

**MINUTES OF A REGULAR MEETING OF COUNCIL
CITY OF GARFIELD HEIGHTS, OHIO**

Monday, October 23, 2017

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

INVOCATION BY: Clmn Gene Glenn

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

READING AND DISPOSAL OF MINUTES:

PRESIDENT SUSTER: The Reading and Disposal of the Minutes of October 10, 2017.

CLMN BURKE: Mr. President, I would like to make a motion that we accept the Minutes of the Regular Meeting of Council for the City of Garfield Heights for Tuesday, October 10, 2017 as written.

PRESIDENT SUSTER: On the motion made by Clmn Burke to accept the Minutes of October 10th, all those in favor signify by saying Yea. All opposed?

AYES: Burke, Vaughn, Dudley, LaMalfa, Nenadovich, Glenn, Suster
That passes with 7 Yes votes.

WRITTEN COMMUNICATIONS TO COUNCIL:

PRESIDENT SUSTER: Are there any written communications to Council this evening?

CLERK: Yes, Mr. President. This is to advise you that one of the locations for posting legislation in the city has changed. Legislation in Ward 1 will now be posted at the Direct Wireless store. Direct Wireless is at 4546 East 131st Street in Garfield Heights. Again, that's where the Ward 1 legislation will be posted. Thank you.

PRESIDENT SUSTER: Thank you.

LEGISLATION COMING OUT OF COMMITTEE: None.

REPORTS OF THE MAYOR AND DIRECTORS:

PRESIDENT SUSTER: There being none, we will move on to the reports of the Mayor and the Directors. Seeing as the Mayor is not with us tonight, Tim will be doing his report.

MAYOR VIC COLLOVA: Absent.

LAW DIRECTOR TIM RILEY: Thank you, Mr. President. The Mayor wanted me to remind everybody of three events that are coming up. Harvest Fest is on Saturday, October 28th and I believe Noreen will give you some more information about that. The Halloween Skate is coming up and I believe Mr. Dobies will give you some information on that. There will be a Veterans Day ceremony on Saturday, November 11th at 11:00 a.m. at Veterans Plaza, which is behind the Historical House.

The Mayor also wanted to mention that he was at the Black Walnut Festival. He said this was a great success and it was an honor to be part of this event. It was a great finale to the Garfield Heights Historical Society's 50th Year Jubilee Celebration. The Mayor said he was one of the judges and the bakery was delicious.

He wanted to announce the winners:

For cookies

First Place Mark Svoboda
Second Place Curlene Lovelady
Third Place Jo-Ann Mosier

For cakes

First Place Curlene Lovelady
Second Place Barb Graves
Third Place Eileen Longo

For breads

First Place Betty Svoboda
Second Place Loria Lenarduzzi
Third Place Regina Havlick

For pies

First Place Mary Paterson
Second Place Lena Vedal.

He wanted to give a big thanks to Big John Duhanowicz and all that helped with this event. He said it was quite a success.

With that, we'll just move on to legislation. We don't have a lot tonight. Ordinance 66 just has to deal with a change order with regard to 135th Street Sewer Replacement Project, which has been completed. Ordinance 67 has to do with the application to get a grant for the firefighters. Ordinance 68 is our annual contract with the Cuyahoga County Board of Health to provide health services to the city that we are required by State law to have. With that, you have the Mayor's report.

PRESIDENT SUSTER: All right. Are there any questions of Tim on the Mayor's report? Are there any questions of Tim on the Mayor's report? There being none, we'll move on to Chief Bob Byrne. Chief, do you have a report this evening?

LAW DIRECTOR TIM RILEY: No report.

POLICE CHIEF ROBERT BYRNE: Yes, I do, Mr. Chairman. Thank you. First of all, I wanted to take an opportunity to thank the Touchdown Browns Backers of Brooklyn Heights VFW Post 3483. Their president and vice-president are residents here in Garfield Heights (Robert and Rhonda Whitelock) and they donated \$500.00 to our K-9 Officers and the K-9 dogs. I wanted to give a shout out to them and thank them very much. It was very generous on their part.

As you know, Halloween is quickly approaching. It will be recognized here in Garfield Heights on October 31st. The times will be from 6:00 p.m.-8:00 p.m. A couple safety tips. If your children are going to go out, if they are under the age of 12, please make sure they are accompanied by a responsible adult. Have children wear reflective markings or carry a flashlight. Make sure the costumes are properly fitted. Plan your route in advance and stay close to your neighborhood. Do not approach homes that are not properly lit or not obviously participating in Halloween. Please stay out of the street. Cross at the crosswalks. If you are out driving, please drive carefully.

I was asked to pass on some additional information if you are looking for alternatives to the traditional Halloween. St. John Lutheran will have a Trunk or Treat. That will happen on Saturday October 28th from 6:00 p.m.-8:00 p.m. At six o'clock they start up with a hot dog dinner and then about 6:45 you can go out into the parking lot from car to car. St. John Lutheran just asks that if you want to participate with your kids if you can bring a treat to share with the other kids that would be great. If you have any questions, you can contact Karen Dutton from St. John Lutheran. Her number is (216) 587-4222.

The second event is The Rock Community Church, which is located at 9403 Garfield Boulevard. Their event is on October 31st on Halloween from 5:00 p.m.-7:00 p.m. They will also have the Trunk or Treat and some other prizes and toys for kids, candy, and things like that as well as hot dogs, coffee and drinks for people. Everybody is invited. They have a back up plan. If it is raining, it will be inside. So with that, Sir, you have my report.

PRESIDENT SUSTER: Thank you. Are there any questions of Chief on his report? Are there any questions of the Chief on his report? There being none, we will move on to Service Director Tim McLaughlin. Tim, do you have a report for us this evening?

SERVICE DEPARTMENT DIRECTOR TIM McLAUGHLIN: Yes, I do. Thank you, Mr. President. Leaf pickup begins tomorrow in Ward 1 and Ward 7. I have one truck in each ward in the early stages and then as the leaf pickup gets heavier, I am asking that you rake your leaves up on to your tree lawn. Again--not in the street. It only blocks the catch basins and creates other problems. You can also bag your leaves for the rubbish. You can also put your leaves in the large green rubbish container. You can not put the leaves in the recycling container. The rubbish company does not recycle our leaves and if you do put them in the recyclable container, they won't get picked up. With that, you have my report.

PRESIDENT SUSTER: Thank you. Are there any questions of Tim on his report? Are there any questions of Tim on his report? There being none, we will move on to Recreation Director Bob Dobies. Bob, do you have a report for us this evening?

PARKS AND RECREATION DIRECTOR BOB DOBIES: Mr. President and Council Members, good evening. Just briefly, as Tim mentioned I will remind everybody of the Halloween Skate this Saturday. It is after the Harvest Fest from 4:00-6:00 p.m. For residents, reduced admission of \$3.00. Those 12 and under will receive a treat as they leave. There you have my report.

PRESIDENT SUSTER: Thank you. Are there any questions of Bob on his report? Are there any questions of Mr. Dobies on his report? There being none, we will move on to City Engineer Dave Krock. Dave, do you have a report this evening?

CITY ENGINEER DAVID KROCK: I do. Thank you, Mr. President. Just want to voice my support of Ordinance 66. This is the change order for East 135th Street as a result of a waterline leak laid in that project. If there are any questions, I will be happy to handle those. Thank you.

PRESIDENT SUSTER: Are there any questions of Dave on his report? Are there any questions of Dave on his report?

CLMN DUDLEY: I just wanted to say they done a great job on 135th and I wish all our streets could look like that. That's all, Mr. Chairman.

PRESIDENT SUSTER: Thank you, Mr. Dudley. Next, we have Finance Director Barb Biro. Do you have a report for us this evening, Barb?

FINANCE DIRECTOR BARBARA BIRO: Yes, I do. Thank you, Mr. President. This evening we are asking for support of Ordinance 67-2017. Recently we received a FEMA Grant for SCBA Units for our Fire Department. There was a local match of approximately \$12,000.00. This particular ordinance is allowing the city to go into an agreement with Cuyahoga County, which will pick up our local match and in the end it will have a zero dollar cost to the city.

We also ask for support on Ordinance 68-2017. As Tim mentioned this is something that is passed every year to provide health services for the city in the year 2018. With that you have my report.

PRESIDENT SUSTER: Thank you, Barb. Are there any questions of Barb on her report? Are there any questions of Barb on her report?

SOCIAL SERVICES DIRECTOR KATHY RUSH-PARSSON: Absent.

PRESIDENT SUSTER: There being none, we will move on to Economic Development Director Noreen Kuban. Noreen, do you have a report for us this evening?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Yes, I do, Mr. President. I just wanted to remind everyone the Harvest Fest is this Saturday from 1:00 p.m. to 4:00 p.m. This is a family-oriented event and it's a fundraiser for our Community Gardens. There are going to be hayrides, pumpkin decorating, crafts, games, food. We also have a basket raffle. Two of our big prizes. The one is four club seats for the Cavs. It's Cavs vs. Chicago Bulls on Thursday, December 21st. They are club seats and then it also includes one parking pass. We also have a \$200.00 X-Box package. We have about 22 or 23 other raffle items. That concludes my report.

PRESIDENT SUSTER: OK. Are there any questions of Noreen on her report?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Oh, I wanted to make one more comment. I am sorry. Tickets for the basket raffles will be on sale Tuesday through Friday from 10:00 a.m.-2:00 p.m. and then the event, of course, on Saturday from 1:00 p.m.-3:30 p.m. Thank you.

CLMN LAMALFA: You didn't mention the TV.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Oh, yes. We have a TV donated by Clmn LaMalfa- other big ticket item. Thank you.

CLMN LAMALFA: I didn't want you to forget.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: OK. Thanks.

PRESIDENT SUSTER: Does anybody have any questions of Noreen on her report? There being none, we'll move on to our Building Commissioner Mark Moro. Mark, do you have a report for us this evening?

BUILDING COMMISSIONER MARK MORO: I do not have a report. Thank you.

PRESIDENT SUSTER: OK. That concludes the reports of the Mayor and the Directors. Next, we'll go into Comments by Citizens. 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 SUSTER: Is there anyone that would like to speak on tonight's agenda? Is there anyone that would like to speak on tonight's agenda? If not, we'll move on to Ordinances and Resolutions.

COMMITTEE REPORTS: None.

LEGISLATION OUT OF COMMITTEE: None.

ORDINANCES AND RESOLUTIONS:

PRESIDENT SUSTER: Ordinance 66-2017. Would the Clerk please read the title?

ORDINANCE NO. 66-2017

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO APPROVE A CHANGE ORDER ON BEHALF OF THE CITY OF GARFIELD HEIGHTS WITH DAVID KROCK, CITY ENGINEER, PER THE OHM ADVISORS CHANGE ORDER ATTACHED HERE TO AS EXHIBIT ~~1A~~, IN REGARDS TO THE EAST 135TH STREET SEWER REPLACEMENT PROJECT.

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 SUSTER: On its adoption, beginning with Clmn Nenadovich.

VOTE ON ADOPTION:

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

PRESIDENT SUSTER: Ordinance 66-2017 passes with 7 Yes votes.

ORDINANCE NO. 67-2017

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN CUYAHOGA COUNTY AND THE CITY OF GARFIELD HEIGHTS FOR FY2016 ASSISTANCE TO FIREFIGHTERS GRANT - LOCAL MATCH FUNDS AS ATTACHED HERETO AS EXHIBIT A.

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 SUSTER: On its adoption, beginning with Clmn Vaughn.

VOTE ON ADOPTION:

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

PRESIDENT SUSTER: Ordinance 67-2017 passes with 7 Yes votes.

ORDINANCE NO. 68-2017

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ON BEHALF OF THE CITY OF GARFIELD HEIGHTS WITH THE CUYAHOGA COUNTY GENERAL HEALTH DISTRICT TO PROVIDE HEALTH SERVICES TO THIS CITY FOR THE YEAR 2018.

Moved by BURKE to CONSIDER BY TITLE:

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

Motion to SUSPEND THREE READING RULE:

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

Motion to WAIVE RULE 24:

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

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

VOTE ON ADOPTION:

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

PRESIDENT SUSTER: Ordinance 68-2017 passes with 7 Yes votes.

MISCELLANEOUS COMMENTS BY CITIZENS

PRESIDENT SUSTER: We will now move on to Comments by Citizens. Would the Clerk please read the rules.

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

PRESIDENT SUSTER: Is there anyone that would like to speak this evening? Yes, Sir. Jim, have you talked to your Councilperson or someone? OK.

Jim Pickering, 9318 McCracken Blvd. The house at 9329 has been empty for 10 years. It's a shell house. In May or March, somebody was apparently supposed to have bought it. They gave them nine months to pay the back taxes, which is \$37,900.00. Somebody's been living in there on and off. Now I'm finding out somebody just moved in the house now. It wasn't even inspected. They also have water in the basement. A couple weeks ago the gentleman down there, you got called to have to make them come out in front of the house with a front end loader and a dump truck to pick the stuff off the tree lawn. During the week, they throw stuff out in the street when it's not trash day. So we got to live with it and smell the stuff they had. It's not right for us. We pay our taxes on time. Our lawns are pretty good. We don't need trash that's going to be moving in there. They don't pay their taxes. The guy that was (Mr. Collins) was supposed to have the house. He had nine months to pay the taxes. Before the nine months was over he gifted it to somebody else. It's been nine times now it's been gifted. Nobody seems to know who owns the house any more, but they got somebody living in there. It's not right to the neighbors that we all pay our taxes, etc. and they let this stuff go. \$37,900.00 in taxes. That could be doing a lot of stuff for the County. I am very upset and everybody in the neighborhood. We want the thing rectified. The people thrown out of the house. Two weeks ago the guy that was in there I just come home from helping my sister move her company and he's yelling, calling me every name in the book because he knows I'm the one that's pushing on this.

PRESIDENT SUSTER: Mr. Moro, do you have that address, please?

BUILDING COMMISSIONER MARK MORO: I have the address.

PRESIDENT SUSTER: OK. The Building Commissioner will.

MR. PICKERING: Thank you. That's all I have to say.

PRESIDENT SUSTER: Thank you.

CLMN GLENN: I would like to make a comment. Jim, you know I've been over there several times. We had talks with the Service Department, Building Department. I think the Law Department should get involved to see what exactly is going on with these here quit deeds.

MR. PICKERING: I called the Law Director but he never called me back.

LAW DIRECTOR TIM RILEY: Excuse me, Sir. When did you call?

MR. PICKERING: Last week.

LAW DIRECTOR TIM RILEY: And you left a message specifically for me?

MR. PICKERING: I called the Building Department and the lady there transferred the call over. It was on the Audix.

LAW DIRECTOR TIM RILEY: It was on the voice mail?

MR. PICKERING: Yeah.

LAW DIRECTOR TIM RILEY: You left your name and number?

MR. PICKERING: Yes.

LAW DIRECTOR TIM RILEY: OK. What day was that? I want to check into that because I return all of my phone calls.

MR. PICKERING: *(Inaudible)*.

LAW DIRECTOR TIM RILEY: OK. I want to explain and Clmn Glenn, just so you know this, what you are describing is an action that we can't take. We can't remove somebody from their property.

MR. PICKERING: The Law Department should be able to stop all of that because.

LAW DIRECTOR TIM RILEY: Stop what?

MR. PICKERING: It's a shell. They just keep living in it. Nobody seems to know what's up, you know? There is garbage.

LAW DIRECTOR TIM RILEY: Sure. If they violate a Code Section, we can send somebody out there.

MR. PICKERING: Where is the occupation?

LAW DIRECTOR TIM RILEY: I'm sure the Building Commissioner's going to look into it.

MR. PICKERING: They don't have a occupation permit to live in that house.

LAW DIRECTOR TIM RILEY: OK. He's going to look into that, correct?

MR. PICKERING: That's all I ask. If they don't have it, they have to move.

BUILDING COMMISSIONER MARK MORO: We can look at the occupancy portion. We can't do anything about the taxes, which we explained to you.

MR. PICKERING: I'm going after the County for that.

BUILDING COMMISSIONER MARK MORO: I understand, but that's a different issue than they are legally able to occupy the house.

CLMN DUDLEY: Mr. Chairman, he hasn't been talking into the mike. She won't be able to record it.

PRESIDENT SUSTER: I think he's done. Thank you, Mr. Dudley. Is there anyone else that would like to speak this evening? Is there anyone else that would like to speak this evening?

MISCELLANEOUS BUSINESS:

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

CLMN VAUGHN: Thank you, Sir. You caught me off guard. We were moving along so quickly like. I'd like to announce that on Thursday evening at 7:00 p.m our Block Watch will be taking place. Ward 7's Block Watch will be held at St. Benedict School on the campus of St. Monica's at 7:00 p.m. in the Augustine Room. Our guest speaker will be the Mayor. So all come and join us. We always welcome everybody so please feel free to come.

Folks, please be careful on Halloween night. Remember it's good to have a good time, but to be careful. Safety is first priority. Let the kids enjoy this and at eight o'clock all lights are off. Everything stops.

I'd like to express my condolences to the Collova-Donovan family. I'd like to keep them in my prayers. That's all I have at this time.

PRESIDENT SUSTER: OK. Thank you. Clmn Burke.

CLMN BURKE: Thank you, Mr. President. I, too, would like to express my condolences to the Collova-Donovan family for their loss.

I want to remind everybody that on Halloween let's just be safe out there. Slow down if you're driving. Let's make this fun for the kids.

This Saturday at the Harvest Fest, I will be driving the tractor for the hayride. I'm looking forward to it. That's about all I have. Thank you, Mr. President, that's all I have tonight.

PRESIDENT SUSTER: OK. Thank you. I'd also like to offer my condolences to the Collova-Donovan family. I know it was quite a shock to the family.

Here again as everybody's saying, make sure that you watch where you're driving on Halloween evening so no children get hurt. That's all I have. Mr. Glenn.

CLMN GLENN: Thank you, Mr. President. Just a little reminder. November 7th, Election Day, we will not have a Block Watch. Please go out and vote for whatever candidate you so choose. That's all I have Mr. President.

PRESIDENT SUSTER: Mr. Nenadovich.

CLMN NENADOVICH: Thank you, Mr. Chairman. My condolences to the Collova and Donovan family on their loss.

Again, the sentiments of the prior Councilmen about Halloween. Watch the kids because they do run in the street and they are allowed to be out now this night. This is their night. So just be careful. Run your high beams if you have to, but be careful with those kids because they're candy crazed now so let them go. That's all I have.

PRESIDENT SUSTER: Mr. LaMalfa.

CLMN LAMALFA: I don't have anything tonight, but thank you, Mr. President.

PRESIDENT SUSTER: OK. Mr. Dudley.

CLMN DUDLEY: My prayers to the Mayor and his family on their loss. Keep them in your prayers and keep them in your heart. They're good people. I hate to see them have to go through this, but like I say, you keep the family in prayer because the person gone is in a better place than we are now. God is going to be looking out for them.

I want to say you also that I will be return an organization called Citizens for a Better Community. For some that don't remember this organization, we still exist. Every year we still do a holiday dinner for St. Tim's at St. Timothy Park for the Seniors up there and back in the mid-2000's we used to do a Halloween party for the kids every year to keep them off the street. We been doing it inside the old Garfield Heights Recreation Center. We have inflatables, candy, puppeteers, etc. We also were the ones that brought back the first African. American Heritage Black History Program into Garfield Heights. We ran it for years out of the Garfield Heights Community Center. It is in fact an organization. It's not a political organization so we don't get involved in politics. We don't endorse anybody. We don't do anything like that. It's a great organization. It has supported many programs for children. We have supported through the years. We provided toys, etc. for kids before the Family Life Center became the Word of Righteousness--for three years before for needy kids in the community of Garfield Heights so in January we'll be taking memberships, etc. to bring it back to the city and see what we can do to make this community a better community, etc.

I'd also like to say watch out for the kids. You know when we getting that candy and also be running cross the street from house to house to see what we can get from your door so keep your eyes out for us, etc. We don't want to be hit by no vehicle, etc.

Also, hey, just keep your eye on best wishes for my family on the 28th of October. We'll be out at Kalahari doing a Family Feud audition. We been accepted to audition out there on the 28th so if we make it to the TV we'll give a shout out to the city. That's all, Mr. Chairman. Thank you.

PRESIDENT SUSTER: Thank you, Mr. Dudley. Mr. Vaughn.

CLMN VAUGHN: At this time, I'd like to make a motion to conclude this meeting.

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

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

MEETING ADJOURNED AT 7:30 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Joseph Suster
President of Council

Barbara Molin
Clerk of Council