

MINUTES OF A SPECIAL MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, July 23, 2018

MEETING CALLED TO ORDER AT 6:00 p.m. by Council President Matthew Burke.

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

EXCUSED: Glenn, Suster

CLMN VAUGHN: Mr. Chairman.

PRESIDENT BURKE: Mr. Vaughn.

CLMN VAUGHN: At this time, I would like to excuse Clmn Suster and Clmn Glenn from tonight's proceedings.

PRESIDENT BURKE: On the motion made by Clmn Vaughn to excuse Clmn Suster and Clmn Glenn from tonight's meeting, all in favor signify by saying Yea. Any opposed?

AYES: Vaughn, Dudley, LaMalfa, Nenadovich, Burke

ABSENT: Glenn, Suster

PRESIDENT BURKE: OK. They are excused but they may show up. It looks like there may have been a little lack of communication here with the way the agenda was printed up. If they show up, we will gladly accept them to the meeting. Seeing as how it is a Special Meeting, we are going to be jumping around. I want to go to Reports of the Mayor and the Directors. Mayor, do you have a report for us this evening? On anything?

REPORTS OF THE MAYOR AND DIRECTORS:

MAYOR VIC COLLOVA: No, Mr. President. I do not.

PRESIDENT BURKE: OK. What about you, Tim?

LAW DIRECTOR TIM RILEY: Nothing tonight.

PRESIDENT BURKE: All righty. The Chief of Police is out in the audience. Chief, do you have a report for us?

CHIEF ROBERT BYRNE: No, Sir.

PRESIDENT BURKE: OK. Thank you. I would like to open this up since we are going to be voting on some Charter Review so I would like to open up Communications from Citizens on Tonight's Agenda. Will the Clerk please read the rules. And let the record show that Clmn Glenn just walked in.

COMMENTS BY CITIZENS ON THE AGENDA:

CLERK: Comments shall be strictly limited to brief statements not to exceed five minutes with comments limited to legislation on the current evening's agenda. No citizen shall speak more than once.

PRESIDENT BURKE: Is there anyone out there wishing to speak on tonight's agenda? If there isn't, then we will move on to Ordinances and Resolutions beginning with Ordinance 53-2018. Will the Clerk please read the title?

ORDINANCES AND RESOLUTIONS:

ORDINANCE NO. 53-2018

AN EMERGENCY ORDINANCE AMENDING SECTION 13 OF THE GARFIELD HEIGHTS CITY CHARTER PROHIBITING FIRST TERM COUNCIL MEMBERS FROM HOLDING THE OFFICE OF PRESIDENT PRO TEM, AND PROVIDING FOR THE SUBMISSION OF SAID AMENDMENT TO THE ELECTORATE OF THE CITY OF GARFIELD HEIGHTS, OHIO

Moved by NENADOVICH to CONSIDER BY TITLE:

PRESIDENT BURKE: You don't want to consider by title?

CLMN GLENN: No, Mr. President, if I may have the floor?

PRESIDENT BURKE: Sure.

CLMN GLENN: I want to say, first of all, this is not an emergency. We got plenty of time. I'd like to have a three reading on this here.

PRESIDENT BURKE: OK. We are getting ready to vote on that, Gene.

CLMN GLENN: OK.

PRESIDENT BURKE: I just wanted to make sure I heard you properly.

CLMN GLENN: I said Nay.

PRESIDENT BURKE: OK.

AYES: Nenadovich, Burke, Vaughn, LaMalfa

NAYS: Glenn

ABSENT: Suster

Motion to SUSPEND THREE READING RULE:

AYES: Nenadovich, Burke, Vaughn, LaMalfa

NAYS: Dudley, Glenn

ABSENT: Suster

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

VOTE ON ADOPTION:

CLMN GLENN: Before I vote here, I would like to make some comments here. First of all, this is not an emergency ordinance. We have plenty of time. It's been a practice of this organization that everything's an emergency. Everything is not an emergency. This is a self-motivated ordinance for the protection of Council members here. That's why I'm saying Nay. Thank you.

PRESIDENT BURKE: Let the record show that Clmn Suster has joined us. Mr. Suster, we got started at 6:00 p.m. We are on Ordinance number 53-2018. It is your time to vote.

CLMN DUDLEY: Before I vote, I just received all of these Friday and prior to Friday, I didn't even get a copy of what they had even fully discussed. For medical reasons I wasn't able to make the last meeting of the Charter Review. So I wasn't even be privileged to the information till I received them in front of me Friday. I don't have too much trouble with it because I think that you should go that extra year to give yourself a chance to be seasoned before you actually take a Council President's seat. So with that I vote Yes.

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

NAYS: Glenn

PRESIDENT BURKE: Ordinance 53-2018 passes with 6 Yes votes, 1 Nay vote.

ORDINANCE NO. 54-2018

AN EMERGENCY ORDINANCE AMENDING SECTION 12 OF THE GARFIELD HEIGHTS CITY CHARTER PROHIBITING FIRST TERM COUNCIL MEMBERS FROM HOLDING THE OFFICE OF PRESIDENT OF COUNCIL, AND PROVIDING FOR THE SUBMISSION OF SAID AMENDMENT TO THE ELECTORATE OF THE CITY OF GARFIELD HEIGHTS, OHIO

Moved by NENADOVICH to CONSIDER BY TITLE:

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

NAYS: Glenn

Motion to SUSPEND THREE READING RULE:

AYES: Nenadovich, Suster, Burke, Vaughn, LaMalfa

NAYS: Dudley, Glenn

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

VOTE ON ADOPTION:

CLMN GLENN: Before I vote, I have not received the Minutes of the Charter Review Meeting. We get minutes of every other meeting. Why not now? Why didn't we have the most important minutes? Every four years we have not got the minutes of the meeting. I requested the minutes of the meeting. I vote No and I request the Three Reading Rule, please.

CLMN SUSTER: I have to agree with Mr. Glenn. On any of these ordinances that deal with the Charter changes we have not received any minutes and we haven't had time to study them.

CLMN DUDLEY: Before I vote, what I would have to concur with several of them is that I didn't have the minutes. When I talked to several members of the Charter Review, I preferred the suggestion they made as to how the Council President would be selected by the people by adding additional two names of the individuals running and another section you will have all individuals that were running for that election. The people would be able to pick one of those at the bottom. The ones who make it should you pick an individual who did not make it, then it would go to the next highest count. I believe that would be the best process of selecting a Council President than what is going on right now because I do not agree on the process as handled now their election of Council President. With that I'm going to have to vote No.

AYES: Nenadovich, Burke, Vaughn, LaMalfa

NAYS: Dudley, Glenn, Suster

PRESIDENT BURKE: Ordinance 54-2018 passes with 4 Yes votes, 3 No votes.

ORDINANCE NO. 55-2018

AN EMERGENCY ORDINANCE AMENDING SECTION 9 OF THE GARFIELD HEIGHTS CITY CHARTER RELATIVE TO RESIDENCY QUALIFICATIONS OF COUNCIL CANDIDATES, AND PROVIDING FOR THE SUBMISSION OF SAID AMENDMENT TO THE ELECTORATE OF THE CITY OF GARFIELD HEIGHTS, OHIO

Moved by NENADOVICH to CONSIDER BY TITLE:

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

NAYS: Glenn

Motion to SUSPEND THREE READING RULE:

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

NAYS: Glenn

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

VOTE ON ADOPTION:

CLMN GLENN: Before I vote, I want to initiate that this bill was sponsored by the Mayor, not endorsed by any Councilmen. The normal Councilmen that endorse these ordinances have self-motivation not to have their name on there. This is for protection of a City Councilman and a Pro Tem. I vote Nay. Thank you.

CLMN DUDLEY: Once again, before I vote, five years for someone to be able to run for City Council. I would have been more in tune with maybe two years. Five years is a long time for someone to have to sit and they maybe have good qualifications to advance the city further. To me that will be a loss of possibly good candidates in the near future. With that, I may have to vote No.

AYES: Nenadovich, Burke, Vaughn, LaMalfa

NAYS: Dudley, Glenn, Suster

PRESIDENT BURKE: Ordinance 55-2018 passes with 4 Yes votes and 3 No votes.

ORDINANCE NO. 56-2018

AN EMERGENCY ORDINANCE AMENDING SECTION 32 OF THE GARFIELD HEIGHTS CITY CHARTER RELATIVE TO RESIDENCY QUALIFICATIONS OF MAYORAL CANDIDATES, AND PROVIDING FOR THE SUBMISSION OF SAID AMENDMENT TO THE ELECTORATE OF THE CITY OF GARFIELD HEIGHTS, OHIO

Moved by DUDLEY to CONSIDER BY TITLE:

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

NAYS: Glenn

Motion to SUSPEND THREE READING RULE:

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

NAYS: Glenn

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

VOTE ON ADOPTION:

CLMN DUDLEY: Before I vote, I'd like to mention that I agree on the Charter for the Mayor candidate, but consideration should be given the same for Council candidate. We should be allowed to serve on boards such as the Mayor and anybody else would. There's just too many restrictions placed on us that we cannot serve on school boards outside of the city and not so much as that but we cannot serve as any board where there's additional income. With that, I vote Yes.

CLMN GLENN: Before I vote, there is nothing on these ordinances saying what the Charter was prior to this to what it is going to be. So if the electorate is going to vote on something they should know what they're changing it from to. They have their choice. They should be informed. They are not informed, but they're going to be voting on it. I vote Nay.

AYES: Dudley, LaMalfa, Nenadovich, Burke, Vaughn

NAYS: Glenn, Suster

PRESIDENT BURKE: Ordinance 56-2018 passes with 5 Yes votes and 2 Nays.

ORDINANCE NO. 57-2018

AN EMERGENCY ORDINANCE AMENDING SECTION 57 OF THE GARFIELD HEIGHTS CITY CHARTER RELATIVE TO APPOINTING ALTERNATE MEMBERS OF THE CHARTER REVIEW COMMITTEE, SETTING A TIME LIMIT FOR APPOINTMENTS TO THE CHARTER REVIEW COMMITTEE, AND PROVIDING FOR THE SUBMISSION OF SAID AMENDMENT TO THE ELECTORATE OF THE CITY OF GARFIELD HEIGHTS, OHIO

Moved by DUDLEY to CONSIDER BY TITLE:

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

NAYS: Glenn

Motion to SUSPEND THREE READING RULE:

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

NAYS: Glenn

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

VOTE ON ADOPTION:

CLMN DUDLEY: Before I vote, I agree and I heard this mentioned in reference to starting end of January as to previous like it's been now. It gives them an additional time for them to be able to read and kind of make the changes and suggestions and all to give us an opportunity to go and hear these suggestions long before this timeframe getting caught up in last minute as it is today. I would have to say. With that, I vote Yes.

CLMN GLENN: Before I vote, there's no emergency here. We had four years since our last Charter Review. We had plenty of time. If there is an emergency in time restraints, it's because the Law Department didn't put it in a timely fashion. I put that on the Law Department--not putting this out in a timely fashion so we have the minutes of the Charter Review and let the electorate be informed on what they're going to vote on. We as Council do not even have the minutes of the Charter Review. I vote Nay.

AYES: Dudley, LaMalfa

NAYS: Nenadovich, Glenn, Suster, Burke, Vaughn

PRESIDENT BURKE: Ordinance 57-2018 fails with 2 Yes votes and 5 Nay votes.

ORDINANCE NO. 58-2018

AN EMERGENCY ORDINANCE AMENDING SECTION 8 OF THE GARFIELD HEIGHTS CITY CHARTER RELATIVE TO REDISTRICTING BOUNDARIES FOR WARDS, AND PROVIDING FOR THE SUBMISSION OF SAID AMENDMENT TO THE ELECTORATE OF THE CITY OF GARFIELD HEIGHTS, OHIO

Moved by DUDLEY to CONSIDER BY TITLE:

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

NAYS: Glenn

Motion to SUSPEND THREE READING RULE:

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

NAYS: Glenn

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

VOTE ON ADOPTION:

CLMN NENADOVICH: Before I vote, the Charter Review Committee- those were not recorded notes, were they?

LAW DIRECTOR TIM RILEY: No, those were handwritten notes. I think where the confusion seems to be coming in is that when you have a Council committee, Council has to get the minutes and approve them. This is a separate committee. Any Councilman could have asked for those minutes at any time, but they don't need to be approved by Council. So the minutes were available for weeks now. I don't know what the problem is with the minutes. They could have been reviewed. The meetings were open to the Councilmen too. I think a lot of Council people went to the meetings. So I think the confusion is that Charter Review is not a committee of Council. It's a city committee required by the Charter. So the City Council doesn't approve those minutes. OK? Thank you.

CLMN NENADOVICH: Before I vote, I have one other comment. There is no difference between this package and any other package we get on our regular Council Meetings. We receive the packet either Thursday or Friday. Then we have a chance to come in Monday and ask about them, but there is no difference between being this and any other meeting that we have where we are pre-informed weeks and weeks ahead of time. This is standard operating procedure for Council since I've been on for 10 years and prior to that. I don't know where the controversy comes in for notes because we don't get the notes from the regular meetings until Thursday or Friday before that and we have three days to approve it, to take a look at it and if we have any questions, Monday I usually come in and talk to Tim or the Chief or Barb. I decide my vote on the weekend but it confirms it on Monday. With that, I vote Yes.

CLMN GLENN: Before I vote, I want to say that we should be informed of everything's going on. I do not know there is a Charter Review that made recommendations. I do not know the total amount of those recommendations. There has been Members of this Council that took it upon them to review it and they did not inform me as a Councilperson as what was accepted and what was.

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

PRESIDENT BURKE: Yes.

MAYOR VIC COLLOVA: When Gene's finished.

CLMN GLENN: I vote No on this here. I am very adamant about this here that this is trying to be pushed through Council at a fast rate without knowing what's going on. I vote Nay.

PRESIDENT BURKE: Mayor, do you want to respond now or wait till after?

MAYOR VIC COLLOVA: I'd wait till after the vote.

CLMN SUSTER: Before I vote, I would just like to say with the people that were on the Charter Review Committee, half of them weren't there half of the time. People were put on in the middle that didn't know what was going on. I just had a hard time with this whole procedure this time. I've been on Council for a pretty long time and attended a lot of Charter Reviews. The way this one went, I did not agree with 90% of it. I'm going along with some of these things only for the simple fact that maybe they picked up one or two good items. Like I say, half of the people weren't there. I think it's a real shame. If you make a commitment that you want to be on a committee and you want to represent the people of your Ward, then somebody asks you and you say Yes, you're telling them that you will be at every one of those meetings and you will be able to represent them to the best of their abilities. I went to one of the meetings and I made a comment and I had a young lady say, "Boy, I wish we would have known that before we talked about this." So how can they make decisions and now we want to put it on the people? With that, I'd vote Yes.

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

NAYS: Glenn

PRESIDENT BURKE: Ordinance 58-2018 passes with 6 Yes votes and 1 Nay.

Before we move on to Ordinance number 59-2018, Mayor, would you like to make an address here?

MAYOR VIC COLLOVA: Yes, There's a couple issues. I think it's important since everybody's taking a position that they believe is right, there's a couple issues. The last Charter Review Committee Meeting I personally invited all of Council to attend that meeting so that the committee would have an opportunity to explain to Council why they chose that. Now if the Council members did not go to that, it certainly isn't the committee's fault, the Law Department's fault or everybody else's fault, it is the Councilperson's fault.

The other thing is, understand this. That if, in fact, this is not an emergency and we can wait three months for the readings there will not be enough time to get it on the Board of Elections ballot this time so it is an emergency and I need you to note that before we go any further. Thank you.

PRESIDENT BURKE: Thank you, Mayor. Let's move on to Ordinance 59-2018. Will the Clerk please read the title?

ORDINANCE NO. 59-2018

AN EMERGENCY ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES PURSUANT TO SECTION 17 OF THE CHARTER

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

PRESIDENT BURKE: On its adoption, beginning with myself.

VOTE ON ADOPTION:

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

PRESIDENT BURKE: Ordinance 59-2018 passes with 7 Yes votes

RESOLUTION NO. 16-2018

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A DIESEL MITIGATION TRUST FUND GRANT THROUGH THE STATE OF OHIO ENVIRONMENTAL PROTECTION AGENCY

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

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

VOTE ON ADOPTION:

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

PRESIDENT BURKE: Resolution 16-2018 passes with 7 Yes votes. That concludes Ordinances and Resolutions.

At this time, I'd like to make a motion that we adjourn tonight's Special Council Meeting. All those in favor signify by saying Yea. Any opposed?

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

Meeting will be adjourned.

MEETING ADJOURNED AT 6:30 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Matthew Burke
President of Council

Barbara Molin
Clerk of Council