Unions are willing to do this, but I think in the present form they are just trying to shove it down labor's throat and I am opposed to it 100%. So with that said, Mr. Chairman, you have my report.

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

CLWN MARINCIC: First and foremost, about the televised meetings. I can't tell you how many people tell me they enjoy those on a daily basis. It has made it hard for me to go to the grocery store because everybody comes up to me and says I know you and they all have questions, which is OK but it does take a little bit longer to go to the grocery store but everybody is so much better informed about what's going on in our community because of those televised meetings and I appreciate you doing that, Mayor. That was a great idea. My youngest daughter though, thought it would be cool if we all came in in pajamas and I said no, I don't think we'd agree to that.

Regarding Ordinance 10-2011. Is the city obligated in any way in the future if we pass this for additional funding? Does it say we are at any fault regarding?

MAYOR VIC COLLOVA: I'm going to refer to Tim Riley who has been working on this.

CLWN MARINCIC: Want me to ask you this under your report, Tim?

LAW DIRECTOR TIM RILEY: No, I can answer it now.

CLWN MARINCIC: OK. Thank you , Tim.

LAW DIRECTOR TIM RILEY: As I explained earlier I have been working with Dave Krock on this and the money for the paying of this is coming out of the Garfield Heights Trust Fund which was set up by the EPA by fines that were paid into it. So there's no money coming from the city in this and we were very careful to craft this in that manner so it didn't cost the city money. Actually Dave worked pretty hard trying to figure out a way to get through this and he did a good job, so, no the money will not come directly from the city.

CLWN MARINCIC: I saw that, that they are agreed there are two letters attached to it and one evidently is just in case it costs a little bit more. I just wanted to make sure that this does not

obligate the city in any way or admit guilt in any way by the city regarding what has happened here. I wanted to make sure that is clear.

LAW DIRECTOR TIM RILEY: It doesn't give us any more liability than we would have had before this.

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

CLMN DUDLEY: Mayor, I'm glad that you had mentioned that tonight because I think for the television part, it being played on cable really closed the communication gap because now people have an idea of what they didn't have before every time exactly what goes on at these Council Meetings, what is voted for and what is pending so I think Ms. Tubbs had a great idea. We can't beat that.

My second thing is can you tell people so they know and I know exactly what hours that the plow only plows and it do not drop salt?

MAYOR VIC COLLOVA: What hours?

CLMN DUDLEY: Yes. Is there a certain timeframe during nighttime that you will plow only and you won't drop salt? Maybe between 12:00 and 4:00 a.m.? Or did we change that?

SERVICE DIRECTOR TIM McLAUGHLIN: No, we're still following the Sensible Salting practices. When there's not any traffic on the road at nighttime, like you said, between 12:00 and 4:00 we plow to make the streets passable. After that if it's in the morning rush hour and stuff we go back on the mains and the secondarys, which that's what we work on first. We go back and salt. On the side streets we just drop salt every five or six houses, you know, so they can trail it through the street. We've been doing this for like three years now. It's something that the County Service Directors Association put together because everyone's in the same boat and trying to save some money and yet still keep your streets safe and movable. So whatever the type of situation we have we adjust, but most of the time this year we haven't been called out till the snow was getting pretty good where the police cars couldn't move or the fire truck or you know where the police department made a call for us to come out. Does that answer your question?

CLMN DUDLEY: Yes. That was a great job on Friday when it came because on Friday they called it a perfect storm because it was like almost a blizzard well it was blizzard conditions in some areas. They did a great job that day so I can eliminate you now. All right.

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

LAW DIRECTOR TIM RILEY: Thank you, Mr. Chairman. No report tonight.

PRESIDENT GERACI: Any questions for Mr. Riley? Service Director Mr. McLaughlin.

SERVICE DIRECTOR TIM McLAUGHLIN: Thank you, Mr. President. I think most of my report's been given. I want to thank the guys down at the garage today and my secretaries and Becky's here tonight. It was a very rough day from the start. The guys were out by 4 o'clock and they're still out now. The guys really pitched in today. Especially Broadway was a very serious situation from the start. Those crews were trying to fix up Broadway. Not only once the flooding was done but the streets popped from all the pressure of the water and there was debris everywhere but about eight hours we got Broadway out and cleared enough for people to get all the way through so we could

take down the barricades. We did have problems all over the city. Just like we had to block off Warner Road Hill and everything going into Valley View. Different areas. We have hydro brakes in and all of you hopefully are familiar with the hydro brakes. Some residents that are newer residents here don't know about the hydro brakes so we did get complaints that we had dirty sewers and the water was on the road but the places that the water was on their roads heavily were where there was hydro brakes and a lot of them within a couple hours started receding. We cannot pull those hydro brakes because every place is unique. 135th and Shady Oak is one of the areas that we have hydro brakes. We always get calls how come there's so much water there? But if I pull those hydro brakes all the people on the surrounding corners will fill their basements so it's hard to explain. Most of you have been here for a while so you understand what the hydro brake situations are in each one of your Wards. It's something that keeps the water out of the basements and unfortunately it sits on the road for a while but usually within five or six hours it starts to drain. We did go around today before I tried to patch. That was my job before that. I went around to the catch basins that have the hydro brakes to make sure there wasn't anything on top of them so that they could function. Like the Mayor said I don't think I did too well on the patching but I try. But the crews are still out there. There's still 10 people out there. As of this meeting we had 50 house calls that we had taken care of today which is, you know, I mean it seems like a lot but you know, over 11,000 houses it's not a lot, but some houses it was the first time they ever got water. The water was in and out. It was storm water. It wasn't sewage. Tomorrow I'm sure that we'll be going back to some houses to look at them further but it was a perfect storm. I mean we had 50 and all the snow melted and the weather service is saying we had two inches of rain in like an hour and 15 minutes so I mean no matter how big your sewers are they are going to surcharge and you're going to have rain plus Mill Creek on Broadway all those businesses had water in the backs of their parking lots because the creek flooded over. So it all adds up but we're trying our best. Tomorrow we'll go back and clean up some areas. We had the sweepers out today, the front end loaders, everything that we could so again I'd like to say my guys did a great job today. I'm really proud of them. They worked very hard for us and I'm sure tomorrow they'll go back to the same thing. Thank you.

PRESIDENT GERACI: Any questions?

CLWN MARINCIC: Mr. McLaughlin, in a short time the County will be taking over the repairs on maintenance on our sewers, right?

SERVICE DIRECTOR TIM McLAUGHLIN: Yes, I don't know exactly when that 's going to start yet. Myself and Dave Krock are going to be meeting with the County to find out when we're going to make the changeover. You know they're putting together all our information on what's, you know, the problem areas and things like that and, you know, houses that constantly have problems and we're going to go from there but I don't know if Dave has any other information but I don't know when we're going to be meeting with the County but I am not sure when it's going to change over.

CLWN MARINCIC: OK. I just have a question about their availability. I know they're not going to be available after six at night. Is that?

SERVICE DIRECTOR TIM McLAUGHLIN: Right.

CLWN MARINCIC: What about weekends?

SERVICE DIRECTOR TIM McLAUGHLIN: No.

CLWN MARINCIC: So pretty much what we are doing now only they are doing the work.

SERVICE DIRECTOR TIM McLAUGHLIN: It's going to be the same. Actually, we go home at 3:30 so you're picking up two and a half hours on their end of it. Some of the conversations that we had when we had meetings with them is that they really believe that they're in that business of sewers and if you go down there and look at their equipment and see the things they can afford you know I mentioned at the meeting that we had a sewer jet. It is about \$325,000.00 to buy. We got one. They got ones that are heated that they can use all winter long. Ours isn't because we just couldn't afford all those things. So when you go down there and you start looking at all that equipment and that's what their job is every day is dealing with sewers so I think in the long run it's going to be a good move on our part and like you said they turned around and said that in the past in cities that they'd taken over within the first year they have rectified 50% of the sewer problems, I don't know if that's what it's going to be like, but they did make a mention of that that they go into houses and they dig up front yards, etc. We don't dig. We send it to them anyhow so actually all they're really picking up is the home users.

CLWN MARINCIC: Thank you very much.

PRESIDENT GERACI: Any other questions for Mr. McLaughlin? Recreation Director Mr. Dobies.

PARKS AND RECREATION DIRECTOR BOB DOBIES: Mr. President, Council Members, good evening. Starting tomorrow we'll begin taking registration for our T-ball program. The registration will be taken from March 1st to March 31st. This is a co-ed program for children ages 5 to 7. Practice begins mid-April. The season begins in May and ends at the end of June. Girls' Softball sign-ups will also be held in March. This program is for girls from age 8 to 17 years old. Sign-ups will be on Fridays, March 4th, 11th and 18th from 6 to 9 p.m. at the Rec. On Saturdays March 5th, 19th at 9 a.m. to 2:30 P.M. and Saturday March 19th from 9 a.m. to 2:30 p.m. If you have any other questions please call the Recreation Department.

On February 17th I called a meeting with Mr. Robert Miller, his father, Mayor Collova and Mr. Wervey. We have an energetic young man who is a student at Garfield Heights High School along with being a Boy Scout who is working towards his Eagle badge. His idea is to enhance seating at the tennis courts providing additional benches so residents and visitors may enjoy the tennis matches which take place during the course of the year. In the initial meeting we talked of the value of his project to the city, liabilities and meeting Code for the project with the Building Department. Robert is working on plans to present to us. We believe this is to be a worthwhile project being brought forth by a young active citizen of Garfield Heights and look forward to reviewing his plans in the near future.

I announced at the last meeting we had the Annual Melt the Ice Tournament. It was a huge success. With 28 teams participating there were approximately 2,000 people which came through our Rec Department over a four day period, while also enjoying our city. I'm happy to report that three of the four Garfield Muni program teams took first place. The Might B Team, the Square Game 1 team and the Square A-3 Teams. All teams enjoyed those championships. Congratulations to all our teams.

Last, as the Mayor commented at the last Council Meeting, we were engaged in negotiations with First Energy Solutions to help curb our electricity costs at the Rec. I'm glad to report that we entered into a 36 month agreement with a rate guarantee. This effort will save the city approximately \$1,600.00 a month and resulting in the savings of \$57,000.00. We continually strive to look for ways either to save or stretch our dollars. Embarking with First Energy Solutions package for the electricity is just another way of doing business in a good common sense approach. Thank you. That concludes my report.

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

ACTING FINANCE DIRECTOR RON TOMOLA: Thank you, Mr. Chairman. I just wanted to say as the Mayor reported, Ordinance 12-2011 is the annual appropriation ordinance. If anybody has any questions feel free to ask.

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

CITY ENGINEER DAVID KROCK: Thank you, Council President. I want to mention a few things tonight. First the North Granger/East 88th Project that is Ordinance 11-2011. As mentioned it should help out some of the flooding issues down there, but that is something that the city what you are voting on tonight is for the city to provide the inspection and be the go between between the contractor and the residents and make sure everything gets restored properly. That's what that's all about.

McCracken Road. We had a meeting last week with the city of Cleveland. Went very well. They agreed to not only to submit with us but also to help us with the submittal. We need to gather a few more points in order to do well enough to get the funding for the project and we probably have two different areas where we're going to try for funding. That's a minimal wait until September but that gives us some time to get things in order so we're happy to have them helping us out with that.

The City View leachate item, Ordinance 10, was mentioned and again we think that's a good position for us to be in as protected as we can be. I also want to mention that Dominion Gas has a large gas main project on Bangor and we've been talking with a number of the residents there. There is a 20 inch gas line and currently impacts some of the residents there. It currently goes in their back yards so we talked about at least trying to get it out in the street so it's not underneath their pool or their shed where it is currently. So that's my report.

PRESIDENT GERACI: Any questions for Mr. Krock?

CLWN MAHONEY: I would just like to thank Mr. Krock for all your work on that. I know you've done a lot of hard work. I know the residents. I talked to one earlier today and they are thankful for everything you've done.

PRESIDENT GERACI: Any other questions? We'll move on. Economic Development Director Ms. Kuban.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Thank you, Mr. Chairman. We have not heard on the CDBG Grant application yet. With the new County government in office they are still working through their structural stages. Obviously when we find out something we will notify you.

We are on Facebook. If you want to look us up you have to look us up under "The City of Garfield Heights". We are also starting to post different things on there like notices. For instance we have a link to our Animal Warden. If you know someone who wants to adopt a dog or a cat there are photos and some information on how to go about adopting an animal. You have to go through the "Like It" Becky, the "Like It" icon there. We'll also be posting other activities on that as well. Thank you.

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

BUILDING COMMISSIONER BILL WERVEY: Good evening, Mr. President. The only thing I have tonight is I've got some hard dates for Mrs. Marincic regarding the Marshall's. They've got all their fixtures in place and they are starting to bring in bags and their equipment this week. They are starting to bring stock in this Friday and they plan on having their grand opening on the 17th. That's all I have this evening.

PRESIDENT GERACI: Thank you, Mr. Wervey. Any questions for Mr. Wervey? If not we'll move on. I'm sorry I missed the student. I'm not used to having students here. I'm sorry about that. And now we'll hear from one of our other Directors here from the high school, Steve Shavel.

MR. STEVE SHAVEL: How are you guys doing? I'm Steve Shavel. I'm a Senior here at Garfield Heights High School. I'd also like to recognize, as Mr. Collova did, Nick Macheski and Tametria out there and also Mr. O and also Mr. Roggaro is here from the high school.

It's an honor to be here. I'd like to tell you a little bit about the last time we had Mr. Dave Schillero out here he talked a little bit about academics. If anybody has heard of me I'm a big sports guy in Garfield Heights. I play three sports a year. I'll be graduating with 12 varsity letters; the most in my graduating class. I mean I do a lot in that school. I keep myself very busy. As you know from the last Council Meeting our basketball team right now is ranked number one in the States. They still are. They finished their season they had. What a great season! Right now actually in the tournaments the Warren, Howland and Austintown-Fitch match is going on right now on at Solon and the winner of that match is going to be playing us next week out at Solon so that is actually a big match for them to see who we're going to be playing in the next round in the tournament.

You don't hear a lot about our other sports since our basketball team is so good. I mean I'm going to talk a little bit about our other sports teams that we had. Our wrestling team actually finished up with sectionals. They had their final match record was 10-3. We had five kids go into the districts round and we also had a State alternate, Aaron Banko, he made it. We actually do have a diving team. We have one diver. One man. His name is Steve Schillero. Our last speaker Dave Schillero it's actually his younger brother and he made it to States. He placed 6th out of 24. I mean the kid-- what a great diver. I mean the top eight medaled and I mean I can't believe it for him.

I am a bowler myself and we actually just went to our districts. I actually made out singly to our district tournament. I shot a 640 series and I was about 40 pins off to making States, but you know there's always next year, right? Even though I'm a Senior. I did end in first place in my conference. I was Player of the Year with a 224 average. Yeah, that was a great accomplishment for me and our girls' team actually made it out to districts. They had a very, very good season. What a great improvement they had this year from last year to this year to make districts it was just a great accomplishment for them. Same thing with one of our girls, Kayla Schmidt, she missed districts by 20 pins. Really close. We had a really good season this year.

In terms of school news, coming up this month we have the ODT testing for the 10th graders. I mean 9th and 10th graders have been working hard. We got to pass those tests as Mr. O always says on the announcements. We have Words of the Week. He just punches them in your head. That's coming up. We do actually have in the next two weeks I'll be going to Chicago for like our Spanish Club we're going and seeing a lot of different ethnic and different types of cultural things down in Chicago. I'll be taking a trip there for about a weekend. And also Trey Lewis and myself two weeks ago we were in the Plain Dealer for Athlete of the Week if any of you guys saw it. That was really cool. Got to go down to the Plain Dealer in downtown. Got interviewed. Really, really great thing to happen for me.

I'd also like to comment on those benches for the tennis courts. That will definitely help us out a lot. I can't tell you how many times that my mom and my parents come up there and they're just standing around because there's nothing there for you to sit on, but other than that, that is my report. Thank you.

PRESIDENT GERACI: Thank you, Steve. Any questions for Steve? Excellent report, Steve, by the way. Very good. I'd like to recognize Mr. Terry Olszewski. Once again he always manages to be up here with the students. We appreciate that. Thank you, Terry O.

COMMENTS BY CITIZENS:

PRESIDENT GERACI: Comments from the Citizens on the agenda items only. The rules are this portion of the meeting is for 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. Agenda items only. If not, we'll move on.

COMMITTEE REPORTS: None.

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

ORDINANCES AND RESOLUTIONS:

ORDINANCE NO. 03-2011

AN ORDINANCE AMENDING CHAPTER 1413 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS RELATIVE TO CERTIFICATES OF OCCUPANCY.

Motion by NENADOVICH to PLACE IN LEGISLATIVE COMMITTEE:

AYES: 7

PRESIDENT GERACI: That passes 7-0 to put it in the Legislative Committee.

ORDINANCE NO. 09-2011

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CUYAHOGA COUNTY AND CUYAHOGA COUNTY JUVENILE COURT WITH RESPECT TO THE DEVELOPMENT AND IMPLEMENTATION OF A COMMUNITY DIVERSION PROGRAM

Moved by MARINCIC to CONSIDER BY TITLE:

AYES: 7

Motion to WAIVE RULE 24:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MARINCIC: Before I vote, I'd like to say I'm glad we are continuing this program. It benefits both the children in our community and our residents and I vote Yes.

CLWN SARNOWSKI: I also think this is a great program. I vote Yes.

AYES: 7

PRESIDENT GERACI: That passes 7-0.

ORDINANCE NO. 10-2011

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF GARFIELD HEIGHTS WITH NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) FOR THE COLLECTION AND DISPOSAL OF LEACHATE FROM CITY VIEW CENTER.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 7

Motion to WAIVE RULE 24:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLMN SUSTER: Before I vote, I'd just like to say you heard what the Mayor had said as far as this being the last part of the puzzle. Once this is done and we get what would you say? The OK from the EPA that City View is safe—not that it's not safe now. There hasn't been any problems there—but this is what we really need and once they do this press release it will mean a lot more. With that I vote Yes.

CLWN MARINCIC: Before I vote, I would just like to reiterate that this is not costing the city any money. The monies that will pay for this are being furnished by the EPA to the city of Garfield Heights and we're not gaining or losing any liability that we had before by doing this and I vote Yes.
AYES: 7

PRESIDENT GERACI: That passes 7-0.

ORDINANCE NO. 11-2011

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY SANITARY ENGINEER (CCSE) AND THE CITY ENGINEER TO BEGIN WORK REPLACING THE NORTH GRANGER SEWER.

Moved by SARNOWSKI to CONSIDER BY TITLE:

AYES: 7

Motion to WAIVE RULE 24:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN SARNOWSKI: I'd like to thank the Engineer for all the hard work on it. This is a project we have been waiting for for a while. I vote Yes.

AYES: 7

PRESIDENT GERACI: That passes 7-0.

ORDINANCE NO. 12-2011

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

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 7

Motion to WAIVE RULE 24:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

PRESIDENT GERACI: That passes 7-0.

RESOLUTION NO: 16-2011

A RESOLUTION DISCOURAGING STATE LEGISLATORS' SUPPORT OF SENATE BILL 5'S ATTACK ON ORGANIZED LABOR.

Moved by MAHONEY to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLMN VAUGHN: Before I vote, I'd like to say one thing about this. This is important to people that live in Garfield Heights. This is a blue-collar community. We need to keep these types of things in line or we're just going to fall further and further behind. So this is not just out there as a good luck piece. It's to show that we're behind our Unions and we're behind the working man of our neighborhood. So with that I vote Yes.

CLMN DUDLEY: Before I vote, I have to say I warned them. I warned people. Like I say we can't allow this to happen because it takes away and it makes it like government is becoming a dictatorship and they are going to tell the workers exactly what they're going to do and what they can't do. They going to tell them how we are going to run their lives. How you're not going to be able to negotiate for your medical, your pay and they going to dissolve these Unions. It's not about collective bargaining. It's just a little pinch and they just take little by little. Then you have nothing left. I definitely want to see this thing fail. I don't want to see a house bill passed. I vote Yes.

CLWN MARINCIC: Before I vote, I'd like to say that I pulled this bill up on the Internet today and it was over 450 pages long. Just reading it was a real chore and I don't even think I got through a third of it and I think it's misconstrued. I think there are parts of it that might be good but for the most part it's a real mess and I see very little use for it. But because of this length and my inability to get through the whole thing I can't make an educated vote on this and I'm going to vote Present.

AYES: 6

PRESENT: 1

PRESIDENT GERACI: That passes 6 and 1 Present.

COMMENTS BY CITIZENS:

PRESIDENT GERACI: We will now move on to Comments By Citizens. The rules are you cannot bring up anything of a first nature. You must have previously brought the problem to a Councilperson or a City Hall department. You are limited to speak only once for a period of five minutes. Please raise your hand to be recognized.

Bob Halen, 12416 Oak Park Blvd. This is to clarify what you are questioning, Ms. Nancy Marincic. If this legislation passes it's going to set back the working man 70 to 80 years. You're going to go back to the 1930s before the AF of L-CIO and the coal miners. Without a bargaining committee with this type of legislation you're going back to the caveman because you're going to put the people back in the caves; back in the mines where the workers will have no say whatsoever. By passing this legislation in Ohio and Wisconsin and any other States that follow suit you're going back to the Neanderthal days. We can't do that. This is a modern society. We cannot allow it. I hope this legislation that you are passing here goes on and makes the people in Columbus wake up. If they pass this they're stupid and should be removed at the next election and revoke that piece of legislation. Thank you.

PRESIDENT GERACI: Thank you. Anybody else?

Joyce Tubbs. I'm actually not a citizen of Garfield Heights but my sister and mother both are. Mr. Mayor and Council and President, Janice is out of town this evening. For the past couple of days she's been out of town on business at work, but she did ask me to come and be present because she knew you that you were going to make mention of the televised meetings from Council and she wanted to express her graciousness and gratitude and she's glad that it has created a bigger forum and people are being more informed politically. Thanks for your time.

PRESIDENT GERACI: Thank you. Anybody else?

Joe Lamalfa, 13205 Silver Road. The TV, is it fixed where they could hear the people now? It was static. They couldn't hear the guys' questions. They just heard the answer on the voice. Is it fixed? Because I could never hear on my TV. Now that everybody patted themselves on the back and everybody thinks in Garfield Heights everything is running smooth you passed the fiscal financial budget on one reading? No one thought that we should have three readings on that? Any answers for that? And Bob Dobies says he's going to save \$60,000.00 over the next three years. Is that true on the ledger?

PARKS AND RECREATION DIRECTOR BOB DOBIES: That's the agreement we entered into. \$57,000.00.

MR. LAMALFA: But yet you're willing to spend \$1.8 million to save \$60,000.00? It's costing us \$600,000.00 to keep that place open.

PARKS AND RECREATION DIRECTOR BOB DOBIES: That's not the electricity bill.

MR. LAMALFA: No, but the overall bill is costing us \$1.8 million.

PARKS AND RECREATION DIRECTOR BOB DOBIES: That's what was appropriated by the citizens, Joe.

MR. LAMALFA: Don't you think you should readjust that?

PARKS AND RECREATION DIRECTOR BOB DOBIES: I adjust it on a daily basis.

MR. LAMALFA: No, close the center down rather than spending \$1.8 million for residents that don't even go there?

PARKS AND RECREATION DIRECTOR BOB DOBIES: I was put in charge of the Recreation Center and until they take it away I'll be running that center, Joe, just in case you were wondering.

MR. LAMALFA: OK. Mr. Mayor, what do you think about that?

MAYOR VIC COLLOVA: Well, Joe, we looked at a lot of different things that we could do to bring this fiscal problem in hand. We think that number one it does cost x amount of dollars to run the Rec Center. There's a couple of trains of thought to that, Joe, let me explain it to you. First off, they are running under budget in the black, but it still costs money. There's no question about it. But their budget there has been running in the black. The second thing is we have to look at this. We have to look at one of the things that has been a problem for this city recently is there is no place for the kids to go. I get daily calls or police get daily calls because there's kids walking in the streets, they're in gangs and the bottom line is they have nowhere to burn off any energy whatsoever. At the Rec Center we have not only the ice skating, the futsal, the swimming, but they are also in charge of maintaining the ball fields for the kids, maintaining t-ball, Little League and we think if we take Little League, t-ball and all that stuff away from the city of Garfield Heights to save money we are doing an injustice to the residents and especially the juveniles.

MR. LAMALFA: Little League's not run by the city though.

MAYOR VIC COLLOVA: But the fields are maintained by the city.

MR. LAMALFA: How many residents actually are in there on a daily basis the gangs off the streets?

MAYOR VIC COLLOVA: How many are in there?

MR. LAMALFA: Kids that actually go there on a daily basis?

MAYOR VIC COLLOVA: I was there not too long ago and they had about 200 kids at one event for ice skating. That does not count the swimming or how many kids are involved in the Little League.

MR. LAMALFA: Residents?

MAYOR VIC COLLOVA: Residents? I'd say 90% are residents. I'm guessing.

MR. LAMALFA: Oh, yeah? I'd probably say about 14%.

MAYOR VIC COLLOVA: Fourteen percent of the people that go to the Rec?

MR. LAMALFA: That are at the ice skating rink.

MAYOR VIC COLLOVA: Oh, the ice skating rink? You're talking about the hockey?

MR. LAMALFA: Right.

MAYOR VIC COLLOVA: Oh, so you want to just take the hockey away or are you talking about taking the whole center?

MR. LAMALFA: Over the year how much you think the kids.

MAYOR VIC COLLOVA: I would say over 97% of the kids that go there to swim are probably Garfield. Maybe more?

MR. LAMALFA: There's probably more. I agree with the swimming, yeah. So it's worth \$1.8 million to keep it open for our kids?

MAYOR VIC COLLOVA: In my opinion, it is, as long as we trim all the fat, which we have and we keep it maintained at a number that is agreeable with everybody in my opinion it's certainly worth it. Our kids are entitled to that and furthermore I wish I could spend another \$1.8 million on the kids and give them other places to go and if down the road I've got the money I'm going to do it, Joe.

MR. LAMALFA: And if you have the money you should do it.

MAYOR VIC COLLOVA: Absolutely.

MR. LAMALFA: You don't have the money.

MAYOR VIC COLLOVA: We're hanging in there.

MR. LAMALFA: I got one more question for Mr. Tomola. Is Dudley on our hospitalization? Have they been paying any of our hospitalization for Mr. Dudley? There's been a rumor going around. None of Council's on our hospitalization?

ACTING FINANCE DIRECTOR RON TOMOLA: No.

MR. LAMALFA: What do you think, Mr. the Mayor? Is that true?

MAYOR VIC COLLOVA: Is it true? I certainly think it's true.

MR. LAMALFA: OK. Good enough. Thank you.

MAYOR VIC COLLOVA: What do you think, Joe?

MR. LAMALFA: I think it's not.

MAYOR VIC COLLOVA: You think it's not?

MR. LAMALFA: That's my opinion.

PRESIDENT GERACI: Time's up. Thank you.

CLMN DUDLEY: Mr. Chairman, I think I deserve an opportunity to respond. You can keep on walking, though. I find it so amazing whenever you come here, you know. I remember sitting up here and I don't know if you have whatever for me but you always select me out of a crowd. I don't get no hospitalization from the city. I don't receive no hospitalization form the city. I don't receive nothing from the city.

MR. LAMALFA: I don't single you out.

CLMN DUDLEY: No, no, no. You always have an issue with that. Let me tell you something.

PRESIDENT GERACI: Excuse me, Councilman. Joe, will you go sit down please?

MR. LAMALFA: He called me up.

CLMN DUDLEY: Go take a seat, Joe. I'm going to talk from here.

PRESIDENT GERACI: Now, Councilman, your comments.

CLMN DUDLEY: I wish I could have hospitalization from the city. I would love to enjoy that. But my hospitalization comes from the Veterans' Administration because when I took this position I gave up my hospitalization at my job that I had with ODOT. That was one of the sacrifices I made along with the \$30,000.00 to \$40,000.00 a year to serve the city and create better programs for our community as well as the city. So I made my sacrifices. And another thing I wanted to mention when you talk about the center, I may not agree with amount of money that is being used to run the center, but we have to do something not just for the kids but the other members of the community and I believe we are all working on something to create better programs. If sometimes when people come up here they spent half the time trying to come up with good ideals instead of coming up with bad ideals and criticism this city could be a lot better than what it is. So sometimes think positive. Share some positive. Negative don't do nothing for nobody. It don't even help you.

PRESIDENT GERACI: Joe, that's it. Anybody else to be recognized?

Steve Sanducci, 4762 Rockwood. Frankly, I'm appalled at Councilperson Marincic's response and noncommittal vote on something she claimed she didn't understand. If you didn't understand it you've got a lot of colleagues around you that you could have contacted and said what does this mean? As opposed to coming in and saying I don't know what it means ha ha and I'm going to give it a noncommittal vote on something as important as this is. That's your job. For someone who is inquisitive as you are on so many points it's hard to believe that you would come up with a vote like that. Thank you.

PRESIDENT GERACI: Thank you. Anybody else? We'll move on. Miscellaneous. Clmn Vaughn.

MISCELLANEOUS BUSINESS:

CLMN VAUGHN: It looks like we're going to get out early tonight, which is fine with me. I want to thank the Service Department for a great job these past few weeks through all the storms and everything they've done a terrific job. Steve, I wanted to let you know that Mrs. Marincic and I talked greatly about this. She went over it with me on Saturday. Sunday evening she called me. Monday we talked. It came down to ideologies and you know, one of the things that's given to us in our Constitution is the right to disagree and you know, if Nancy decides to disagree with me on this, that's fine. To each their own.

(Mr. Sanducci commented from the audience.)

PRESIDENT GERACI: No response. Go ahead. Keep going.

CLMN VAUGHN: Well, just to let you know this is what she came up with. I want to wish everybody a good week. We'll see you in two and hopefully the weather will be a lot better. Just remember in less than a month the Indians will be playing ball.

CLWN MAHONEY: I would like to tell Steve, our newest member up here, congratulations on all your good work. Thanks for joining us. Also to the other two students here, Nick and Tametria, thank you for coming. Tim McLaughlin, thanks for all your work and the guys in the service garage. Bob, thank you very much for negotiating the deal with First Energy. A lot of money to save over something that probably couldn't have been done before so thanks very much for doing that. I know that you put a lot of time into that. Again, Dave, thanks for your hard work and Ron (not to be excluded) thanks for all your work with the appropriations budget. I have nothing else.

CLMN SUSTER: I have a few things. Senate Bill 5 is just the first thing that's going to come out of Columbus. There's going to be a lot of other things that are going to affect the city. I actually don't know right now but I think there's going to be a lot of things that are taken away from the city moneywise and the Governor's going to put the burden on the cities and not on the State. He has a big deficit to overcome and he said he wouldn't raise taxes, which he probably won't do, but he will leave it to the cities to raise taxes in order to straighten out their budgets from the money that he'll be taking away.

Another thing if you read the paper the last couple weeks about your water bill. You think you're water bill's high now? There was an article that said it's going to go up to about \$1,600.00 every three months. There was another article yesterday about some more costs. This is all going to hurt everybody's pocket. Not just mine. It's going to hurt everybody's and you come to these meetings and you talk to City Council. How many people are going to go home tonight or tomorrow and get hold of somebody from Columbus and let them know that you're not satisfied with some of the things that are going on there. We need to do those kinds of things because here again we elected the people just as we got elected we are electing the people that are down in Columbus.

Mr. Lamalfa brought up about closing the Rec Center. I think that is one of the dumbest ideas I've heard in a long time because as people have said, we're trying to find things for these kids to do in their spare time and we need the Rec Center whether there's 50 kids there or 300 kids. Maybe you didn't go there as a child but I know my kids used it and it's well worth keeping it open.

One last thing is next Monday evening Ward 5 will have a Block Watch here at the Civic Center. It will be at 7 o'clock and anybody that would like to come you're more than invited. That's all I have this evening.

CLWN SARNOWSKI: Ward 4 is having their Block Watch tomorrow at the fire station and our guest speaker will be Mayor Vic Collova. It's at seven o'clock and everyone's welcome to come and join us for a short meeting and refreshments afterwards. That's all I have.

CLWN MAHONEY: I wanted to congratulate Mrs. Sarnowski and her family on becoming grandparents.

PRESIDENT GERACI: Congratulations.

CLWN SARNOWSKI: I had a grandson born in Birmingham, Alabama on Wednesday night, seven pounds, 3 ounces, 21 inches long and his name is Easton James.

PRESIDENT GERACI: Good. Congratulations.

CLMN NENADOVICH: I, too, would like to congratulate Debbie on becoming a grandparent. It's the greatest feeling in the world. Also Ward 3 has their Block Watch the second Thursday of the

month. This month it will be at the Courthouse with Judge Nicastro. It will be at 6:30. It won't be at the VFW this month. It is on the scrolls so you are all invited to attend. That's all I have.

PRESIDENT GERACI: Thank you, Councilman.

CLWN MARINCIC: Finally got to me, huh? I would like to congratulate Clwn Sarnowski on becoming a grandmother for the first time. I know that was really exciting and you needed some joy in your life and I'm very, very happy for you.

As for my vote on the Senate Bill I don't think it's fair that you get up there and say that I go ha, ha. I never said anything like that. You have no idea how much I work on my legislation and research things and try as best as I can to make an educated vote for every resident in this town and Ward 2. I did the best I could. As I said on Council floor that bill's a mess. Without a doubt it's a mess and it needs a lot of work. Maybe 10% of it is good and the rest is terrible and I couldn't make an educated vote on it. I think the best thing our Senate can do is throw it away and start all over again. I stand behind my decision because I was not capable of making the correct vote on a bill that's that bad. That's all I have tonight.

CLMN DUDLEY: You saved the best for last. Congratulations to Clwn Sarnowski on the new member of the family. Man, I can't remember what it was to just have one grandchild. Man, I can't remember that.

I wanted to say we all got to respect Nancy's decision. Everybody's entitled to make their own decision and we can't think for her. She had to do her thinking for herself so we have to respect that.

I want to thank Mayor Vic Collova and our Chief of Police, Bob Sackett, for coming out to the Black History Program that we had last week. We had a great time. We had some good entertainment. We know how to entertain you. That's no problem at all.

I also wanted to say, like I said on Senate Bill 5, I don't know who went to sleep and dreamed it because it must have been a dream. It should have never been a reality. Somebody's still in some type of dream world. I never supported it from the beginning and I hope that everybody takes the opportunity to, like I concur with my fellow Councilman, Joe Suster, that you need to send e-mails. You need to send letters. You need to pick up the phone, You need to call them. No matter Republican/Democrat. You need to have your voice heard. You need to make calls and tell them don't let that thing pass. You need to put pressure on them individuals as soon as possible.

I wanted to give my condolences out to the family who lost one of their loved ones at the Marathon on Broadway. I also ask people that you don't be too hasty to jump to quick decisions. You have to allow investigations to take their course. Wait until the investigation is over and don't get kind of dragged into the limelight until you hear all the facts at the end. My condolences do go out to that family. My blessings go out to my community to anybody who lost a loved one and I thank you all for the continuing support of the community. That's all.

PRESIDENT GERACI: Do we have a motion to adjourn?

CLWN MAHONEY: I make a motion to adjourn.

PRESIDENT GERACI: Roll call.

AYES: 7

PRESIDENT GERACI: This meeting is adjourned. Next meeting is March 14, 2011, seven o'clock.

MEETING ADJOURNED AT 8:02 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Frank Geraci, Jr.
President of Council

Barbara Molin
Clerk of Council