

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, January 14, 2019

MEETING CALLED TO ORDER AT 7:02 p.m. by Council President Matt Burke.

INVOCATION BY: Councilman Michael Nenadovich

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

READING AND DISPOSAL OF MINUTES:

PRESIDENT BURKE: Reading and Disposal of Minutes of our Regular Meeting of Monday, December 10, 2018.

CLMN SUSTER: Mr. Chairman.

PRESIDENT BURKE: Mr. Suster.

CLMN SUSTER: I'd like to make a motion we accept the Minutes of the Regular Meeting of Garfield Heights City Council dated Monday, December 10, 2018 as submitted.

PRESIDENT BURKE: On the motion made by Clmn Suster to accept the Minutes of our Regular Meeting of City Council for Garfield Heights of Monday, December 10, 2018, as written, all in favor signify by saying Yea. Any opposed?

AYES: Suster, Burke, Vaughn, Dudley, LaMalfa, Nenadovich, Glenn
The Minutes have been approved with seven Yes votes.

WRITTEN COMMUNICATIONS TO COUNCIL: None.

COMMITTEE REPORTS: None.

REPORTS OF THE MAYOR AND DIRECTORS:

PRESIDENT BURKE: We will move on to the Reports of the Mayor and the Directors. Mayor Collova, do you have a report for us this evening?

MAYOR VIC COLLOVA: Thank you, Mr. Chairman. Yes, I do. Before I get into my report tonight, once again we have the honor of presenting the awards for the Holiday Lighting Contest. You know about four/five years ago, we started this contest for the city of Garfield Heights and it started off a little bit slow. There wasn't a whole a lot to pick from, but I can tell you each year it's gotten bigger and better. Especially this year was really tough to pick one

over another because there were so many good decorations out there. First of all, I want to thank everybody for participating. I want to thank all the people that decorated their house. It gives everybody a festive feeling. I really do appreciate it. At this time, Mr. Chairman, with your approval, I would like to come to the podium and pass out the awards.

PRESIDENT BURKE: Absolutely.

MAYOR VIC COLLOVA: We have a winner from each Ward and then we have a city winner. So we're going to start off with Ward 1. The winner from Ward 1 is Dan Gordon, 12117 Marguerite. Congratulations. Ward 2--Mark and Kim Butcher, 10211 Parkview. Great job. Ward 3--Tom and Lisa Johnson, 4945 Donovan. Ward 4. We were actually unable to get a hold of the residents in that house. We will search for them. The address is 4948 East 86th Street. We will make sure they get it. Ward 5--Tony and Susan Kolcinko, 5651 Andover. Ward 6--Marilyn Mormile and Jamie Milkovich, 12111 Oak Park.

This is something very unique this year. It's never happened before. For Ward 7 we have two winners. They are neighbors. They decorate each other's houses and they decorate their houses together. They not only were the Ward 7 winners, but they were the city winners. If you will join me, James and Monique Delitoy, 13731 Grove Drive and Darryl and Glenda Smith, 13721 Grove Drive. Our city winners for the holiday contest.

OK, continuing on, there's a couple things I wanted to go over. First off, a few years ago we started a project here in Garfield Heights with Court Community Service. We bring in Court Community Service from the County and they do many projects in the city of Garfield Heights. We were one of the first cities to start this. Now there are other cities that are joining in and the County came out with a flyer with some good things going on in the County. I wanted to read a caption that I thought was very nice of them. It says

"Court Community Service in the city of Garfield Heights. The city of Garfield Heights provides Court Community Service with support to operate a supervised work crew four days/week to clean and maintain public properties in Garfield Heights. The work crew also helps with other community projects including stocking and distributing food for needy families at the city's food bank."

When we have the turkey truck that comes in, we get 200 turkeys donated for the families. Core Community Service is out there unloading the truck. They do many things for the city of Garfield Heights and at a very inexpensive cost through the County. We appreciate it very much. I want to thank the County. I thought that was very nice of them to mention Garfield Heights with all the other cities involved. So thank you to Cuyahoga County Court Community Service.

Next, I wanted to talk a little bit about the Garfield Heights Family Resource Center 2018 Annual Report. I'm going to talk a little bit about the chart that Ruth Pollack put together. She runs the Family Resource Center. This is some of the things that she did in 2018. She received 286 phone calls. She had 285 people walk in and 115 administrative calls. The Resource Center had a great turnout for the Third Annual Heroin Awareness Walk. Speakers shared how addiction touched their lives and impacted on their families. Resource Center Manager Ruth Pollack, along with the help from the Garfield Heights School Resource Officers James

Seawright and Doug Dillon, provided the Annual Gun Safety Program for all Third Grade students in Garfield Heights City School Districts. What they do is they go out to all the Third Grade classes in our elementary schools and they talk to the kids about gun safety. It's shocking to me to hear how many they came back and they tell me how many young men and ladies say that there's guns on the table, there's guns on the arms of the couch. They preach to these kids how important it is not to touch the guns. You know what? If it just saves one life for us, we've done an outstanding job. This Resource Center that we put together about five years ago is one of our brightest projects ever. She does a great job with the drug problems we have. Just a caption from one of the teachers from the Garfield Heights Learning Center.

"For multiple years, Mrs. Pollack has worked with students at the Learning Center on various topics relating to their daily lives. The young men and women in Mrs. Gillon's art classes really look forward to Mrs. Pollack's monthly visit to discuss safety, navigating social media, staying drug free, resisting gangs, standing up to bullies, preparing for job interviews and creating long-term career goals. She has developed a relationship with many of the students over the years and makes her office available to them when they need extra help outside the classroom."

The important thing about this is the young student comes in and wants some advice from Ruth, maybe they're on drugs or have a friend that's on drugs, she will give it to them and it's very confidential. Unless she believes that the parents should be involved in a case that might be really drastic or somebody could get seriously hurt, is the only time she would go to the parents. So this has really been a great project. She does a great job. I thank Ruth all the time for the great job that she does.

Next, this is again, another project that we've been doing in Garfield for a while. I want to read it to you again if you have property tax concerns. It says

"If you have questions about your recent tax assessment? Not sure if you can afford the new payment? Have you had issues in the past? Do you have other questions about your mortgage? Help for homeowners will be 5:30 p.m. to 7:30 p.m. on Wednesday, January 23rd right here at the Garfield Heights Civic Center, 5407 Turney Road, Garfield Heights."

Right here. It says 2018 but I think that's a little bit past. 2019 will work also. Of course, there's free parking. This goes out to a lot of people. If you're having tax problems, don't let them build up to where you can't handle them any more. Come in and let them talk to you and tell you ways to get around all this stuff. It's a great program. I would ask anybody that has any kind of problems and concerns about their tax to go to that program.

You know I talk no matter what meeting, at what Block Watch, when I give the State of the City, whenever I talk about we have a lot of problems in the city of Garfield Heights like all cities do. There's no difference. But the one shining part is our safety forces—the Police and Fire. I have preached about that over and over. Give an example today, I have a police radio on my car and the dispatcher sent out to the police that somebody called and said they heard somebody yelling and somebody yell put the gun down. So the police got dispatched out there and they took care of the situation. It turned out to be a pretty easy situation. It wasn't as bad as we anticipated. But when I thought about those young ladies and men (those policemen)

having to walk up that drive and knock at the door when they know somebody's in there with a gun, that's something I couldn't do. I can't thank these guys enough—the Police and Fire. I've talked about incidents that the police have done and the public has reached out. These are a couple for the Fire Department that I would like to share with you. This is a letter to Captain Tom Nemeth:

"I would like to commend you and your shift for the outstanding job provided to remove the man who was pinned under a vehicle Friday, January 4th. Working together as a team, you were able to lift the vehicle up to free the injured man. Employees think you are the epitome of professionalism. Thank you for bringing you're best to work every day."

That crew was Lt. Dawson, Lt. Cross, Firefighter McConville, Firefighter McCarthy, Firefighter Mihal, Firefighter Rossenbach, Firefighter Barnes and Firefighter McNealy. That's one letter that I received.

This is another one.

"This letter is to commend you for your outstanding job and your crew accomplishment on January 6th when you revived an unresponsive newborn. I cannot say enough how proud I am of everyone that was on the scene by using your knowledge and capabilities a tragic situation and a newborn has a new outlook. You are an asset to the Garfield Heights Fire Department."

Along with Captain Toth's crew was Firefighter Stefanini, Firefighter Nejdul, Firefighter Marks, Firefighter Pankuch and these are the kind of things that save people's lives.

This is something that the Chief wasn't real crazy about me talking about because he didn't want this to become a practice, but I thought it was worth sharing. This is to Firefighter Todd Haas:

"I would like to commend you for the great job you did on Forestdale Drive on Sunday January 6th in which your resident called stating her dog was choking. Although this was an unusual call, you did not hesitate to help out the distressed dog, which obviously is a part of someone's family. You are an asset to the Garfield Fire Department. Thank you for bringing your best to work every single day."

These are great letters. Please if your dog gets a little cough, please don't call the Firemen. These are the kind of things. I get these letters and it really makes me feel good because I can't brag enough about our safety forces. They do a wonderful job.

Lastly, before I get into tonight's legislation, I wanted to remind everybody. You know, not only is this a new year 2019, but it is Garfield Heights's 100th birthday. One hundred years we have been known as Garfield Heights. Prior to that, we were Newburgh Village I believe. We've been 100 years Garfield Heights. We're going to throw a centennial birthday party in August second to none. We will keep you apprised, I don't want to say of all the things we're trying to do, but we will keep you apprised all along. We're going to have some great prizes, some great people coming and it's something you're not going to want to miss. So we will keep you posted on that.

Now I'm going to get into tonight's legislation. First in the legislation, Ordinance 90-2018. This is the Second Reading. This is on the nuisance, dangerous and vicious animals. This is a highly volatile subject to say the least. We went through this once before when we put the pit bull ban into place. Since we have discussed this and brought this out at that last Council Meeting, myself and Council have received many calls from many agencies, many people on both sides of the issue. Some people think we should keep the pit bull ban. Some people think we are doing the right thing by not going breed specific. Let me tell you something, their arguments are good on both sides. The good thing about this is this isn't people that just say we don't like what government's doing. These people are passionate about their positions. So this is a very hard decision that has to be made. Let me give you just a little input about why I think we need to do what we have to do. State legislators came out with a ruling that you can't be breed specific. Garfield Heights's ordinance said that pit bulls (and that's breed specific) would be banned. So they came out with that ruling.

There was a city—Reynoldsburg—that opposed that ruling and said they were going to stay with the pit bull ruling of being no pit bulls in their city. A resident of Reynoldsburg took that case and brought it all the way to the Court of Appeals. The Court of Appeals ruled in that lady's favor saying you cannot have breed specific. Reynoldsburg lost their argument about Home Rule and they could have pit bulls.

Now here's the story. The city of Garfield Heights could take this on and fight it. We could say Home Rule we're going to take it to the Supreme Court and we could spend hundreds of thousands of dollars to get this thing done. But the reality is that each and every one of us has a decision to make. We have a fiscal responsibility to the citizens to the residents of Garfield Heights how to spend your money wisely. We know that this thing would be a hard fought fight. So we have a ruling drawn up on this. We are obligated to follow the law. That law says you can't have breed specific. So that is why we are changing our ordinance. Just so you understand, if somebody gets a better ruling from a Supreme Court, we will revisit this, but right now we believe the responsible thing is in fact to follow the law. At least I should say that's what I believe. I'm certainly not talking for anybody else. That ordinance is coming up for its Second Reading tonight.

Ordinance 1 is an annual ordinance and allows us to get proposals from materials, services and supplies for 2019. Salt, equipment, the same things we go through every year. Ordinance 2 allows us to enter into a contract with Cuyahoga Soil and Water Conservation District for the purpose of participating in the Storm Water Pollution Prevention Program. Ordinance 3 allows us to enter into a contract with the Cuyahoga Soil and Water Conservation District and Northeast Ohio Regional Sewer District for the purpose of public involvement and public education regarding soil and water conservation. There is a fee. This is something that we do each year. You've done this in the past.

With that, Mr. Chairman, I'd like to wish everybody Happy New Year, I anticipate great things for 2019 and you have my report, Sir.

PRESIDENT BURKE: Thank you, Mayor. Does anybody have any questions for the Mayor on his report this evening? Mr. Vaughn.

CLMN VAUGHN: Mayor, concerning Resolution 90-2018, someone asked me today that when a renter is registering to come into the city, can we inform them at that time that they must carry the liability insurance if they own a dog? Or can that be forced upon the responsibility of the landlord?

MAYOR VIC COLLOVA: Tom, that's an interesting question. We want everyone to know what the ordinances are, what they need to do in the city of Garfield Heights to be compliant. I would have to defer that to the Law Department.

LAW DIRECTOR TIM RILEY: We could inform them at that time. I don't think we'd be able to enforce the landlord to tell them, but we could inform any renters.

CLMN VAUGHN: OK. Thank you.

PRESIDENT BURKE: Does anybody else have any questions for the Mayor on his report this evening? Mr. Glenn.

CLMN GLENN: Mayor Collova, I ditto everything you say. I'm in agreement with what you say. The Law Department's the expert in legal matters. I have a quandary though. I have a lot of people that are on both sides like you have said that are very passionate. I don't know which way to vote. I truly don't. So saying that there, I'm going to take the position I would like to see the city take it to the ballot. That's an option we have. So I'd like for you to take that into consideration and we could talk about it later on. Thank you, Mayor.

LAW DIRECTOR TIM RILEY: I would like to address that. Taking it to the ballot, even if the city of Garfield Heights voted on it and the residents said Yes we want to have a pit bull ban, that does not change the constitutionality of it and the State law on it. It doesn't matter whether Council passes it or the people pass it. The constitutionality stands alone. It wouldn't matter if it went to the ballot. It wouldn't change the end result. Just so you know.

MAYOR VIC COLLOVA: Mr. Chairman, if I can piggyback on this? Gene, you are well aware we had a case about signs about four/five years ago and our ordinance said you couldn't have a sign over a certain size. We had a gentleman put a sign up three times or four times that size. Because it was in our ordinances, it was against Code, we forced him to take that sign down and he took it on and we went to Court and it went all the way to the Federal Supreme Court. We lost that verdict. That cost us for attorney fees, just for the attorney fees, \$319,429.00. That's what that cost for us take on a law. I still believe we are right. I still believe we are right. It cost us \$319,000.00 for them to tell me I was wrong. So that's why you got to be very careful. When you take on a lawsuit, it's not a \$5,000.00 or \$10,000.00 deal. You're paying a lot of money. We have about three lawsuits going on right now and the till keeps tacking up. At some point in time you got to say is it worth it? Now I know how serious this pit bull thing is and God, I don't want to see anybody get hurt, bit or anything else, but personally I'm against the pit bulls. I've heard so much about what they do I'm against them, but I also know that there's one that sits with their little kids and are as lovable as animals you can have. I think the best way for us to go is by following the law that is presented to us.

CLMN GLENN: Am I allowed to respond?

PRESIDENT BURKE: Sure.

CLMN GLENN: Mayor, if I can get you to commit yourself and the Police Chief that the Police Chief will enforce this law, and your policy to enforce this law, I will vote for it. I would like your personal commitment. I don't know if you will give that to me. In the past, we had laws that were not enforced for one reason or another. This is entirely different subject matter. I understand the police at times were undermanned. They had their priorities. I don't want to use that as an excuse in this particular law not to follow through on it.

MAYOR VIC COLLOVA: What would change in this law, Clmn Glenn, is we had a law in place before about pit bulls. It was a very hard law to enforce because a veterinarian would say well it's not a total pit bull. We put our dog warden in a very tough position out there with the people because our law says you can't have pit bulls and even the Judge would say in many cases before she would agree to enforcing that law, she would have a veterinarian have to come in and see if it's a full breed pit bull. That is very seldom would happen. So it was a very hard law to enforce. This law is actually an easier law to enforce because you don't have to identify a breed. If the dog is menacing or vicious and any dog bites you, they're in trouble. The people are going to have to follow the law or they're going to be breaking the law. So I agree with you. I think it should be enforced and I think it will be enforced.

PRESIDENT BURKE: Anyone else? Mr. Dudley.

CLMN DUDLEY: How are you doing Mayor?

MAYOR VIC COLLOVA: Good.

CLMN DUDLEY: I'm catching up with you in age. We had an incident that happened in Ward 1 where the pit bull actually attacked a little dog and killed the dog on Cranwood Blvd. The problem was when that dog even was identified the house that that dog was coming out of the owner threw his hands up and say hey that's not my dog. My biggest concern is how is we going to be able to have individuals identify them to these pets when it come time that a dog commits?

My second thing mainly is a lot of issues that we have like my son was chased by a pit bull when he was little, but Jamison went out and found the dog and once again it was the owner's say hey that dog didn't come up my yard. I never owned that dog. My son was littler. The bigger thing we have is in the evening time like I meant we don't have no way and I don't want to tie the police up with this in the evening time. After like five/six o'clock when the animal warden is gone it become pit bull heaven. You got them walking around, walking two down the street. I pull up next to them and I say hey you got to have this dog on a leash. They put them on a leash, they get out of my sight and they unleash them. We got a young lady about 10 years old and a pit bull almost as big as a shepherd, but she walking down unlikely to have full control of that animal. So our big problem is after hours. We could pick everyone once in a while not to drain our resources, but it could be rotating days where we have an animal warden maybe once every other week be a surprise. They be starting late and finishing late then they could check these individuals for insurance once the policy start because it's not so much as insurance. These dogs have been properly registered where some of these animals are living. Myself I'm a pet lover; I had dogs all my life. I just seen so much going on with so many pit

bulls that people get them for status and when they get them for status they not the fun loving dogs that we see every day curled up with the baby, etc. That's the biggest concern. My concern is it's just a matter of time that something's going to happen. Maybe somebody's not going to walk away or a baby is going to be killed like the little girl that had her face mauled off by that pit bull. After hours is becoming a big issue for me in Ward 1. It be pit bull heaven. You got some walking three pets at the same time.

MAYOR VIC COLLOVA: I understand what you're talking about Clmn, and we will certainly look at bringing the dog warden in at night. I know it hurts me and my Finance Director is thinking about overtime. I understand whether it's a pit bull or a vicious dog, either way the owner could say that's not my dog. It doesn't matter what the breed is. Either way that could work. In this situation, I think that the safest and best way to go is following the law. The law that is presented to us is the ruling that came out of Reynoldsburg. Again, as I said, we will look into the problem at night. We can even talk with the Chief about the police getting involved more. I know the police they chase anybody with a gun, etc. thieves and dogs are one of their happiest things.

CLMN DUDLEY: Even a late start for the animal warden. Or rotate them not just in my Ward. You see on Turney Road sometime you got them freelance. They be young kids that cannot control them dogs if that dog pull.

MAYOR VIC COLLOVA: We could do that, Clmn.

CLMN DUDLEY: I'd appreciate it. Thank you, Mr. Chairman. Thank you, Mayor.

PRESIDENT BURKE: Thank you. Does anybody else have any questions for the Mayor on his report this evening? There are none. Let's move on to our Law Director, Tim Riley. Tim, do you have a report for us this evening?

LAW DIRECTOR TIM RILEY: No report tonight. Thank you.

PRESIDENT BURKE: Thank you, Tim. We'll move on now to our Fire Chief, Chief Strope. Do you have any report for us this evening?

FIRE CHIEF KENNETH STROPE: No report. Thank you.

PRESIDENT BURKE: Thank you, Chief Strope. We'll move on to our Police Chief, Chief Robert Byrne. Chief, do you have a report?

POLICE CHIEF ROBERT BYRNE: I do have a short one. First off, I just wanted to point out that once again in December this year we took over 30 kids to Shop with a Cop. We were able to do that with everybody's generosity in purchasing tickets and making donations. We appreciate that. I want to thank our officers and our Auxiliary officers and community volunteers that came out and gave us a hand. We went to Target in Macedonia and had pizza at the high school. It was their 23rd year. It's been going good and it's a great program.

We're going to start a new program in February. We're going to have Coffee with a Cop. We're going to do that through the generosity of the McDonald's owners here in Garfield Heights from

9:00 a.m. to 11:00 a.m. on February 21st. Everybody's welcome to join us. There's no agenda. You just stop in and say hello. You want to tell us how good we are like somebody was doing with the Fire Department, it would be awesome. We also will listen to your complaints.

I just wanted to mention there is a lot of talk about dogs and animals tonight and how the police pertain to that. Let me tell you, one of the things that we do when we go out on these is a lot of times we'll identify the players involved and then we refer it to our animal Warden, who is here tonight. She does an excellent job following up on that stuff. She's probably one of the most dedicated employees I've seen here. She's a busy woman and she does a good job with it. I honestly believe that any concerns anybody would have with this I think Bonnie will do a good job with it. With that, you have my report.

PRESIDENT BURKE: Thank you, Chief. Does anybody have any questions for Chief Byrne on his report this evening? Mr. Dudley.

CLMN DUDLEY: Welcome back, Bonnie. We miss you. Boy, do we miss you. That's all, Chief. Thank you, Mr. Chairman.

PRESIDENT BURKE: We'll move on now to our Service Director Mr. Tim McLaughlin. Tim, do you have a report for us this evening?

SERVICE DIRECTOR TIMOTHY MCLAUGHLIN: Yes, I do. Thank you, Mr. President. Leaf pickup went through December because of the late falling of the leaves. We're usually done by the first week of December, but with the good weather and the way things were raked we had to go through all of December.

The tree truck was also out. We had clean up from windstorm damage a few weeks ago and we're cleaning up from that.

We've removed the Christmas lighting and decorations.

Winter this year has been wonderful. It's about to change this week from my understanding on Saturday and Sunday. So far, we've used 800 tons. That was being out 11 times. Five of the times were overtime with bridges and small things. The other six were during the day. We have 1,400 tons of salt in reserve in the bin. Today we ordered 500 more tons to be delivered. So far, we're in good shape. That's all I have.

PRESIDENT BURKE: Thank you, Mr. McLaughlin. Does anybody have any questions for Mr. McLaughlin on his report this evening? Mr. Suster.

CLMN SUSTER: Tim, I know you said you are done picking up leaves, etc. Could you put a notice in the Neighborhood News? Because there's still people that's raking them up on their tree lawns.

SERVICE DIRECTOR TIMOTHY MCLAUGHLIN: Well, I'll put it in the Neighborhood News but I don't think that's going to change.

CLMN SUSTER: At least they will be notified again.

SERVICE DIRECTOR TIMOTHY MCLAUGHLIN: That equipment's been cleaned up and put away. We were out three weeks longer than we normally are. It'd be nice if you could run out every time somebody raked up a pile, but there's some streets I went down where nobody raked the whole year.

CLMN SUSTER: This way you could tell them to put them in leaf bags because they're not going to be picked up. Thank you.

PRESIDENT BURKE: Does anyone else have a question? Mr. Glenn.

CLMN GLENN: Tim, I'm not sure. There's an empty lot on 93rd and Garfield Blvd. I'm not sure whether it's a city lot or a County property, but there's a big pile on the tree lawn there. It's been there quite a long time. I don't know who's responsibility that was. You might be familiar. You might not.

SERVICE DIRECTOR TIMOTHY MCLAUGHLIN: That was when they held a service when those two young kids lost their lives from 86th. That stuff has sat there. That property belongs to Regional Sewer. The entrance to the tunnel is in that property. It's not ours. That stuff has sat there for a while.

CLMN GLENN: Going down one more street at the property you're talking about is on Garfield Blvd. Go down one more street. I think it's 93rd. You go south about two houses there's an empty lot there.

SERVICE DIRECTOR TIMOTHY MCLAUGHLIN: I couldn't tell you if it's ours. It could be in the Land Bank. It could be in the County's Land Bank. I don't know where it's at, but I will look.

CLMN GLENN: OK. Thank you very much.

PARKS AND RECREATION DIRECTOR BOB DOBIES: Absent.

PRESIDENT BURKE: Anyone else have any questions for Mr. McLaughlin? If not we'll move on to our Finance Director, Ms. Barb Biro. Barb, do you have any report for us this evening?

FINANCE DIRECTOR BARB BIRO: Yes, I do. Thank you Mr. President. This evening we are asking for Council's support for Ordinance 1-2019. It's the Commissioner of Purchases. It outlines what the Mayor and myself and designees can do to advertise and purchase services for the year 2019. This is an annual ordinance that has been put up yearly. We ask for support on Ordinance 2 and Ordinance 3 in regards to the Cuyahoga County Soil and Water Conservation District. The first one is, as the Mayor said, it was for storm water pollution. It is a cost to the city of \$7,500.00. Ordinance 3 is along with the Northeast Regional Sewer District for public involvement and public education on soil and water conservation. This comes to a cost to the city of \$5,500.00 for the year, which is reimbursable through the Northeast Ohio Regional Sewer District in regards to community share so when you see the storm water fees on your sewer bill, that's where some of the money goes. That money is reimbursed to the city at the end of the year. So that program is at a zero cost to the city. With that, you have my report, Mr. President.

PRESIDENT BURKE: Thank you, Ms. Biro. Does anybody have any questions for Ms. Biro on her report this evening? There are none, we'll move on to our City Engineer Mr. James Sickels.

CITY ENGINEER JAMES SICKELS: Thank you. I have a brief report. We have some construction projects starting up. Some of you may have seen a little bit of work and some barrels and flagging going up on some of the local streets. One of them is East 100th Street. We're starting there with some sewer work. We're starting over on Rockwood to get going on some water main work. There will be other streets as the season goes on. The whole project should wrap up mid-summer. That's all I have for my report.

PRESIDENT BURKE: Thank you, Mr. Sickels. Does anybody have any questions for Mr. Sickels on the report? There are none. We'll move on to our Social Services Director, Ms. Kathy Rush-Parssons. Kathy, do you have a report this evening?

SOCIAL SERVICES DIRECTOR KATHY RUSH-PARSSON: Yes, I do. Thank you. Just an announcement. In addition to our regular monthly Food Pantry, we are starting a new program partnering again with the Greater Cleveland Food Bank to bring a Senior Market Program to the city of Garfield Heights. Each month on the third Tuesday from 1:00 – 2:00 p.m., the Senior Center will be giving away fresh produce to any Senior resident over the age of 55. Our delivery from the Food Bank will usually contain 90% produce with items such as apples, cabbage, various greens, sweet potatoes, onions, carrots, oranges and more. The remaining 10% will usually consist of some type of bread, dairy, various frozen products if the Food Bank has them available. The Senior Center actually tested this program in December and it was a huge success. The Seniors who participate in the Senior Center program upstairs in the dining room were each given a five-pound bag of apples, several ears of corn on the cob, fresh pears, an eggplant, and several yellow squash, as well as half a gallon of milk. So this is all free to not only the city but also the residents. I believe Council got a flyer in their packets, but Pat Salemi did make a whole stack of flyers for us so if anybody would like any to pass out to your residents, please let us know. A yearly registration is required so if any Senior residents would like more information or to register, they can contact the Administrative Assistant, Joe Snyder, at the Senior Center at (216) 475-3244. And as luck would have it, tomorrow is our first Senior Market Pantry for the general Senior population. So if anyone is interested it's tomorrow from 1:00-2:00 p.m. right here at the Civic Center. That's all I have.

PRESIDENT BURKE: Thank you, Ms. Parssons. Does anybody have any questions for Ms. Parssons on her report? Mr. Dudley.

CLMN DUDLEY: Since you mention age, what is the age to be considered a Senior in Garfield Heights? Different cities do different ages.

SOCIAL SERVICES DIRECTOR KATHY RUSH-PARSSON: It depends on the program, Mike. The Food Bank did not set an age for this program. They allowed the city to decide what we thought the age was. Since the age that we have established for the Senior Center to participate in the Senior Center is 55 that's what we went with. For our contract with the Western Reserve Agency in order to receive meals, it's 60. It depends based on the funding source and the program. So it's not a set number. It depends on the program. Sometimes it's 65. It depends. For this, it's 55.

CLMN DUDLEY: Sounds good. Thank you, Mr. Chairman.

PRESIDENT BURKE: Does anyone else have any questions for Mrs. Parsons? There are none, we'll move on to our Building Commissioner, Mr. Mark Moro. Mark, do you have a report this evening?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Absent.

BUILDING COMMISSIONER MARK MORO: No report this evening. Thank you.

PRESIDENT BURKE: Thank you, Mark. That concludes our reports from the Mayor and the Directors. I don't believe Noreen's here. I don't see her. We will move on now to communications from citizens on tonight's agenda. Would the Clerk please read the rules?

COMMENTS BY CITIZENS ON THE AGENDA:

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 BURKE: Is there anyone wishing to speak on tonight's agenda? Have you spoken to your Councilperson? Or anybody in the city in regards to the matter you're talking about?

Abigail. No. I'll introduce myself. I just moved here in July from New York. I'm here predominantly for the pit bull cause. I would like to address what Clmn Dudley was saying.

PRESIDENT BURKE: Ms. Abigail, you're actually going to have to talk to somebody.

LAW DIRECTOR TIM RILEY: Not on this portion of the agenda. You're allowed to speak on anything that's on the agenda.

Abigail. Thank you.

PRESIDENT BURKE: OK. Can you please give your name and address for the record.

Abigail Holtz, 14240 Cranwood Park Blvd. Thanks. I would like to address what Clmn Dudley was saying about the loose pit bulls. We have had a problem in my neighborhood as well. I am pro for the lifting of the ban for the pit bulls. I would like to ask you whether or not you believe it is a pit bull problem or it is a person's problem. Because in my experience I have seen that it is more of a person problem. It is the way that people are being informed how to raise dogs, how to treat dogs, how to inform their family members and friends about how to treat dogs as well as the issues on bringing them up, raising them. I don't believe that any animal is inherently bad. I walk dogs.

CLMN DUDLEY: What is the question? You didn't give me a chance to answer.

MS. HOLTZ: Do you believe it is a person problem or a pit bull problem?

CLMN DUDLEY: You want me to answer that question before you continue on? OK. You asked if I believe it's a personal problem or a dog problem. To me it's both in some instances. You got them walking around. You got the dogs ain't been properly secured. You got for most pit bulls a majority of them are inbred animals. They are deliberately inbred. They keep them where they breed them. I know people who raise pit bulls, Ma'am. So your opinion will be just like mine. I'm not an expert but I know from experience I seen them latch down on animals in the streets of Cleveland. I seen people hit these dogs to try to get them loose. These dogs once they lock on they will not break. I don't raise German shepherds. A German shepherd latch on to someone and you can get him to release or you can give him a good hit and he's going to release. I watched on television where the pit bulls on Clark Avenue was going after the people in the neighborhood. A fellow took a baseball bat and hit this dog in the head. It did not deter that dog from still pursuing people. So to me it is a problem within my community. It's a problem that a majority of people in my community say they have. It's a problem watching when they killed the dog up on Cranwood Drive. So it's a problem. I've been living here for 23 years, Ma'am. You just moved into the city recently, but you are entitled to your opinion. I know what is best for my community.

MS. HOLTZ: So do you think that the dogs take themselves off of the leash? Do you think that they're inherently bad? Or do you think that people raise them to be bad? Because I've also had German shepherds and I've also had pit bulls. I've seen dachshunds being more vicious than I've ever seen pit bulls.

CLMN DUDLEY: I ain't seen that Ma'am.

MS. HOLTZ: I have. I've walked dogs. I dog sit and I've been bit by more little dogs than I have than a pit bull. Now pit bulls are strong. However if you raise them correctly if you raise a German shepherd incorrectly they won't let go either.

CLMN DUDLEY: I beg to differ. You're not a professional. You can't make that comment.

MS. HOLTZ: So it's how people raise the dogs. It's how people walk the dogs.

CLMN DUDLEY: It's the inbreeding of a lot of the dogs.

MS. HOLTZ: Pugs are inbred and you don't see any bans against pugs.

CLMN DUDLEY: They inbreed a lot of dogs. I know people in Cleveland. We can debate that all day. Until you be in the community and establish yourself you get a chance to go through Cleveland you cannot relate to what is going on in the city. You are new to the city Ma'am. Establish yourself first. Take the time to find out what's going on. Watch. Go out on various hours. Be here for several years then come back and have conversation with me and we can talk.

MS. HOLTZ: So this is about the people of the city. Not about the dogs.

CLMN DUDLEY: No, it's about the dogs. I have a dog issue with pit bulls in my community.

MS. HOLTZ: And how people raise the pit bulls.

CLMN DUDLEY: No, I have a problem not just about to raise them but more so that we have an influx large amount of pit bulls been brought into the community. Pit bulls in some communities and also in Cleveland, they are a status symbol more than they are being bred as family dogs. So you should know that. They are brought for status and status is not to make them friendly dogs. Status is a status quo to show that you feel as though you are a stronger individual by walking this dog. So it's about status. Because it's about status it's creating an issue in this community. I done lived 23 years and you haven't been here long enough, no disrespect to you, you have not been here long enough to have a clue what goes on in this city. Establish yourself in the city and come back and have a conversation because you are too fresh right now to know what's going on around here. You ain't seen nothing I have seen in this city, Ma'am. I raised nine children in this city over 23 years. So believe me I know what goes on here. If you know how Clmn Mike Dudley goes in every community, eats in every community, buys gas in every community. I get around.

PRESIDENT BURKE: Mr. Dudley, can you wrap that up, please? Mr. Glenn has a question also.

CLMN GLENN: What is your first name again?

MS. HOLTZ: Abby.

CLMN GLENN: Abby, my name is Gene Glenn. I raised Dobermans. You're not an expert, nor am I. I'm a dog owner. You're a dog owner. I have talked to experts. One of the experts that their business is insurance companies. You are right. Most dachshunds or little dogs can snip more often than a pit bull or any aggressive dog, but the liability is a huge difference. Insurance companies can deny insurance because of past history or they just don't want to insure that breed of dog or they could pass it on to a third party. The rates are a lot better.

The second expert that I contacted was a dog trainer. I'm not talking about a veterinarian. I'm not talking about a police officer. I'm not talking about somebody who walks the dogs around here. I'm talking about a trainer who trains military and police officers. I asked him the question. What do you think about aggressive pit bulls or the list of dogs that are aggressive? I asked him can you train these dogs. He said yes you can train them, but they're not as trainable as some other breeds are. They are not responsive and sometimes they lock on. There is a misnomer they have locking jaws. They do not but once they get hold of a thing they don't let go. Pit bulls are also what they call maulers. They're two levels higher than an aggressive dog. They at times can be maulers. They can turn on a heartbeat. A lot of pit bulls are friendly and aggressive but the ones that do cause damage cause a lot more damage than any dachshund that you've ever seen. I thank you for your time.

CLMN DUDLEY: One thing.

PRESIDENT BURKE: Excuse me. I want to say something right now. Any of you guys on this Council have a problem with me letting people speak tonight? Because everybody's timing me right now and I do not appreciate that. I am running the Council Meeting and I will let people speak.

CLMN NENADOVICH: Mr. Chairman.

PRESIDENT BURKE: Yes.

CLMN NENADOVICH: I was asked to keep time several meetings ago. I'm letting you know it's been five minutes as I was requested. I am not telling you to stop from talking. I am letting you know the time.

PRESIDENT BURKE: This is a very touchy situation and I will let people speak. Mr. Dudley.

CLMN DUDLEY: I got one question for you. You came up here and you went directly towards me. The Mayor said he didn't like pit bulls, but you said nothing to him. Why did you ask that question for me and not address it to the Mayor, Ma'am? He's the head of the city.

MS. HOLTZ: Excuse me. I would like to talk. I was addressing your comment. I didn't address his comment. His was an opinion. Yours was a comment that I wanted to address and I took note of. It wasn't against you. It was against your comment. That's why I asked you.

CLMN DUDLEY: He made a comment he did not like the pit bulls basically.

MS. HOLTZ: Yes.

CLMN DUDLEY: That was a comment?

MS. HOLTZ: Right.

CLMN DUDLEY: And I made a comment?

MS. HOLTZ: Right and I wanted to address your comment.

CLMN DUDLEY: That's all, Mr. Chairman. Thank you, Ma'am.

PRESIDENT BURKE: Would anybody else like to respond? Mr. Suster.

CLMN SUSTER: Abigail, I would just like to say welcome to the city of Garfield Heights.

MS. HOLTZ: Thank you.

CLMN SUSTER: I, myself, I don't think your comments are derogatory or anything like that. Everybody has an opinion and you, too, can give your opinion. I would like to say rather than criticize you, I welcome you into the city.

MS. HOLTZ: Thank you.

PRESIDENT BURKE: I, too, would like to echo Mr. Suster and say welcome to the city of Garfield Heights.

MS. HOLTZ: Thank you. I will close by just saying that I do not believe that pit bulls are inherently bad. I don't believe that they are worse than German shepherds or Rottweilers or

any other dog that could be considered a dangerous dog. However they are banned, which is why they line the rows of the shelters. If anybody here has ever been to the Cuyahoga County community shelter then you would see that. Therefore I believe the ban should be lifted. Thank you.

PRESIDENT BURKE: Thank you. Would anyone else like to address Council?

Bonnie Hackett. Good evening. I will address the Mayor because he's against lifting and he doesn't like pit bulls, whatever.

MAYOR VIC COLLOVA: Before you address are you on overtime or is this your own time?

MS. HACKETT: My own time. I myself personally all along have been against the law having pit bulls banned. I honestly believe that it's an issue with the people on what they're doing to the dogs and how they're treating them. I'm out there all the time. I see conditions of what these dogs are living under. I see them. You don't really know until you're out there seeing it every day. I, myself, personally since doing this job have been bitten by a pit bull. Got me pretty good inside of my leg. I've also been bitten pretty good by a little tiny five-pound thing that got me. I personally believe however this law if it's changed and however it's going to be written, it needs to be really enforced when I'm out there giving citations and it's like I do my job. I have to give a lot of thanks to our Police Department because there's many dogs that come into my kennel after hours that are brought in from our police officers. There's some that are very willing to try to catch them. There's times that I'll get called out from the Police Department if it's a more serious issue to try to catch one.

But I think where this is really going to lie is in our Court system. I personally had evidence of a dog that was not a pit bull but it was an Akita and if anybody knows Akitas, Akitas can be at times very aggressive and very one-man type dog and they don't like other people or dogs. This dog I had evidence, pictures and place reports from three different Counties of this dog viciously attacking three different people—two adults and one child. The child was severely mauled by this dog. Each time that dog was ordered to go out of that city and was then eventually brought into Garfield Heights. Then a lady that was an ex whatever she got bit so that was the fourth time that that dog bit somebody and one of our Judges I tried my best. Our Prosecutor tried our best to get that dog euthanized. All that the Judge did was order the dog to be taken out of the city. When that happens, all you're doing is causing that dog to become a problem somewhere else. I personally believe any dog, no matter what breed, no matter what size, if they're not provoked in some manner and if they're not defending themselves or whatever and they viciously attack and bite a person or attack and maul another animal, there is something mentally wrong in that dog's head and that dog should be ordered to be euthanized. No ifs ands or buts. That's what I do my best to try to have the Courts do.

MAYOR VIC COLLOVA: If I can, I agree with what you say. I agree 100% that we have to enforce the laws. This law as it's written (Mr. Riley can certainly get into it more) but the way we wrote this legislation up, it's not only the dog has to bite somebody. If they're menacing. When I tried to speak to some people about it, they said how do you know if it's menacing. I said we have to put the trust in the Animal Warden. The Animal Warden knows the difference between a dog protecting its property and barking at the fence or a dog that's being menacing. I can't do it. As a Mayor, what do I know about a dog? You know. But the Court has to

understand that also. The Judges have to understand that if you present a case to them that you are presenting it from experience and background and you wouldn't bring in a case about a Chihuahua barking at a Collie. They have to understand that. So you are going to play a big part in this if it all works out in that way. I did make a statement that I fear pit bulls. That young lady spoke before about the owners. You're 100% right. If the owner would treat that dog right from a puppy, it probably never would have a problem, but as a city leader, we can't define who the best owners are when that pit bull is here.

MS. HACKETT: Right.

MAYOR VIC COLLOVA: We just know in most cases that that pit bull turns vicious it will be worse than if another dog turned vicious so we can't say if somebody gets mauled from a pit bull and really bad, we can't say well it wasn't the pit bull's fault. He's a nice puppy. It was the owner's fault. It's too late. So that's why the pit bull ban came into effect. But again, this new law that's in effect probably has more teeth in it than the pit bull thing. The Judge doesn't have to ask anymore to bring in a veterinarian to prove that it was a pit bull. They go by you. In my opinion, they should go by you saying as the dog warden, as the expert, that dog is a vicious dog. That's what I'm hoping will happen and time will tell. That's how the legislation is written. It's got more teeth in it than the last one.

MS. HACKETT: Good. I hope that it goes that way because it becomes frustrating at times doing what we do out there on the streets and it just gets totally dismissed in Court but it's like.

MAYOR VIC COLLOVA: I will meet with the Judges and talk to them very nicely.

MS. HACKETT: OK.

MAYOR VIC COLLOVA: I learned a lesson about Judges. You don't tell them what to do but you ask them if they will cooperate.

MS. HACKETT: All right. Thank you.

PRESIDENT BURKE: Does anybody else have any comments they would like to address with Bonnie? Thank you, Bonnie.

MS. HACKETT: You're welcome.

PRESIDENT BURKE: Is there anyone else wishing to speak?

Mary Ryan, 5014 East 114th Street. Whether you ban these dogs or not, people are going to have them. They have them now. We have a ban. They're all over the city. We see them in the park everyday when we walk our dogs. I've been bit by one. It grabbed my arm and it wouldn't let go. It was down at the County animal shelter where I used to volunteer. My question is the insurance on these dogs. I know I have liability insurance on my property. How do you know the people have insurance and who's going to enforce it? I think it's another ordinance and you know how I feel about it. Another ordinance that we're not going to enforce. How are you going to do it?

PRESIDENT BURKE: It's just like car insurance, Ma'am. You don't know that the person that hit you has insurance.

MS. RYAN: I don't and the State is wrong about that.

PRESIDENT BURKE: They lose their license. You might lose the dog if you don't have insurance. It's one of those things where are they going to knock on your door and say can I see your insurance? Probably not, but if the dog is menacing or vicious they're going to ask for it.

MS. RYAN: If you're asking everybody that owns a dog in this city and I've lived here for over 30 years, how can you prove it? They don't even have dog licenses for their dogs.

PRESIDENT BURKE: Some of them don't. I get what you're saying. Most of the insurance is covered under our homeowners insurance.

MS. RYAN: Right. Your liability. I know. I have it.

PRESIDENT BURKE: So let me ask you a question. What happens if somebody is a renter and doesn't have insurance, correct? Is that what you're getting at?

MS. RYAN: That, too.

PRESIDENT BURKE: OK. So when you go to sue them for their dog biting you and you can't get any money out of them who is to say you don't come after the city of Garfield Heights because we don't have legislation on our books that say you have to have insurance.

MS. RYAN: So how are you going to enforce it? That's what I want to know.

PRESIDENT BURKE: The Courts.

MS. RYAN: How do you know? Is somebody going to go door to door?

PRESIDENT BURKE: No, that's not realistic, but if Bonnie cites you and you can't show your paperwork you're going to get cited for that.

MS. RYAN: That's the only time you'll know. So you really can't enforce it to be honest.

PRESIDENT BURKE: That's how you enforce it. I just told you.

MAYOR VIC COLLOVA: Mr. Chairman.

PRESIDENT BURKE: Yes.

MAYOR VIC COLLOVA: Mary, you can't foolproof enforcing any law. We have signs that go up and down Turney Road saying speed limit at 25 or 35. Does everyone enforce it? Do we catch everyone that doesn't? But when you do catch them, they get dinged. It's going to be the

same thing. If we come upon somebody, the dog warden finds somebody and asks for their insurance papers and they don't have it, they'll be going to Court.

MS. RYAN: That's the only time you'll know whether they have insurance or not is if that dog is a menace or whatever it's doing. You cannot make everybody.

MAYOR VIC COLLOVA: It's impossible.

MS. RYAN: It's impossible.

MAYOR VIC COLLOVA: Yes, it is.

MS. RYAN: Right now we have a ban on them and people own them. People come up to us in the park all the time and we say oh you have a dog with these little kids. You know because they're friendly with our dogs. There's a whole bunch of us that walk together and they're all different sizes. I say do you have a dog and they say yeah. I go what kind of dog do you have and they say a pit bull and I go really. Where do you live? Across the street from the park. I'm going really. I owned a vicious dog. He was a severe case that I rehabilitated. You can rehabilitate a dog. It took almost six months and it was either I adopted him or they would put him down so I know you can change a dog. I worked with dogs for a long time. I'm against the dog breed because when they latch on and they're not letting go they will really kill somebody. I'd hate to see that happen even with a law passed to let them in the city again. If you let them in the city, they're going to be over run with those dogs. I think we're going to have a problem.

PRESIDENT BURKE: So you're OK with us getting sued by somebody because we have a pit-specific breed. That's what you're saying, correct?

MS. RYAN: I was against when you banned them because I felt for the families that own these dogs that there weren't any problems with them and they've had them for maybe 10 years or more or even five years. I felt sorry for those families that had to give up their dog. Personally I would have moved out of the city if it was me. I wouldn't let anybody tell me what I could have and what I can't have. That's just me.

PRESIDENT BURKE: I understand what you're saying. Thank you, Mary.

MS. RYAN: I don't know how you're going to enforce it though.

PRESIDENT BURKE: Gene, do you have a question?

CLMN GLENN: I do. Mary, I'm not taking a position on this here right now. Let me ask you a question. Would you be OK if it went to the public on a ballot vote?

MS. RYAN: I guess. If the city wants to do that. I don't think there are enough people that are informed about animals itself, just like on issues. They don't know how to vote so I don't know how that would go over. I feel sorry that you have to make that decision, but if it's the State law and it's a constitutional law, then you have to pass it. That's how I look at it.

PRESIDENT BURKE: There are decisions that we have to make.

MS. RYAN: Yeah, I guess if it's a constitutional law, you have no choice.

PRESIDENT BURKE: Thank you, Mary. Would anyone else like to address?

Roberta Parch, 139 Woodrow Avenue, Bedford. I live a couple cities over in Bedford. What we have there is we have leash ordinances and then when we do have dogs that are deemed trouble they have signs on their homes. The people have signs on their homes. We are not overrun by pit bulls. We have people that are supposed to be walking their dogs on leashes and I have called the warden on people who have dogs that were running loose. Little tiny dogs that bit my greyhound with cancer. That was after talking to the people and saying could you please control your dogs. My dog has cancer. They didn't do it. Those are the kind of people that are going to call and enforce this kind of stuff. Unfortunately, that's what it has to come to. I see your position. I'm trying to see everybody's position. I understand that. I've been a pet sitter for 20 years in the city of Cleveland and in a number of other cities where I've actually gotten pit bulls out of the street for the police and done other things like that. I've been working with dogs for a long time and training dogs. Pit bulls are dogs. I've seen all kinds of different dogs. The most afraid I ever was as a pet sitter was a seven-pound cat that bit through the middle of my hand. I was terrified of that thing. I understand that people can sue you and a lot other things can happen. But what I've seen in my experience is that it has been people walking dogs off leash. Just plain dogs off leash. So with that I thank you very much for your time. Have a good evening.

CLMN DUDLEY: Mr. Chairman.

PRESIDENT BURKE: Yes, Mr. Dudley.

CLMN DUDLEY: What city did you say you're from, Ma'am?

MS. PARCH: Bedford, Sir. I've lived there for 15 years.

CLMN DUDLEY: You're in Bedford, OK.

MS. PARCH: Yes, Sir.

CLMN DUDLEY: I thought you had said Garfield, OK.

MS.PARCH: Well I did have a client in Garfield, but I do live in Bedford and there are a number of pit bulls that live on my street.

CLMN DUDLEY: But you don't live in Garfield?

MS. PARCH: No, Sir.

CLMN DUDLEY: That's all I need to know, Ma'am.

MS.PARCH: Have a good evening.

PRESIDENT BURKE: Thank you. Is there anyone else wishing to speak on this ordinance? If not we will move on to Ordinances and Resolutions, beginning with Ordinance 90-2018. Will the Clerk please read the title.

ORDINANCES AND RESOLUTIONS:

ORDINANCE NO. 90-2018

AN ORDINANCE AMENDING CHAPTER 505, ANIMALS AND FOWL, OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS AS WELL AS ADOPTING CHAPTER 506, NUISANCE, DANGEROUS, AND VICIOUS ANIMALS.

Moved by VAUGHN to CONSIDER BY TITLE:

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

Motion to PASS FOR A THIRD READING

CLMN VAUGHN: Yes.

CLMN DUDLEY: Yes.

CLMN LAMALFA: No.

CLMN NENADOVICH: Yes.

CLMN GLENN: Before I answer, let me understand this. This is a vote Yes to have a Third Reading?

PRESIDENT BURKE: To have a Third Reading.

CLMN GLENN: I vote Yes.

CLMN SUSTER: Yes.

CLMN BURKE: Before I vote, what I would like to say is there's been a lot of talk about it tonight. I know I've gotten a lot of phone calls and a lot of e-mails on it as well. I would urge the residents. You have one more Reading on this before we vote on it. Please make sure you contact us and let us know where you are at on this. This is a very important vote and it puts a lot of pressure on all of us Council people up here. With that, I vote Yes for a Third Reading.

PRESIDENT BURKE: Ordinance 90-2018 will have a Third Reading at our next Council Meeting.

CLMN VAUGHN: Thank you.

ORDINANCE NO. 01-2019

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE COMMISSIONER OF PURCHASES AND SUPPLIES, FINANCE DIRECTOR, THE MAYOR, OR HIS DESIGNEE TO ADVERTISE FOR PROPOSALS FOR VARIOUS MATERIALS, SERVICES AND SUPPLIES FOR THE YEAR ENDING DECEMBER 31, 2019.

Moved by NENADOVICH to CONSIDER BY TITLE:

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

Motion to WAIVE RULE 24:

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

Motion to SUSPEND THREE READING RULE:

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

PRESIDENT BURKE: On its adoption, beginning with Clmn Nenadovich.

VOTE ON ADOPTION:

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

PRESIDENT BURKE: Ordinance 01-2019 passes with 7 Yes votes.

ORDINANCE NO. 02-2019

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ON BEHALF OF THE CITY OF GARFIELD HEIGHTS WITH THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT FOR THE PURPOSE OF PARTICIPATING IN THE STORM WATER POLLUTION PREVENTION PROGRAM.

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

Motion to WAIVE RULE 24:

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

PRESIDENT BURKE: On its adoption, beginning with Clmn Nenadovich.

VOTE ON ADOPTION:

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

PRESIDENT BURKE: Ordinance 02-2019 passes with 7 Yes votes.

ORDINANCE NO. 03-2019

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ON BEHALF OF THE CITY OF GARFIELD HEIGHTS WITH THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AND NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR THE PURPOSE OF PUBLIC INVOLVEMENT AND PUBLIC EDUCATION REGARDING SOIL AND WATER CONSERVATION.

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

Motion to WAIVE RULE 24:

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

PRESIDENT BURKE: On its adoption, beginning with Clmn Vaughn.

VOTE ON ADOPTION:

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

PRESIDENT BURKE: Ordinance 03-2019 passes with 7 Yes votes.

MISCELLANEOUS COMMENTS BY CITIZENS

PRESIDENT BURKE: That concludes our Ordinances and Resolutions for this evening.

We will move on to Comments by Citizens. Will 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 BURKE: Is there anyone wishing to make comments to Council this evening? If not, we will move on to Miscellaneous Business. We will begin tonight with Clmn Nenadovich. Clmn Nenadovich, do you have anything you'd like to share with us?

MISCELLANEOUS BUSINESS:

CLMN NENADOVICH: Yes, two short things. One, welcome to Garfield Heights and Happy New Year to everybody. I'll leave it at that.

PRESIDENT BURKE: Thank you, Mr. Nenadovich. Mr. Glenn, do you have anything you'd like to add?

CLMN GLENN: I just want to make one comment here. I see Fire Chief Ken Strobe is here tonight. I want to point out a personal issue that I had with Ken. Two years ago, I had a stroke. Ken came to my house on the emergency and he is one of the guys that picked me up and I never knew that until tonight. I want to thank you, Ken, the Fire Department for giving me life number three maybe. Thank you. Maybe the Mayor might have a different opinion? That's all I have to say.

PRESIDENT BURKE: Thank you, Gene. Mr. Suster, do you have anything you'd like to share with us this evening?

CLMN SUSTER: Yes and I'd like to direct this to Mrs. Holtz or is it Ms? I hope this isn't the last Council Meeting that you come to. I mean, for what went on here tonight is not fair to you. Some of the things that were said. I, myself, I hope to see you here more often.

Also, I heard Bonnie say that she had been bitten by a pit bull. Well she had come to my house a couple days after. You know it's not a joke. I have a great grandson that has a pit bull and as far as I'm concerned, it's the biggest baby you ever saw, but a baby with big teeth. Because I will still not go near him. My grandson trains dogs for University Hospital. He trains them for drugs, etc. He has two German shepherds. How he keeps them apart, I'll never know. They're beautiful dogs. I myself I'm not an advocate of pit bulls. If you want one, knock yourself out, but I don't want the responsibility for it. That's all I have.

PRESIDENT BURKE: Mr. Suster. I would just like to say when it comes to the dogs, my parents have a German shepherd. This dog is a puppy and it's big. It's lovable to me. I don't know what I do to the dog that makes him love me. He can't stand my sisters. He can't stand my brother. I don't know what it is about the dog that likes me. I don't really want to know. I'm just glad he likes me. And I will tell you just in playing that dog has broken the skin. That's a

German shepherd. They take really good care of the dog. It's not like they're abusing the dog to make him turn mean, etc.

I think what we really need to look at here is responsible ownership of your pet. It's not like the one woman said here from Bedford, have the pet on a leash. When you don't walk it on the leash, you're opening yourself up to all kinds of problems. As far as the insurance, I see both sides of it from people that have contacted me. When I look at it, we live in an age where McDonald's got sued because their coffee was too hot and it didn't say that on the cup. You know that's common sense, but they won the lawsuit. The people that sued them won the lawsuit. We have to protect the money of the people of the city of Garfield Heights. If it means putting it in insurance language in our ordinance in order to keep us from not being sued and having to pay your \$300,000.00 to defend, I think that's the responsible thing to do for us as Council people. So I'm glad that we're going to take this to a Third Reading. I think there should be some good debate here in the next couple weeks for our Council Meeting.

On top of that, Chief Byrne, I have to say something. My son, he enlisted in the U.S. Army. Yesterday he had to be at the recruiting station at two o'clock. He was frazzled. Twenty minutes to two he's dropping his car off at my house and he accidentally locked his keys in the car with it running with his bag. He's got 15 minutes to go and can't find the spare key. So I had to call our fine Police Department and I couldn't believe how fast the officer came out. I didn't tell him who I was. He just came out. They helped my son. They unlocked that car really quick. He was able to get there with one minute to spare. So I have to say thank you to the Police Department, and particularly Sgt. Smith. He was so professional. I can't thank him enough. My son texted me earlier he just landed in South Carolina. He is at Fort Jackson and he will be starting his basic training tomorrow or so.

The other thing I want to say. I had some phone calls from residents on Oakview. They had taken down some trees. I called and found out the trees that are taken down were part of the waterline replacement project. They had to take down those trees in order to connect the new waterline. So that's why those trees are down. That's all I have for you. Clmn Vaughn, you're up.

CLMN VAUGHN: Abigail, thank you for coming tonight. Thank you for your insight on this topic. I also hope to see you here frequently.

Ma'am from Bedford, thank you also for your insight. I didn't catch your name. Thank you for coming. It's always good to hear what's going on in other communities concerning things like this.

Bonnie, I can't say enough. For someone to come in on their own time. It's great. Garfield Heights employees go above and beyond all the time. We hear all the time about the Fire Department, OK? The Police Department. You've got a thankless job. You come in whenever we ask you, you attend meetings. Thank you for coming in.

Folks, want to talk about two things real quick and then I'm going to ask that we be adjourned because we have another meeting to go into.

PRESIDENT BURKE: Excuse me, Mr. Vaughn, Mr. Dudley and Mr. Lamalfa.

CLMN VAUGHN: Oh, that's right. Sorry. As everybody knows those speed indicators that went up on Turney Road. I think they're great. I realize they're expensive. I'd like to see more of them in the future, Mayor, if we could purchase them? But the point of it is to educate you on how fast you're going. It's not issuing a ticket. It's an educational tool. It's not to play who gets high score. OK? It's to educate so that people can learn how to curtail their speed. It's a useful tool. Everybody drive careful this week. We're going to have some major snowstorms come through. That's all I have.

PRESIDENT BURKE: Thank you, Mr. Vaughn. Mr. Dudley, you're up.

CLMN DUDLEY: Welcome back, Bonnie. You're right about the Akita. I had an Akita and a shepherd and we had to let the Akita go because Akita is a one man's dog. They have to be the only dog in a house. That's a true fact. It was a sweetheart but it couldn't get along with the shepherd and the shepherd had seniority so the Akita left. I do love animals. I have my opinion as others do too.

Chief, I told you all 1,000 times, Chief Byrne, you all are more than police. I deal with you a lot. You all have become social workers. I tell you a story and I mention it to not to mention names but a young man was really going off on a far road and they picked up this young man several times in my Ward late at night. They could have pushed for him to go to Juvenile or something. They didn't do it. I brag about the young man because the young man is a A-B student now and at the third time they picked him up he has not been in trouble. He's a sports fanatic and it's been almost 1.5 years. I have called him and I talked with the kids and I wasn't getting nowhere with the parents what 99% of the time it wasn't an issue with that child no more and they managed to get through to some of the parents that I couldn't get through. I tell Chief all the time they more than police to me. I have a great relationship with that department. They almost like social workers and don't get paid to be social workers. I consider them to be social workers. I know you're not social workers, OK. They done a lot and there been a tremendous change in my community the way it was when I first came in office almost 12 years ago until now.

This has been 90-2018, like Chairman said is going for a Third Reading and Clmn Vaughn read it. That's going to be on the 28th so if you got any input or want to make any comments to me, give me a call. When you call me, leave a telephone number. You always call and leave a message and you say hey Clmn call me back and I don't know your telephone number. Some of you all I don't know your addresses. If you e-mail me, leave me a contact and details.

On February 15th we are going to have our Annual African-American Heritage Black History Program again. As you know, in 2018, we had the jazz musician, a flutist who was Herbert Will. He gave a history on jazz. It was a great show. We didn't just have Herbert Will. We brought in a whole band. In 2017, we had Sandra Garrett who was Morgan Garrett's granddaughter. She came in and with the illustrations she had, it was a great show. In 2016, we had Clans Baumann, Dr. King's driver. He is still here and living. He put on a great show and a lot of information. I thank the school for giving us a place to go. Money is raised. The Mayor, myself, members of the community, McDonalds, Mr. Hero's, Subways are contributing factors. Several of the funeral homes too. Funds are raised. We don't ask the public for any of that. It's done through local businesses. The raffles are free. The food is free. Admission is free. So no reason for you not to come. If you'd like to give a basket or something you are more than welcome but

attach your name to it. We want to know where it came from so we can thank you because we will raffle it off for free. So it is on February 15th at 6:30 p.m. at the Performing Arts Center. Flyers will be coming out. I thank the library because they have offered to allow us to drop copies of these professionally videoed shows. I get them from all them years. You can go back and see the show. It's just like a movie. Go to the library, sign out the video and take it back when you're through.

If you got any opinions, feel free to give me a call. Make sure you leave a message. With that, Mr. Chairman, thank you.

PRESIDENT BURKE: Thank you, Mr. Dudley. Mr. LaMalfa, do you have anything?

CLMN LAMALFA: I have a little bit to say about these dogs here. I listened to all the information that was given here, but the one thing that you didn't say is when you come up to us you should say OK, I don't like this. I want you to re-spend \$300,000.00 to fight it and lose in Court. That's what this law is about. We didn't come up to do it on ourselves. The Mayor mentioned it that he spent \$300,000.00 on the sign. That's the same thing. Why risk the money unless you want us to?

I would appreciate when you talk to the Judges about enforcing that law I'd like to sit down and listen to that conversation. That's got to be a good one. Other than that, I'm OK. Thank you.

PRESIDENT BURKE: Thank you, Mr. LaMalfa. Mr. Glenn.

CLMN GLENN: That \$300,000.00

CLMN LAMALFA: I make a motion to adjourn.

CLMN GLENN: He made a comment it cost \$300,000.00. That case was taken to the Supreme Court of the United States. If it goes that far, somebody, if not us, some other city will take it to the Ohio Supreme Court and it will not cost \$300,000.00. I have talked to other cities about this here and there could be a coalition of like-minded cities. So when that \$300,000.00 is mentioned that's way too much.

PRESIDENT BURKE: On the motion made by Clmn LaMalfa to adjourn tonight's meeting, all in favor signify by saying. Before I go there, once we adjourn we're going to take a 10 minute recess. Then Council will meet in the Caucus Room for a Work Session. All in favor signify by saying Yea. Council Meeting adjourned.

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

MEETING ADJOURNED AT 8:34 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Matthew Burke
President of Council

Barbara Molin
Clerk of Council