

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, January 9, 2012

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

INVOCATION BY: Councilman Michael Dudley, Sr.

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

PRESIDENT MARINCIC: We're all sitting in a little different seats tonight because we had to make room for our Police Chief who is going to be with us for meetings from now on.

READING AND DISPOSAL OF MINUTES:

PRESIDENT MARINCIC: Reading and disposal of the Minutes from the Regular Meeting of Garfield Heights City Council from December 19th.

CLMN SUSTER: Mme. Chairman, I'd like to make a motion that we accept the Minutes of Monday, December 19th 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.

WRITTEN COMMUNICATIONS TO COUNCIL: None.

LEGISLATION OUT OF COMMITTEE: None.

COMMITTEE REPORTS: None.

REPORTS OF THE MAYOR AND DIRECTORS:

PRESIDENT MARINCIC: We will move on to the reports of our Mayor and his Directors. Mayor Collova, Happy New Year.

MAYOR VIC COLLOVA: Mme. Chairman, Happy New Year. Thank you. I have a few things to go over today. First off I'm happy to announce that we received notification from RTA and I'd like to read it to everybody.

"Dear Mayor Collova:

We are happy to share good news for your residents from the Greater Cleveland Regional Transit Authority. Starting on January 8th we'll be improving service in your city. We are addressing increased ridership which has led to overcrowding and the need for additional buses and service. Improving convenience of bus and rail connections and improving on time performance. 2012 will also see additional service on our Red Line and Health Line as both of these services saw a double digit percent ridership increase in 2011. Throughout Cuyahoga County this is more than a 4% increase in service and a \$3.4 million investment for RTA customers. We are looking at many continued improvements as we move to 2012 as well."

We are going to be picking up some of those services we lost about a year ago. That's good news from RTA. Hopefully it continues to get better than that as far as the service goes.

The second thing I have is I want to say I'm very proud to announce that Pastor Gloria Cheney, a Garfield Heights resident and my neighbor was recently appointed as the Cleveland Police Chaplain. She is the first African-American female ever to hold this position and she is one great lady. She's excited. We're excited. I hope the next Council Meeting we have her in here to introduce to everybody. One of our residents doing a great job and she's my neighbor. Thanks to Gloria.

Number three. If you have been past the old Nestaway Building where Overdrive is going up you will see that they are actually working. I was real excited to see them working out there and this morning when I rode by I saw the steam shovel having this big cloud of smoke come out. So it was broken down but it's OK. At least they started. I was happy with that.

The other thing I want to talk about is I want to talk a little bit about the Christmas Lighting Contest that we had. Our three judges, Sue and Wayne Williams and Debbie Sarnowski went through the city to pick out what they thought of the 15 nominations, which one in each Ward, was the best. Here is the finals from each Ward. We're going to bring those finals in next Council Meeting of the 23rd and the three judges will present the Grand Winner and we have plaques and different paraphernalia for them. So Ward 1 was 4713 Hillside Avenue, Ward 2, winner was 9715 Robinson Avenue, Ward 3 winner was 4730 Horton Road, Ward 4, 10303 Park Heights Avenue, Ward 5, 5204 East 114th Street, Ward 6, 5359 East 135th Street and Ward 7, 12312 Havana Road. Out of the 15 nominations these are the seven that were picked from each Ward. Two of the Wards only had one nomination so they were the winner by default so to speak. Next meeting the judges of this contest will present the winners with the grand prize.

Lastly on my report I want to welcome and thank Chief Sackett for being on the Council for our round table with us and just so you know how it works, Chief, and I want the residents to know that this wasn't just an accident that we brought him up. There's a reason for it. If there's anything good going on in the city anywhere at all things that are good I take the credit as Mayor. If you got a problem with anything it goes to the rookie, the Chief and he will handle it all. So thanks Chief. Really we appreciate your being here. He's going to be a great asset to the reports I'm sure.

Getting into tonight's ordinances. Ordinance 01-2012. This is an annual service contract for the police TAC computer that we do each and every year. Ordinance 02-2012. This is auto registration investigations. Ron Tomola checks with the BMV. What happens is we check with the BMV records to determine all Garfield Heights vehicles are registered to Garfield Heights. We bring in a gal that's been doing it for the last 15 years or so. She does it for us every year. It's very inexpensive. If you want to get more into it Ron can get into it but this by making

everybody aware that those registrations are in Garfield's name we receive taxes from that. So this is an advantage to the city but Ron can get into that deeper if you need some more. Ordinance 03. We're very happy to say we got two police cars coming. Two brand new police cars. These dollars for the cars are coming out of two separate funds. No money out of the General Fund so that's a great thing. Ordinance 04. We have made an agreement with the Garfield Heights and the Fraternal Order of Police Lodge 67 patrolmen and what we're going to do is have some transitional work. This is when you have an in line of duty injury. You will be able to perform transitional work at work. So this is something good and I'd like to eventually see this go throughout the city but this is a good start. I believe the Fire Department has something very similar. Ordinance 05 is about the Ohio Charity Poker. Once again this is the same Charity Poker that's at Nautica and this has been going on for years, put on by the Cuyahoga County. We have researched it. We had the Police Department research it, Cleveland's Police to check on if there are any problems. Everything came across good. We personally talked to the Attorney General's Office. Everything is good. We see no problem. It is totally legal. It is all for charities. You have to be a charity to be able to use this. This is going to be great for the charities. It's also going to be great for the city because we're going to get some money off of this too as far as fees.

Last on the agenda tonight. When I started office we had our previous Finance Director work for a few months until we got things straightened out with the State and when he left I appointed Ron Tomola as Acting Finance Director. Ron Tomola has been with the city for a long time. Probably 30 years if not longer going back to when he started. Ron knows more about this city than anybody sitting up here right now or anybody in this Administration. He knows definitely more about the finances than anybody does. He has done an outstanding job. The thing I feel most comfortable about with Ron Tomola is that we may not always agree on things but he's going to make sure that I never go to jail because he dots every i and crosses every t and as soon as I get an idea him along with Riley tell me forget it. I'm very happy to ask Council to bring Ron Tomola on as the full Finance Director. He really has done a great job. With that said, Mme. Chairman, you have my report.

PRESIDENT MARINCIC: Thank you, Mayor. Any questions for the Mayor on his report? There being none we will move on to Law Director Tim Riley. Do you have a report tonight?

LAW DIRECTOR TIM RILEY: Just briefly, Mme. Chairman. I just wanted to reiterate what the Mayor said about Ordinance 05-2012, that a lot of research and a lot of time was spent in drafting the legislation along with the contract to make sure that they comply with Ohio law. Kevin Weiler, my Assistant Law Director, did extensive research on this to make sure that everything was legal and that the city would benefit from this and with that I would urge passage of that ordinance. Thank you.

PRESIDENT MARINCIC: Thank you. Any questions for our Law Director? I only have one. Just to reaffirm the city's not taking on any liability in any way with this contract?

LAW DIRECTOR TIM RILEY: No. If you read the contract it's really outlined in there.

PRESIDENT MARINCIC: Just double checking. OK. Thank you. Now we'll move on and welcome very much Police Chief Sackett. Do you have a report tonight?

POLICE CHIEF SACKETT: Yes, I do, briefly. First I'd like to thank the Mayor and Council for this opportunity to talk, say a few words and answer any questions you might have. Last Wednesday on the 4th we were very busy at the Police Department. As you probably saw on the

news, President Obama visited the area. He visited a house in Cleveland and went to Shaker Heights High School. Usually when a President or Vice President comes to Cuyahoga County they travel down 480, we shut off the ramps with 10 other cities and it's rather quick. This particular day, because of where he was going in Cleveland, he actually got off on Broadway, traveled through Garfield Heights on Broadway and up on 131st. Then for a brief time, probably 15 minutes that he spent in Garfield Heights, we had to shut down every street, every business driveway so the motorcade could pass through. It was quite a sight to see. The motorcade had to have 20 cars in it at least and you got to make sure nothing. It's one of those things that if you do it right nobody really notices and if you do it wrong you're all over CNN. The guys on the road they did it right. We had a lot of help from the auxiliary police and I just want to thank them. It took us 30 guys to do it in the morning on his trip in and probably 22 on the way back when he also got on on Broadway so I want to say the guys did a good job on that and there was nothing negative at all.

In regards to 2011, the total stats have not been tabulated yet but I can say that our calls for 2011 were down slightly from 2010 (about 1%). That's a good thing. In my opinion that is a successful trend as opposed to answering more calls. We want to answer less calls. Our total arrests were actually up about 200 people (about 8%). When we do the Annual Report in the next month or so there will be a lot more details about specific crime types and any increases or decreases.

In regards to the legislation that concerns the Police Department the Mayor covered most of that. The light duty legislation that's definitely a step in the right direction. I would urge that you pass that one. The cars, like the Mayor said, nothing out of the General Fund. Actually one of those funds is strictly from money that we seized through investigations and the other is a fund that is created by the State legislation that they tack money on to Court fees for DUI enforcement so we're able to use those funds. That TAC computer renewal contract is simply that. We've been using them for about 10 years and I believe that that is the same price as the past year so I urge that that be passed. With that you have my report.

PRESIDENT MARINCIC: Joe just said that's quite a bit for a new guy. I'm sure you didn't hear it so I'm saying it over the microphone. Any questions for our Police Chief? There being none I will move on to Service Director, Tim McLaughlin. Do you have a report tonight?

SERVICE DIRECTOR TIM McLAUGHLIN: Yes, I do. Thank you, Mme. President. In the last couple weeks we've had one good snowstorm that probably lasted us about 2.5 days but it kind of worked out. It would have been shorter but we did have some problems with a lot of cars parked and we had to spend the last half a day trying to clean back where cars moved from. I did not put the snow parking ban into effect because I checked with other cities around us and they did not do it either. It was hit and miss whether we should put it into effect but I did not ask the Police Department to put it into effect.

Some of the other things besides that we are now in the process of taking down the Christmas lights while the weather's good. We have a cold patch crew that's been out filling in some holes throughout the city. We had the tree crew out taking care of some trees. During the storm branches blew off. It got very windy during the storm and there was damage to some trees throughout the city and there were safety concerns so we got the crew out there working on those.

One of the things that I wanted to touch on briefly. We did have a lot of problems with the rubbish in the last two weeks. A lot of calls. A lot of complaints. Rubbish has been the same on

pickups since we went to a private rubbish and that's over 20 years. I'd just like to go over quickly. Christmas, New Year's, 4th of July, Memorial Day, Labor Day and Thanksgiving are the major holidays. If they fall during the week the day after the day that they fall on your rubbish will be a day behind. When they fall on the weekends rubbish is on regular schedule. It's a cost thing. We've had three different companies in here. It becomes a cost thing on their end. That is the part but it wasn't an easy part for the last two weeks. The holidays were on the weekend. For five years we won't have to worry about that but Martin Luther King, Presidents' Day, Columbus Day and Veterans' Day are always on the regular schedule. The rubbish always works those days. Again it's a cost thing. It's the way I bid it. The rubbish companies are going to pass on if the employees have to work time and a half an extra day. I wanted to touch on that. We put it in the Neighborhood News. It's on the cable channel. I don't know how else to keep getting it out there every time that there's a holiday but hopefully maybe some people will see this on TV and they will be able to go accordingly. That's the end of my report.

PRESIDENT MARINCIC: Thank you, Tim. Any questions for the Service Director?

CLMN SUSTER: I do, please. Do you have any figures yet of how much we've saved by not plowing snow and salting compared to last year? Because I know last year we still had leaves and so much snow we had?

SERVICE DIRECTOR TIM McLAUGHLIN: I think we've used about 550 ton of salt this year so it's probably a little under half of what we used last year. Whatever we've had this year you can double the last year. The last storm we only used 100 ton the first day out. After that we had to use more because it kept refreezing. I think when I talked to Mark the other day we used 550. As far as the employees I mean I been limited to four trucks out and nighttime split up the shifts. I broke a couple more guys in during the night. Started out with four and ended up with six. Once most of the traffic's gone and most of the cars are off the street. I think it's about half. I can't give you an exact. I'm thinking that the employees only had about 20 hours overtime this winter. Like I said the salt's maybe 550 ton. In average we use 3,500 ton a year. Let's hope that it doesn't pay us back in March.

CLMN SUSTER: That's what I'm hoping.

PRESIDENT MARINCIC: Any other questions for the Service Director? There being none we will move on to Recreation Director Mr. Dobies. Do you have a report tonight?

PARKS AND RECREATION DIRECTOR BOB DOBIES: Yes, I do. Mme. President, Council, good evening. Happy New Year to you all and all in attendance. Futsol indoor soccer signups are in progress. Will run through January 29th. Practice tentatively will begin February 2nd. Game is on February 14th respectively. All practice and games will be played at the middle school as I mentioned before. This year because of interest we will accept five year olds into the program, but they have to be five by February 1st. There are no exceptions. This insures they are true five-year-olds that play.

We also started our second Learn-to-Skate session this past Saturday and it will run through March 17th. There is still time to sign up and register for that. These sessions are taught with hockey curriculum for those who have little or no experience at all. It's a pretty good program. We had like five or six kids sign up and on Saturday there was a mad rush of about 20 more so that's progressing.

If you are looking to get in shape for the New Year the Winter Fitness session will be starting January 10th. The Winter Session will run for 10 weeks including cardio, conditioning, strength training, step aerobics with classes being held at Fire Station No. 1. If you have any more questions please call the Recreation office.

I'd like to welcome Chief Sackett and congratulations to Mr. Tomola. That concludes my report.

PRESIDENT MARINCIC: Any questions for our Recreation Director tonight? There being none we will move on to City Engineer David Krock. Do you have a report this evening?

CITY ENGINEER DAVID KROCK: I do. Thank you, Council President. Two items tonight. First of all we've had some flooding issues on the West end of Grand Division. The street near the Halverson Boiler facility there. We made a request to the County here earlier this fall for some funding and they have agreed to fund our project so this spring we intend to move forward with that project. It should help them out considerably. It's been going on a long time.

Earlier this fall I also mentioned that we have 15 locations in this city where the folks are still on septic systems and we did an investigation of that with the Board of Health. We did find that 12 of those could be provided public sewer. Our next step at this point will be to look for public funding for that. Three of them we just cannot get public sewer to them readily. The importance of this is, especially over off of Turney in Ward 7, we've got some areas where we've just got sewage running across the ground because we have a failing system so this will be a big help for that. That's my report.

PRESIDENT MARINCIC: Thank you. Any questions for the City Engineer? There being none we'll move on to Finance Director. I'm not going to say Acting. I'm going to say Finance Director Ron Tomola.

FINANCE DIRECTOR RON TOMOLA: Thank you, Mme. Chairman, I do have a report tonight. I'd like to talk a little bit about the assessment of the garbage refuse fees that went on the property taxes. The bills came out in December. There was a little confusion even at the County for what we were doing.

We were assessing 2012's garbage fee as I'm sure everybody on Council knows, but a lot of the residents didn't and we've been swamped by calls in our department. I don't know if any of you have taken calls? As soon as we realized what happened I got on the phone to the County. The assessment office was aware of what was going on but it was not actually printed on the bill that it was 2012's garbage fee that is being assessed. It's not on the bills currently. It is on the Website. If you check your property information on the County's Website it does identify it as 2012's garbage fee. So I wanted to clear that up in case anybody still has a problem with that.

The other thing that happened is there was a problem processing the file that we sent the County for those fees. Our file was correct. Our file was right. But when the County processed it, there was a glitch that happened in their system and some of the lines got jumped over and skipped so that some of the parcels in town were assessed the wrong amounts. We figured that out the week between Christmas and New Years'. On Wednesday of that week I was on the phone to the County again. They checked it out. There was a processing problem with the file. They said that they would spend the next two days correcting it and issuing revised bills to the residents that were assessed the wrong amounts. Some went both ways. There were some Homestead people that were assessed full amounts. There were some people that didn't have Homestead that were assessed the Homestead amounts. So some of the bills went up; some of

the bills went down. But the revised bills should have all been out and everybody should have gotten those by this date.

The other thing, the Ordinance 2-2012. I wanted to maybe say a few words about that one. The agreement with Darlene Pride. She's a governmental consultant. She's been doing the work, checking our BMV registrations for over 15 years. The reason I decided to put this contract up for Council to approve has nothing to do with the money. For the last three years the most we've paid her was like \$570.00. The reason I put it up and I'm asking Council to approve it is because we actually have to appoint her as an agent of the city so that she can access the BMV records and make sure that all those registrations that should be earmarked for Garfield are actually marked for Garfield. With that you have my report.

PRESIDENT MARINCIC: Thank you, Mr. Tomola. Any questions for our Finance Director? There being none, we will move on to Economic Development Director Ms. Kuban, do you have a report tonight?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Yes, I do, Mme. Chairman. Some of you may have seen in the Neighborhood news in the last couple of weeks. There was an article about Neighborhood Housing Services. Several Congress people were at the event. The topic of the event was about banks that are walking away from houses. Typically we hear about people who are walking away from the houses but we are now seeing a trend for banks walking away. What happens is they either fail to proceed with a foreclosure action and then they also do not take title to the house. But I just want to remind people that there is assistance available with foreclosures. We have NHS--has a housing counselor here every Wednesday and the phone number is (216) 485-4663 extension 17 and they can do an intake over the phone or you can go to the Website and do an intake on-line. I just want to get that information out to the residents once again. Thank you.

PRESIDENT MARINCIC: Is that all you have?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Yes.

CLMN SUSTER: If the bank doesn't take title to these homes and they are foreclosed on who's responsible for the homes?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: That's the big legal issue here. The Congressmen present were talking about doing legislation to address that issue, but frequently the Building Department sees that the lender will say it's not our responsibility because we aren't the owner. The owner has already moved out and it's just kind of in a legal limbo.

CLMN SUSTER: That's what I'm trying to get at. If we have problems with those homes then is the Building Department or are we going to go ahead and maintain those properties? What I'm talking about maintaining is cutting the grass, etc. so they at least look halfway habitable. So they don't create a blight?

BUILDING COMMISSIONER BILL WERVEY: Yes, the Building Department is going to continue to work with whatever grass cutting crew is in place to try to keep up these exteriors of these homes.

CLMN SUSTER: Will we still charge the same amount we do for cutting grass?

BUILDING COMMISSIONER BILL WERVEY: I believe so. The legislation remains the same so the cost will be the same. We will then send bills out and if they don't get paid we'll assess. I don't want to take Noreen's report but as you had asked, technically until the deed is filed it's in limbo. We act as if the original person who owned the house is responsible. But I think as Noreen alluded, it's being lifted to legislation to force the banks to file. That's more or less what you're saying, Noreen?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Correct.

CLMN SUSTER: OK.

PRESIDENT MARINCIC: Anybody else have a question?

CLMN DUDLEY: Mme. Chairman, is that organization going to provide residents any type of assistance or advice for the ones who are sitting in the underwater mortgages?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Actually yes. There are a couple programs that are available at the Federal level. Not everyone will qualify but if they are eligible they will be able to do a modification of a loan and get them into a mortgage that is more comfortable for their finances.

CLMN DUDLEY: Thank you.

PRESIDENT MARINCIC: Any other questions for our Economic Development Director? I have one. Ms. Kuban, two residents of mine within the last year have told me how their property they owe more on it than it's worth. They were planning something they called a discreet walk away. Ever hear of that before? I've never heard of that. Doesn't any kind of walk away from your house damage your credit rating?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: I'm sure it would damage your credit rating but sometimes people say it makes sense to walk away but it's not without a negative on your credit rating.

PRESIDENT MARINCIC: I suppose that these people were making their mortgage payments and capable of doing it. They just decided enough's enough. OK.

FINANCE DIRECTOR RON TOMOLA: Mme. Chairman, if I might throw a little into this? I have an example and I'm sure it happened more than once but here's one in particular that I know of where a resident owned a house on a particular street. They were in one of these mortgages as you explained. They walked away from that property, paid cash for a foreclosed property roughly of \$15,000.00 less than a mile from the property they were in originally and overnight moved all their belongings. That's what's going on. So.

PRESIDENT MARINCIC: Wow. Last but not least, Mr. Wervey. Do you have a report tonight?

BUILDING COMMISSIONER BILL WERVEY: I don't have anything new to report. This discreet walk away. Don't take this as Gospel. It may be where they go to the bank and say here's the keys, take possession of the house and don't force the bank to foreclose. I don't know that for sure but it may be something along that line. I don't have anything else.

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

COMMENTS BY CITIZENS:

PRESIDENT MARINCIC: This is the portion of the meeting where residents can come up and speak for five minutes on the items on this evening's agenda. Anyone interested in speaking raise their hand? There being none we'll move on to ordinances.

ORDINANCES AND RESOLUTIONS:

PRESIDENT MARINCIC: The first ordinance is Ordinance 01-2012. Will the Clerk read the title?

ORDINANCE NO. 01-2012

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF GARFIELD HEIGHTS WITH TAC COMPUTER. MOVED BY MAHONEY TO CONSIDER BY TITLE:

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

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 01-2012 stands adopted with 7 Yes votes.

ORDINANCE NO. 02-2012

A EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A TWO-YEAR MOTOR VEHICLE REGISTRATION AUDIT AGREEMENT, WITH DARLENE M. PRIDE, GOVERNMENTAL AFFAIRS CONSULTANT, TO CONDUCT AUDITS OF CERTAIN OHIO BUREAU OF MOTOR VEHICLES RECORDS, PER THE ATTACHED AGREEMENT.

MOVED BY VAUGHN TO CONSIDER BY TITLE:

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

PRESIDENT MARINCIC: The Yeas have it. Any discussion on this matter? There being none, Waiver of Rule 24 all in favor say Yea.

Motion to WAIVE RULE 24:

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

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: Ordinance 02-2012 stands adopted with 7 Yes votes.

ORDINANCE NO. 03-2012

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CHIEF OF POLICE, OR HIS DESIGNEE, TO PURCHASE TWO (2) DODGE CHARGERS –LDDH 48 POLICE CARS AT A TOTAL COST OF FORTY-THREE THOUSAND EIGHT HUNDRED SIX DOLLARS (\$43,806.00), THROUGH GREVE CHRYSLER JEEP DODGE INC., AN APPROVED VENDOR UNDER THE STATE OF OHIO, DEPARTMENT OF ADMINISTRATIVE SERVICES, STATE BID CONTRACT INDEX NO. GDC-050, BID CONTRACT NO. RS900912 (10-31-12), PER THE ATTACHED PRICING QUOTATION (#SR00589) AND CONTRACT DOCUMENTS.

MOVED BY SUSTER TO CONSIDER BY TITLE:

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

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

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 03-2012 stands adopted with 7 Yes votes.

ORDINANCE NO. 04-2012

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, LODGE 67, PATROLMEN.

MOVED BY NENADOVICH TO CONSIDER BY TITLE:

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

PRESIDENT MARINCIC: The Yeas have it. Any discussion on this matter? There being none we don't need to Waive Rule 24 so we'll move on to Motion for the Suspension of Three Reading Rule.

Motion to SUSPEND THREE READING RULE:

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

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

VOTE ON ADOPTION:

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

PRESIDENT MARINCIC: Ordinance 04-2012 stands adopted with 7 Yes votes.

ORDINANCE NO. 05-2012

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN OPERATIONS AND SUBLEASE AGREEMENT WITH OHIO CHARITY POKER, LLC, AN OHIO LIMITED LIABILITY COMPANY, FOR THE PROVISION OF VENUES IN THE CITY OF GARFIELD HEIGHTS FOR CHARITY POKER FUNDRAISING EVENTS AND DECLARING AN EMERGENCY.

MOVED BY SUSTER TO CONSIDER BY TITLE:

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

PRESIDENT MARINCIC: The Yeas have it. Any discussion on this matter? There being none Motion for Suspension of the Three Reading Rule. All in favor say Yea.

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 05-2012 stands adopted with 7 Yes votes.

RESOLUTION NO. 01-2012

AN EMERGENCY RESOLUTION RATIFYING THE APPOINTMENT BY THE MAYOR OF RONALD TOMOLA TO ACT AS THE FINANCE DIRECTOR FOR THE CITY OF GARFIELD HEIGHTS, OHIO, DURING THE PERIOD COMMENCING JANUARY, 2012, TO SERVE AT THE PLEASURE OF THE MAYOR.

CLMN SUSTER: Mme. Chairman, I'd like to make a motion that we have this resolution read in its entirety.

PRESIDENT MARINCIC: Roll call on the motion to read Resolution 01-2012 in its entirety. All in favor say Yea.

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

The Yeas have it. Will the Clerk read Resolution 01-2012 in its entirety.

(The Clerk read Resolution 01-2012 in its entirety.)

PRESIDENT MARINCIC: Thank you. We will move on to the Waiver of Rule 24. All in favor say Yea.

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:

CLMN SUSTER: Before I vote, I'd just like to say for the last two years it's really been a pleasure to work with Ron him acting as Finance Director. I mean there's a person that you can call and ask him any questions and he always has the answer for you. I wish you a lot of luck. I vote Yes.

CLWN MAHONEY: I, too, would like to congratulate Ron. It's been a long time coming and it's nice to have you a full-fledged Director. With that I vote Yes.

CLMN VAUGHN: Before I vote Yes, I'd like to ditto the words of my colleagues and wish you the best of luck. I've really enjoyed working with you these past two years so I vote Yes.

CLMN DUDLEY: Before I vote, I'll throw in a joke. Ronald Reagan couldn't have done better acting. You done a great job, man. Well deserved. I vote Yes.

PRESIDENT MARINCIC: Ron, you're one in a million. We've been friends for many, many years and I can't think of anybody else I would rather have in this position or anybody better qualified than you. I vote Yes.

CLMN NENADOVICH: Ron, welcome aboard. Congratulations on the appointment. I hope you keep the open door policy because it's been wonderful being able to walk in anytime and ask you a question. I appreciate your candor and your willingness to work with us. I vote Yes.

CLMN GLENN: Ron, I just want to say all the answers you give at Council here are clearly defined and easy to understand. I thank you for your help. Good luck. I vote Yes.

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

PRESIDENT MARINCIC: I am so happy to say that Resolution 01-2012 stands adopted with 7 Yes votes. Did you want to say anything, Ron?

FINANCE DIRECTOR RON TOMOLA: Yeah, I do. I just want to thank everybody for their words. Thank you all, Mayor, Council, I will do my best at this job. I think you all know that. If something just can't happen I'm not going to let you do it. Thank you.

PRESIDENT MARINCIC: That's what we're depending on, Ron. Thank you very much.

COMMENTS BY CITIZENS:

PRESIDENT MARINCIC: Now we will move on to comments by citizens that are miscellaneous. This is the portion of the meeting where a resident if they have a situation or an issue that has come up in their Ward or anywhere in the city and they have taken it to the appropriate city hall department or to their Councilperson and the issue has not been resolved, they can bring it up at a later date on Council floor. Items of a first purpose are not supposed to be brought up on the floor. You have to have brought them up to somebody else so I'm asking you if this is the first time you're discussing this, please don't ask to take the microphone. You're limited to five minutes. Everyone can speak just once. Anybody wants to speak on an issue this evening raise their hand. Give your name and address for the Clerk.

Melanie Weiss, Branch Manager of the library next door, 5409 Turney Road. I am up here to talk to you a little bit about our temporary location. We are moving forward as far as the library goes and as far as the administration goes. I am getting inundated with questions from the residents and I am thrilled for that because everybody wants to have a branch library in Garfield. It is going to happen but I need to explain the process a little bit. I just can't speak out and say what's going on. I work for a big library system and I have people that I am accountable to. So that means that our Board has to approve the location, we have to sign contracts, we have quite a bit of construction to do to make sure it's a workable environment for a library situation. When it can come out to the public it absolutely will. Our marketing department will be doing a press release and we will be giving the community all the information that they need to know. I'm just asking for patience at this time because trust me, I want to tell everybody I know our possibilities but I can't. I promised Mayor Collova that he would be one of the first people I talked to so if you hear me screaming and yelling on the phone saying we're moving, that's where we're going to be. I have also had questions will we be closed at any time. There's a possibility we may be closed just so we can have a transition period. We will let everybody know about that too. Does anybody have any questions for me right now that I could answer?

CLMN DUDLEY: Why don't you just whisper it in the mic? We won't tell nobody.

MS. WEISS: I can't and I want to so bad. Just like if you were to tell me something and you told me not to say anything I wouldn't either so how's that for a response? OK? So don't pull me in a room and blindfold me. I still won't say anything.

The other thing I wanted to say too is we keep having increasing problems with challenging customers and it's not just teens. It's residents of all ages. As the manager I run a very tight ship at the library. All the staff is on board. We do a lot of training and I'm a trainer in the library system on safety and security. But we can never come close to doing what we do without the Police Department. I don't know if Council knows this but I want to make sure that everybody was well aware of that if it wasn't for the excellence of the Garfield Heights Police Department we could not be functioning like we are now. Thank you.

PRESIDENT MARINCIC: Anyone else wishing to speak tonight?

Mary Ryan, 5014 East 114th Street. In yesterday's paper in the Metro section of the Plain Dealer it's called New Year's Resolution. Keep Cleveland Clean and Green. That brought to mind. I would like to know why they pass ordinances like the people that put out their garbage early or put it on wrong day. I would like to know from Mr. Tomola if he's the one to answer it have they ever generated any money from this ordinance?

FINANCE DIRECTOR RON TOMOLA: *(inaudible.)*

MS. RYAN: So why do we have ordinances that we can't enforce? That we can bring money into the city? Last Thursday on McCracken I'm going to the Y in Parma. Some guy has his garbage out there on Thursday. Coming up 115th today. They're renovating a house. They have all the crap on the tree lawn. I think it's wrong. They're supposed to have a dumpster if they're renovating. I'd like to know who is supposed to enforce it? There was a question a while back who's allowed to enforce this ordinance. So maybe Mr. Wervey can tell me who's allowed to enforce this?

BUILDING COMMISSIONER BILL WERVEY: I believe that there's legislation in place that allows, I believe, Service Department foremen to write tickets. The Building Department also could write up Court papers and subpoena somebody into Court, but we cannot write a ticket. Usually what we try to do is get the people to bring the trash in, but we have not to the best of my knowledge, at least not in a while actually taken somebody to Court for trash out early.

MS. RYAN: You're saying the Service Department is supposed to issue these tickets?

BUILDING COMMISSIONER BILL WERVEY: I believe there's legislation in place that permits that.

MS. RYAN: I'd like to know who's allowed to do this?

BUILDING COMMISSIONER BILL WERVEY: It's very complicated to do it. It's the same situation for us. If we go bang on the door we need to write that violation up. If we were to try to write a ticket (which at this point we cannot do) we would need to have Social Security numbers and people usually are not going to give them to us. So we've never done it.

PRESIDENT MARINCIC: I think our Service Director would like to interject here.

SERVICE DIRECTOR TIM McLAUGHLIN: Thank you, Mme. President. The Service Department foremen are not allowed to write tickets. That was brought up and after discussions with the former Law Director, the Judges, etc. that was not a good idea. What happens is that when we get a call we send the foremen out there, they knock on the door and try to get somebody to come to the door. If not they leave them what is a warning notice to remove the rubbish back into their yard until their regular rubbish day. Some of the major problems that we have with that is we have as you talked about earlier, foreclosures and all the other things that go along with it. People that don't have jobs. We have tons of move outs where people move out in the middle of the night, on the weekends, etc. and fill their tree lawns. In a perfect world I'd like to say that the Police Department would have a lot of time to help us with those things where they do help us here and there. Mr. Wervey's right. They have to have someone answer the door that they can issue a ticket to so that doesn't always happen that way. But we do every so often. Mr. Nenadovich's Ward is one of the hardest Wards because the people have a weekend so they start putting it out on Friday, Saturday, etc. But we do try to go round and get people to take them in. For a while we were actually taking them back up in the yard ourselves. Technically I guess I was told we are not allowed to do that. We did that for a long time. We also have some residents that now believe that they pay a portion for their rubbish and they call me and tell me that they put it out any time they want because they pay for their rubbish. These are things that we have to deal with every day. The Police Department's plenty busy without having to bug them so we try to take care of it ourselves.

PRESIDENT MARINCIC: We have to wind down because the time's up now.

SERVICE DIRECTOR TIM McLAUGHLIN: OK. I don't know what another answer is but the Service Department was never allowed to write a ticket.

PRESIDENT MARINCIC: Thank you, Mary. Your time is up.

BUILDING COMMISSIONER BILL WERVEY: Mme President, could I add something to that?

PRESIDENT MARINCIC: Yes.

BUILDING COMMISSIONER BILL WERVEY: The previous Law Director (and I have not discussed this with Mr. Riley) says the problem with writing tickets for something like this after the fact is that we don't know who did it. So maybe we cite the homeowner and the homeowner's going to say I didn't do it. Even if you have the right person you get into Court their husband says I don't remember taking it out. Maybe one of the kids took it out? It's very tough to enforce. That's why we've chosen not to. We try to remedy the situation as Mr. McLaughlin says we try to remedy the situation right then by getting the trash off the tree lawn and getting rid of the problem but we have not written any tickets.

PRESIDENT MARINCIC: Thank you.

MAYOR VIC COLLOVA: Mme. Chairman, if I can. If you have a problem. We get these calls all the time. If you have a problem call the Service Department. The Council people always call. We somehow get it picked up whether it's through J&J or whether we do it ourselves. The key to this thing is whether you write a ticket or not that's fine, but the key to it is getting it off the street because it looks terrible. So that's our main concern is to get it off the street. So just make a call if you have a problem and we'll take care of it.

CLMN SUSTER: Like Mary just pointed out this house on 115th that they're renovating and they got all this stuff on the front grass. It's not on the tree lawn. It's on the front grass.

BUILDING COMMISSIONER BILL WERVEY: I'm not familiar with that specific.

CLMN SUSTER: I'll get you an address tomorrow.

PRESIDENT MARINCIC: Anyone else wishing to speak tonight, raise your hand.

Bob Halan, 12416 Oak Park Blvd. In regards to this previous question, last four years I've been involved in politics, campaigning, etc. We had the Building Department come out and chase us off private property. We were campaigning against an issue. We were out there for about 1.5 hours before we got chased out. We were on the property of City View. That didn't take too long yet you guys don't have the courage for the health of getting the rubbish removed early putting the garbage out. I think that's ridiculous. Politics entered into this campaign. You were out there within 1.5 hours. We were chased. We were told we couldn't do our campaigning there on private property. City View. We got permission from Giant Eagle, which was one of the largest renters there. How come you guys can't do it for the health hazards? Thank you.

BUILDING COMMISSIONER BILL WERVEY: If I might respond to that and if I remember the situation correctly, Giant Eagle did not have permission to allow people on the property and City View asked us to act.

MR. HALAN: Technically that was politics. That is more important than the health hazard that we're talking about just now? That's ridiculous.

PRESIDENT MARINCIC: Before we go on I would like to say, ladies, I'm hearing everything you say up here. That microphone's picking it all up so keep it down a little bit please? Anyone else have any comments?

Kim Sanducci, 4762 Rockwood Road. Mike was well aware of this. There's a house at 8220 Garfield Blvd. It has been empty for four months. It's been broken into seven/eight times

already. I have called every single time. The back door gets kicked in on a weekly basis just about. Once a month. Twice a month. New Year's Day, again it was kicked in. For the seventh or eighth time the Garfield cops came in with their guns drawn and went in the house. After they left I got tired of seeing that house with the back door wide open. And it is a back door because it faces Rockwood. The front faces Garfield Blvd. I went over there, duct taped the door shut, I got the long distance number on the house. I called up because, besides Mike, I have called Marilyn, Lakita and Eloise and they have tried. Twenty-two hours later the house was padlocked. The back door was bolted down and unless somebody does kick the door in, it is now secured. Something's got to be done with the houses that do get kicked in. There's got to be some way that they can be resecured within a timely manner. It hasn't even been four months—end of August—and seven times. Usually on a Sunday morning the door is kicked in. Something's got to be done, but that one—I took care of it and in 22 hours got it secured. That's it. Thank you.

PRESIDENT MARINCIC: Anyone else wishing to speak tonight? Anyone else? Raise your hand. There being none, we can move on to miscellaneous business beginning with Clmn Suster.

MISCELLANEOUS BUSINESS:

CLMN SUSTER: I have nothing this evening.

CLWN MAHONEY: I'd like to again congratulate Ron and welcome Chief Sackett and I have nothing else either.

CLMN VAUGHN: I'd like to congratulate Ron and welcome the Chief and wish everybody a Happy New Year. That's all I have.

PRESIDENT MARINCIC: I'd like to do something I don't do enough. Mr. Riley, thank you for everything you did for the city for the past year. Your Law Department was excellent. The legislation's coming out on time and I'm so thrilled about it. I really am. You as our Law Director you are quite an asset. Police Chief Sackett, I couldn't have handpicked a better police chief. I call you when I have information anytime of the day or night. You must spend your entire day on the Internet. Mr. McLaughlin, you're working with a skeleton crew and I can't tell any difference in anything that's happening with our city. Your guys are amazing. Absolutely amazing and give them all a big pat on the back for me because I know they're overworked and underpaid. Mr. Dobies, you came out under budget. What you have done with that Recreation Center you have us in the black. God bless you. Keep up the good work. Mr. Krock. Wow. Anytime I call you you were right there for us. I'm not going to say anything negative about our old city engineers but what you have done for the price you have done I can't wait until we really pay you what you're worth. Which is away down the road so don't hold your breath. Ron, you are so honest. You really are. As our city Finance Director what you have done with our budget and finding money where I never thought it was is truly fantastic and I want you to know I really appreciate you and you being officially our Finance Director just made my whole week. Ms. Kuban, you're like an unsung hero. People don't know what you do. They really don't. You sit there and you give reports but they don't know what she does behind the scenes, She's always looking for grant money and she never stops. She's absolutely fantastic and I can't thank you enough, Noreen. Mr. Wervey, you poor thing. You get abused so badly and I know it's a non-stop thing. As soon as you get everything in order there's another complaint and I really appreciate the hard work that everybody in our Building Department does. I really do. Having said that, Mayor, you hired all these people. You did a good job. Thank you very, very much. Now I'll move on to Mr. Glenn. Do you have anything this evening?

CLMN GLENN: I do. I'd like to thank all the City Directors. Everybody on this Council and the Directors have good intentions and everybody's working hard at their job trying to do the best for the city. With that I'd like to thank Ron and our Police Chief coming on board. Again, thank you very much.

PRESIDENT MARINCIC: That's it? Clmn Nenadovich, do you have anything?

CLMN NENADOVICH: Yes, a couple things. As always remember the Vets. Keep them in your prayers. We're losing all those ones from World War II faster than you can shake a stick. New guys are coming home hopefully soon. Remember keep the Vets in your prayers. Again, Chief, welcome aboard. Ron, welcome aboard.

Ward 3 Block Watch is this week 6:30. VFW. Second Thursday of the month, which is the 12th. With that Happy New Year to you all and stay healthy.

PRESIDENT MARINCIC: Thank you. Last but not least Mr. Dudley

CLMN DUDLEY: I don't know, Mme. Chair, you cut into my time. I just thank everybody. I want to congratulate Ron. It's well deserved. I tell you Chief, you should have come out and this is the fun section. You're missing out on it. That's basically it and I wanted to say I'm really feeling good. This week on Saturday I'll be turning 51 years young and the Chief has agreed to let me have a party at his house and the Mayor's going to DJ. No, don't show up at his house because he won't have the party there. It's been a good couple years and always great working with my colleagues here and the Administration. I have no complaints. Most of all I thank the residents. I think you've all been great. A lot of you believe in your trust in us and you're looking towards us to do the right thing. That's basically it, Mme. Chairman. Feeling good right now.

PRESIDENT MARINCIC: Thank you. Will someone make a motion to adjourn?

CLMN SUSTER: I make a motion we adjourn.

PRESIDENT MARINCIC: Roll call on the motion to adjourn. All in favor say Yea. All against say Nay.

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

PRESIDENT MARINCIC: The meeting is adjourned.

MEETING ADJOURNED AT 8:02 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Nancy Marincic
President of Council

Barbara Molin
Interim Clerk of Council