

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, September 26, 2011

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

INVOCATION BY: Councilwoman Nancy Marincic

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

PRESIDENT GERACI: I'd like to wish Mayor Collova a Happy Birthday before we begin. The Reading and Disposal of the Minutes.

READING AND DISPOSAL OF MINUTES:

Moved by Cmn SUSTER to accept the minutes of the Regular Meeting of City Council of September 12, 2011 as submitted. The minutes were adopted with seven YES votes. (Suster, Mahoney, Vaughn, Dudley, Marincic, Nenadovich, Sarnowski).

WRITTEN COMMUNICATIONS TO COUNCIL: None.

LEGISLATION OUT OF COMMITTEE: None.

REPORTS OF THE MAYOR AND DIRECTORS:

PRESIDENT GERACI: We will move on to the reports of the Mayor and the Directors. Mayor Collova?

MAYOR VIC COLLOVA: Thank you, Mr. Geraci, Council. A brief report tonight. Just some notifications actually. This notification is from the County Executive, Ed Fitzgerald.

“Mr. Fitzgerald will share highlights at the Town Hall Meeting, County Executive to be in District 8 which covers the City of Cleveland Wards, 2, 5 and 6 and the cities of Garfield Heights and Maple Heights. Cuyahoga County Executive Ed Fitzgerald will host his fifth Town Hall Meeting for the residents of Cuyahoga County on Wednesday, September 28, 2011. The Town Hall will be held at the Garfield Heights Civic Center, 5407 Turney Road, in the City of Garfield Heights from 7 to 8 p.m. The Town Hall Meetings are an opportunity to update the residents of Cuyahoga County on the exciting changes that are taking place in County Government and give an overview of what the next year will bring to the Cuyahoga County. The County Executives will make a presentation to the residents and then engage in a question and answer session.”

We're very happy, I'm very proud to host this for the County Executives. We'd like to see everybody from Garfield attend, as many as can. I think it's going to be very interesting. There are some great programs that he has in store for the County and there will be an opportunity to ask questions on these.

The second notification I have is on Friday we are going to have a meeting with the businesses of Garfield Heights. I sent out a letter:

“Dear Valued Business Partners:

I would like to extend an invitation to join me for a continental breakfast at 8:30 a.m. Friday, September 30th at the Garfield Heights Civic Center. I am hosting the breakfast to update you on the recent economic development activities accruing in our city as well as share valuable information about the County Storefront Renovation Rebate Program for Exterior Improvements. All are encouraged to bring questions and concerns to the meeting. As you know we still have challenges but progress is being made. I look forward to sharing some good news with you. We will be in the dining room of the Civic Center, 5407 Turney Road, Garfield Heights. If you have any questions please contact me.”

Council, if you have an opportunity this would be a great place to hook up with some of the businesses that are in your Wards.

The next thing I wanted to present is that this is a communication:

“Hello. Please be advised that Chief Nemetz has hired a firefighter/paramedic. Jonathan Havel will be sworn in at Fire Station No. 1 on Tuesday, September 27, 2011 at 3:00 p.m. You are invited to attend. Jonathan’s salary and benefits will be paid by the Safer Grant that we were awarded earlier this year.”

And we’re really glad to be able to bring this young man on from all indications from the people that interviewed him and from our fire staff he’s going to be a great addition to Garfield Heights. I would also like to invite Council I think you’ve already received this, if you have an opportunity this would be a good place to be also.

With that said, I want to get into tonight’s legislation. Resolution 43 and 44 is in regards to the taxes. Ron Tomola’s going to get into that on his report and Resolution 45-2011 is about the North Granger Project. Tim Riley’s going to get into that when he talks but I want to read a letter that was from the County. This is for the people from North Granger.

“Dear Mr. David Krock:

(This letter was sent by the Cuyahoga County Department of Public Works and it was sent to Dave Krock, our Engineer.)

“I am responding to your letter dated September 21, 2011 requesting authorization to use sewer maintenance funds for repair and replacement of the pavement on East 88th Street and North Granger Road due to complications of the County Sewer Replacement Project. The alignment change on East 88th Street has resulted in an issue that the County and contractor cannot mutually resolve. Additionally the project plans only call for pavement restoration above the trench for the sewer on North Granger. The North Granger pavement did not hold up to the heavy equipment needed to install the sanitary sewers. The possible situation was discussed at the pre-construction conference and it was decided pavement restoration could take place after the sewer construction was complete. The city and County have requested Febreeze to provide pricing for placement of the 16 foot wide pavement for North Granger. Past discussions filed

in August and reiterated in your e-mail directing Febreeze for cost alternatives. Febreeze is only to respond to change requests from the County and it requires detailed design drawings for the County. Because the city streets were disrupted by the sewer installation, and restoration of the pavement of the sanitary sewer replacement is required the use of Sewer Maintenance Funds can be used for this situation. The procedure for reimbursement is for the city to obtain three quotes from contractors for this work. After you obtain the quotes from the contractor, select a contractor and direct them to proceed with that payment restoration you will need to provide billing and proof of payment for the hard work this documentation should accompany.”

This goes along with the resolution that we have on the books today. Tim’s going to go into this a little bit, but when they did the sewer work they totally ruined the pavement there. If you have an opportunity to ride down North Granger I don’t even suggest you ride on it. Take a look at it as you’re going by if you can see it. It’s horrible. And these residents have been putting up with this for months. I’m sure Clwn Sarnowski has many calls daily just as we have. It’s been a constant problem with the residents. They deserve to have this taken care of and so we’re going to do this through the Sewer Fund. With that, Mr. Chairman, you have my report.

PRESIDENT GERACI: Thank you, Mayor. Any questions for the Mayor? OK. We’ll move on. Mr. Riley.

LAW DIRECTOR TIM RILEY: Thank you, Mr. Geraci. With regard to Resolution 45-2011 I spoke with Dave Krock, our Engineer, and we need to get this road done before the winter. If it goes through the winter it would become practically impassable. So that’s why we’re passing this through as an emergency and we don’t have to go out for bid on it because it’s an emergency situation for the safety and welfare of the people on that road. So that’s why it’s going through tonight and I would encourage Council to pass this so we get this road done as soon as possible. We will be reimbursed through the County for this. With that you have my report.

PRESIDENT GERACI: Thank you, Mr. Riley. Any questions for Mr. Riley? If not, we’ll move on to Mr. McLaughlin.

SERVICE DIRECTOR TIM McLAUGHLIN: Thank you, Mr. President. The last couple weeks we’ve been working on the water cutout repairs. We’ve repaired about 60 of them. We have about 50 more that we need to try to take care of in the next month or so. We’re still working on damage from the storm with the trees. The trees that we have on the streets, we’re finding more and more they have cracks and limbs, etc. that we’re getting calls for. We’ve also been working on curb drain repairs. We had about 25 of those that needed to be dug out and the line replaced.

Starting today was the Hazardous Waste Roundup at the Service Garage. It will go for two weeks. Monday through Friday it will be from 7:30 to 3:00 and next week Monday through Friday will be 7:30 to 3:00 and 8:00 to noon on Saturday. There’s a lot of interest in that. I was down to the garage for a few hours and there was a big interest in bringing the stuff in. I saw car after car coming in but it’s a good program and a lot of people use it. That’s all I have.

PRESIDENT GERACI: Thank you, Mr. McLaughlin. Any questions for Mr. McLaughlin? If not, we’ll move on. Recreation Director, Mr. Dobies.

PARKS AND RECREATION DIRECTOR BOB DOBIES: Good evening, Mr. President and Council. I have no report this evening.

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

ACTING FINANCE DIRECTOR RON TOMOLA: Thank you, Mr. President. I just wanted to talk a little bit about Resolutions 43 and 44. Pretty much housekeeping. Legislation that you see annually every year. 43 is to participate in the advanced program through the County for the property taxes so that we get the advance payments of the tax dollars that are paid for the property tax. 44 sets the actual rates for 2012 and the dollars that go along with those. With that you have my report.

CITY ENGINEER DAVID KROCK: Absent.

PRESIDENT GERACI: Any questions for Mr. Tomola? We'll move on to Economic Development Director Ms. Kuban.

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

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

BUILDING COMMISSIONER BILL WERVEY: Good evening, Mr. President. I don't have too much this evening. The Land Bank continues with their acquisition of properties and demolition. There's been a couple more houses taken down since our last meeting. The schools are winding down their remodeling projects. The hospital addition is mostly closed in right now and they're going ahead with the interior of that project and that's all I have this evening.

PRESIDENT GERACI: Any questions for Mr. Wervey?

CLWN MARINCIC: Mr. Chairman, I know you were on a roll, weren't you?

PRESIDENT GERACI: We were definitely on a roll.

CLWN MARINCIC: I have questions regarding our sign ordinance because I'm seeing, for instance, Walgreen's at the corner of Rockside and Turney. They must have a dozen signs there. Are they allowed to do that?

BUILDING COMMISSIONER BILL WERVEY: I have not really looked at Walgreen's. There's a whole lot of signs around town that are not supposed to be there.

CLWN MARINCIC: What are we doing about that?

BUILDING COMMISSIONER BILL WERVEY: We're not doing much about it because it would take so much time to do it and we sort of have to triage what we spend our time on and I've discussed with a number of Council people my thoughts on some of these temporary signs and banners and we probably need to take a look at what we're going to do. If I go out and do strict enforcement on some of these signs I may have 30 business owners in Court and we're going to have to make a decision as to whether or not that's the direction we want to go because we've got banners, we've got portable signs, we've got all sorts of things going up.

CLWN MARINCIC: If it's a small sign I'm kind of understanding about it but there's one in Turneytown that's got to be eight feet tall. I think that one is dangerous. They have it bungee-corded to a beam.

BUILDING COMMISSIONER BILL WERVEY: I know which one it is. We haven't prosecuted it because if I prosecute that one I'm going to have to prosecute 30. We have to make up our minds which way we want to go.

CLWN MARINCIC: We need to address the sign ordinance is what you're saying.

BUILDING COMMISSIONER BILL WERVEY: Well, we may want to make some modifications and if we don't want to make some modifications then we have to decide whether or not we're going to prosecute all these. Because the minute I say something to one business owner they point at 10 others. Yes, we can prosecute them, but is it where our time is best spent?

CLWN MARINCIC: OK. What you're saying is you've asked some of them to remove them and they're not doing it?

BUILDING COMMISSIONER BILL WERVEY: They may remove it for a week and then it comes back up. It's like the little game found in the golfers at the arcade.

CLWN MARINCIC: All right. Thank you.

CLWN SARNOWSKI: So, Mr. Wervey, are you enforcing any of the law? I know some businesses that are abiding by the law and then there's some that aren't.

BUILDING COMMISSIONER BILL WERVEY: I'd say most do.

CLWN SARNOWSKI: But yet you're letting them.

BUILDING COMMISSIONER BILL WERVEY: I've let many of them go because. I don't know if this is the venue for discussing this, I mean, I can go out tomorrow and enforce the sign legislation on every business owner in town that's in violation of the sign legislation, but then tomorrow afternoon somebody's going to call and say what are you doing about this vacant house and we try to make that priorities. Taking care of vacant houses, running the rental housing program, running the point of sale program and there's got to be some things that suffer and perhaps it's been signs?

CLWN SARNOWSKI: Like there's one at Turneytown that is so big and obstructs the sidewalk. You have to walk in the street. Something has to be done. Some of them that are smaller, yes, we can go by and wait and try to get new laws.

BUILDING COMMISSIONER BILL WERVEY: The problem is that that one even though it's large it's no more illegal than the little A-frame sign that sits out in front of the bar on Turney Road across from Turneytown. It's no more illegal than the balloon store on Garfield Blvd. It's no more illegal than the signs on the lawn over at Walgreen's. It's no more illegal than in front of the barbecue place on 131st.

MAYOR VIC COLLOVA: Mr. Chairman, if I may, please. I think what we need to do folks is we need to revisit this legislation and the reason being is Bill's 100% correct because if you go after

one, you have to go after all of them. Quite honestly we have businesses that come to us and say look we need to get some advertisement out there. We're dying over here. We need to get the word out. We understand that and that would be an interesting thing to talk about on Friday. But I think it would be good that we have a Council session to discuss maybe looking at modifying this program. Thank you.

PRESIDENT GERACI: Any other questions for Mr. Wervey? Then we'll move on to Comments from the Citizens on the Agenda items only.

COMMENTS BY CITIZENS:

PRESIDENT GERACI: The rules are this portion of the meeting is for the residents' comments on tonight's legislation only. Comments are limited to five minutes. No one can speak more than once. Please raise your hand to be recognized. Please raise your hand to be recognized. Please raise your hand to be recognized. We'll move on to legislation.

COMMITTEE REPORTS: None.

ORDINANCES AND RESOLUTIONS:

RESOLUTION NO. 43-2011

AN EMERGENCY RESOLUTION REQUESTING ADVANCE IN TAX SETTLEMENT.
MOVED BY SARNOWSKI TO ACCEPT RESOLUTION NO. 43-2011:

MOTION SECONDED BY CLMN SUSTER:

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

Motion TO CONSIDER BY TITLE:

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

Motion to WAIVE RULE 24:

CLWN SARNOWSKI: Do we need it, Mr. Riley?

LAW DIRECTOR TIM RILEY: If you look at our Charter in the rules, any issue involving tax rates or tax money has to go through the Finance Committee unless Rule 24 is waived. So I would suggest waiving it on this.

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

Motion to SUSPEND THREE READING RULE:

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

VOTE ON ADOPTION:

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

PRESIDENT GERACI: That passes 7 - 0.

RESOLUTION NO. 44-2011

AN EMERGENCY RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.
MOVED BY SARNOWSKI TO ADOPT RESOLUTION NO. 43-2011:

MOTION SECONDED BY CLMN VAUGHN:

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

Motion TO CONSIDER BY TITLE:

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

Motion to WAIVE RULE 24:

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

Motion to SUSPEND THREE READING RULE:

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

VOTE ON ADOPTION:

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

PRESIDENT GERACI: That passes 7 - 0.

RESOLUTION NO. 45-2011

AN EMERGENCY RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO ANY NECESSARY CONTRACTS AND/OR AGREEMENTS WITH THE RECOMMENDED CONTRACTOR OF THE CITY ENGINEER TO COMPLETE THE REQUIRED REPAIRS TO NORTH GRANGER AND E. 88TH STREET SEWER PROJECT.

MOVED BY SARNOWSKI TO CONSIDER BY TITLE:

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

Motion to WAIVE RULE 24:

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

Motion to SUSPEND THREE READING RULE:

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

VOTE ON ADOPTION:

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

PRESIDENT GERACI: That passes 7 - 0.

COMMENTS BY CITIZENS:

PRESIDENT GERACI: We will now move on to the comments by the citizens. The rules are you cannot bring up anything of a first nature. You must have previously brought this problem to your Councilperson or a City Hall department. You are limited to speak only once for a period of five minutes. Please raise your hand to be recognized. Please raise your hand to be recognized. Please raise your hand to be recognized. We'll move on to Miscellaneous. We'll start off with Clmn Dudley.

MISCELLANEOUS BUSINESS:

CLMN DUDLEY: You should have saved me for last today. We're trying to make it kind of quick. I want to comment one thing on the signs. I'm glad we're going to get a chance to revisit that because like I say the businesses that we have in the community, especially I know in my Ward, they depend on some of those signs to bring in business. When they bring in business

they bring in taxes and that taxes can be used to help provide different programs for our community so I'm glad we are revisiting that.

I wanted to mention a couple things here. I wanted to mention on October 29th at 6:00 p.m. we're having our Annual Halloween Party and if there's anybody who would like to contribute to that—it's for everybody. It's not just for the Ward—that's for ages 12 and under. If you want to contribute some candy you can contact me and myself or Pastor John Snell to come by and pick it up. We have fun every year and this year I think we're going to have a puppeteer doing a show for them.

I wanted to mention also we're also going to be doing our Cards for Troops Program again this year and two locations you can drop the cards off to. You can drop them off to 13400 Family Life Center on Dressler Road or you can drop it off at the Civic Center and October 11th I believe or the day right after Columbus Day I believe it is, they are going to have the boxes located up there in the main lobby and we have one also at the Family Life Center. We take the cards, what we do with them is we take them down to the VA and the other ones we take to the USO over on 82, I believe it is and we give it to them and they send them to the troops overseas, etc. It's a great program.

Also I wanted to mention once again on SB5 I'm asking people to repeal that SB5 and vote No on Issue 2 and I told people again that's where I stand. I believe everybody has the right to do their collective bargaining and like I say some businesses they got so bad they giving you \$7.50 per hour to drive three and four cities over. They're taking advantage of what I call the signs of the times and I don't want to see that happen to other workers so my view on that is to vote No on Issue 2. That basically covers everything for me tonight.

I'd also like you to keep in prayers we had a gentleman who this weekend lost his life and stuff like that on Christine Avenue and my prayers go out to his family and relatives and keep him in prayer and also we had a house caught on fire. Keep in prayer that she'll be able to get back in her home. I thank the community for their support. That's it.

CLWN MARINCIC: Happy Birthday, Mayor. That's all I have.

CLMN NENADOVICH: Like Mike Dudley says vote No on Issue 2 State Bill defeat it and again I'd like to thank the Vets for what they've done for us and keep them in our prayers too. That's all I have.

CLWN SARNOWSKI: Happy Birthday, Mayor and also we're going to have a Ward 4 Block Watch next Tuesday and we're going to have Lt. Wolske and Retired Lt. DiMarco there to talk about Issue 2. We'll also have the police chief there talking about our nuisance law.

CLMN SUSTER: I would just like to say I'd like to agree with Clmn Dudley on the signs. The one thing you'll have to remember is that a lot of these businesses are struggling and the only way they can afford to do any type of advertising is outside their business.

Talking again about signs, I'd like to thank Mr. Wervey for having that sign in front of Mr. Hero's over by Handel's taken down. A truck had hit it and when the kids were coming out of school it was swinging back and forth and I was afraid that one of these kids might get hit by one of the parts. He had gone over to one of the auto parts store and I think they came over with a hook and they took the sign down so nobody got hurt.

Next Monday evening on the 3rd of October Ward 5 will have their Block Watch here at the Civic Center. We, too, will have Lt. Wolske and Retired Nick DiMarco coming to speak on Senate Bill 5 and I, too, would like to say that I would hope that a lot of people would vote No on Issue 2 and I, too, would like to wish the Mayor a Happy Birthday and his cake was very good. That's all I have this evening.

CLWN MAHONEY: Happy Birthday and that's all I have.

CLMN VAUGHN: I'd like to go on to say like some other fellow colleagues on some of these signs for some of the businesses we tried about 18 months ago to change that legislation and I think we really need to look at it again to help out the small businesses, especially if we want to keep them here in Garfield Heights.

Mayor, I want to wish you a Happy Birthday, but you're not 55 so.

Block Watch Thursday evening at St. Monica's and we're going to be in the pavilion. We're going to have Terri Davis. She's going to be explaining her USO Program and those toiletries, etc. that we've been shipping overseas.

Mr. Bob, you didn't ask about McDonald's tonight? Could you come here please? We have something for you. *(Clmn Vaughn handed Mr. Bob Halen a McDonald's meal.)* See? You don't ask and it's here. Mr. Dobies went out to make sure you have this. Enjoy! No more questions, OK? It's coming. That's it?

PRESIDENT GERACI: Hold on, Clmn Suster has something.

CLMN SUSTER: The Finance Meetings tomorrow night will be at 6:30 in the Caucus Room. We'll have the Fire Chief Tom Nemetz, Municipal Court Judges Weiler and Nicastrò, our Economic Development Coordinator Noreen Kuban and then on Wednesday night we'll have Tim Riley, our Law Director. Seven o'clock on Wednesday night will be Mayor Collova and 7:30 will be Ron Tomola. That will wrap everything up and that will conclude our Finance Meetings for this part of the year.

CLMN DUDLEY: Mr. Chairman, Wednesday don't we have the County Town Hall Meeting? We'll maybe want to do something? I'd really like to attend that County Town Hall Meeting.

CLMN SUSTER: It's your choice.

CLMN DUDLEY: Yes, I might not be the only person who would really like to attend that meeting. You know, we should really consider that.

CLMN SUSTER: We've already scheduled them and I think the way things have been going I think you'll be on time for that meeting.

CLMN DUDLEY: I hope so. I want to find out what's going on in County and I want to go back and forth over what happened to our money on the streets. I'd really like to get that question on a face-to-face basis. All right then. That's all.

PRESIDENT GERACI: Clmn Vaughn, you had a motion.

CLMN VAUGHN: I'd like to make a motion that we conclude this meeting at 7:29.

PRESIDENT GERACI: Can I have a second?

CLWN SARNOWSKI: I second the motion.

PRESIDENT GERACI: Roll call.

AYES: (Vaughn, Dudley, Marincic, Nenadovich, Sarnowski, Suster, Mahoney)

PRESIDENT GERACI: This meeting is adjourned.

MEETING ADJOURNED AT 7:29 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Frank Geraci, Jr.
President of Council

Barbara Molin
Clerk of Council