

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, November 9, 2015

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

INVOCATION BY: Councilman Michael Nenadovich

PRESIDENT SUSTER: Roll call please.

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

PRESIDENT SUSTER: At this time, I'd like to turn the meeting over to Mayor Collova so he can swear in Council Members.

MAYOR VIC COLLOVA: Thank you, Mr. Chairman. Welcome everybody. Once again, it's that time, every two years that I have this distinct honor of swearing in Council and watching Council be sworn in. This is really a unique year. We only had one election because of Nancy's resignation as she retired from the group so we certainly have the boys group in place now with Council. I want to tell you that it's really a pleasure. It's an honor to everybody here to be unopposed. Shows the kind of job that you've done for the last two years under some really trying circumstances. I'm proud of working with each and every one of you. I look forward, Joe, to work with you. You certainly aren't as pretty as Nancy was, but it's going to be an honor to work with you.

With that said, today we're going to do three different swearing-ins. We're going to start with Mr. Dudley from Ward 1, Councilman Dudley. You're going to be sworn in by the Reverend Timothy Eppinger.

(Reverend Eppinger swore in Clmn Dudley.)

MAYOR VIC COLLOVA: Next, we're going to bring up Councilman from Ward 7, Tom Vaughn. Before he comes up, he has selected our own Judge Deborah Nicastro to swear him in. I take this opportunity because I don't get a lot of opportunity because we see people in different directions. She's with the criminals. I'm with the good people. Anyways we've talked many times here at Council and at many of the other meetings about the Boys and Girls Club. This thing is actually happening. We are very close to it. I want you to know that Judge Nicalstro has spearheaded this thing. She has done a great job and we owe it all to her. This is her first bad boy.

JUDGE NICASTRO: Now I'm so proud of him.

(Judge Nicastro swore in Clmn Vaughn.)

MAYOR VIC COLLOVA: Next, I want to call up Councilman from Ward 2 (newly elected), Joe LaMalfa, Councilman from Ward 3, Mike Nenadovich, Councilman from Ward 4, Gene Glenn, Councilman and President of Council Joe Suster and Councilman from Ward 6, Matt Burke. Please join us and have your families join us also.

(Mayor Collova swore in Councilmen LaMalfa, Nenadovich, Glenn, Suster and Burke.)

MAYOR VIC COLLOVA: With the swearing-in complete, I'd like to turn the meeting back over to Joe Suster. Mr. Chairman.

PRESIDENT SUSTER: Thank you, Mayor. There are a few things that we have to take care of before we move on with the meeting. The first is we have to elect a President of Council.

CLMN BURKE: Mr. Chairman, I would like at this time to nominate Clmn Joe Suster to be the President of City Council for the next term.

CLMN GLENN: I will second it.

PRESIDENT SUSTER: Roll call please.

CLMN BURKE: Before I vote, I'd just like to say that I see this Council has moved in a positive direction in the last two years and at this point in time, I do not see that we need to make any types of changes. I would like to see it go the way that it's been going the last few years. With that, I vote Yes.

CLMN VAUGHN: Before I vote, I'd like to echo my fellow Councilman's words. We need to keep moving forward and stop looking in the back behind us. We've been doing that for the past two years so let's continue to do that and keep the growth moving. With that, I vote Yes.

CLMN DUDLEY: Before I vote I would say that I gave you something, Mr. Chairman, that you all never really gave me and never gave me an opportunity or a chance. One thing I didn't like is the fact that every piece of legislation that the Chairman's name would be on that legislation. To me that was just a deterrent. I gave you that opportunity. I'd say that we didn't go too much in a positive direction. We just went in a direction that was pre-determined for us. I did have a concern about that. With that I vote No.

CLMN GLENN: Before I vote, I'd like to say a couple words. Going back when I first came in Council here. This Council is part of a chain starting with the Mayor, judicial system and the legislative. Team- there's no % in %eam+so we're all working together. It takes cooperation to get this city off the ground and the Mayor did a great job. We have a lot of things that we accomplished. A lot of things to accomplish. With that, I vote Yes.

PRESIDENT SUSTER: Before I vote I would just like to say as far as having names on legislation, anybody can call the Law Department at any time that they want to and request their name be put on legislation. With that, I vote Yes.

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

NAYS: Dudley

So I will be President of Council again with 6 Yes votes and 1 No vote.

CLMN BURKE: Mr. Chairman, I would like to make a motion to nominate as Council President Pro Tem Clmn Mike Nenadovich.

CLMN GLENN: I'd second it.

PRESIDENT SUSTER: Roll call please.

PRESIDENT SUSTER: Before I vote, I just want to say one thing. That I've worked with Mike for the last several years and he is just like the rest of us that they're so conscientious that it's just unbelievable. I think he spends more time here at city hall than he does in his own home. So with that I vote Yes.

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

NAYS: Dudley

Mr. Nenadovich is Council President Pro Tem with 6 Yes votes and 1 No.

We have one more appointment that we need to make and that would be to keep our present Clerk of Council as our Clerk of Council. So we will need a motion from someone to keep Barb on as Clerk of Council.

CLMN BURKE: Mr. President, I would like to make a motion that we keep Barb on as Clerk of Council.

CLMN DUDLEY: I'd second it.

PRESIDENT SUSTER: Roll call please.

CLMN BURKE: Before I vote I would just like to say, Barb, I think you did a great job for us and I thank you for everything you do for us. With that, I vote Yes.

CLERK: Thank you.

CLMN DUDLEY: Before I vote I tell you, Barb, you're the best Clerk there's ever been here during this timeframe in which I have served. You put in tireless hours and I know whenever I call for information you don't hesitate to e-mail it when it's needed. Honestly, I think it would be way, way too hard to replace you. You do a great job. With that, I vote Yes.

CLERK: Thank you.

CLMN GLENN: Before I vote, I want to thank you, Barb, for doing a good job. You're always there. You always answer my calls back. I'm an advocate for Seniors. I vote Yes.

CLERK: Thank you.

PRESIDENT SUSTER: Before I vote I'd just like to say I've worked with Barb for quite a few years and I've always felt that she's done a great job. I also vote Yes.

CLERK: Thank you.

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

PRESIDENT SUSTER: That passes with 7 Yes votes. We have one more and thank God he's not here. We have to appoint a Sergeant at Arms. Although I did talk to Bob about it to make sure that he wanted to keep on being Sergeant at Arms I told him what a stellar job he's done in the past couple years. Never having to do anything. So Mayor, did you have something you wanted to say?

MAYOR VIC COLLOVA: I had talked with Mr. Dobies prior to the meeting and he will gladly accept the Sergeant at Arms and do nothing again for two years.

PRESIDENT SUSTER: Thank you, Mayor.

CLMN NENADOVICH: Mr. President, I make a motion to elect Bob Dobies Sergeant at Arms.

CLMN GLENN: I'd second it.

PRESIDENT SUSTER: Roll call please.

CLMN NENADOVICH: If you want to argue with Bob and tell him he does nothing go ahead. I vote Yes.

CLMN LAMALFA: He did something. He threw me out of a meeting. I vote Yes.
AYES: Nenadovich, Glenn, Suster, Burke, Vaughn, Dudley, LaMalfa

PRESIDENT SUSTER: That's 7 Yes votes. If there is anyone that would not want to stay for the meeting, you can go ahead and leave anytime that you want to. OK? We're going to move on with the meeting.

INVOCATION BY: Councilman Michael Nenadovich

READING AND DISPOSAL OF MINUTES:

PRESIDENT SUSTER: OK. Reading and disposal of the Minutes.

CLMN BURKE: Mr. President, I would like to make a motion that we accept the Minutes of the Regular Meeting of Council, City of Garfield Heights, from Monday, October 26, 2015 as written.

PRESIDENT SUSTER: On the motion made by Mr. Burke to pass the Minutes of the Regular Meeting of Garfield Heights City Council of October 26, 2015, all in favor signify by saying Yea. All opposed?
AYES: Burke, Dudley, LaMalfa, Nenadovich, Glenn, Suster, Vaughn
That passes with 7 Yes votes.

WRITTEN COMMUNICATIONS TO COUNCIL: None.

LEGISLATION OUT OF COMMITTEE:

CLMN GLENN: We have two ordinances. Ordinance 44 and Ordinance 45 will be taken out of the Ways and Means Committee.

PRESIDENT SUSTER: OK. Ordinance 44-2015 to be removed from the Ways and Means Committee. All those in favor signify by saying Yea. All opposed?
AYES: Glenn, Suster, Vaughn, Burke, Dudley, LaMalfa, Nenadovich

Ordinance 45-2015 to be removed from the Ways and Means Committee. All in favor signify by saying Yea. All opposed? OK.

AYES: Glenn, Suster, Vaughn, Burke, Dudley, LaMalfa, Nenadovich
Ordinances 44 and 45 will be on tonight's agenda.

REPORTS OF THE MAYOR AND DIRECTORS:

PRESIDENT SUSTER: Mayor, do you have a report for us this evening?

MAYOR VIC COLLOVA: Thank you, Mr. Chairman. I do. First off, I want to congratulate once again all the Council people and all the appointees. It's going to be a pleasure working for you and I think you chose the right people to act in all of those spots so thank you for that.

The next thing I wanted to say is once again when I attend the Block Watches one of the complaints about the Council Meetings is that the volume they can't hear well so I ask Council please speak up because we do not have the \$25,000.00 to \$30,000.00 Barb told me to buy a new system so please speak up when you're talking in the mic and I thank you for that.

I want to remind everyone that open enrollment in the Affordable Healthcare Act is November 1, 2015 to January 31, 2016. Contact the Cuyahoga County Health and Human Services if you need assistance in this, but if you're without health care this is exactly what you should be doing.

Next I want to congratulate Holy Name's football team for an outstanding season. They made the playoffs. Not only made the playoffs but they won their first playoff game against a very tough team. I want to congratulate them. Unfortunately, my alma mater, the Garfield Bulldogs, didn't do too well this year. They only won two games. Of course the bright side of that is one of those games they won they beat Holy Name and I thought that made my season. I don't know about theirs.

CLMN VAUGHN: St. Ignatius didn't make the playoffs either.

MAYOR VIC COLLOVA: I understand. Congratulations to not only Holy Name but all of the teams that made the playoffs, I wish you all well.

Next, I want to talk about this year's Holiday Lighting Contest. Participate in this year's Annual Holiday Lighting Contest by nominating your favorite residential display. One winner in each Ward and a citywide winner will be chosen. Nomination deadline is 4:00 p.m. December 15th. Please submit nominations by mail to Garfield Heights Civic Center, 5407 Turney Road or by e-mail to jduber@garfieldhts.org or simply fill out the form and bring it to the Civic Center. There are plenty of forms on that table if you would like to get involved in that.

Next I want to talk a little bit about something we did a couple years ago that has really turned out to be an advantage and a great thing for the city. In June 2013 the city (actually at that time myself and Ron Tomola) entered into a Shared Savings Agreement to improve comfort, reliability, save operating costs at the Civic Center. We teamed up with the Gardner Company who worked with us to get this done and at this time, if I may, I would like to call up Mr. Kevin Pugley, Mr. Jim Wajciechowski and Nate Smik. Please come up. Mr. Chairman, if you'd indulge us, allow them to speak.

PRESIDENT SUSTER: Go right ahead.

Mr. Wajciechowski: Thank you, Mayor. Just a couple moments. As Mayor said, I guess it was June 2013 but a little over two years ago, 26 months ago, we were chosen to partner with the city to help save energy, energy expenses in the buildings. We looked at saving energy in all the buildings but the one that we thought had the greatest opportunity at the time was this building, the Civic Center, and we entered into a Shared Savings Agreement where we would share any savings that we were able to garner 50-50 so 50 would stay with the city and 50 would go back to Gardner in the investments that we would make into this building. I'd like to say that I think it was a very successful program. It has been a very successful program. We're in our final year with a three-year agreement.

We had two goals when we met with Ron and Mayor Collova. Thank you. I was going to say Longo. I go back. I apologize. We had two goals. One was to reduce operational expenses in the building. The other was to try to achieve an Energy Star rating. I don't know if anybody's aware of Energy Star but we see that in our own houses when we purchase washing machines and dryers. It's that little blue logo that we see on our appliances. The same holds true for our buildings. The EPA has put in place a rating system from zero to 100 and it's related to energy use in buildings. If you achieve an Energy Star score of 75 or greater, they recognize the building and its occupants by issuing an Energy Star plaque. When we began the city had a rating in this building of 58 so we were a ways from that 75, but we thought we could get there. The city on its own did many things to achieve a fairly decent score to begin with. One was the lighting retrofits in all the buildings. That went a long way to achieving energy efficiency in the buildings. They contacted us and we said we'd like to automate to control the heating and cooling equipment in this building. So we did that. We put in some automated controls, set back temperatures at night and made sure the equipment was running only when people were in the building. I'm proud to say that in partnership with the Service Director and his staff we were able to save over \$27,000.00 in the last 26 months for the city in this building and we raised the Energy Star score from a 58 up to 79, about a 36% increase. I'd like to congratulate the city on this achievement and once again being a good steward of the taxpayers' dollars in saving energy in this building and we're proud to present this plaque to the Mayor and the other occupants of the building for achieving the Energy Star score of 79 for 2015.

MAYOR VIC COLLOVA: We are very proud to receive the Energy Star award for our leadership in efficiency and conservation. Energy Star is a governmental-backed program helping businesses and individuals reduce energy costs and protect the environment through superior energy efficiency. We certainly accept that plaque with great honor. Judge, I'm sorry you had to hear that because I know you have some efficiency problems at the Court. We're looking at it.

To get on with tonight's legislation. Ordinance 44 and 45 are the zoning changes that are coming up tonight, coming out of committee. Ordinance 50-2015 is a Second Reading. This is on the shutters. I talked a bit about this last time. It's a different day today. Many of our businesses feel that they need to be protected more. They get better insurance rates if they get protected more. So I urge Council to pass this. We still don't want to make this city look like a war zone. We're going to be very vigilant of what goes up and what doesn't come up. They will be coming to the Planning Committee to get approval and we will make sure it meets with all the city's specs. Ordinance 51-2015 is the yearly contract that comes up with our Engineer firm. Dave Krock's firm. I've said this over and over. We couldn't ask for a better Engineer. He does a great job for us. Dave, I'm really pleased with everything you do. I know everybody is and I'm happy to renew this contract and even happier that the rates are the same, so thank you very

much. Next we're going to talk a little bit about the fence legislation/construction of fences. Basically what we're doing is cleaning up the language and getting up to date with our fence legislation as some of the other cities around us have done. Again, we're going to be vigilant. We want to make sure that everything that goes up looks good and Garfield Heights can be proud of it, but we are going to be a little bit more lenient on the restrictions if this legislation is passed. With that, Mr. Chairman, you have my report.

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

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

PRESIDENT SUSTER: OK. We'll move on to Acting Police Chief Bob. Do you have a report this evening?

ACTING POLICE CHIEF ROBERT BYRNE: Yes I do, Mr. Chairman. December 12th the Police Department will once again participate in the Shop with a Cop Program. If you'd like to participate in raising funds for that we're selling raffle tickets. They're \$1.00 apiece or six for \$5.00. You can purchase those at the Police Station at our Records Bureau and several companies throughout Garfield Heights. Several businesses have those for sale as well. The number of kids we can take is dependent on that money we raise so we'd appreciate any support there.

On Monday November 23rd the Maple Leaf Elementary School and Garfield Heights Middle School will be participating in a simultaneous evacuation drill at 9:00 a.m. So you may see some kids out and about. It's an organized event. Maple Leaf kids are going to stage across the street at the church of the Nazarene and the middle school kids will stage at the K-mart parking lot. Again the schools will be there supervising the kids. With that, Sir, you have my report.

PRESIDENT SUSTER: Are there any questions of the Police Chief on his report? Are there any questions of the Police Chief on his report? There being none we'll move on to Service Director Tim McLaughlin. Do you have a report this evening?

SERVICE DEPARTMENT DIRECTOR TIM McLAUGHLIN: Yes, I do. Thank you, Mr. President. We started the leaf pickup on October 28th. We're about three quarters through the city in the first turn. Hopefully by Thursday we'll be back in the Garfield Blvd. area and start our second turn throughout the city. I'm getting many calls. It is what it is. It lasts six weeks out of the year. It takes us that long to get the leaves out. Everybody raked them over the weekend. Everybody wanted you there this morning. We're going street by street. We have three trucks out. We're doing our best. We always get them all off the street by the end of the year.

We're still working on water repairs tying up the streets for the wintertime. We're no longer going to do the whole process until the spring when we dig them out completely and redo them.

We are working on the Christmas lighting of the buildings. That's the end of my report.

PRESIDENT SUSTER: Are there any questions of Mr. McLaughlin on his report? Are there any questions of Mr. McLaughlin on his report? There being none we'll move on to our City Engineer, Dave Krock. Dave, do you have a report for us this evening?

PARKS AND RECREATION DIRECTOR BOB DOBIES: Absent.

CITY ENGINEER DAVID KROCK: Yes, I do. Thank you, Mr. President. I would like to report that we are kind of winding down construction and I think we have gotten a lot accomplished this year. There will be a few things still going on. We're going to work on some of the waterlines and some catch basins around town. We'll do that weather permitting. We are trying to wrap things up and button things up for the winter. That's my report.

PRESIDENT SUSTER: Are there any questions of Mr. Krock on his report? Are there any questions of Mr. Krock on his report? There being none we'll move on to our Finance Director, Barb Biro.

FINANCE DIRECTOR BARBARA BIRO: Thank you, Mr. President. I have nothing to report this evening.

PRESIDENT SUSTER: OK. Thank you. Social Services Director, Kathy Rush-Parssons, do you have a report for us this evening?

SOCIAL SERVICES DIRECTOR KATHY RUSH-PARSSONS: Yes, I do. Thank you, Mr. Suster. Today was the last day to register for the Annual Thanksgiving Food Distribution. Anyone who is not registered for the 2015-2016 year can still do so next Friday between 10:00 a.m. and 2:00 p.m. However, there will be no more registrants processed before Thanksgiving or on the day of Food Bank. We did have four sessions that we advertised so we made sure that we gave everybody plenty of opportunity.

The Senior Center will also be taking a trip to see A Christmas Carol at the Hanna Theater on Thursday December 3rd. Tickets are \$17.00 and they include transportation. Sign-ups are November 16th to the 25th. Then we will also be going Christmas shopping downtown at Tower City on Tuesday December 15th. The cost is \$2.00, which includes transportation. Signups are November 23rd through December 2nd. That's all I have.

PRESIDENT SUSTER: Thank you. Does anybody have any questions of Kathy on her report? Does anybody have any questions of Kathy on her report? Next, we'll go to Economic Development Director Noreen Kuban. Do you have a report for us this evening?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Thank you, Mr. President. The trail adjacent to Warner Road is coming along. If you haven't seen it lately I suggest you drive by.

Second, we've been working on a grant with the MetroParks. The MetroParks is a lead agency and we are offering our support. The grant is to do a water quality study in the Boathouse area. This is where the Mill Creek and Wolf Creek meet. This is a grant that's funded by the EPA Urban Waters Grant in partnership with the Mill Creek Watershed Group.

Finally, this Saturday November 14th volunteers are needed to help plant some trees at Bacci Park. This is also part of the Mill Creek Group. It's again this Saturday November 14th from 10:00 a.m. to noon and they are going to plant about 200 trees. That concludes my report.

PRESIDENT SUSTER: Thank you. Is there any questions of Ms. Kuban on her report?

CLMN NENADOVICH: Noreen, I have a question for you on that watershed report for the pond at Garfield Park. Do they have plans for redeveloping the pond or just to see what the run off is there?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Right now it's just a water quality study. Hopefully after that the MetroParks will be pursuing other options to improve the area. Right now, we're focusing on the water quality.

CLMN NENADOVICH: Thank you.

PRESIDENT SUSTER: Are there any other questions for Noreen on her report? There being none we'll move on to Building Commissioner Bill Wervey. Bill, do you have a report this evening?

BUILDING COMMISSIONER BILL WERVEY: I have nothing new to report this evening, Mr. President.

PRESIDENT SUSTER: Thank you.

COMMENTS BY CITIZENS ON THE AGENDA:

PRESIDENT SUSTER: We'll move along to Comments by Citizens on tonight's agenda. Would the Clerk please read the rules?

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

PRESIDENT SUSTER: Is there anyone that would like to comment on the agenda for this evening?

COMMITTEE REPORTS: None.

ORDINANCES AND RESOLUTIONS:

PRESIDENT SUSTER: There being none, we'll move on to Ordinances and Resolutions, beginning with Ordinance 44-2015. Would the Clerk please read the title?

ORDINANCE NO. 44-2015

AN EMERGENCY ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF GARFIELD HEIGHTS, KNOWN AS ORDINANCE NO. 121-1962, PROVIDING FOR THE REVISION OF THE BUILDING ZONE MAP BY CHANGING THE ZONING OF PARCEL NO. 541-28-054, 10705 SOUTH HIGHLAND AVENUE.

Moved by GLENN to CONSIDER BY TITLE:

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

Motion to SUSPEND THREE READING RULE:

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

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

VOTE ON ADOPTION:

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

PRESIDENT SUSTER: Ordinance 44-2015 passes with 7 Yes votes.

ORDINANCE NO. 45-2015

AN EMERGENCY ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF GARFIELD HEIGHTS, KNOWN AS ORDINANCE NO. 121-1962, PROVIDING FOR THE REVISION OF THE BUILDING ZONE MAP BY CHANGING THE ZONING OF PARCEL NO. 541-16-082, 4813 E. 90th STREET.

Moved by GLENN to CONSIDER BY TITLE:

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

Motion to SUSPEND THREE READING RULE:

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

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

VOTE ON ADOPTION:

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

PRESIDENT SUSTER: Ordinance 45-2015 passes with 7 Yes votes.

ORDINANCE NO. 50-2015 (SECOND READING)

AN ORDINANCE CREATING CHAPTER 1175 OF THE GARFIELD HEIGHTS CODIFIED ORDINANCES RELATING TO THE REGULATION OF SECURITY GATES, BARS AND/OR SHUTTERS.

Moved by VAUGHN to CONSIDER BY TITLE:

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

Motion to SUSPEND THREE READING RULE:

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

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

VOTE ON ADOPTION:

CLMN NENADOVICH: Before I vote this is going to be something new for the city (these shutters) and people are going to be coming and asking permission to put them up. I encourage the Building Commissioner to be very lenient if they are on the inside, but if somebody does not follow our rules, I expect that we would go and adhere to the law as designed with this ordinance. I vote Yes.

CLMN GLENN: Before I vote, it's my opinion that shutters should not be put on businesses or homes as property. I am against any shutters in this city. There are other ways of securing property. With that, I vote Yes.

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

PRESIDENT SUSTER: Ordinance 50-2015 passes with 7 Yes votes.

ORDINANCE NO. 51-2015

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH OHM ADVISORS TO PROVIDE ENGINEERING SERVICES TO THE CITY OF GARFIELD HEIGHTS FOR 2016.

Moved by BURKE to CONSIDER BY TITLE:

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

Motion to SUSPEND THREE READING RULE:

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

Motion to WAIVE RULE 24:

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

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

VOTE ON ADOPTION:

CLMN VAUGHN: Where do I begin? You have done an excellent job. I've enjoyed working with you and I hope it continues. With that, I vote Yes.

CLMN NENADOVICH: Before I vote, Dave I want to say that you definitely have an open door policy. You always return your phone calls. You have kept all of Council apprised of what's going on in the city. I appreciate the job you've done for us and at the cost you've done for us. I vote Yes.

CLMN GLENN: Before I vote, Mr. Krock, work a little harder. You need some more money. You're doing a good job. I vote Yes.

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

PRESIDENT SUSTER: Ordinance 51-2015 passes with 7 Yes votes.

ORDINANCE NO. 52-2015

AN EMERGENCY ORDINANCE AMENDING GARFIELD HEIGHTS CODIFIED ORDINANCE SECTION 1155.02 IN RELATION TO THE CONSTRUCTION OF FENCES.

Moved by DUDLEY to CONSIDER BY TITLE:

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

CLMN VAUGHN: I'd like to make an amendment that we have a Second Reading on this one to give residents a chance to look this over and come with any questions they might have concerning this.

PRESIDENT SUSTER: OK. On the motion by Mr. Vaughn to go to a Second Reading all those in favor, signify by saying Yea. All opposed.

AYES: Vaughn, Dudley, LaMalfa, Nenadovich, Glenn, Suster, Burke
So we will have a Second Reading on this.

CLMN VAUGHN: Thank you, Mr. Chairman.

PRESIDENT SUSTER: You're more than welcome, Mr. Vaughn.

RESOLUTION NO. 31-2015

A RESOLUTION AUTHORIZING THE MAYOR ON BEHALF OF THE CITY TO APPLY FOR A \$2,500 WALMART COMMUNITY GRANT TO HELP FUND THE ANNUAL SHOP WITH A COP PROGRAM AND DECLARING AN EMERGENCY.

Moved by NENADOVICH to CONSIDER BY TITLE:

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

Motion to SUSPEND THREE READING RULE:

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

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

VOTE ON ADOPTION:

CLMN NENADOVICH: Before I vote, this is a very good program. It helps a lot of kids that would have nothing. I commend them. One of the men (I believe) who started this was Lt. DeMarco. It's a good program. It's been around a long time. Buy a lot of tickets. I vote Yes.
AYES: Nenadovich, Glenn, Suster, Burke, Vaughn, Dudley, LaMalfa

PRESIDENT SUSTER: Resolution 31-2015 passes with 7 Yes votes.

MISCELLANEOUS COMMENTS BY CITIZENS

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

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

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

David Mays, 8250 Green Drive. A couple meetings ago it was mentioned by Tim that he had a problem with the trash. I had a feeling we created our own problem with some of this trash. Several times I've mentioned things and the same statement keeps coming out, "we have bigger things to worry about." That that was a little thing. Guess what? It's bigger now. I suggest that everybody get this "we have bigger things to worry about" out of their vocabulary. And I notice since the 52 is taken out I can't say anything on that? Is that right?

PRESIDENT SUSTER: Isn't that what you called me about?

MR. MAYS: Yes.

PRESIDENT SUSTER: OK.

MR. MAYS: That was taken out. Can I still speak on it?

PRESIDENT SUSTER: Sure.

MR. MAYS: I really hope this ordinance, if it passes, and I have a feeling it's going to, is enforced better than the previous ordinance was on the fencing. Because they haven't been enforced. I know of four in my neighborhood that's been called in by the Councilman and by residents. Nothing has ever been done about them. Mayor, if you would like these addresses, I would be glad to give them to you after the meeting.

MAYOR VIC COLLOVA: I think the legislation is going to take care of that issue. The fences that are around the city right now that are solid fences is part of the legislation we're trying to stop. The reason that's being is because most communities in the area allow this. Garfield Heights, I don't know when this was put in, but it's well outdated. At least in my thoughts it's well outdated. We have people and businesses that want to have privacy. They have privacy in other cities so we are looking at legislation to change it to give the residents what they want. This is something that they have asked for and we're looking at ways of doing it and at the same time

we're looking at maintaining the image of Garfield Heights. But as time goes on, some of these old ordinances that have been in forever have to change or we're going to chase businesses and residents away. We have to get a little progressive on what we do like these other cities. That's how these other cities maintain because they go with the times. They do what's needed. The shutters is not something that we would like. It's not something that we would want to see, but we understand that there is a problem out there. There is a need for safety. If you're a business owner and you want to put shutters up, your insurance company is saying if you don't it's costing you that much more in insurance, why stay here in Garfield Heights? Go somewhere else where they're allowed to do it. That's why we're making these kinds of changes. That's why the fence change is going to come into play (at least if Council votes on it). That's the idea to move forward.

MR. MAYS: What I've said about the fencing is there are some fences in my area that should never have been allowed to start with, but they are and they've been there. There is stone fences up, which I don't think is allowed and it's been turned in.

MAYOR VIC COLLOVA: If there is a fence, turn it into my office. If it's illegal after this legislation goes up, we'll do something about it. But just to go around the city and tell everybody tear down the fence is not an easy chore because there's a lot of fences out there so we have to have a little common sense. That's why we're trying to redesign these ordinances. But if you have something that's totally out of whack, by all means call it into my office and we'll take care of it.

MR. MAYS: OK. You've answered my question. I wasn't talking about the shutters because there's a clause in your shutters that says (since you brought it up) it says "prior permission". I don't think the shutters in Garfield right now have prior permission.

MAYOR VIC COLLOVA: That is something that we're going to discuss in the Planning Commission. There's a form for that. We will handle that. You're more than welcome to come to the Planning Commission as you always do and voice your opinion. If you don't I'm sure Mike will do for you. We'll see you at the Planning Commission.

MR. MAYS: I hope so.

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

Mary Ryan, 5014 East 114th Street. I talked to Mr. Riley on the garbage issue after Tim talked about it two weeks before that and I said how come we can charge somebody on their taxes \$200.00 to mow their lawn if they don't mow their lawn? Why can't we do something about the garbage? Why can't we issue tickets? He said that's a criminal offense. I said then how do we change it? And he said all we have to do (I'm quoting you and you can tell me if I'm wrong) you said all we have to do is change the code. Then they can issue tickets to people who don't put out their garbage the right way. So there is something we can do, but Council has to do it.

MAYOR VIC COLLOVA: There's already regulations for garbage. When you can put it out and when you have to take it down.

MS. RYAN: Yes, I understand all that, but it's issuing tickets that Tim said you can't issue tickets. When we issue tickets for the grass cutting, we issue it to the home on their tax thing. Tim McLaughlin said you could not issue it to the house. Because when I talked to the city a couple years ago when they had a thing in the newspaper on the do's and don't's of the city of

Cleveland, I talked to the waste management lady who's in charge of the whole city of Cleveland. She said we don't care who put out the garbage. They put it out wrong. There's a code on that garbage can and we give that house a ticket. There's no reason why this city can't do something too.

MAYOR VIC COLLOVA: First off, I'm not going to disagree with what the lady said, but as big as the city of Cleveland is, if their police are out issuing tickets for garbage I understand why there's so much crime going on in Cleveland and surrounding areas. You have to be somewhat reasonable. We understand that if people put out their garbage and we ticket them they will either pay the ticket or go to Court and the Judge will decide what to do with them. I understand that. The problem is normally the police officer or someone from the Service Department will go there and ask them to bring it in first. That's a problem because some people say they don't get a chance. Ticket them now. We want the money. Other people say give them one chance. So we have to come up with an idea of how you do that. Then again, the other part of it is the biggest problem with garbage is when people move away. They fill the tree lawn up. You wake up in the morning and it's there. Then our Building Department has to spend a whole day or three days trying to figure out who owns the place, where they went, who do they ticket. It is a problem in the city like it is in other cities. It's not so easy as it sounds. Go give them a ticket. Who do you give the ticket to if nobody's there?

MS. RYAN: Where it's not a criminal offense according to Mr. Riley. It goes with the house then and it can go on their taxes. Who cares? How do the other people know whether it's put on their taxes or not that don't mow their lawns? They probably don't care because their houses are in foreclosure. So who cares?

LAW DIRECTOR TIM RILEY: You'd have to look into changing in the Code where it's no longer a criminal offense and then look as to how we would serve the people with it and could it go in the same format that you're speaking with the lawns. That would have to be something that we looked into. What you were asking me when you spoke to me was why don't you just cite them. One of the problems with it is you can't cite a house. You have to cite a person with a Social Security number. You need all that information before you issue them a citation for putting their trash out early.

MS. RYAN: That's the way the law's written now.

LAW DIRECTOR TIM RILEY: Correct.

MS. RYAN: But with the grass cutting goes on their taxes. It goes to the house.

LAW DIRECTOR TIM RILEY: Right. It's written differently.

MS. RYAN: So if the Code was changed it would not be a criminal offense and they could issue it and put it on their taxes.

LAW DIRECTOR TIM RILEY: We would have to change the Code. We would have to see if you can do that because you're talking about a housing offense as opposed to something different. It's not as easy as you're making it sound.

MS. RYAN: But you can look into it to change it?

LAW DIRECTOR TIM RILEY: It can be looked into if your Council wants to look into it. It's up to them.

MS. RYAN: OK.

PRESIDENT SUSTER: Thank you, Mary. Is there anyone else that has anything to say this evening?

MISCELLANEOUS BUSINESS:

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

CLMN NENADOVICH: Thank you, Mr. Chairman. I reiterate what Noreen was talking about the trail down on Warner Road. It's a nice project. You ought to go take a drive by. It's going to be a beautiful addition to the city of Garfield Heights.

Again, I'd like to congratulate all the Council Members, especially Mr. LaMalfa, for winning his race.

Mayor, we look for another two years of working with you. You've done a great job. The Directors' great job. Everybody involved: Administration, Judicial, legislative, all of them doing a great job.

I also want to remember that Wednesday is Veterans Day. I got my green lights on. They've been on since November 1st. I have one green one. I have one blue one. Let's light up our city green and blue. Wednesday at 11:00 a.m. I'd relinquish to Mr. Suster the times, etc. With that have a great day. Thank you.

PRESIDENT SUSTER: Mr. Glenn.

CLMN GLENN: Thank you, Mr. President. Being a Veteran myself (Army) I'd be at the remembrance. I look forward to being there. Our country's in need of our defense. Just like the government, the city's first job is defense. Our Police and Fire Departments have my support.

The roads are looking good. Last week we had Indian summer. Enjoyed it. Next week it's starting to get a little colder. Those are my comments.

PRESIDENT SUSTER: Thank you. I would just like to say congratulations to the Members of Council that were just re-elected and especially to Joe LaMalfa.

CLMN LAMALFA: Thank you.

PRESIDENT SUSTER: We welcome him. I also want to thank the Members of Council for appointing me again one more time. Who knows? to be President of Council. It's something I enjoy doing and I have the time to do it. Like I say, I would like to thank everybody. Anybody that has any comments about that can go ahead and say them. That's all I have this evening. Mr. Burke.

CLMN BURKE: Thank you, Mr. President. I just want to echo the comments that you have made. I want to congratulate all the Members of Council, especially Mr. LaMalfa down there. Congratulations once again.

I, too, am a Veteran and I would like to make sure everybody is aware that we have this service going on on Wednesday and I do plan to be there.

I also wanted to remind everybody that I have my Community Awareness Meeting coming up next week on Wednesday November 18th at 7:00 p.m. I have asked County Councilman Pernell Jones be there to help answer some questions that you all may have.

I just want to make sure that everybody is aware that you don't have to be a member of Ward 6 to come to that meeting. I've been getting some phone calls from people on other Wards. You're welcome to attend.

It's getting around the holiday season and I want to remind everybody to make sure that you lock your car doors, lock the house up. This is generally when a lot of crime starts. The petty thefts, etc. start to happen around the holiday season.

Last but not least, I think these two young ladies over here need to be commended on being such well-behaved individuals for this meeting. They've had to sit through this whole thing. That's all I have to say, Mr. President.

PRESIDENT SUSTER: Thank you. Mr. Vaughn.

CLMN VAUGHN: Thank you, Mr. President. First of all, I want to, again, congratulate my colleagues and welcome Mr. LaMalfa. We're glad you're here to be with us. If there's anything that can be done to help you out, Joe, please call Vic. You got that, Joe?

My Block Watch will be on the 19th at 7:00 p.m. We're moving it up a week due to Thanksgiving. Please come and join us. We're going to be discussing a lot of things that are going to be going on in the next few months with our Block Watch so please take time to come along.

I've been getting a lot of calls and questions about our former Council President, Mr. Geraci. If I could just take a minute here? Mr. Geraci had some serious back surgery back in August and he is now home. He's coming along very slowly. It was a lot more intense than originally thought of. He's coming along. He hopes to be buying coffee for us all again at McDonald's real soon. He's hoping to get a release and be able to drive some time in December. So just to let everybody know Frank's doing OK. If anybody wants, please feel free to give him a call at home.

I want to take this time. Tonight you saw my lovely wife, Barb, come up. She takes a lot of my phone calls and plays secretary for me. I have to admit at 2:30 a.m., 11:30 p.m. I don't hear the phone real well, but Barb answers it, is there, takes down information, gets me addresses and really has helped support me over these past few years. I wouldn't be able to do it without her. Thanks, Barb. Thanks for coming tonight.

I'd also like to thank my sister, Katy, and my brother-in-law Joe for coming out tonight. Most of all I want to thank the residents of Ward 7 for giving me this opportunity. I really enjoy it. It's been a pleasure this past six years. I hope to be able to do it for a few more years. We're going to move this city forward. As we're moving it forward, we can't look back. We got to look to the future to make Garfield Heights a bright shining star like that star we received tonight through energy, through our budget, through our better road program. We've got to make this community shine and we will.

I want to say thanks to our Vets. I won't be able to be there on Wednesday. I have to work, but I thank you for all you do. We have our green light on as well as our blue light and our blue ribbon is hanging. With that, that's all I have, Sir.

PRESIDENT SUSTER: Mr. Dudley.

CLMN DUDLEY: First of all, I'd like to congratulate everybody on their election and also to Joe here. I thought that Joe was a good guy from the beginning and in all honesty, I supported him from the beginning of his election, which I made well known. Also I'd like to thank most of all the residents of Ward 1. You've been the greatest. You are a great Ward to be a part of. I tell you you're second to none. That's why you got the 1 behind the word Ward.

I wish my brother Steven could have been up here from Baltimore, Maryland. I would have loved to have him here. It would have been great to have seen him if he'd made the trip up here.

What I want to let the residents know in Ward 1. We're going to return to doing the Town Hall Meeting and we're going to set the Town Hall Meeting up bi-monthly. We will give one at the Family Life Center and see about giving one over here at the Civic Center. You don't have to be a resident because people stop me in Dave's, etc. and ask me and I say you don't have to be a resident in that Ward in order to attend that meeting. We're going to put out some information, etc. and bring you up to date. I still believe in things that we have to work on. We still have some distance between things that we need to get accomplished. Accomplishments are done in reality in numbers. Your numbers will count. When you come to a meeting you come by yourself, you're going to be taken care of. You march 100 people in here I guarantee you get taken care of a little quicker. I'm not going to bite my tongue on it, but it's in numbers. Like I say on top of that also in the Town Hall Meetings we will hold them at approximately 6:00 p.m.

The Ward Club is having a meeting this month the fourth Tuesday at 7:00 p.m. at the Civic Center. We are up on the first floor. Like I said once again it's a good meeting. I look forward to you all attending stuff like that.

I wanted to let you know that we're coming upon the holidays. As you come upon the holidays, you got to think safety. When you put them Christmas trees out. I worked security 20 some years of my life. You are inviting some individuals to come around and when you're decorating your trees and you throw them gifts under it early, they waiting for opportunities. They are seriously opportunists. Secure your doors, people. Lock your doors when you leave. Don't put nothing to chance. If you're out in the back yard and you know you're going to be in the back yard for a few minutes, do like I do. If you don't have a dog definitely lock that door. They will go in your house while you are in the back yard. They will come out before you come out. Make sure you secure your property. Also the children get excited as we go into the holiday season, like on Halloween, they got excitement, etc. You go to malls, etc. Be careful because they run through parking lots point blank so keep your eyes on this stuff while you're out.

Like I say, I wish everybody the best, especially the Ward 1 community. When we go to the meetings I look forward to a lot of people outside Ward 1 community actually coming out and hear what we got to say.

I thank my sons for coming out tonight. My wife couldn't come out because if she did she would have to bring the grandbabies with her and that wasn't happening tonight, people. I thank Jean.

She's the heart of my life. Thirty-seven years of marriage coming up on January 16th. We been married 37 years and nine kids later. She's been there for me.

I want people to understand just because decisions are made that don't reflect on none of my colleagues at the decision they made. Every Councilperson is an individual so don't think that a person is a bad person if they don't agree with Clmn Dudley because if you don't agree with Clmn LaMalfa or anybody else and I don't agree with him, don't make me a bad person. I'm entitled to my own thoughts and my own opinions. It shouldn't really reflect on any of my colleagues. I wish them the best. I look forward to the city being prosperous and I am waiting till next year to see what we have before I start patting anybody on the back and the end of 2016- that's when I start giving back pats. I won't do it before then. It's going to be about two more years, Mayor. We will have our colorful conversations.

MAYOR VIC COLLOVA: I'm more than happy to have them.

CLMN DUDLEY: There you go. I look forward to you also. You remind me of Cliff. Even though he passed and you ain't going nowhere too soon. Any of my disagreements with the Mayor should not reflect on him because we are two different individuals. I love the guy to death even though I disagreed with my colleagues right there, I learned one thing. You got to love everybody. Life is too short. Because I don't agree with them and I don't support them in certain things it don't mean that I don't love everybody up here and I do. I even love you, Joe. It's just a little disappointing but I love you and I do love Mike. I give him a hard time, but I do love him. I say that from my heart, Joe. I do love Mike. I'm just most likely disappointed, but Joe's decision is Joe's decision. Thank you, Mr. Chairman.

PRESIDENT SUSTER: You're welcome. Mr. LaMalfa.

CLMN LAMALFA: I just want to thank everybody. This was an interesting night for me. I make a motion to adjourn it.

PRESIDENT SUSTER: I know you're ready but we have one more announcement. Our next Council Meeting will be here in the Council Chambers on November 23, 2015. Now, Mr. LaMalfa.

CLMN LAMALFA: I make a motion to adjourn the meeting.

CLMN NENADOVICH: I second it.

PRESIDENT SUSTER: All in favor signify by saying Yea. All opposed? Meeting adjourned.
AYES: LaMalfa, Nenadovich, Glenn, Suster, Burke, Vaughn, Dudley

MEETING ADJOURNED AT 8:11 p.m.

APPROVED:

Joseph Suster
President of Council

RESPECTFULLY SUBMITTED:

Barbara Molin
Clerk of Council