

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, September 28, 2020

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

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

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

READING AND DISPOSAL OF MINUTES:

PRESIDENT BURKE: Reading and Disposal of the Minutes for Monday, September 14, 2020. I would like to make a motion that we accept the Minutes of the Regular Meeting of Council for Monday, September 14, 2020 as written. Do I have a second?

CLMN NENADOVICH: Second.

PRESIDENT BURKE: On the motion made by myself and seconded by Clmn Nenadovich to accept the Regular Minutes of the Council Meeting of Monday, September 14, 2020, as written. Barb, would you please take the roll call vote.

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

PRESIDENT BURKE: OK. The Minutes of the Regular Meeting of Council for Monday, September 14, 2020 passes with 7 Yes votes.

COMMITTEE REPORTS:

None.

WRITTEN COMMUNICATIONS TO COUNCIL:

PRESIDENT BURKE: OK. Do we have any Written Communications to Council this evening? I believe we did get a letter via e-mail?

CLERK: Yes, Mr. Chairman. We did receive a letter via e-mail. Would you like me to read it now?

PRESIDENT BURKE: Absolutely, Barb, if you could.

CLERK: All right. The letter is from Lanene Jones and it was dated today, September 28, 2020. She wrote:

“Please read in council meeting:

My name is Lanene Jones and I reside at 13204 Eastwood Blvd. I am writing to you to discuss the matter of Officer Michael Malak. I requested his personnel records on July 16, 2020, and received a copy of them on September 21, 2020 via email. This letter will describe my findings and my suggestions.

Michael Malak was sworn into the GHPD on April 24, 2017. He was previously a part time police officer with the City of Northfield Village from January 2015. Before becoming a GHPD Officer, he was given a hire date by the Macedonia Police Department, which was subsequently withdrawn because he could not pass the psychological test.

Previous employers, coworkers, friends, and family were interviewed prior to Officer Malak being selected for appointment with the GHPD. His prior employers have a common theme to describe him – he comes across as arrogant. In fact, the GHPD Detective that completed his background investigation noted that most of his employers said that Malak came off as arrogant and cocky. I would not consider that a good quality for a Garfield Heights Police Officer.

Additionally, the word aggressive tends to be a common theme on Officer Malak's performance evaluations with the GHPD. In an employee evaluation from period Dec 1, 2017, to Dec 31, 2017, he deployed a CEW (taser) and was not compliant with policy. He was subsequently retrained. On his evaluation from Jan 1, 2018, to Jan 31, 2018, he was advised to "keep an open mind to possible solutions and demonstrate to people that he understands and appreciates their concerns and fears." His Feb 1, 2018, to Feb 28, 2018 evaluation states, "Mike has a command presence with people that I encourage him to develop." Officer Malak was hired in April but had deployed his taser within seven months of employment and his aggressive and cocky attitude had to be addressed in his performance evaluations on more than one occasion.

Within the three years Officer Malak has been on the force, he has had at least four occurrences that have ended in reprimand or further training. On March 19, 2020, he was suspended from duty for eight days – five for unnecessarily tasing a prisoner in jail on March 5, 2020, and three days for causing a motor vehicle accident in which he was driving recklessly and following too closely on March 6, 2020. He managed to damage two police vehicles in the process and injure another Officer. Those charges amounted to Improper Use and Care of Equipment, Conduct detrimental to the good order and discipline of the Department, and Misfeasance in Office. The employee records that I obtained did not give details on the outcome of the tasing incident that occurred in the month of December 2017. The records did not include any mention of the tasing incident that occurred on January 23, 2020. I am not sure what other occurrences are being withheld from public view. The cases should have been mentioned even if they ended up in litigation. The public should be aware of how much the officer is costing the City of Garfield Heights in litigation and in discipline efforts.

His records show no training certificates for any type of cultural competency or anything related to implicit bias. Not offering that training to an officer coming to a diverse neighborhood such as Garfield Heights has been a detriment to us all. My suggestion as always has been to dismiss the Officer. I don't feel confident in his ability to police this neighborhood. He has been progressively aggressive in using the taser to police the residents of this city and it's just a matter of time before he graduates to a gun. The

discipline that he's receiving from the GHPD is doing nothing but encouraging him to continue with his aggressive nature. No amount of warnings or discipline has stopped this man from pulling out his taser. Docking a few dollars and/or time is not working. Fear of the police union should not be a deterrent in protecting the citizens of this city. We deserve better than this. We deserve to have a transparent police department and one that will ensure that they do all that they can to weed out the bad cops. Garfield Heights residents pay a lot of taxes to live in this city and we shouldn't have to live in fear of the bad cops because the leaders are in fear of the police union. Please do better and take my suggestion into consideration.

Sincerely,

Lanene Jones"

PRESIDENT BURKE: Thank you, Barb.

CLERK: You're welcome.

PRESIDENT BURKE: Do we have any other Written Communications to Council this evening? If there are none, we will move on to the report of the Mayor. Mayor, are you on the call?

REPORT OF THE MAYOR:

MAYOR VIC COLLOVA: Yes, Mr. Chairman, I am. Thank you. I do have a report tonight. First off, I wanted to mention with a very sad heart that we had two very instrumental people in the city of Garfield Heights pass away recently. At the last Council Meeting, I inadvertently omitted mentioning that our long-time Chief, Chief Tom Murphy, passed away just a few weeks ago. I just wanted to say, not only was he a great Chief, he was really a great guy. He was the Chief when I became Mayor and believe me when I tell you he really helped me figure out where I was as Mayor. He took me on a daily basis talking to me about the Police Department, telling about the works of the jail, etc. He made life a whole lot easier for me. He was more than a Chief. He was a friend and he was a friend to the residents of the city of Garfield Heights. I certainly wanted to mention that that he will be sorely missed. We give our deepest sympathies to his family.

Next, I wanted to talk about the young man who has been with me since I've been Mayor. He is the owner and the photographer of the Neighborhood News—Mike Psenicka. Mike passed away unexpectedly a week or so ago. What a great young man he was. I can tell you that every story he did was factual. Every time there was a report about something going on in this city with myself or anybody else, he would call to get our side of the story. He always presented it in the paper in the same way it had been stated to him. Mike is going to be sorely missed. We give our regards to Ellen and his entire family. I can't believe it happened to him and believe me on behalf of the residents of Garfield Heights we lost a very instrumental young man in Mike. I just wanted to send that out to his family and his wife. He really was a great guy—Mike.

I want to move on a little bit to a little more happier note. Council, if you have a chance to ride through the old City View (the new Highland Park) they are doing a phenomenal job of restructuring that entire plaza. They are resurfacing the asphalt. They are taking the façades off. Very shortly, we are hoping to hear about some tenants--some very important tenants--that

will be moving our way. I urge you to go take a look at Highland Park. It really really looks good.

Next, I want to talk a little bit about. Myself and Clmn Vaughn were involved in it this morning along with Clmn Nenadovich. We have a person that has purchased properties in Valley Ranch to build houses. Right now one house is already started; pretty close to being complete. Looks great. These properties and he purchased 12 properties some of them are in Maple Heights some of them are in Garfield Heights. We are going to see some houses \$200,000.00 - \$250,000.00 going up in Ward 7. I think it's going to be great for the city and will help with tax dollars. I think it's a vibrant thing to see the city bringing in people and businesses and homes. I'm really excited about it. I urge Council to take a ride down to the Valley Ranch area and look at the new houses they are building. It really looks great.

I want to move on now. The Board of Elections. Let me talk about a voter location change. This is the letter I received:

"This notification is to inform you that the Cuyahoga County Board of Elections is mailing a letter to each registered voter in the city of Garfield Heights that was affected by a voting location change after the March 17th – April 28th extended primary election. This mailing is scheduled to arrive at the voters' residential address by the end of next week. These affected voters will also receive a Voter Information Guide as a reminder of this new voting location as well as provided important election-related information.

There are two changes. The first change is we are moving Ward 2, Precinct C. The old location was the library. The new location is Garfield Heights High School, which is 4900 Turney Road. The second location is Ward 6, Precinct A. Old location was the library. The new location is the Maple Leaf Elementary School, 5764 Turney Road."

Those are the notifications.

I want to get into tonight's legislation. Ordinance number 74-2020. We are condensing some jobs at the Senior Center to create an Administrative Assistant job. Because of the Covid virus, because of us shutting down many of the aspects of the Senior Center downstairs, we had to lay some people off. Those people have decided to go elsewhere. Some of them anyways. Our kitchen aide has decided to go elsewhere. We also had our Activities Assistant go elsewhere. So we need to fill these spots. Quite honestly, we need to fill them pretty quick because right now they are so busy downstairs. We have the Director working in the kitchen preparing the food everyday instead of being on the phone doing her work that she should be doing. She is actually being a kitchen aide. There's a lot of things going on downstairs that are not being taken care of so we need to fill that position as soon as possible.

The other part of this was we are making our HR person, Jeannie Sowers; we're taking her from part-time to full-time. Once again, the Covid virus has really extended us in different directions that we could ever imagine. The HR Department is more valuable now than ever. At the Caucus Meeting there were some questions about some of her, I'd say accomplishments, or some of her background. I think right now I have Barb Biro on the phone. She has got some of that information. Now with your OK, Mr. Chairman, I'd like to have Barb Biro get into that for a second.

PRESIDENT BURKE: Absolutely, Mayor.

FINANCE DIRECTOR BARB BIRO: Mr. Chairman and Members of Council. I pulled out Ms. Sowers' resume. Just a couple of the highlights on it. She has had 16 years of Human Resource experience with multiple organizations including non-profits. She has won several peer-nominated awards within her 10 years with Continental and United Airlines. Her last base salary was \$85,000.00 with additional performance bonuses where she had a total compensation package when she left over \$100 K. While she was at Continental and United, she was responsible for supporting 1,200 plus employees with a team of five that reported to her, which included one supervisor and four clerical team members.

She also has an Executive MBA from Cleveland State University and she has eight years of Union experience to bring to the table. When Ms. Sowers was interviewed a year ago she understood that it was going to start off as a part-time position, which we would review eventually and at this time we are asking it to go to a full-time position with a compensation package that is equivalent to the other full-time non-union employees here at the city. Ms. Sowers came to us. She did work in New Jersey and I believe a while in Chicago. She had decided that she wanted to come back home to be close to her family. We here at the city were fortunate enough to pick her up as our HR Manager in a part-time position. Now we are asking Council to make it full-time.

PRESIDENT BURKE: Thank you, Barb. Clmn Dudley, do you have any questions for the Mayor on his report this evening?

CLMN DUDLEY: No. I don't have no questions.

PRESIDENT BURKE: OK. Clmn Donahue, do you have any questions for the Mayor on his report?

CLMN DONAHUE: I have no questions.

PRESIDENT BURKE: Clmn Nenadovich. Do you have any questions for the Mayor on his report this evening?

CLMN NENADOVICH: I have no questions for the Mayor.

PRESIDENT BURKE: Clwn Davis, do you have any questions for the Mayor?

CLWN DAVIS: I have no questions for the Mayor this evening, thank you.

PRESIDENT BURKE: Clmn Blake, do you have any questions for the Mayor?

CLMN BLAKE: No questions for the Mayor this evening.

PRESIDENT BURKE: I also do not have any questions and Clmn Vaughn do you have any questions for the Mayor on his report?

CLMN VAUGHN: Mr. Chairman, no, I do not. Thank you.

PRESIDENT BURKE: Thank you. We will move on to communications from citizens on tonight's agenda. Will the Clerk please read the rule?

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: Do we have any citizens in the audience or in attendance that would like to comment on tonight's agenda?

Ronda Crayton, 4654 Martin Luther King Blvd. I have a question. Have there been employees that have been laid off for the city of Garfield Heights recently? If we're laying off employees, are we hiring new employees? Or?

MAYOR VIC COLLOVA: Mr. Chairman, I can answer that question.

PRESIDENT BURKE: Go ahead.

MAYOR VIC COLLOVA: We do have people laid off from the city. Most of them people if not all of them have been brought back to some extent with a couple that have not been brought back. But the people that we are hiring like the HR person going from part-time to full-time and the administrative assistant's position has qualifications that our laid off people would not be able to fill.

MS. CRAYTON: Oh, OK. Are we still doing meals as a city of Garfield Heights residents and Senior citizens and approximately how many go out/month? Is that average or is it below average?

MAYOR VIC COLLOVA: Actually, we still have meals going out. What we do now is we are delivering more and more meals because we don't have the Seniors coming in for their lunches. So we are delivering those meals. Off the top, Ronda, I can't tell you the exact number. I want to say 70 but please don't quote me because I'm trying to go by memory and that's not easy, but yes we are still delivering meals and we are hoping by the first of the year to be able to bring the Seniors back to the Senior Center.

MS. CRAYTON: OK. So they are still doing it?

MAYOR VIC COLLOVA: Yes.

MS. CRAYTON: OK. Thank you.

MAYOR VIC COLLOVA: You're welcome.

PRESIDENT BURKE: Thank you, Ms. Crayton. Is there anyone else wishing to make any comments specifically on tonight's agenda? If there are none we will move on to Ordinances and Resolutions beginning with Ordinance number 74-2020. Will the Clerk please read the title?

ORDINANCES AND RESOLUTIONS:

ORDINANCE NO. 74-2020

AN EMERGENCY ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE 12-2020, THE CITY OF GARFIELD HEIGHTS' PLAN OF CLASSIFICATION AND COMPENSATION OF NON-UNION PAY POSITIONS.

CLMN DUDLEY: Mr. Chairman.

PRESIDENT BURKE: Mr. Dudley, are you going to make your motion, Mr. Dudley?

CLMN DUDLEY: Yes, Mr. Chairman. I wanted to make the motion.

PRESIDENT BURKE: OK. If you can give me one second because we have to make the motion for consideration.

Moved by BURKE to CONSIDER BY TITLE:

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

PRESIDENT BURKE: OK. Mr. Dudley you can go ahead and make your motion.

CLMN DUDLEY: Yes, Mr. Chairman. I'd like to make a motion that we pass for Second Reading on Ordinance number 74-2020.

PRESIDENT BURKE: On the motion made by Clmn Dudley to pass to a Second Reading of Ordinance 74-2020.

AYES: Dudley, Donahue, Davis

NAYS: Nenadovich, Blake, Burke, Vaughn

PRESIDENT BURKE: Let the record show that for passing to a Second Reading we have 3 Yes votes and 4 No votes. So at this time I'd like to make a motion that we suspend the Three Reading Rule.

Motion to SUSPEND THREE READING RULE:

AYES: Burke, Vaughn, Nenadovich, Blake

NAYS: Dudley, Donahue, Davis

PRESIDENT BURKE: Let the record show that for the suspension of the Three Reading Rule that motion passes with 4 Yes votes and 3 No votes. At this time, I'd like to make a motion that we waive Rule 24.

Motion to WAIVE RULE 24:

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

PRESIDENT BURKE: Let the record show that for Waiver of Rule 24 the motion passes with 7 Yes votes. At this time, I'd like to take roll call vote beginning with Clmn Burke on its adoption.

VOTE ON ADOPTION:

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

PRESIDENT BURKE: Let the record show that Ordinance Number 74-2020 passes with 7 Yes votes. That concludes our Ordinances and Resolutions for this evening.

MISCELLANEOUS COMMENTS BY CITIZENS:

PRESIDENT BURKE: We will move on now to comments by citizens. Would the Clerk please read the rule?

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 in the audience that would like to make a comment to Council this evening?

Lanene Jones, 13204 Eastwood Blvd. I have more of a comment. During the last few Council Meetings that I was in and we discussed Officer Malak, the Law Department mentioned that we didn't get a chance to see the entire video. When the video starts there is interaction with the person that was accosted. The video prior to that would be the police officers riding around in a car. I really don't think that part matters. It's the interaction that he had with a resident. So my comment is that I really hope that you guys take a look at the information that I provided to you.

To the residents of Garfield Heights, you have every right to request personnel records of police officers if you think they are doing something that is dangerous to the neighborhood. You have every right to ask for your Council, Law, the city, the Mayor, anyone that is in power to have that person removed. Because we should not have to live in fear of a police officer that don't live here, that haven't worked a neighborhood before its backlash shows where he used to live, where he judged to work.

We need some people that have knowledge about diversity and to handle different circumstances like this instead of pulling out his taser for everything.

I don't understand why the city of Garfield would hire a Police Officer that has failed a personality test with a different Police Department and build more into that. So I am asking that you guys really take a look at him given the information that was not given to me for the litigation that's going on, OK, I don't have access to that. Why wasn't that information released put into his personal records? He had an incident on this date and on that date and it's in litigation or it was settled in Court. Garfield paid this amount. I could pay for papers and I could look up this information myself if that's what I chose to do. That information's out there for us to gather. It should not be that hard to get.

I would like for Council, the Mayor, to really take our safety into consideration when they are hiring the Police Officers and not be afraid to let them go when it's time. Pick up their fight.

That money is more important than the safety of our citizens who pay it in taxes here. I would like for you to take that into consideration. That's all I have to say about that.

PRESIDENT BURKE: Thank you, Mrs. Jones. Is there anyone wishing to respond?

MAYOR VIC COLLOVA: Mr. Chairman.

PRESIDENT BURKE: Yes, Mayor Collova.

MAYOR VIC COLLOVA: I just wanted to say to the young lady that there is litigation going on over these incidents. I guess I don't quite understand. Does she want us to share the information that's going on with the litigation? Is that what she's asking for?

MRS. JONES: No. That's not what I'm asking for. I'm asking that you guys at least let us know when there has been litigation in the past that has closed. When you had some for a police officer that has done something against policy and we have been sued and the case is closed we should know about that as well. But if something is in litigation. When I requested those records, it should have at least mentioned that there is a case in litigation. It does not have to give many details. I don't think that's being transparent not to provide information to other residents.

MAYOR VIC COLLOVA: First off, I apologize that you did not get that information but that information was very publicly stated at Council Meetings that there was litigation that we could not talk about it. I think it may have also been put into the Neighborhood News. I'm not 100% sure. There's been no hiding of litigation going on. It's been discussed at a couple of different Council Meetings. If you didn't hear it, I apologize but there is nothing being hidden.

MRS. JONES: OK. I understand that. I was aware of the litigation because I was in the Council Meetings as well. However, when I received the documentation that I requested regarding personnel records it was not included in that. Also his records were requested by Channel 8 News and several other news affiliates. I'm wondering if they got the same paperwork that I got and have all the information or didn't have that? That's what I mean about being transparent. Are they giving out everything they are supposed to be giving us? Or letting us know?

MAYOR VIC COLLOVA: I don't know what you were given. I certainly personally didn't see it, but I can tell you that if we're hiding something it's totally against the law and we'd be in a lot of trouble for that because a public records request is exactly what it is. There is no hiding in a public records request. So if somebody in this city or department is hiding something, please let me know because the city could be on a hook for a lot if that's true. I don't know who would do that because we have attorneys that work on that all the time. If you know something that I don't know, please let me know.

MRS. JONES: OK. I will e-mail you what I received. It did not have any mention of the 2017 incident so I don't know exactly what it was. Also, it did not mention what happened in January at all. There was no mention of it in his records.

MAYOR VIC COLLOVA: You're talking about this last incident—the January incident?

MRS. JONES: Yes. The January and March as well. It's ongoing. He's taser happy.

MAYOR VIC COLLOVA: You're saying you did not receive that information?

MRS. JONES: Yeah, I did not receive the information regarding the incident in January.

MAYOR VIC COLLOVA: I will check into if you received all of his personnel file. I will check into that.

MRS. JONES: OK.

MAYOR VIC COLLOVA: I am certainly not going to say you got it all but I'm certain that I would be absolutely shocked if they held back something from that personnel file because it's against the law. I will check into that.

MRS. JONES: OK. I will send you my information that I received. I'll e-mail it to you tonight after the call.

MAYOR VIC COLLOVA: Thank you.

MRS. JONES: You're welcome.

PRESIDENT BURKE: Is there anyone else wishing to make any statements to Council this evening?

Brian Kilgallen, 12818 Broadway Avenue.

PRESIDENT BURKE: OK. Mr. Kilgallen you have the floor.

MR. KILGALLEN: I can venture that this has been addressed at other Council Meetings. We got flooded down here twice. Once in the spring and once a couple weeks ago. Both times there was a pump station about three properties down from my property. Both times (*inaudible*) came within the pumps and flicked a switch. In an hour, the flooding ended. My basement was full of three feet of water. The first time I had to replace my furnace, my water tank, my washer and dryer. My shop was under two feet of water. I'm wondering if there has been any mention about this pump station and what's going on with it? It seems like once there was roadwork done on Broadway that's when our issues started.

MAYOR VIC COLLOVA: Mr. Chairman.

PRESIDENT BURKE: Yes, Mayor.

MAYOR VIC COLLOVA: I can tell you I don't know what's going on with the pump stations, but I can tell you that our engineers are working with the Cleveland engineers, even as far as into Warrensville Heights to look at the sewers where this problem is coming from. Broadway has always been a bad area for flooding. I'm surprised you only got flooded twice and I don't mean that in any other way but it is surprising because that street gets flooded. For many years it has been. We are trying to get that corrected. It is not happening in Garfield Heights. It's not starting in Garfield Heights. That water's coming from elsewhere. We have engineers working

on it. Hopefully we can get that problem solved. I don't have any information on the pump station itself.

MR. KILGALLEN: Where can I obtain information about the pump station? From the civil engineer? Water Department?

MAYOR VIC COLLOVA: I would reach out to the engineer to begin with. He could direct you. If he doesn't know, he could direct you. Just call the city. Ask for the City Engineer. Leave a message and they will get back with you.

MR. KILGALLEN: Thank you, Sir.

MAYOR VIC COLLOVA: You're welcome.

PRESIDENT BURKE: Thank you, Mr. Kilgallen. Is there anyone else wishing to make any comments to Council this evening?

Caroline Joyner, 10102 Sladden Avenue. Are we asking specific questions or questions regarding the ordinance?

PRESIDENT BURKE: We've already gone through the ordinance so we're just.

MRS. JOYNER: OK. The one thing that I have is I have numerous complaints. I don't know who my Councilperson is. Shayla Davis and Mr. Dudley been nice to take my calls. I didn't know where to turn, but I been in more communications with Ms. Davis and I know her e-mail. She been helping me get through some of the issues that I have had regarding different situations. I'm a taxpayer. The taxes are very high here. I'm starting to feel unsafe in my own neighborhood. Some of the things that I have been (*inaudible*) some of the issues. I been in Garfield since 2003. I haven't seen any newsletter. I was getting frustrated so I've attached to her for now because I didn't know where to turn. It's more of a complaint. I don't know what to do. I'm a taxpayer. I pay my taxes. I need when I need it to try to help me out.

MAYOR VIC COLLOVA: Mr. Chairman, if I may.

PRESIDENT BURKE: Yes, Mayor.

MAYOR VIC COLLOVA: I'm not quite sure I understand everything. Ma'am, what services aren't you getting that you need for us to take care of?

MRS. JOYNER: I go to my Councilperson for the complaints that I do have or I did have regarding I'm living next door to a two family and no one comes see about the tenants, different things, people parking in empty lots right behind me. It's an ongoing thing and I started feeling unsafe in my own neighborhood. Ms. Davis has helped me. I do feel better. I don't know who my Councilperson is so I could make these complaints.

MAYOR VIC COLLOVA: You reached out to Clmn Dudley and Clwn Davis. How did you get a hold of them? Did you personally know them?

MRS. JOYNER: No. I went on line. I talked to Ms. Davis because her Ward is close to mine. I thought I was in her Ward, but I wasn't. I used to get letters and I don't get them anymore. There was a lady and I went to one meeting in Garfield Park. That was years ago.

MAYOR VIC COLLOVA: There's not many newsletters that go out. I think out of the Council people maybe two have started them. It's an expense that the Council people have to pay out of their pockets. It's a nice thing for the residents. Don't get me wrong. It is an expense to those Councilpersons. I get complaints. I don't have a computer. Why don't you care about me? I'm not trying to be argumentative. Believe me I'm not. There's more to it than just putting something on line. I would suggest. I'm sure you know who your Councilperson is now if you talked to Mr. Dudley and Ms. Davis. In the future.

MRS. JOYNER: Not really. I really don't. I would like for my Councilperson to say who they are. I don't know what Ward I'm in. Things have changed since the lady was the Councilperson.

MAYOR VIC COLLOVA: I believe you are in Ward 2 and that is Clmn Donahue.

CLMN DONAHUE: No. This is Clmn Donahue. You say you're on Sladden? Sladden is not in my Ward.

CLMN NENADOVICH: Mr. Chairman. I'd like to have the floor for a minute.

PRESIDENT BURKE: Clmn Nenadovich. Would you like to address Mrs. Joyner?

CLMN NENADOVICH: What is the address that this lady said and say it clearly so I can write it down because I'm the Councilman for Sladden. What is the address?

PRESIDENT BURKE: Mr. Nenadovich. It's 10102 Sladden.

CLMN NENADOVICH: 10102.

PRESIDENT BURKE: Correct.

CLMN NENADOVICH: I have been up and down that street. I have put mailings just twice on the doorknobs with phone numbers. I have never gotten a call from anybody. And if Mr. Dudley and Mrs. Shayla Davis knew that she lived on this Ward, they should have given her my phone number like I do when I have a complaint from their Wards. So I mean this is a game you want to play. I am very perturbed.

CLMN DUDLEY: Mr. Chairman.

CLMN NENADOVICH: I have the floor. I am very perturbed that this woman says she doesn't know how to contact me and yet she contacted you and Mrs. Davis. I am in the book just like the other ones on line. Anybody that calls me. I'd go to her house if I had to, but please don't say I don't respond. I can get some very low shots that I just received. I am not losing my temper like everybody infers. I just don't like to be slammed like that without a chance to defend myself. Again, I reiterate, if the two Councilpersons you spoke to knew who your Councilperson was they should have told you it was Mike Nenadovich. Phone number (216)

641-7056. I answer my phone calls. I do not hand out literature and newsletters. I do not do e-mailings. I stay off-line as much as I can since I had an incident. But I will not be talked down to like that that I don't respond. I appreciate if you have any problems that you would call me. I will treat you like any other resident that I have. I treat everybody the same. You have a problem--I will work to resolve it, but please don't say you called me and I've done nothing because I did not receive a phone call. That's all I have to say.

MRS. JOYNER: I did not say I called you. I didn't know who to call. That's what I said. I don't say anything. What you just said is incorrect. I said I don't know who my Councilperson is. I been here since 2003. I have got nothing on my door knob. That's not fair for you to be upset with the Council people that I reached out to (*inaudible*). You making me feel like I'm wrong.

CLMN NENADOVICH: No, no. Don't. Nothing against you, Ma'am. It's my cohorts.

MRS. JOYNER: Oh.

CLMN DUDLEY: Mr. Chairman.

PRESIDENT BURKE: Mr. Dudley, do you care to respond?

CLMN DUDLEY: Yeah. I'm not going to get upset here. I believe, Mike, when I get calls and your e-mails I forward them e-mails to you. I did not know who that Sladden belong to Ward 4 or Ward 2 who it belong to. I'm not familiar because of the redrawing it don't show if that belong to 2 or 4. But before you go on to slam somebody, you may take under consideration hey, maybe they wasn't sure theyselves? And say the young lady should call back and check up at city hall. But don't slam us on the phone. That just created a argument to go back and forth. When I get mailings for you, I will send them out and send them to the other Members of Council and I always say do this person live in your Ward? If I know what Ward they are I will send them to that Ward. Sladden I just did not know Sladden belonged to 2. It used to be by Nancy and belonged to 4 then you. That's probably why I didn't respond to the original conversation. (*Inaudible*.) Don't build your blood pressure up there. That's all, Mr. Chairman.

PRESIDENT BURKE: Thank you, Mr. Dudley.

CLWN DAVIS: Mr. Chairman, can I respond to all of this, please?

PRESIDENT BURKE: Ms. Davis, you have the floor.

CLWN DAVIS: Thank you, Mr. Chairman. Clmn Nenadovich, I would like you to know that I have spoken to the resident a few times. Originally because I did not know. I did inform her that she was in Ward 2. She reached out to me again for something else. I explained to her that time because she talked about Nancy Marincic, that she was actually in Ward 3 now. She continues to reach out to me via e-mail or telephone calls for a variety of different things. I have explained to her multiple times who her Councilperson was. The same way she went on the Website and got my e-mail address, I also advised her to go back on the Website to get your contact information.

I will say on record I apologize I did not call you. It was nothing intentional. I probably didn't remember that day and I just haven't thought anything of it. But I have explained to her, as well as many other residents, that Council people have 2,800 people approximately that we are responsible for. There is one resident. It is a lot easier for them to find us than for us to necessarily find them. So I would appreciate it if you would ask questions before you make assumptions and accustomy. I understand that is a statement that she made, but she has been told by me on more than one occasion exactly who her Councilperson is. I did explain originally that Mr. Donahue was her Councilman. Once she contacted me again, I looked it up and corrected it when I realized it you were her Councilperson. Thank you.

PRESIDENT BURKE: Thank you, Ms. Davis. Mrs. Joyner.

MRS. JOYNER: Yes.

PRESIDENT BURKE: Are you still with us?

MRS. JOYNER: Yes, I'm still here.

PRESIDENT BURKE: You know that Mr. Nenadovich is your Councilperson. I want to make sure.

MRS. JOYNER: Yes.

CLMN NENADOVICH: Mrs. Joyner, you may call me at any time. Anytime, Mrs. Joyner. My number is (216) 374-2249.

MRS. JOYNER: Hold on one second.

CLMN NENADOVICH: Please take your time.

MRS. JOYNER: OK. It's (216)

CLMN NENADOVICH: 374-2249. That's my cell phone.

MRS. JOYNER: I didn't get the last two digits.

CLMN NENADOVICH: OK. 374-2249. My home phone is (216) 641-7056. I do return my calls. Believe me I will help you with whatever you have. If you call me, I will take care of the problem for you. I look forward to meeting you. Please call me.

MRS. JOYNER: OK.Thank you.

PRESIDENT BURKE: Is there anyone else wishing to make any comments at this time?

Lynette Radford, 12702 Broadway Avenue. Hi, everyone. I just purchased a building on Broadway in October. Just like Brian, I am one of the businesses that is affected by the flooding on Broadway. I was starting construction and now having two floods in that area has basically been bad for me. But I know for sure that pump station is not working due to the fact that there was a first flood in March. Just like Brian mentioned the Pastor of the church that the pump

station is currently in was told by the Sewer Department that when they were notified of the flood, Sewer Department came out. (*Inaudible*) were already in the parking lot. Notified the Sewer Department. Basement was flooded. They went into the pump station, hit a switch and all the water went out the basement of the church.

So meantime I'm going to fast forward on the last flood we just had a month ago. I do have one sewer drain in the back corner of my parking lot. I would like to know is the city responsible for that line or am I as a commercial building? Because I called the Building Department to see because it needed to be jetted, basically, because of the flood. So a lot of dirt, etc. was got into the sewer line. I called the Building Department. The Building Department told me to call Public Power. I called Public Works and they told me the the Building Department had to e-mail them and let them know about the problem. They would come and jet it out, get my sewer line out and really that's all that needed to be done. I called the Building Department back, told them what Public Works said. They said they would not basically jet my line out because it is not residential. So once again, I said why are we paying taxes? Why is it limited to residential and not commercial? I just want to know who is responsible for the sewer line in Garfield?

MAYOR VIC COLLOVA: Mr. Chairman, it's the Mayor. Ma'am, if I can suggest the next time you make a call (and I'm going to check into that pump station). The next time you make a call, call the Service Department, not the Building Department. Call the Service Department because they are the ones that work with the County, the sewer system, the Water Department. They work directly through the Service Department. So next time you have a problem, call them. That will make it a little easier for you. But I am going to check on that pump station. It seems to me strange that somebody would flip a switch and not let anybody know what they're doing because this is the first I've heard of it. I also want to tell you I'm not an engineer or sewer guy that they may pose that to me. It seems like it's something that simple I can't believe we haven't done something about it. But I will definitely check into it. This is the first I heard about that. I know about the flooding—don't get me wrong. But this is the first I heard about flipping a switch at the pump station. I will reach out to the engineers. I will reach out to the Sewer Department and find out what's going on.

MRS. RADFORD: It was actually the Service Department that told me that the city of Garfield will not pay for jetting out a commercial basically building.

MAYOR VIC COLLOVA: It doesn't really matter if it's commercial/residential. If it's on your property, it's your responsibility. If it's on our property it's our responsibility. Let me check into it because maybe there's more to it. Let's see what we can do. I understand, believe me. I understand. I have trucking that calls me. We had two unbelievable storms this summer.

I can honestly tell you if you came in my office right now, they just put everything back. My office was flooded. So I understand what you're going through because I got carpeting in here that's not so nice anymore. I understand your problem. I will get into it at next Council Meeting or if you want to call me at the office. Give me a few days and call me at the office and I'll tell you what I find out. But I will definitely report back at next Council Meeting. OK?

MRS. RADFORD: OK. Thank you.

MAYOR VIC COLLOVA: You're welcome.

CLMN DUDLEY: Mr. Chairman.

PRESIDENT BURKE: Thank you. Yes, Mr. Dudley, was that you?

CLMN DUDLEY: Yes. I want to respond to her concern. I been down and took a look. Even looked at the sewer behind her building. I did get in touch with Dave Krock and he looked into the same pump station that we're talking about. On the 26th he responded to me from my messages. He said what has happened with that pump station that that is a raw sewage pump station. It is not for the storm water overflow. He said it automatically released the raw sewage. It does not take care of that. He's checking into it, Mayor--Dave Krock. He's going to get back to us on that. He believed that is raw sewage and not for storm overflow. I know Pastor Johnson who is next door to her. I was aware of the situation. But I don't know about the switch and what it took that down. Maybe when you reach him tomorrow he'll have something else but this message came back that it was for raw sewage and had nothing to do with storm water or they flip it to make the water go down. It could have opened a trap or whatever and let it start draining out. The Christian Kingdom Assembly has property there.

MAYOR VIC COLLOVA: Thank you. Let me say this. When I met with the engineers after that last flood a couple weeks ago. I've been Mayor for 11 years and that Broadway has flooded forever and all I get is excuses. It's been like that forever. It's not our problem. It's somebody else's problem. I don't care whose problem it is. It needs to be fixed because those businesses will be moving out and we will lose revenue. I don't want that to happen so believe me, trust me when I tell you I'm trying to get to the bottom of it. Everybody is working in that direction and hopefully we can come up with a solution. I hate to say bear with me, but it's the only thing I can say. Bear with us. We're going to come up with something. OK?

MRS. RADFORD: OK. Thank you.

MAYOR VIC COLLOVA: You're welcome.

MR. KILGALLEN: This is Brian Kilgallen once more. I want to piggyback on that. Some of these things aren't making much sense to me. I've lived here for five years. The area of Broadway that I always see flooding is down by the park, just West of the park. I've never seen this area flood up above the park. These were extreme floods. I got a lake that didn't leave for a week the first time. It seems odd that someone would go hit that pump station hit a switch and say ha! The pump station was turned off and within an hour the street was clean. That's the craziest piece of this. (Inaudible) the Service Department shows up, the pump station goes on and the water leaves. I don't want to take up much time.

MAYOR VIC COLLOVA: I'm curious. Is it our Service Department that's turning the switch or someone else?

MR. KILGALLEN: I have not been there when it happens. Regional.

MAYOR VIC COLLOVA: Regional Sewers. OK.

MR. KILGALLEN: I have a full basement underneath my front porch. There's like a manhole cover in there. There's a one-way backflow preventer that takes my sewage out to the street.

The last flood came up through that manhole cover. It lifted the manhole cover. That's from the sewage side. Now I put in a sump pump and my Be Dry system that evacuates 80 gallons/minute and that was able to stay on top of the basement this time. Last time I walked in three feet of water. That 80 gallons/minute sump pump was worth the \$250.00 investment. I'm not going to be here every time this happens. It could happen at any time. All the information that can be shared in this regard will help get to a solution hopefully.

MAYOR VIC COLLOVA: I agree. We are definitely going to get involved in this. I'm very curious to find out what's going on with that pump station. Believe me, I'll find out shortly.

MR. KILGALLEN: Thank you.

MAYOR VIC COLLOVA: You're welcome.

PRESIDENT BURKE: Thank you. Is there anyone else wishing to make any comments to Council this evening? OK. We will move on to Miscellaneous Business.

LAW DIRECTOR TIM RILEY: Matt, this is Tim Riley. Before you go on to this last business I just want to let you know that the Ordinance that passed tonight will have to go up for a Second Reading because in order to waive the Three Reading Rule you need 2/3 so you would have needed a 5-2 vote and I believe the vote was 4-3. Is that correct?

PRESIDENT BURKE: Correct. It was.

LAW DIRECTOR TIM RILEY: So it will have to go up for a Second Reading. I wanted to be sure everybody was aware of that. OK?

PRESIDENT BURKE: OK. Thanks for the clarification on that, Tim.

MISCELLANEOUS BUSINESS:

PRESIDENT BURKE: OK. Moving on to Miscellaneous Business. Will the Clerk please read the rules?

CLERK: This involves the business of Council in the legislative function; any other problems should be directly dealt with by the department involved. This area of the agenda shall be limited to legislative business, Ward business, lack of attention to Ward problems, etc.

PRESIDENT BURKE: Tonight we will start with Ward 1. Clmn Dudley, you have the floor.

CLMN DUDLEY: Thank you, Mr. Chairman. I just want to tell everybody stay safe and keep the social distances and masks on too. The Corona virus is dangerous and I don't want to see nothing happen to nobody.

Second of all, November 3rd is Election Day. Get out and vote no matter what your political affiliation is. Make your vote count. If you can't make it, get your absentee request in. Get out and vote. Thank you, Mr. Chairman.

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

CLMN DONAHUE: I have nothing at this time. Thank you very much.

PRESIDENT BURKE: Thank you, Mr. Donahue. Clmn Nenadovich, you have the floor.

CLMN NENADOVICH: Yes, thank you Mr. Chairman. At this time, I would like to thank Mayor Collova for remembering the two deceased members of our city and the work they have done for the city. If we can possibly I believe I had asked the Mayor before I don't know if it got through to Jennifer or not, but Mayor could you please look into getting a proclamation for both our Chief and for the owner of the Neighborhood News. I believe I mentioned something but if you would back me up on that one and follow up with it please?

MAYOR VIC COLLOVA: Mike, it's already in the works. Thank you.

CLMN NENADOVICH: Thank you, Mayor. Thank you very much. Also during the meeting, I made my comment. What I really dislike so much is when a Member of Council has the floor and he's talked over. That upsets me to no end. That shows no respect when you butt in on a person's conversation. Let them finish. I always let people finish until I'm stepped on. That makes me very, very angry. Like you don't respect what I have to say. I do not like losing my temper like that. I apologize and I thank Shayla very much for recognizing that. You know, we had a little misunderstanding and she apologized. I apologized to her. But we should not be talking over each other. We're working together. If we have to do that, then we may as well just drop the mike open and let people talk what they want in Council and catch as we catch can. So please, let the person finish what he's saying and then respond. Wait till they say they're done, because they're maybe taking a breath. Just cutting in doesn't work. We're supposed to be above that. Thank you.

PRESIDENT BURKE: Clwn Davis, you have the floor.

CLWN DAVIS: Thank you, Mr. Chairman. Thank you to everyone that was on the call tonight. I want to remind Garfield Heights that the Census ends on Wednesday September 30th. If anyone remembers the night that I was elected I spoke about the Census. It's very important that everyone complete their Census. I am doing pop ups with different businesses to get people to register to vote, complete an absentee ballot application that I am turning in on a weekly basis down at the Board of Elections and trying to get individuals to complete their Census. I'm coming up with some sort of contest within the next 24 hours that I can create to encourage people to complete their Census for all the issues and the concerns and services that we want to have in this city. Completing the Census does affect and impact those things. That is how citizens can help their local government. Please complete your Census. I think I said that word probably more than enough now.

Additionally the fall newsletter for Ward 4 was sent by e-mail and delivered to homes last weekend. So everyone in Ward 4 should have that. If you have not received it, please reach out to me so I can assure that you get a copy of it.

The November election is going to be on November 3rd. The polls open at 6:30 a.m. Early voting begins at the Board of Election down on Euclid on October 6th. Please check their Website for the different times. Each day is different, leading up to the election. With that, Mr. Chairman, you have my report. Thank you.

PRESIDENT BURKE: Thank you, Ms. Davis. Clmn Blake.

CLMN BLAKE: Thank you, Mr. Chairman. I would also like to stress the importance of completing the Census. For all the residents, if you have not done so, please do so as we're up against a deadline. Everybody's participation matters. That's all I have this evening.

PRESIDENT BURKE: Thank you, Clmn Blake. I, too, would like to offer my condolences to Chief Murphy and his family and also the family of Mr. Psenicka. I fully support a proclamation for both of those individuals. Mr. Psenicka was somebody that was always cheerful. Every time I saw him he was always cheerful. He always had a smile on his face. He will be sorely missed.

Highland Park is starting to look like something. Every time I talk about it, my hairs stand up on my arms I am so excited.

And then to find out somebody purchased 12 lots over there on Valley Ranch in Ward 7 is very exciting. The house that is being built there currently is a Ward 6 resident that is going to be moving to Ward 7 apparently. I hate to lose a Ward 6 resident such as her, but Clmn Vaughn, I got to tell you you are getting a very good resident over there.

Just so everybody is aware, on my Facebook Community Awareness Group Page and also my Garfield Heights Ward 6 Residents Group page, I have posted the city Ward map for anybody who is interested. I simply found it. I just Googled it. I posted it there. If anybody really needs to know what Ward they live in, that's a good way to find it there. Or just Google it. I'm going to see if we can get it put on our Website so that it's easier for residents to access.

Our next Regular Meeting of Council will be Tuesday, October 13th. I want everybody to be aware because October 12th is Columbus Day and we will be moving our Meeting to Tuesday. That is all I have. I will turn it over to Clmn Vaughn.

CLMN VAUGHN: Thank you, Mr. Chairman. Thank you very much. I was very thrilled today to meet with the developer of these 12 lots that are going on over in Valley Ranch. I encourage everybody to drive down there and check out the home that's being built. It's beautiful. These homes will range anywhere from \$150,000.00 - \$250,000.00. The views down there looking over the MetroParks and the valley there are just spectacular at this time of the year. I welcome this. I wish we had more property that we could sell to these gentlemen to develop.

Highland Park—very excited. I was excited to hear that there might be a tenant coming in very soon. This will generate great growth for our community and much needed.

I want to talk about tomorrow night at 6:30 p.m. we will be having a Safety Meeting. There has been much concern about what we were going to do with Halloween. Whether we're cancelling it in the city, what other communities are doing, how we want to go about it. I believe the Acting Chief will be involved in this meeting. I encourage everybody to call in and participate. I look forward to this. I'm hoping to make an announcement later in the week and bring it to our next Council Meeting on what we're going to be doing for Halloween.

Mr. Chairman, that's all I have at this time. I'd like to make a motion to adjourn.

PRESIDENT BURKE: On the motion made by Clmn Vaughn to adjourn tonight’s Council Meeting, Barb, would you please take a roll call vote beginning with Clmn Vaughn.
AYES: Vaughn, Dudley, Donahue, Nenadovich, Davis, Blake, Burke

PRESIDENT BURKE: Let the record show that at 8:20 p.m. the Council Meeting for September 28, 2020 is now adjourned. Thank you. I appreciate everybody being professional. We will see you in October.

APPROVED:

RESPECTFULLY SUBMITTED:

Matt Burke
President of Council

Barbara Molin
Clerk of Council