## MINUTES OF A SPECIAL MEETING OF COUNCIL

## CITY OF GARFIELD HEIGHTS, OHIO

## Wednesday, July 18, 2012

MEETING CALLED TO ORDER AT 6:00 p.m. by President of Council Nancy Marincic.

ROLL CALL: PRESENT: Council Members Dudley, Marincic, Nenadovich, Glenn, Suster,

Mahoney

**EXCUSED:** Vaughn

CLWN MAHONEY: I'd like to make a motion to excuse Clmn Vaughn from this evening's meeting.

PRESIDENT MARINCIC: All in favor of excusing Clmn Vaughn from this evening's meeting say Yea. All

opposed.

AYES: Suster, Mahoney, Dudley, Marincic, Nenadovich, Glenn

ABSENT: Vaughn

**PRESIDENT MARINCIC:** The Yeas have it. There's only one item on the agenda today. It's Ordinance 42-2012. I'll have the Clerk read the title.

ORDINANCE NO. 42-2012: AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AMENDED AGREEMENT WITH OHIO CHARITY POKER, LLC, AS IDENTIFIED HEREIN, FOR A PERIOD OF 90 DAYS, WITH A POSSIBLE ADDITIONAL 90 DAY EXTENSION OF THESE AMENDMENTS WITH THE MAYOR'S APPROVAL.

Moved by SUSTER TO CONSIDER BY TITLE:

**PRESIDENT MARINCIC:** All in favor say Yea. All opposed say Nay. AYES: Suster, Mahoney, Dudley, Marincic, Nenadovich, Glenn

ABSENT: Vaughn

PRESIDENT MARINCIC: The Yeas have it.

Motion to SUSPEND THREE READING RULE:

PRESIDENT MARINCIC: All in favor say Yea. All opposed. I was opposed. Mahoney was opposed. We

have three Yeas and three Nays.

**LAW DIRECTOR TIM RILEY:** As a point of order. If there was confusion on that, you might just want to do a roll call to get the record clear.

**PRESIDENT MARINCIC:** OK. Roll call on the suspension of the Three Reading Rule beginning with Clmn Suster.

AYES: Suster, Nenadovich, Glenn

NAYS: Mahoney, Dudley, Marincic

ABSENT: Vaughn

**PRESIDENT MARINCIC:** OK. So the motion for the suspension of the Three Reading Rule fails so now I need a motion to pass for a Second Reading.

**CLMN SUSTER:** I'll make a motion we pass on a Second Reading.

PRESIDENT MARINCIC: On the motion to pass for our Second Reading, roll call.

AYES: Suster, Marincic, Nenadovich, Glenn

NAYS: Mahoney, Dudley

ABSENT: Vaughn

PRESIDENT MARINCIC: OK. So I have 4 Yes and 2 No and it is an emergency piece so I think it fails,

doesn't it, Mr. Riley?

LAW DIRECTOR TIM RILEY: No, the emergency clause only comes into effect if it has to pass 5 - 2. If

it passes less than 5 -2 then it goes into effect in 30 days.

**CLWN MAHONEY:** Or passes by a simple majority.

**LAW DIRECTOR TIM RILEY:** Or passes by a simple majority. However, but the motion on the floor was to pass for a Second Reading. So it does pass for a Second Reading, but it has to be read at the next meeting then.

PRESIDENT MARINCIC: OK. If it was a tie it wouldn't pass for a Second Reading?

LAW DIRECTOR TIM RILEY: Correct.

PRESIDENT MARINCIC: And since I haven't announced the vote tally yet, I can change my vote?

**LAW DIRECTOR TIM RILEY:** Let me check the rule. I have it right here but I'm pretty sure if you have not announced the tally.

**PRESIDENT MARINCIC:** Yeah. I know that it's a fact because I've done it before. Vic is shaking his head because he was at my seat.

LAW DIRECTOR TIM RILEY: Yes, you can.

PRESIDENT MARINCIC: OK. I'm going to change my vote to a No.

**CLERK:** That's on the pass for the Second Reading?

**PRESIDENT MARINCIC:** On the pass for a Second Reading.

**CLERK:** Change to a No.

PRESIDENT MARINCIC: OK. So Ordinance 42-2012 fails. That's all we have tonight so I need a motion to

adjourn.

**CLMN DUDLEY:** I'll make a motion that we adjourn.

PRESIDENT MARINCIC: All in favor say Yea. All opposed say Nay. The Yeas have it.

AYES: Dudley, Marincic, Nenadovich, Glenn, Suster, Mahoney

ABSENT: Vaughn

MEETING ADJOURNED AT 6:05 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Mancy Marincic

Barbara Molin

Clerk of Council