

MINUTES OF A SPECIAL MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, August 24, 2015

MEETING CALLED TO ORDER AT 6:30 p.m. by Council President Joseph Suster.

PRESENT: Council Members Dudley, Marincic, Nenadovich, Glenn, Suster, Burke, Vaughn

ORDINANCES AND RESOLUTIONS:

PRESIDENT SUSTER: Tonight we have four pieces of legislation on the agenda. We will begin with Ordinance 33-2015. Would the Clerk please read the title.

ORDINANCE NO. 33-2015

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO LEVY SPECIAL ASSESSMENTS TO THE COUNTY AUDITOR, AS IDENTIFIED IN ATTACHMENT A, AND INCORPORATED HEREIN, (LESS ANY PAYMENTS RECEIVED OR CORRECTIONS AUTHORIZED BY THE FINANCE DIRECTOR), TO BE ASSESSED AND COLLECTED ON THE NEXT TAX COLLECTION, PURSUANT TO THE REQUIREMENTS OF ORDINANCE 56-2012: COST OF GARBAGE AND REFUSE COLLECTION.

Moved by MARINCIC to CONSIDER BY TITLE

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

Motion to SUSPEND THREE READING RULE:

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

PRESIDENT SUSTER: On its adoption, beginning with Councilperson Marincic.

VOTE ON ADOPTION:

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

PRESIDENT SUSTER: Ordinance 33-2015 passes with 7 Yes votes. Ordinance 34 would the Clerk please read the title.

ORDINANCE NO. 34-2015

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO LEVY SPECIAL ASSESSMENTS TO THE COUNTY AUDITOR, AS IDENTIFIED IN ATTACHMENT A AND INCORPORATED HEREIN (LESS ANY PAYMENTS RECEIVED OR CORRECTIONS MADE BY THE FINANCE DIRECTOR OR THE BUILDING COMMISSIONER), TO BE ASSESSED AND COLLECTED ON THE NEXT TAX COLLECTION, PURSUANT TO THE REQUIREMENTS OF CODIFIED ORDINANCES CHAPTER 551: WEEDS.

Moved by MARINCIC to CONSIDER BY TITLE

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

Motion to SUSPEND THREE READING RULE:

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

PRESIDENT SUSTER: On its adoption, beginning with Councilperson Marincic.

VOTE ON ADOPTION:

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

PRESIDENT SUSTER: Ordinance 34-2015 passes with 7 Yes votes. Resolution 16-2015, would the Clerk please read the title.

RESOLUTION NO. 16-2015

AN EMERGENCY RESOLUTION RATIFYING A REAPPOINTMENT BY THE MAYOR OF ELIZABETH JACKSON AS A MEMBER OF THE PLANNING COMMISSION OF THE CITY OF GARFIELD HEIGHTS DURING THE PERIOD COMMENCING JANUARY 1, 2015, AND ENDING DECEMBER 31, 2020.

Moved by DUDLEY to CONSIDER BY TITLE

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

Motion to SUSPEND THREE READING RULE:

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

PRESIDENT SUSTER: On its adoption, beginning with Clmn Dudley.

VOTE ON ADOPTION:

CLMN DUDLEY: I'd make it quick. Before I vote I want to say she does a great job. She's been on it for quite a while. I think it was a great thing that the Mayor re-appointed her to that position. With that, I vote Yes.

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

PRESIDENT SUSTER: Resolution 16-2015 passes with 7 Yes votes. Resolution 17-2015, would the Clerk please read the title.

RESOLUTION NO. 17-2015

AN EMERGENCY RESOLUTION RATIFYING AN APPOINTMENT BY THE MAYOR OF EDWARD STANZESKI AS A MEMBER OF THE CIVIL SERVICE COMMISSION OF THE CITY OF GARFIELD HEIGHTS, OHIO, FOR THE TERM EFFECTIVE JANUARY 1, 2012 AND ENDING DECEMBER 31, 2017.

Moved by MARINCIC to CONSIDER BY TITLE

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

Motion to SUSPEND THREE READING RULE:

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

PRESIDENT SUSTER: On its adoption, beginning with Councilperson Marincic.

VOTE ON ADOPTION:

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

PRESIDENT SUSTER: Resolution 17-2015 passes with 7 Yes votes. Resolution 18-2015, would the Clerk please read the title.

RESOLUTION NO. 18-2015

AN EMERGENCY RESOLUTION RATIFYING A REAPPOINTMENT BY THE MAYOR OF MARILYN FREJOSKY AS A MEMBER OF THE CIVIL SERVICE COMMISSION OF THE CITY OF GARFIELD HEIGHTS DURING THE PERIOD COMMENCING JANUARY 1, 2015, AND ENDING DECEMBER 31, 2020.

Moved by MARINCIC to CONSIDER BY TITLE

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

Motion to SUSPEND THREE READING RULE:

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

PRESIDENT SUSTER: On its adoption, beginning with Councilperson Marincic.

VOTE ON ADOPTION:

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

PRESIDENT SUSTER: Resolution 18-2015 passes with 7 Yes votes. Resolution 19-2015, would the Clerk please read the title.

RESOLUTION NO. 19-2015

AN EMERGENCY RESOLUTION RATIFYING A REAPPOINTMENT BY THE MAYOR OF VALERIE SCHWONEK AS A MEMBER OF THE CIVIL SERVICE COMMISSION OF THE CITY OF GARFIELD HEIGHTS DURING THE PERIOD COMMENCING JANUARY 1, 2015, AND ENDING DECEMBER 31, 2020.

Moved by MARINCIC to CONSIDER BY TITLE

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

Motion to SUSPEND THREE READING RULE:

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

PRESIDENT SUSTER: On its adoption, beginning with Councilperson Marincic.

VOTE ON ADOPTION:

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

PRESIDENT SUSTER: Resolution 19-2015 passes with 7 Yes votes.

PRESIDENT SUSTER: At this time we're going to go into an Appeal Hearing regarding the Planning Commission's ruling on denying approval of a security shutter at Cellular Station at 4830 Turney Road. Ron?

Mr. Ron Hanzel: With all due respect, my appeal is a formal request that this honorable Council, empowered to represent the citizens and commerce of Garfield Heights shall with compassionate consideration make a affirmed re-determination reached on July 1, 2015, by the Planning Commission's decision to deny my rights; disallowing me to install the Crime-Stopper shutter security system upon my building.

And even though there is neither statute nor Garfield Heights Codified Ordinances prohibiting or forbidding shutter usage as a crime-prevention security device. I felt it was my civic obligation to approach the city out of respect and professional courtesy and inform officials of my intentions since Garfield Heights is also my community, by co-sharing ethical mutuality. Requesting a Mother, may I+expecting well wishes and blessings from the city. By taking the initiative as a business owner, entitled by law to protect myself, property and my goods, thus eliminating one more potential crime to solve by law enforcement.

Instead, I was disallowed a General Commercial Permit by the Building Department to install my \$7,000.00 color coded, custom made hi-tech security system to prevent criminal invasions. And I was denied without ~~just cause~~ or ~~legal definition~~ of any Garfield Heights ordinance. Ironically there is no such identifiable law that exists. To either rebuttal or comply to its provisions or legal language and fine citations amounts verified by Tim Riley, Law Director.

My plea to Council is not a disposition of arrogance to ponder ~~who is right or wrong~~. Or to disregard the integrity of the Planning Commission and its burden of responsibilities to over watch the future of Garfield Heights, but rather my plea is an out-cry that Council aid and assist me, humbly requesting that I may be entitled to install this security system for good cause; to simply secure my property in the hopes that one less crime can be prevented for the greater good of the community and safety of our Police Department so as not to be endangered. I have prided myself and the city with long standing tenure as the Cellular Station note worthy within Garfield Heights commerce as being a respected and reputable enterprise. In holding a five star index rating with the Ohio Better Business Bureau, free of any consumer complaints or illegal acts of wanton conduct generating income for myself and revenue for the city, currently and year to date.

I selected this expensive system to provide my business with a permanent solution to effectively resolve the criminal intrusions I previously experienced. Eliminating the risk of any future attacks of B-n-E, robbery and property vandalism, as the enclosed police reports will indicate those tragic incidents assuredly feeling violated and helpless. In addition the enclosed simulated photos will give the sight to the architectural essence of this security system, blending into the esthetics of the building without sending out a harsh display of security, such as iron gates, steel grid coverings and least of all, live-in junk yard dogs, thus maintaining a low profile.

The shutters hours is as follows: the shutters will be closed upon the hours of darkness and open upon the hour of dawn ~~or~~ early light.

Furthermore, as a precautionary measure to give Chief Byrne and his officers the phone code to open the system and enter the building, as they wish within 12 seconds, and further studies by the Consumer Reports data indicates that this system will maintain a fire threat up to Level 3, containing the burn measurements to a smaller perimeter zone, ensuring greater control and safety for the fire fighters.

Finally, many other businesses within Garfield Heights have been allowed with or without permission to their privacy, to install a crime stopper shutters and I feel I should be granted the same Constitutional rights without prejudice or threats of being fined \$1,000.00 per day if I choose to move forward without official approval.

In view of my situation, the true and absolute priority is my civic duty and moral responsibility, to use any available and effective lawful resource to prevent criminality, seemingly, a cancer like virus that is overwhelming our society and destroying lives and property. I want to uphold the ~~Divine Principles~~ of the righteous code of conduct. And if these shutters are the ~~saving grace~~ to deter any meditated thoughts or intent to commit the crimes of B-n-E, robbery, or vandalism then, ~~thanks be to God~~.

I will conclude by sincerely thanking Council for their time and concerns on my behalf, and wish all Members continued success. Thank you.

PRESIDENT SUSTER: Does anybody on Council have any questions of Mr. Hanzel?

CLWN MARINCIC: I have one. Did you contact the Building Department about a permit before you paid your down payment?

MR. HANZEL: No, I did not.

CLWN MARINCIC: Thank you.

CLMN DUDLEY: I have a question. These burglaries took place at your old location, not your new location?

MR. HANZEL: That is correct.

CLMN DUDLEY: That's it, Mr. Chairman.

CLMN NENADOVICH: I have questions for you. If you drove into a neighborhood that had this on all the storefronts what would you say? Would you start a business there?

MR. HANZEL: That would be at nighttime.

CLMN NENADOVICH: Would you start a business there?

MR. HANZEL: I can't say.

CLMN NENADOVICH: I would not start a business there myself if I saw this on all the stores. That's telling me there's a high crime rate and stay out of that area.

MR. HANZEL: The bars would be 24/7 and that's just going to be at nighttime.

CLMN NENADOVICH: Like I said if you went into the neighborhood would you consider it a blighted neighborhood?

MR. HANZEL: I would do research before I'd open a business and take a look at the crime statistics.

CLMN NENADOVICH: Would you consider it a blighted neighborhood?

MR. HANZEL: Not really, no, because that's.

CLMN NENADOVICH: Because we do have an ordinance against creating a blighting condition. Thank you.

PRESIDENT SUSTER: Is that all you have, Mr. Nenadovich? Mr. Burke.

CLMN BURKE: Mr. Hanzel, was there any other option besides this that you looked at?

MR. HANZEL: Not really. You could do the bars, but then they could still break the windows. To me, the bars make it look like a prison. They would look like that all the time. Where I can program these shutters to go from sundown to sunup or 10 o'clock at night to 8:00 in the morning. I have control over when the shutters will be down.

CLMN BURKE: Why did you not contact the Building Department to ask them about this?

MR. HANZEL: Because Gas USA on East 131st, the Open Pantry has it, McCracken Mart has it and the convenient on East 98th just put them up in, I want to say, March, so I didn't think there was any issue.

CLMN VAUGHN: OK. So those are the many businesses?

MR. HANZEL: Yes.

CLMN VAUGHN: That's four. That's not many at all.

MR. HANZEL: To me, that is. The convenience store on East 98th they got broken into two times in a month, just like I did so I figured they're trying to protect their business and I'm able for the same.

PRESIDENT SUSTER: Anyone else?

CLWN MARINCIC: Mr. Wervey, the convenient on the Boulevard has these?

BUILDING COMMISSIONER BILL WERVEY: He's speaking of the convenient on Transportation, who has been cited and is due to appear in front of Planning Commission on the 2nd of September.

CLWN MARINCIC: Thank you, Sir. That's all I have.

CLMN DUDLEY: Mr. Wervey, this business is located on a main business strip where our main business strip is like round the plaza area, close to the plaza, etc.?

BUILDING COMMISSIONER BILL WERVEY: It's the first business North of the high school.

CLMN DUDLEY: North of the high school. So up in that area where our main business is on Turney Road? It's not like on one going to one on the side? It's further down past Garfield Blvd. or nothing, right?

BUILDING COMMISSIONER BILL WERVEY: No, it's, as I said, the first business North of the high school.

CLMN DUDLEY: So it's part of the main business district up there? All right then. That's all, Mr. Chairman.

CLMN GLENN: Mr. Wervey, do any of these other businesses have permits for these shutters?

BUILDING COMMISSIONER BILL WERVEY: There are two buildings on 131st Street that have them, that have had them for 12 plus years probably. The one on Transportation Blvd., as I said, we have cited them and asked them and they're going to appear in front of Planning Commission.

CLMN GLENN: Do they have permits?

BUILDING COMMISSIONER BILL WERVEY: No.

CLMN GLENN: Thank you.

CLMN VAUGHN: Mr. Chairman, can I make a suggestion that we go into an Executive?

PRESIDENT SUSTER: That's what I'm going to do next.

CLMN VAUGHN: OK. Thank you.

PRESIDENT SUSTER: Anyone else have any more questions of Mr. Hanzel? There being none, at this time I would like to make the motion that we go into Executive Session.

CLWN MARINCIC: I'd second it.

LAW DIRECTOR TIM RILEY: For the record, Mr. President, I would put on the record why you're going into Executive Session. You do have to specify that on the record.

PRESIDENT SUSTER: We're going to discuss the shutters in Executive Session.

LAW DIRECTOR TIM RILEY: OK. I would say that the potential of litigation regarding shutters.

PRESIDENT SUSTER: OK. Yes. I forgot about that. OK.

LAW DIRECTOR TIM RILEY: OK. So you can put that on the record.

PRESIDENT SUSTER: OK. Do I need to go through that? Or because you said it it's?

LAW DIRECTOR TIM RILEY: I would just say that that's why you're going into Executive Session.

PRESIDENT SUSTER: Because there's a possibility that we may go into litigation over this we should go into Executive Session. All in favor. All opposed.

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

OK. We'll go into Executive Session.

LAW DIRECTOR TIM RILEY: I would put it on the record what time we're going in.

PRESIDENT SUSTER: At 6:49 p.m.

(The City Council entered into Executive Session at 6:49 p.m.)

(The Executive Session terminated at 7:17 p.m.)

PRESIDENT SUSTER: I would like to call the Council Meeting back to order and have a ruling on the shutters for Mr. Hanzel.

CLMN VAUGHN: Mr. Chairman.

PRESIDENT SUSTER: Mr. Vaughn.

CLMN VAUGHN: I would like to make a motion to uphold the decision of the Planning Council for the City of Garfield Heights of July 1, 2015.

PRESIDENT SUSTER: On the motion by Mr. Vaughn to uphold the decision of the Planning Committee Meeting of July 1, 2015. All in favor signify by saying Yea. All opposed.

CLMN VAUGHN: Mr. Chairman, we need an individual vote, Mr. Riley says.

PRESIDENT SUSTER: OK. We'll take an individual vote beginning with Clmn Dudley.

CLMN DUDLEY: Yes.

CLWN MARINCIC: Yes.

CLMN NENADOVICH: Yes.

CLMN GLENN: Before I vote I do agree with abstaining from the shutters. I sympathize with Mr. Hanzel for the expenses that he has incurred. Saying that, I vote Yes.

PRESIDENT SUSTER: Yes.

CLMN BURKE: Before I vote I would like to say that I really wish that Mr. Hanzel, you would have contacted the Building Commission and talked to them before you had gone out and spent your money, but I respectfully have to vote Yes.

CLMN VAUGHN: Yes.

PRESIDENT SUSTER: That passes with seven Yes votes.

CLMN VAUGHN: I make a motion that we retire.

PRESIDENT SUSTER: On the motion by Mr. Vaughn to adjourn, all those in favor signify by saying Yea. All opposed. Meeting adjourned.

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

MEETING ADJOURNED AT 7:20 p.m.

APPROVED:

Joseph M. Suster
President of Council

RESPECTFULLY SUBMITTED:

Barbara Molin
Clerk of Council