

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, June 22, 2020

(Note: This meeting was conducted by teleconference due to the current Covid-19 outbreak.)

MEETING CALLED TO ORDER AT 7:00 p.m. by Council President Pro Tem Michael Nenadovich.

ROLL CALL: **PRESENT:** Council Members Dudley, Donahue, Nenadovich, Davis, Blake, Vaughn

EXCUSED: Burke

CLMN VAUGHN: I would like to make a motion at this time to excuse Clmn Matt Burke from tonight's meeting.

CLMN DONAHUE: Seconded.

PRESIDENT NENADOVICH: Seconded by Mr. Donahue. All in favor signify by saying Yea? Any opposed?

AYES: Vaughn, Dudley, Donahue, Nenadovich, Davis, Blake

ABSENT: Burke

Clmn Burke will be excused from tonight's meeting.

READING AND DISPOSAL OF MINUTES:

PRESIDENT NENADOVICH made a motion to accept the Minutes of the Regular Meeting of Garfield Heights City Council for Monday, June 8, 2020 as written. Clmn Donahue seconded. He then said on the motion made by myself to accept the Minutes of the Council Meeting for Monday, June 8, 2020, as written, all in favor say Yea. Any opposed?

AYES: Nenadovich, Davis, Blake, Vaughn, Dudley, Donahue

ABSENT: Burke

PRESIDENT NENADOVICH said that the Regular Meeting Minutes were accepted with 6 Yes votes.

REPORT OF THE MAYOR:

MAYOR VIC COLLOVA began by saying that a grandchild in the family of Council President Matt Burke had passed away.

During the last Council Meeting, there had been complaints and discussion about taking care of the Service Court area. The Mayor and Service Director Tim McLaughlin had gone there to

observe the situation and the Service Department had handled most of the issues. They were awaiting the cooperation of the City of Cleveland to eliminate the remaining problems.

Welden PC was having a Recycling Month whereby they would accept and recycle any computers, laptops, phones, printers, screens, etc. residents bring in for free. In addition, Weldon would give residents vouchers worth from \$1.00 to \$50.00 off on future purchases.

The Mayor announced that Police Chief Robert Byrne had retired because he could not bear to be painted like the other police officers involved in incidents in various cities in the news. The media had presented a slanted version of the January incident in Garfield Heights. He considered Chief Byrne to be a great Chief, who attended every Block Watch. Our community had lost a friend.

Garfield Heights residents get along. In spite of current racial tension and Covid-19, they are tough. The Mayor implored residents not to give up Garfield Heights.

He next read the letter of resignation from Chief Byrne:

“June 18, 2020

Mayor Collova,

Please accept this as my letter as my notice of retirement from the City of Garfield Heights Police Department. I don't mind saying that the events of the past week have played into my decision, however I have been considering retiring before this. Let me be very clear in saying that I stand by my decision to support the Officers involved in this incident.

It is evident that many want changes in Police Departments across America including Garfield Heights. I do not believe I am the best person to instill this change. I would like to extend my sincere thanks to you, Council Members past and present, and my fellow City Directors, who have been a pleasure to work with. I am extremely grateful to the residents of our City who so strongly support our Police Department and I ask that continue to do so.

I have given this considerable thought and feel that this decision is best for my personal wellbeing and for my family, as well what is best for the City of Garfield Heights.”

The Mayor attempted to change the Chief's mind, but he was determined to retire.

Commenting on legislation, Mayor Collova said that Ordinance 57-2020 established the Local Coronavirus Relief Fund and affirmed that the money would be spent only for lawful purposes. Ordinance 58-2020 authorized sponsoring the Cleveland Clinic to apply for funding of the 1-480/Granger Road Interchange Improvement Project. There were some monetary issues to discuss in committee first, but it would be fine. Ordinance 59-2020 authorized acquiring a fire engine and related equipment. That was the end of the Mayor's report.

PRESIDENT NENADOVICH thanked the Mayor and asked whether anyone had any questions for the Mayor on his report. There were none.

COMMENTS BY CITIZENS ON THE AGENDA:

PRESIDENT NENADOVICH asked whether anyone on line wished to speak on the agenda.

James Smith, 13422 Alvin Avenue, raised a question.

PRESIDENT NENADOVICH advised him to ask his question during the second Comments by Citizens part of the meeting. He then asked whether anyone else wished to speak on the evening's agenda. No one did. So he moved on to Ordinances and Resolutions.

ORDINANCES AND RESOLUTIONS:

ORDINANCE NO. 57-2020

AN ORDINANCE ESTABLISHING THE LOCAL CORONAVIRUS RELIEF FUND AND AFFIRMING THAT MONIES PLACED THEREIN WILL BE EXPENDED ONLY FOR LAWFUL PURPOSES.

Moved by NENADOVICH to CONSIDER BY TITLE:

AYES: Nenadovich, Davis, Blake, Vaughn, Dudley, Donahue

ABSENT: Burke

Motion to SUSPEND THREE READING RULE:

AYES: Nenadovich, Davis, Blake, Vaughn, Dudley, Donahue

ABSENT: Burke

Motion to WAIVE RULE 24:

AYES: Nenadovich, Davis, Blake, Vaughn, Dudley, Donahue

Absent: Burke

VOTE ON ADOPTION:

AYES: Nenadovich, Davis, Blake, Vaughn, Dudley, Donahue

ABSENT: Burke

Ordinance 57-2020 passed with 6 Yes votes.

ORDINANCE NO. 58-2020

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, OR HIS DESIGNEE, TO DO ALL THINGS NECESSARY, TO SPONSOR THE CLEVELAND CLINIC IN THEIR EFFORT TO SUBMIT A TRANSPORTATION REVIEW ADVISORY COUNCIL (TRAC) APPLICATION FOR FUNDING OF THE I-480 / GRANGER ROAD INTERCHANGE IMPROVEMENT PROJECT.

Moved by NENADOVICH to CONSIDER BY TITLE:

AYES: Nenadovich, Davis, Blake, Vaughn, Dudley, Donahue

ABSENT: Burke

Moved by VAUGHN to PLACE INTO THE LEGISLATIVE COMMITTEE:

Seconded by DONAHUE.

AYES: Vaughn, Dudley, Donahue, Nenadovich, Davis, Blake

ABSENT: Burke

Ordinance 58-2020 was placed into the Legislative Committee by 6 Yes votes.

ORDINANCE NO. 59-2020

AN ORDINANCE AUTHORIZING THE EXECUTION OF A MASTER TAX-EXEMPT LEASE-PURCHASE AGREEMENT AND RELATED PROPERTY SCHEDULE BETWEEN KEY GOVERNMENT FINANCE, INC., AS LESSOR, AND THE CITY, AS LESSEE, FOR THE PURPOSE OF ACQUIRING A FIRE ENGINE AND RELATED APPURTENANCES, AND DECLARING AN EMERGENCY.

Moved by NENADOVICH to CONSIDER BY TITLE:

AYES: Nenadovich, Davis, Blake, Vaughn, Dudley, Donahue

ABSENT: Burke

Motion to SUSPEND THREE READING RULE:

AYES: Nenadovich, Davis, Blake, Vaughn, Dudley, Donahue

ABSENT: Burke

Motion to WAIVE RULE 24:

AYES: Nenadovich, Davis, Blake, Vaughn, Dudley, Donahue

Absent: Burke

VOTE ON ADOPTION:

AYES: Nenadovich, Davis, Blake, Vaughn, Dudley, Donahue

ABSENT: Burke

Ordinance 59-2020 passed with 6 Yes votes.

MISCELLANEOUS COMMENTS BY CITIZENS:

PRESIDENT NENADOVICH next asked whether any residents attending the teleconference wished to address Council.

James Smith, 13422 Alvin Avenue, complained that at 13502 Alvin Avenue, a vacant, run down house, people are urinating and defecating out doors. He asked that the city put a stop to it.

CLMN DUDLEY said that they had never spoken and he should have called him.

MR. SMITH said that he had gone to city hall to complain, but had never received an answer. Going on, he said that the residents at 13503 Alvin Avenue keep their garbage in front of their porch. He had informed Clmn Dudley about that and never received a reply.

CLMN DUDLEY said that Ms. Ruby had also told him about 13503 Alvin Avenue and he had stopped there once.

MR. SMITH asked whether or not the property at 13502 Alvin Avenue was going to be demolished.

CLMN DUDLEY told him to call him to find out.

MAYOR VIC COLLOVA suggested that he call either himself or Clmn Dudley the following day and they would be glad to check the demolition list for him.

MR. SMITH said thank you.

PRESIDENT NENADOVICH thanked Mr. Smith and asked whether any other residents listening to the teleconference wished to address Council.

David Dye, 13418 Alvin Avenue, asked the city to do something about 13502 Alvin Avenue.

PRESIDENT NENADOVICH told him that that topic had already been raised and thanked him for calling. He again asked whether any other residents wished to address Council.

Tanya Parks, 12511 Service Court, complained that overgrown bushes were scratching her car, dirt was filling up her drain and she gets two feet of water in her basement. Most of the people around her are renters so they don't care. Her insurance will not pay for any damage. She requested that the city correct the situation.

CLMN DUDLEY replied that he had sent an e-mail to her and Clmn Bishop of Cleveland about this matter. Clmn Bishop was looking into building a retaining wall. Garfield Heights was doing all they can to help her.

MS. PARKS said that nothing at all had been done, although Clmn Dudley had promised results two weeks before.

CLMN DUDLEY insisted that the city would take care of it, but staff was shorthanded at the moment because of Covid-19.

MS. PARKS told him to put the criminals in jail to work on it and called him a liar.

CLMN DUDLEY said that the work would get done, although perhaps not right away, and he was not a liar.

PRESIDENT NENADOVICH interjected that there were only six employees in the Service Department currently and there were 82 miles of roads in the city. He apologized for the inconvenience.

MS. PARKS said she understood but the excess foliage was there before Covid-19 began and scratches her car.

PRESIDENT NENADOVICH suggested that she call him and the Service Department the following day.

MAYOR VIC COLLOVA asked her if she had missed his report and, in fact, she had. So he repeated how he had visited the Service Court area with Service Director Tim McLaughlin since the previous Council Meeting to observe the situation. Afterwards, the Service Department had handled most of the issues. They were awaiting the cooperation of the City of Cleveland to eliminate the remaining problems. When the Service crew was finished patching the streets they would return to Service Court. He stated that Clmn Dudley was in talks with Cleveland about it because Garfield Heights needed the cooperation of Cleveland.

MS. PARKS said OK, but asked who would reimburse her for her damaged lawn equipment.

MAYOR VIC COLLOVA recommended that she call Law Director Tim Riley because there were many flooded basements in the city.

PRESIDENT NENADOVICH thanked Ms. Parks. He then asked whether any other residents listening to the teleconference wished to address Council.

Lanene Jones, 13204 Eastwood Blvd., stated that she has had different experiences with Chief Byrne. Garfield Heights has a bad reputation. She wanted to see Officer Malak fired. Residents were very worried now. The Court is always filled with Black people. She felt that residents would calm down if Officer Malak were to be fired.

PRESIDENT NENADOVICH replied that everything in the police incident would be considered and the case was presently in litigation.

MS. JONES asked whether Officer Malak could be fired during litigation.

LAW DIRECTOR TIM RILEY responded that the Deputy Chief had investigated the case. The Deputy Chief determined that the proper use of force was used.

MS. JONES wondered whether the Deputy Chief had reviewed everything and added that the residents could not review everything either. They are afraid to walk down the street and her customers are scared.

LAW DIRECTOR TIM RILEY said the video was wrong.

MS. JONES said that she was not a police officer, but someone should review Officer Malak's record so the public would feel safe.

PRESIDENT NENADOVICH asked Ms. Jones if perhaps she was judging the officer by her past experiences.

MS. JONES said that there was a lawsuit for \$80,000.00 so Officer Malak ought to be fired.

PRESIDENT NENADOVICH thanked Ms. Jones and she thanked him. He next asked whether anyone else listening to the teleconference wanted to address Council.

Kari Jones, 13505 Hathaway Road, said that something was not right.

PRESIDENT NENADOVICH thanked Ms. Jones. He then asked whether anyone else listening to the teleconference wanted to address Council.

Alexandra Dietz, 2688 East Overlook Road, Cleveland, requested the Mayor's opinion of the Kenta Settles incident because she saw Officer Malak scream and mock him.

LAW DIRECTOR TIM RILEY responded that she would need to see all of the body cam footage to understand fully.

MAYOR VIC COLLOVA asked Ms. Dietz to trust him in saying that she would need to see all of the video because the parts presented on the media did not show the entire event. The Mayor had viewed the entire video and told her she would have second thoughts if she had seen it all. When the right time came, he would talk about it.

MS. DIETZ remarked that people driving past the protestors in front of the police station gave them the finger and called them idiots, etc. She wondered why Mr. Settles had been locked in jail for six months without trial.

MAYOR VIC COLLOVA explained that the Court had not set bail for Mr. Settles and he had not been incarcerated in the Garfield Heights jail. Cuyahoga County handled everything and they changed their mind. He did not know where the case was going next. Garfield Heights had had nothing to with it. False information has been spread. If Ms. Dietz wanted to be angry, she ought to be angry with the Cuyahoga County Court and Cuyahoga County Prosecutor.

Furthermore, although the Garfield Heights Police Department is 98% White, anyone could become a police officer here. The city does not discriminate in hiring police and, in fact, was one of the very first cities to bring in Black officers as lateral transfers. She would be wise to research the facts before making comments.

PRESIDENT NENADOVICH thanked Ms. Dietz. He next asked whether any other residents listening in wished to address Council.

Charles Lowther, 12354 East Overlook Road, Cleveland, said he had called Mr. Riley about the Chief saying there had been previous incidents at the CVS and wanted to know why the Chief defended the officers involved. Since one fourth of the city's annual budget went for police, he wanted to know why they were so incompetent.

MAYOR VIC COLLOVA told Mr. Lowther he was way off track and was simply repeating what the media say. The Mayor supported the Garfield Heights Police Department 100% and called them an excellent force.

MR. LOWTHER shouted that those in the video were not competent.

PRESIDENT NENADOVICH told him the conversation was over and to hang up. He next asked whether there were any other residents listening who wished to address Council.

Michael Peters, 13712 York Blvd., announced that he was holding a conversation on Thursday, June 25, 2020 at 6:00 p.m. at The Rock Community Church, 9403 Garfield Boulevard, Garfield Heights. He asked Mayor Collova to attend to listen to what the people have to say. The meeting would not be anti-police. The people feel ignored by Council and would like the Mayor and Council Members to be present, especially Clmn Vaughn.

CLMN DUDLEY told Mr. Peters that he did not know how Council felt and he was being disrespectful.

PRESIDENT NENADOVICH stated that there would be a public meeting in the future wherein all the facts about the Settles incident would be presented.

MR. PETERS clarified that he was talking about other experiences with the police, not only the one in January 2020. He apologized.

CLMN VAUGHN indicated that he would attend the meeting on Thursday and added that Mr. Peters could call him at anytime.

PRESIDENT NENADOVICH thanked Mr. Peters. He next asked whether any other residents wished to address Council.

Milette Tucker, 9615 McCracken Blvd., said that she was following up on the e-mail she had sent to Mayor Collova, Council and Chief Byrne. There was a lot of high tension in the community so she wanted everyone to work together and come together as a community. She suggested dedicating the next Safety Committee Meeting to other topics besides the video from January.

PRESIDENT NENADOVICH explained that the city would hold a meeting soon to inform the community about the incident. It would result in a consensus that would appeal to everyone. He thanked Ms. Tucker for her comments and asked whether any other residents wished to address Council.

Tanya Parks, 12511 Service Court, hoped to speak on another topic.

PRESIDENT NENADOVICH explained that residents may speak only once during the Miscellaneous Comments part of the meeting.

James Fruits, 13600 York Blvd., was speaking to join Mr. Peters in inviting the community to attend the conversation at the Rock Community Church on June 25, 2020. He said the conversation would be difficult and challenging but the community could learn from each other. A professional facilitator would be in charge. Mr. Fruits had raised the money to pay his fee through GoFundMe. The location of the gathering would be outdoors from 6:00 p.m. – 8:00 p.m.

PRESIDENT NENADOVICH said that when Council goes to this sort of meeting they usually get whipped. He hoped it would not turn into a witch hunt.

MR. FRUITS said that kind of behavior would be unacceptable there and asked that Council and the Mayor not be on the defensive.

PRESIDENT NENADOVICH recommended that everyone come with open minds and not resort to name calling. He thanked Mr. Fruits. The Chair next asked whether any other residents listening wished to address Council.

Felicia Maddox, 11300 Exeter Road, said that her 19-year old son had been involved with the police twice. She had spoken about this to both Clwn Davis and Clmn Blake. Her son had been attacked on June 19, 2020 in front of the CVS. The police had stereotyped her son, who did not start the trouble. Although he had had two bad experiences with Garfield Heights Police, he would like to become an Auxiliary Police Officer and wanted to know how to go about becoming one.

PRESIDENT NENADOVICH said that her son should call the Police.

LAW DIRECTOR TIM RILEY stated that the Police would give him all the necessary information on how to join the Auxiliary Police.

PRESIDENT NENADOVICH commended her son for wishing to pursue a career as a police officer.

MS. MADDOX thanked him.

PRESIDENT NENADOVICH thanked Ms. Maddox and asked her to let him know how things went. Next, he asked whether anyone else wished to speak. No one did.

CLMN VAUGHN moved to adjourn the Meeting, Clmn Dudley seconded and the President said all in favor signify by saying Yea. Anybody opposed? Meeting adjourned.

AYES: Vaughn, Dudley, Donahue, Nenadovich, Davis, Blake

ABSENT: Burke

MEETING ADJOURNED AT 8:26 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Michael Nenadovich
President of Council Pro Tem

Barbara Molin
Clerk of Council