

**MINUTES OF A REGULAR MEETING OF COUNCIL**

**CITY OF GARFIELD HEIGHTS, OHIO**

**Monday, January 28, 2019**

**MEETING CALLED TO ORDER AT 7:00 p.m. by Council President Matt Burke.**

**INVOCATION BY:** Councilman Gene Glenn

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

**READING AND DISPOSAL OF MINUTES:**

**PRESIDENT BURKE:** The Reading and Disposal of the Minutes from Monday, January 14, 2019.

**CLMN SUSTER:** Mr. Chairman.

**PRESIDENT BURKE:** Mr. Suster.

**CLMN SUSTER:** I'd like to make a motion that we accept the Minutes of the Regular Meeting of Garfield Heights City Council, Monday, January 14, 2019 as submitted.

**PRESIDENT BURKE:** On the motion made by Clmn Suster to accept the Minutes of the Regular Council Meeting for the City of Garfield Heights for Monday, January 14, 2019, as written, all in favor signify by saying Yea. Any opposed?

**AYES:** Suster, Burke, Vaughn, Dudley, LaMalfa, Nenadovich, Glenn  
The Meeting Minutes are passed with 7 Yes votes.

**WRITTEN COMMUNICATIONS TO COUNCIL:** None.

**COMMITTEE REPORTS:** None.

**REPORTS OF THE MAYOR AND DIRECTORS:**

**PRESIDENT BURKE:** We will move on now to the Reports of the Mayor and the Directors. Mayor Collova, do you have a report for us this evening?

**MAYOR VIC COLLOVA:** Thank you, Mr. Chairman. Yes, I do. I want to start tonight's report off by talking a little bit about legislation, which was passed on November 13, 2018. That was the legislation we passed about sharing a Finance Director with Maple Heights. At that time, the Mayor, myself and the Law Director sat down to talk about the possibility of sharing Finance Directors. Because of Barb's experience with fiscal emergency, we thought it would be a great

idea to let her help Maple Heights through their time of fiscal emergency. At that point in time it would have been temporary but she would have been working for both sides and of course, both sides would have shared equally in her salary and benefits. This was passed by this Council on November 13<sup>th</sup>. As of a couple of days ago, their Council has kept it in a committee and has not agreed to it. They have asked some different things but basically they have stayed away from it. Their Mayor was in full agreement with it. Their Law Director was in full agreement with it. But it got to a point that it just got a little disrespectful to the city of Garfield Heights. So on January 25, 2019, I wrote this letter.

“Dear Mayor Blackwell and Maple Heights City Council:

I am disappointed to learn that Maple Heights City Council has not passed the agreement between the city of Garfield Heights and the city of Maple Heights for the shared use of Garfield Heights Finance Director Barbara Biro.

As you are aware, Garfield Heights City Council passed Ordinance 82-2018 on November 13, 2018 to permit Ms. Biro to provide financial service to Maple Heights during your struggle with fiscal emergency. As the Mayor of a city who has worked towards and succeeded in removing itself from such designation, I believe that Ms. Biro can prove to be a great asset for the city of Maple Heights. I am sorry to see that Maple Heights City Council does not agree.

Accordingly, effective immediately, I am rescinding my offer to permit Ms. Biro to assist the city of Maple Heights. At this time, I believe Ms. Biro’s time and efforts are being served the city of Garfield Heights.

I also add, Mayor, I would like to commend you for all that you have accomplished in your tenure. I wish you nothing but continued success.”

I mean that sincerely because Mayor Blackwell has done an outstanding job going through what most of us, if not all of us, went through just a few years ago. So I understand their plight for sure. I received this e-mail back from Mayor Blackwell today. It says

“Thanks for forwarding this official notification. I cannot adequately express my appreciation for all that the city of Garfield Heights has done to assist the city of Maple Heights by providing financial services after the dismissal of our Finance Director and especially with the added demands of being in fiscal emergency. Barb Biro did excellent work. She was professional, committed and patient while assisting and training our Finance employees in better practices in their work. It’s because of her knowledge, kindness and willingness to help that we were able to maintain the success we had previously achieved toward moving our city beyond its fiscal emergency status.

Please share with my friend and colleague Mayor Collova and the Members of our City Council that I speak on behalf of many people and employees of Maple Heights when I say thank you very much.

I am truly sorry for the outcome that came to this. Barb, thank you from the deepest part of my heart. I am sorry for all that you were subjected to while you were here making a difference and helping us.”

This is, I believe, it's my own opinion, I think it was very political. You have Mayor Blackwell up for election now and many of Council are probably running against her or certainly on opposite sides from her so instead of taking, what I believe is the city at heart, they took their political aspirants at heart. That of course is my opinion on this, not the city of Garfield Heights. I want to thank everybody first of all for us passing this legislation. The time Barb was there she did an excellent job bringing down to where they are now. I don't know if they can still get out without Barb, but they're going to have to do it that way because their Council just wouldn't cooperate. I wanted to share that with all of you tonight.

The next thing I wanted to do is I wanted to talk a little bit about this notification we got.

“Alzheimer's Association Community Health Program. Understanding Alzheimer's and Dementia. Alzheimer's is not normal aging. It is a disease of the brain which causes problems with memory, thinking and behavior. Join us to learn about the impact of Alzheimer's, the difference between Alzheimer's and dementia. Alzheimer's disease stages and risk factors. Current research and treatments available address some symptoms and Alzheimer's Association resources.”

This is going to be here at Garfield Heights Tuesday February 26<sup>th</sup> from 7:00-8:00 p.m. This has been an unbelievable disease. It's hit our Seniors and looking around this room there's some of us that are real close to that part. So really and truly this is something that I think will help all families. So I urge Council to please tell your residents. February 26<sup>th</sup> 7:00-8:00 p.m. I think the topic of discussion will be Joe Suster. Just kidding, Joe.

With that, I'm going to be getting into tonight's legislation. Ordinance 90 is the changing of our pit bull legislation. Again, as we talked about this previously, this is a very tough decision for everyone to make. Everyone has strong opinions on this. I'm sure everyone here on Council has their own opinion on if they think this should be changed or not. The reality is that the only reasons we're changing it is because the law changed. There is a Judge that made a ruling that you cannot be breed specific. I think it's to our being a little bit on top of things to go along with the Judge's ruling or else we are going to be facing lawsuits. My suggestion is I ask Council to pass this new legislation, which makes it even tougher on vicious dogs. Any kind of dog that is vicious it makes it tougher. The reality of it is that the law says we should do it and we should do it. At which time that law does change we can certainly revisit it, but I ask Council's support on Ordinance 90.

Ordinance 4 is for holiday Council Meeting changing for the year 2019. An annual ordinance that we do each year. Ordinance 5 for the purchase of eight sets of fire gear for a total cost not to exceed \$24,000.00. Remember folks, this all came from a grant we got about a year or so ago. This is grant money we're using on this. Ordinance 6 to purchase one 2019 Ford F-250 pickup truck at a total cost of \$26,087.00. This will replace one of our fine almost new 1989 pickup trucks so it's well needed. Ordinance 7 for the purchase of a 2019 Ford F-250 equipped with a 37 aerial unit under Ohio Revised Code. It's a sign truck. What year is the one we have now, Tim?

**SERVICE DIRECTOR TIMOTHY MCLAUGHLIN:** 2001.

**MAYOR VIC COLLOVA:** 2001, but the frame's a little rotten? Probably could have used it a few more years. It's time to relinquish a few bucks. We have the money in the Revolving Fund. You can ask Barb and she can carry that out for you. Ordinance 8 is legislation. This is Court legislation that Barb is very familiar with. If you have any questions, Barb can certainly fill you in on that. Ordinance 9 to adopt the Solid Waste Management Plan and Barb can fill you in on that also. With that, Mr. Chairman, you have my report.

**PRESIDENT BURKE:** Thank you, Mayor. Does anybody have any questions for Mayor Collova on his report this evening? If there are none, we will move on to our Law Director. Tim, do you have a report for us?

**LAW DIRECTOR TIM RILEY:** No report tonight.

**PRESIDENT BURKE:** Very well. Let's move on to our Fire Chief, Chief Strope. Do you have a report for us this evening?

**FIRE CHIEF KENNETH STROPE:** No report. Thank you.

**PRESIDENT BURKE:** OK. Surely, the Police Chief will have a report?

**POLICE CHIEF ROBERT BYRNE:** No report, tonight, Sir.

**PRESIDENT BURKE:** All right. We'll move to our Service Director Tim McLaughlin. Tim, do you have a report for us this evening?

**SERVICE DIRECTOR TIMOTHY MCLAUGHLIN:** Thank you, Mr. President. I'll put a stop to that. The Mayor mentioned Ordinance 6 and 7. We had this discussion during our Finance Meetings. The sign truck--the 2001--the frame is not repairable. It's starting to go. It's something that we discussed when you have to put somebody up in the air you don't want to take any chances. So we're able to get this at a fairly decent price and Barb will explain that to you.

The snowstorm that we had over a week ago we used over 400 tons of salt from start to finish. We had about 60 hours, 48 of them straight of overtime with five/six trucks out at a time. We did fairly well. Our breakdowns were very minor, where a mechanic could come in and straighten them out. We have 1,100 tons in reserve and 500 is scheduled to be delivered. So far, we've had no problems with ordering and delivery. We've been very lucky. We also had to haul snow out of the parking lots. We spent six hours doing that because there was nowhere to put it anymore at the Justice Center and here so we had to take some of the other dump trucks, load them up and haul the snow out so there was somewhere to park and when it snows more they have somewhere to put the snow. With that, you have my report.

**PRESIDENT BURKE:** Thank you, Tim. Mr. Suster.

**CLMN SUSTER:** I'd like to commend you and say you guys did a great job. Pass it on to our workers.

**SERVICE DIRECTOR TIMOTHY MCLAUGHLIN:** Thank you.

**PARKS AND RECREATION DIRECTOR BOB DOBIES:** Absent.

**PRESIDENT BURKE:** Does anyone else have any questions for Mr. McLaughlin on his report? If there are none, we'll move on to our Finance Director, Ms. Barb Biro. Barb, do you have a report for us?

**FINANCE DIRECTOR BARB BIRO:** Yes, I do. Thank you Mr. President. This evening we are asking to piggyback on to the Mayor and Tim. We are asking for your support on Ordinance 5-2019. This is the third (*inaudible*) with the purchase of eight sets of fire gear not to exceed \$24,000.00. In order to outfit all our Fire Department it would cost approximately \$125,000.00/year so several years ago a Captain came up with the idea to come up with the purchase of eight every year to replace what is going out of date and it's been very successful for us over the last several years.

We're asking for support on Ordinance 6-2019 for the 2019 Ford F-250 pickup truck. Again, we are replacing a 1988/1089 (I'm not sure). This pickup truck came to the Service Department from the Fire Department when they bought their truck so it's been passed down and used very heavily by our Service Department.

A bit of information. At the direction of our mechanics, I have been trying to get used pickup trucks off of gov.deals and this last opportunity that I bid on, just a bit of information, it was for a 2008 Ford F-250. It had approximately 80,000-90,000 miles on it and that particular truck ended up going for close to \$12,000.00. So it had scratches, it had dents, it had high mileage so we decided that the pickup trucks are holding their value so we decided to reach out to the Revolving Equipment Fund to replace one of the pickup trucks down at the Service Garage.

In addition, we are asking for support of Ordinance 7-2019. It's the aerial truck (the "sign truck" as Tim calls it). In 2001, it had 110,000 miles on it and correct me if I'm wrong, the floor can no longer be welded together, cannot be fixed by our mechanics, saying they've done everything that they possibly can. This was discussed in the Finance Committee Meetings. This particular equipment takes six-eight months to build so we will be making payments. It's approximately \$107,000.00 and we will be making payments until the truck comes in between six-eight months and I will be able to pay this truck in full out of the Revolving Equipment Fund.

We're asking for support on Ordinance 08-2019. It's establishing a Municipal Court IDAT Surplus Fund. It comes in conjunction with a judgment entry from the Presiding Judge, Deborah Nicastro. She wishes to establish a Garfield Heights Municipal Court IDAT Surplus Fund. This is in regards to the indigent drivers costs that are attached to the traffic citations. The Presiding Judge, according to the O.R.C., shall transfer to the IDAT Surplus Fund upon his/her order and shall only be used for their purpose it is set for in the Indigent Driver Fund. The Judge will every year declare a surplus and then advise myself as the Finance Director to put in a transfer to this fund. With that, I believe you have my report.

**PRESIDENT BURKE:** Thanks, Barb. Does anybody have any questions for Ms. Biro on her report this evening? There are none, we'll move on to our City Engineer Mr. David Krock. Dave, do you have a report for us this evening?

**CITY ENGINEER DAVID KROCK:** I do. I'd like to ask for support on Ordinance 10. This is the MOU with the Health Department, something we do every year. Then also just a reminder even though we're in the middle of winter we have construction projects going on so a reminder for everybody if they see the barrels, yes, were still working. That's all I have tonight.

**SOCIAL SERVICES DIRECTOR KATHY RUSH-PARSSON:** Absent.

**PRESIDENT BURKE:** Does anybody have any questions for Mr. Krock this evening on his report? If there are none, we'll move on to our Economic Development Director, Ms. Noreen Kuban. Noreen, do you have a report this evening?

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Yes, I do, Mr. President. I wanted to bring you up to speed. At Garfield Commons, as everyone has noticed, Denny's Restaurant has been demolished. The owner of the mall is constructing a new building, 7,200 square feet. They have a couple tenants they've been working with, but they will be working with several others as time goes on.

Also, a new restaurant will be opening at Garfield Commons. It's inside the closed area next to Marc's. It's Sam Sylk's. It's fish and chicken and they have three other locations. They will be opening in a few weeks.

I am still sending out information to residents who have delinquent property taxes. NHS has a housing counselor that comes here once/month. Last week eight residents made appointments to talk to her to try to work out a payment plan. This month she will be here February 27<sup>th</sup>. We recommend you call in advance and make an appointment. Ask for Stephanie at (216) 205-4468.

Finally, I want to pass this out. It's information. There are some employment services that are available at Cuyahoga County Public Library at the Garfield Heights Branch they offer every Monday usually during the day. Ohio Means Jobs has a job counselor available. You will want to schedule an appointment for that but they have also expanded their program and they have professional career counselors. Those individuals are available on Fridays. You do need to make an appointment. The phone number is (216) 475-2225. You can find this information at [cuyahoga.library.org](http://cuyahoga.library.org). They have three members on staff. That concludes my report.

**PRESIDENT BURKE:** Thank you Ms. Kuban. Does anybody have any questions for Ms. Kuban on her report? If there are none, we'll move on to our Building Commissioner, Mr. Mark Moro. Mark, do you have a report this evening?

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

**PRESIDENT BURKE:** Thank you, Mr. Moro. That concludes our reports from the Mayor and the Directors. We will move on now to comments by citizens on tonight's agenda. 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 BURKE:** Do we have anybody out there that would like to make a comment on tonight's agenda?

Mary Ryan, 5014 East 114<sup>th</sup> Street. I found out some valuable information that would be useful to the dog warden, Bonnie, and maybe the police. It was because of what Mr. Dudley said when somebody's approached when they have a problem with their dog they say it's not my dog. Well I asked my friends down there what can be done. They said and I don't know if you're aware of it, but you can request a list of every dog that has a license in the city of Garfield Heights. So if you have that list with you when you go to somebody's house that has a problem and they say oh it's just wandered into my yard and it's not my dog she can look on her list before she even approaches the person and say you have a licensed dog and it is your dog. It's helpful information for any dog in the city, which I didn't know they could do. I didn't know they could break it up by city but they can. You can request a list and share it with the Police Department or the Police Department can request it and share it with their officers so when they have a problem they know.

**PRESIDENT BURKE:** Thank you.

**CLMN DUDLEY:** Mr. Chairman.

**PRESIDENT BURKE:** Mr. Dudley.

**CLMN DUDLEY:** That's a great idea but the ones I'm speaking of they don't have no tags on they necks when you see them. Like my dog is tagged with a visible tag. When he got old and senile, actually they located him because he was registered and he had a tag and it told them who it was. A shepherd turned 17. But a lot of the issues what I'm talking about when these dogs have been walked you look around their neck there is no tag. They just have a heavy choke chain. If there are two dogs I expect to see at least one with a tag. But they have no tag. The ones I'm talking about will be individuals that pick them up and keep them there for breeding purposes, etc. and let them run loose. When you go there they say it's not my dog. But that's a great idea that you have there.

**MS. RYAN:** My dog's tag is hanging in the kitchen because he wears different collars with different leashes. He has a leash to go to the park, a retractable leash when I walk him up and down the street so he wears different collars depending on how much fur he has on his neck. It's annoying to open that thing up. When I want down to renew his dog license I asked the officers and my friend Renee. Because of my dog's issues he gets groomed down there because he can't go to a groomer. I've been friends with her for years because I worked there and she told me they can separate it by city and she can have the list and it would make her job a little easier.

**CLMN DUDLEY:** My issue is the late nightwalkers. She's doing the daytime and won't catch them out then. When she goes home at night, these are the late nightwalkers with no tags or real early morning. We have legitimate dogs and legitimate people. I have no issue with that. When their dog gets into an issue they say that's not my dog. I wish I had a way to determine that that dog lives at that house. Some dogs look alike.

**MS. RYAN:** We had an issue with a cat on our street. The lady across the street left her cat when she moved. My neighbor and I were feeding the cat and Bonnie decided to cite my neighbor and luckily she drove up at the time and she called her over and Bonnie asked her is this your cat. She's the mother of a priest. She said maybe. I said her name and she goes yeah, could be. Because Bonnie said to her I'm going to cite you if you don't take this cat and she wanted a carrier so Bonnie offered it to her. There are people that lie. I was shocked. It's her cat and she moved to one of her other houses and just left the cat here.

**PRESIDENT BURKE:** Thank you, Ms. Ryan. Yes, Gene.

**CLMN GLENN:** In response to Mary brought up the good point and I don't know the answer. I'd like to get a response from a city official. The dog warden's present, the Police Chief or the Mayor. When a dog does not have a County registration tag it's not visible, can the city of Garfield Heights place appropriate action that can be taken?

**POLICE CHIEF ROBERT BYRNE:** If the owner is identified, they can be cited for not having a licensed dog. We have a city ordinance and I believe a State Code too.

**LAW DIRECTOR TIM RILEY:** I believe we use it quite often. We use it a lot.

**PRESIDENT BURKE:** Bonnie, would you like to come up?

Bonnie Hackett, Animal Warden. I think what Mr. Glenn was saying was if they don't have it on, but they have one. Is that what you are asking?

**CLMN GLENN:** No. I don't know if they have one or not but it's not visibly on your dog or they don't have one at all.

**MS. HACKETT:** If they don't have one at all they will be cited. If they say that they have it but they don't have it on the dog, then they have to show proof. I'll go back to their house, or I get their name, address, I call the County. They'll look up that name and address, type of dog, dog's name and see if the dog has a current license or an invalid one that has expired.

**CLMN GLENN:** Do you do this as part of your job or do you answer to complaints by citizens or both?

**MS. HACKETT:** Both. Anytime I get any type of dog complaint I go to a house on a dog complaint one of the questions that I do ask the dog owner is to see their dog license. By law they have to show that they have a dog license and they have a current rabies vaccination. Those are the two things by law that they have to have. If they don't have it and nine out of 10 times if they say I have it but I don't know where it is, that means they don't have one. I do a lot of citations on not having a dog license or a current rabies.



**CLMN GLENN:** Thank you for the very valuable information, Bonnie. Thank you.

**MS. HACKETT:** You're welcome. While I'm up here may I make a comment, too?

**PRESIDENT BURKE:** Absolutely.

**MS. HACKETT:** After the last meeting I went back the next day at work and all my case files that I have from people that I've cited and have gone to Court for a dog-to-dog attack or a dog-to-person attack, I tallied all those up just to see breed specific on what is out there. Are they doing a lot of damage? Surprisingly maybe to some, since I looked back from August 2014. That's when I started in this position until present there were 41 dog-to-person bites. So it's like one/month. The pit bull and pit bull mix and the German shepherds were tied seven bites/breed. So out of the 41 there was only seven dogs that were actually pit bulls and seven were German shepherds and then I had Cane Corsos, little shiatsus, little ones all the way up. Dog-to-dog attacks from dogs being at large and getting attacked by somebody walking their dog or however it would occur, were also tied with the German shepherd and that was four pit bulls, four German shepherds and then the other ones were other dogs. So I thought that was a little interesting fact so everybody knows. I did not go into Wards, how many are in this Ward or that Ward. I could do that if somebody would want to know that, but it's not a massive amount of pit bulls out there attacking and biting people.

**PRESIDENT BURKE:** Thank you, Bonnie.

**MS. HACKETT:** You're welcome.

**PRESIDENT BURKE:** Is there anyone else wishing to speak on tonight's agenda?

Abigail Holt, 12420 Cranwood Park Blvd. Hi. For those of you who were not here last week my name is Abby. I live in Garfield Heights. I just moved here in July. After two weeks ago, after our meeting I looked up a little bit of information. I spoke to a few dog trainers and I have a little of that information here with me today that I would like to share.

One of the people I spoke to was Jessica Sherman. She is the owner/operator of All Ears Canine, which is a dog training facility based out of Rotterdam, New York. She's a licensed dog trainer and went to school for animal behavior with a specialty in canine behavior. I spoke to her mainly about some of the questions that were asked two weeks ago about pit bulls and specifically are they trainable dogs. I asked her about the lockjaw tendencies that was brought up and their mauling tendencies that were brought up two weeks ago. In response to those she told me that in response to the lockjaw there is no physical mechanism in a dog if you looked at a pit bull's skeleton vs. a shiatsu skeleton there is no difference in jaw structure other than clearly the muscles that move it. There is no lockjaw mechanism. That is a myth.

However, in response to the mauling I think the mauling tendencies that were brought up is the shaking of the dog when it bites on to something. That is not a pit bull specific trait. It is a terrier specific trait as well as German shepherds, Jack Russells, Labs. Those are all their tendencies due to their hunting and their natural shall we say (*inaudible*) to hunt. So the reason they shake is usually if something is moving. It's part of what their ancestors the wolves it's

part of that still in them. Like I said, Jack Russells have that too. So if you're shaking a dog's toy they're going to shake it back. So often if they bite somebody and they're moving, that would cause them to move. I wanted to clarify that that's not a pit bull specific trait.

Also it is part of their toy vs. food drive. Pit bulls are more often to be driven by toys, which means they're responsive to commands if they're treated with a toy or an active type of recognition to their behavior. In response to the biting, I think Bonnie covered that pretty well but I have a couple of direct quotes from the American Veterinary Medical Association and specifically the Animal Welfare Division. One of the quotes is

"Most serious dog bite injuries that require hospital treatment in the United States consist of the victim being a young child and the dog being unneutered and unfamiliar. Therefore responsible ownership and supervision is key to minimizing the risk of dog bites in communities."

Which also kind of goes along with the status dog thing that was brought up last week. Jessica does agree that the status dog does exist however it doesn't just exist in pit bulls. It exists in German shepherds, Rottweilers, poodles. People that don't use their dogs as working dogs often buy dogs for status. I have a German shepherd. I know that you have a German shepherd and you had Rottweilers. Why was that brought up last meeting? Probably because they're status dogs. You want people to know that you have these kinds of dogs. They're seen as tough. Now the problem's when people buy these dogs or adopt these dogs and they don't know how to properly train them. Huskies are high-energy breeds just like pit bulls. They need to constantly have something to do, which could cause aggression.

Also with biting a lot of the cases that include biting especially with young children or inexperienced owners of status dogs a lot of it has to do with them not knowing how to properly train or not addressing the warning behaviors that are associated with the bite. In almost every dog biting case there are warning behaviors before the dog bites. That could be seen as the tail wagging at a certain speed or a dog's hair ruffling or the status of the ears on that dog. Whether or not you see the whites of the eyes. The clue is how do you recognize those bite behaviors. That's what determines whether or not you are bit by any dog.

Also I would like to address the temperament of a typical pit bull as far as a vicious dog I'm not sure what kind of temperaments you expect to see in a vicious dog breed, but as pit bulls were described they are described as affectionate, loyal, stubborn and obedient. Jessica Sherman, the dog trainer that owns and operates her dog training facility out of New York, she has worked with pit bulls a lot within the past however many years she has been doing it. She specifically has described them as being very easy to train. She especially works with (*inaudible*) training and general obedience training which includes attack dog training and searching. Pit bulls in all of the training fields have been pretty successful.

**PRESIDENT BURKE:** Ms. Holt, I'd like to make a motion that we give Mrs. Holt some additional time to speak since your five minutes are up. All in favor signify by saying Yea. Any opposed? OK. Mrs. Holt. We'll give you an additional five minutes.

**CLMN DUDLEY:** How much additional time are we giving?

**PRESIDENT BURKE:** Five more minutes.

**MS. HOLT:** I only have a few. I won't take any more of your time, Mr. Dudley. So she has identified these dogs as being very easily trainable, which can also be seen as Ohio actually has their first K-9 pit bull officer, as well as Florida and New York all have K-9 pit bull officers which are trained to let go when they are biting into something.

I have another quote by the American Veterinary Medical Association about restrictions and laws and how it affects people owning pit bulls or the attacks on pit bulls. They said

"While some study authors limit ownerships of breeds might reduce injuries in the pit bull type of German shepherd dog, it is not demonstrated that introducing a breed specific brand will reduce the rate or severity of bites occurring in the community. Strategies known to result in decrease by incidents include active dog control ordinances. These may include ordinance relating to breed."

I believe this was discussed by Bonnie. Putting a breed restriction on these dogs won't stop anybody from owning them, as it hasn't in the past. I see pit bulls on my street all the time, which goes along with responsible ownership and people bringing them in as dogs they don't know how to train.

One more direct quote and I will.

"Owners of pit bull type dogs face a strong breed stigma however controlled studies have not identified this breed group as being disproportionately dangerous. The pit bull type is ambiguous as a breed and every inch of pedigree breeds and from informal types and appearances, that cannot be reliably identified. Visual determination of dog breeds is not always reliable. Owners may be predisposed to assume that a vicious dog of this type as owners of stigmatized breeds are more likely to have involvement in criminal/violent acts breed correlations may have the owners' behavior as the underlying causal factor."

Which I believe goes along with what we talked about last week of people vs. dogs. Whose fault is it that a dog may or may not be vicious? By not understanding the warning signs of the bite, not understanding how to treat a specified dog breed as well as how to train a specific dog breed, not getting your dog spayed or neutered and not securing your home and dog and not licensing the dog are all probable causes as to why dogs would bite and/or cause problems in the community. That's all.

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

**PRESIDENT BURKE:** Yes, Mayor.

**MAYOR VIC COLLOVA:** Abigail, I appreciate your bringing that information forward. Prior to doing this, we did quite a bit of research on our own. You're 100% right. I read everything just like you said. I also have everything here by all the experts that say pit bulls are the worst there is. How many bites. They give numbers. More bites by pit bulls. This is such a controversial issue depending on who you're talking to and what organization, they're going to present the

information that suits their side. That's why I said it's very controversial. Everyone has their very own individual opinion, but in our case we feel the best way to go is with the Judge's ruling. I can read this and it will tell you how many more percentage of dog bites are pit bulls. You just read that they're even. We don't know whose right, who's wrong, but they're all experts.

**MS. HOLT:** What organization did you receive it from?

**MAYOR VIC COLLOVA:** This is from Conclusions.

"Thirty-nine percent of all dog bites related to emergency department visits at our facility resulted in injury requiring orthopedic treatment. Pit bull bites are responsible for a significantly higher number of orthopedic injuries. In our study among the breeds that could be identified, pit bulls account for almost half of dog bites."

This is on the Internet. All I'm saying is which experts are right?

**MS. HOLT:** I asked which source you received that from?

**MAYOR VIC COLLOVA:** Each one is probably a different one but this was sent to me in True Relation the Ohio Supreme Court. That's pretty good. They got some expertise there. They talk about different hospitals and the Ohio Supreme Court affirming the Constitutionality of breed specific legislation. So if the Supreme Court's listening to this stuff, they might be sharp enough to do their own research also. I'm not saying your research is wrong. I'm just saying that how controversial this is and very tough.

The other part of it is I agree with you, it's how the dog is raised, how the handler raises the dog, but unfortunately when our residents are out in the streets and they see a dog—a pit bull or anything else—they have to *hope* the resident treated them right or the owner trained them right. They don't know that. We have a lot of people out there that don't but still we have to protect the residents. That's why we're doing this vicious dog. You're right, it could be a Collie. If a Collie's vicious it's attacking people they will pay too. That's what this does. It stops the breed specific but doesn't take away the severity of dog bites.

**MS. HOLT:** I definitely agree. Severity of dog bites can range between lots of them not in Garfield Heights from pit bulls or pit bull mixes. Who typed that information? I am trying very specifically to lean away from any opinions when I went into my research, which is why I only checked with peer-reviewed sources such as the American Veterinary Medical Association.

**MAYOR VIC COLLOVA:** This is a lady that was severely attacked by a pit bull that put all this legislation together and these articles and sent it to me. She was severely victimized by a pit bull.

**MS. HOLT:** Do you think her information could be biased?

**MAYOR VIC COLLOVA:** Biased, but when she's taken out rulings from the Supreme Court I don't think she can call the Supreme Court and say change your rules.

**MS. HOLT:** Where did she find her information?

**MAYOR VIC COLLOVA:** If you look on the Internet you can find this. You get on the Internet, put pit bulls in; you're going to get information from everybody. You'll get information that tells you cats are just as bad. You will get a lot of information. When you start getting rulings out of the Supreme Court you got to think about them.

**MS. HOLT:** You can't really back it up because you don't know who typed that information. That's why it's important to try to figure out reputable sources. I can find anything with [ihatepitbulls.com](http://ihatepitbulls.com). That's where she could have gotten her sources.

**MAYOR VIC COLLOVA:** Let me tell you this. I'll let you have it. It talks about all the government Websites where she got this from.

**MS. HOLT:** I would love it.

**MAYOR VIC COLLOVA:** You can have it. There's no need for me to have it anymore after this. If you find out something that the Ohio Supreme Court lied to us, please tell me, because we will take them on for it.

**PRESIDENT BURKE:** Mr. Dudley, did you have something?

**CLMN DUDLEY:** Mayor, you must have been reading my mind. You covered it. I want people to understand out there that this piece of legislation clearly said that we are not breed specific, so I don't know why we are still on the issue about pit bulls. We are getting away from that because the Court said you can't be breed specific, so it don't make no sense for us to even continue discussion on breed specific. We are no longer breed specific by this legislation.

**MS. HOLT:** Isn't this what we're voting for today?

**CLMN DUDLEY:** Right, but we're getting away from the breed because the Court says we can't do that no more. So why the long discussion about breed, etc.?

**MS. HOLT:** Right, which is why I am here. I want to make sure that that legislation is passed today in Garfield Heights Civil Court.

**CLMN DUDLEY:** Garfield Heights Civil Court? City Council.

**MS. HOLT:** Yes, that's why we're all here. We're voting on ordinances to lift the breed specific laws, which is why you have people coming up.

**CLMN DUDLEY:** Correct. Council. *We* are voting.

**MS. HOLT:** That's why I'm here.

**CLMN DUDLEY:** So at the end of the day, it's no longer breed specific that is being passed tonight. That will be the end of this conversation.

**MS. HOLT:** I want to make sure it passes and if not, you'll see me again and again.

**CLMN DUDLEY:** You are welcome to come in with the general public. This young lady over here has been coming here since longer than I been sitting here. Ms. Whitmore. You're free to come every night and we look forward to your visits in the future.

**MS. HOLT:** I'm glad I'm welcome.

**PRESIDENT BURKE:** Thank you, Mr. Dudley. Mr. Glenn.

**CLMN GLENN:** All the research you did is accurate as is the Mayor's. It's controversial. It's clear on what side you stand on. I'm going to make it clear I'm on the opposite side. The reason why I'm on the opposite side is that dogs are trained/not trained. When you go to a training facility to have your dog trained, the training is not of the dog. It's of the owner. So you got to train the dog. I'll ask you what's the percentages of the people in Garfield Heights or in the County that actually go to training schools to train themselves how to treat their dog? Very low.

**MS. HOLT:** I wouldn't have that information. Do you?

**CLMN GLENN:** No, but you could ask because you got thousands of dogs and they don't spend the money to have their dogs get training for the owners. Saying that dogs are vicious angry pit bulls it's not a breed, but legally this Fifth Circuit made a decision. It wasn't a judgment of peers. It was by three Judges. It could have been politically motivated. There has been no case that went to the Supreme Court. That has not been tested yet. We have an issue here in Garfield Heights for what we can/cannot do.

This Councilman Matt Burke called this Safety Meeting to direct the topic of this discussion was not about safety. Safety for the residents. That's what we talked about. The expert that we had at the Safety Meeting was not a dog trainer, but the Law Director come down and told us his view of the law. He made some good points. He said everything that the Mayor just said himself. I take the opposite view that this legislation. We had no law books on the prior legislation. We had none. We'll never have one. That's not an issue. If we do pass this here, we go from what the first legislation possible lawsuits by the owners of the pit bulls to if we pass this legislation, now we're going to have the victims suing the city. So we're not getting away from lawsuits one way or the other. Anybody can file a lawsuit if they're grieved. I'm for standing for the safety of the citizens. I take this as a safety issue not a dog specific on this issue. At this time, I thank you very much for the extra time.

**PRESIDENT BURKE:** Thank you, Gene. Thank you, Ms. Holt.

**MS. HOLT:** Thank you.

**PRESIDENT BURKE:** Is there anyone else wishing to come up and make a comment about anything on tonight's legislation?

Tristan Jarvis, 14240 Cranwood Park Blvd. I live with Abigail. I have a couple short things to say. I really want to echo the Mayor's point. The Mayor keeps saying if there is an Ohio law that

was set in place that you must lift breed specific ordinances I don't see how it's even a question that you won't do that. I'm urging everybody to pass this ordinance. That's my position. I wish that would be the outcome tonight. I know Abigail would say too. From a logistics point of view I want to reiterate that if it's already an Ohio law, how in the heck does it make any sense to not pass this ordinance? Does anybody have a comment on that?

**PRESIDENT BURKE:** No, Mr. Jarvis.

**CLMN GLENN:** It's the Supreme Court of Ohio. It's higher than the Circuit Judge you're referring to. It's higher and it's Constitutionally sound. There has not been a case taken to the Supreme Court of Ohio, only the Fifth Circuit. That's all. Lawmakers made the law. That's where we stand. That does not mean we can't vote the other way though.

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

**PRESIDENT BURKE:** Yes.

**MAYOR VIC COLLOVA:** I don't want to prolong this thing any more than we have to but actually, it was a Judge, not legislators. It was a Judge out of Reynoldsburg that ruled in favor of this. All I'm saying is it came down from a Court Order. In reality if we were to take this on, I received information long before this came on, that after Lakewood they were coming after Garfield Heights and somewhere else. I received that information. If you don't do something about this, you are next on the block to go in front of the Judge. Now the reality of this thing is that if a Judge made a ruling, what you're saying to do, Gene, is tell that Judge you are wrong because the Supreme Court hasn't ruled yet so we're not listening to you. I'm going to tell you what. I can't even think you can say that to one of our Municipal Judges and get away with it let alone an Appeals Court Order or whoever it was.

All I'm saying is very simply if you vote against this, if everybody voted this down and they have the right to do it, you are looking at a lawsuit that is going to cost thousands and thousands of residents' money because you don't think the Judge was right. Well as soon as somebody proves that Judge is wrong, we'll sit back down and talk about it again. For right now, it's my suggestion that we follow the ruling of the Judge. How easy is that? Some of us like pit bulls, some of us don't. I'm not crazy about pit bulls. I've got a cat that my family doesn't like. All I'm saying is we've got a ruling from a Judge. We need to go forward with it. That's all I have. I don't want to prolong this.

**CLMN GLENN:** Can I respond to the Mayor's comment?

**PRESIDENT BURKE:** Let me get Mr. Suster in here.

**CLMN SUSTER:** Ohio law supersedes municipal law. So whether we pass this or not, it's a law already.

**CLMN GLENN:** We in fact are saying to your groups here that a lot of them don't even live here. We already conceded to one group. There was a lawsuit correct me for \$80,000.00. We had to pay \$80,000.00 because we didn't want to fight it no longer, so we gave that money up too. We'll do the same thing in this case. Somewhere if it's not Garfield Heights, there will be

some other city that takes this on. I believe this ordinance is going to pass. I for one will not vote for it. Thank you.

One other thing too. I want to remind the Mayor and every Council Member here this is an election year. We did not take this to the ballot for the vote of the people, but the vote of the people will come in November. The voters will have their say one way or the other so voters will remember if you voted for or against this issue. Thank you very much.

**MAYOR VIC COLLOVA:** Excuse me, Mr. Chairman, I can't let this go by. Mr. Glenn, just so I understand this, are you saying that we should take the lawsuit on and use the residents' money to fight this?

**CLMN GLENN:** I didn't know we had a lawsuit.

**MAYOR VIC COLLOVA:** If you are saying something is against the law and we've already been told that they're coming after us next we should say we don't care. We got a lot of money in the kitty and we shall pay for the lawsuit? One lawsuit cost the city \$370,000.00, another lawsuit cost \$80,000.00 and you are saying take it on—we got money? Mr. Glenn, I'm surprised at you.

**CLMN GLENN:** Don't be surprised at me because you're quoting figures that with the Supreme Court of the United States the Federal Court that you are quoting that \$300,000.00 to the Federal Court. This is not a Federal issue so it won't cost near that much.

**MAYOR VIC COLLOVA:** It will probably cost \$100,000.00. We'll get a break. It will cost \$100,000.00 and that's wise residents' money to use? On a lawsuit that we can't win?

**CLMN GLENN:** Are you telling me we are not going to get sued by the victims if we do pass this law?

**MAYOR VIC COLLOVA:** Absolutely not. With the legislation that's in place, it covers all vicious dogs. Absolutely no way in the world. We are protected in my opinion if not 100%, pretty damn close to it.

**CLMN GLENN:** It doesn't take much to call up for a lawsuit. Ask the Police Department.

**PRESIDENT BURKE:** Thank you. Mr. Vaughn.

**CLMN VAUGHN:** Mr. Mayor, I totally agree with you. There is no way that we should fiscally be careless and waste money on lawsuits. The State came out in 2015 with this recommendation. I think it's only right that we update our Code. We actually put (excuse the pun) more teeth in this ordinance with what we have now the way we wrote it to cover all dogs. Yes, I said teeth. Yes. Thank you.

**PRESIDENT BURKE:** Thank you, Mr. Vaughn.

**CLMN VAUGHN:** Thank you, Sir.



**MR. JARVIS:** As a resident of Garfield Heights I really recommend and expect that everybody would pass this ordinance because if you don't it seems to me as a resident, that you're looking at a lot of trouble going against the overall State of Ohio.

**PRESIDENT BURKE:** Thank you. Is there anyone else wishing to address Council?

**CLMN GLENN:** Sorry to make this. Because of the issue involved here. In the ordinance, we have higher insurances if we pass this ordinance. How are we going to enforce it? There is no mechanism. You are going to tell each and everyone of the homeowners/renters you have to buy insurance. They're not going to do it. These people don't buy car insurance.

**PRESIDENT BURKE:** Mr. Glenn, I believe we already went over this a few times. You are required by law to have car insurance and yet there are people that do not. How do you enforce that?

**CLMN GLENN:** That's my question.

**PRESIDENT BURKE:** It's kind of the same thing here.

**CLMN VAUGHN:** That's up to the judicial.

**PRESIDENT BURKE:** Thank you. Is there anyone else wishing to speak tonight? If not, we will move on to Ordinances and Resolutions, beginning with our favorite ordinance, Ordinance 90-2018. Will the Clerk please read the title.

**ORDINANCES AND RESOLUTIONS:**

**ORDINANCE NO. 90-2018**

AN ORDINANCE AMENDING CHAPTER 505, ANIMALS AND FOWL, OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS AS WELL AS ADOPTING CHAPTER 506, NUISANCE, DANGEROUS, AND VICIOUS ANIMALS.

Moved by VAUGHN to CONSIDER BY TITLE:

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

NAY: Glenn

**PRESIDENT BURKE:** On its adoption, beginning with Clmn Vaughn.

VOTE ON ADOPTION:

**CLMN VAUGHN:** Before I vote, I think we are protecting our residents with the changes in this piece of legislation. This will cover all dogs. The matter of the insurance stuff will be handled by the judiciary when it goes to Court. With that, end of discussion as far as I am concerned, I vote Yes.

**CLMN DUDLEY:** Before I vote, I would love to have Ordinance 63-2007 come back. I am more in favor of that, but at the same time so you got nothing to govern these dogs. There will be no law only for the dogs. If you just take a minute we will make this available at Munchie's on East 131<sup>st</sup>. What I go by is Section 5. Section 5 will cover what I'm looking for for protection of the people in the Ward in my community until such time as somebody do take initiative to go and fight it in Court and should they win because three's an opportunity to come back and we can reverse this decision if that's what the people want. But Section 5 talks about the definition of dangerous dogs, take a minute and read that, you will have the protection. I'm not a pit bull

lover, but I'm not going to walk away without nothing. This gives me something. It gives me comfort knowing that we got protection to land back on for the Police Department or the Animal Warden to enact any problems we have with these animals. So with that, I vote Yes.

**CLMN LAMALFA:** Before I vote, I just want to say I am very disappointed that we can't put this up for a Fourth Reading. I really wish we could. With that saying, I'll vote Yes.

**CLMN NENADOVICH:** Before I vote, I want to say I think this protects the citizens of the whole city. I gladly vote Yes.

**CLMN GLENN:** Thank you. I am voting No and the reason why I'm voting No is I consider this a safety issue. This does not do anything to make it more safe. I vote No.

**CLMN SUSTER:** Before I vote, I would like to say I'd like to thank Mrs. Holt for getting that information together but I had my mind made up before it came here anyhow. I would like to vote Yes on this also. Thank you for putting in the time to do that.

**PRESIDENT BURKE:** Before I vote, I want to say first of all thank you to everybody who has come up and offered their opinion, facts, etc. I don't believe in breed specific legislation personally. I think that a dog that has been beaten or tormented or mistreated is always going to be a mean dog. It doesn't matter what breed it is. I really wish we could talk about what my colleague here, Mr. Glenn, had said earlier about having programs available for people who want to have and own animals so that they can be properly trained on how to take care of the dog or cat, etc. within reason. Maybe one of these days there will be legislation to help in that case. Having said that, I will vote Yes on this ordinance because I believe in non-breed specific.

**PRESIDENT BURKE:** Ordinance 90-2018 passes with 6 Yes votes and 1 No vote.

#### ORDINANCE NO. 04-2019

AN ORDINANCE PROVIDING FOR HOLIDAY COUNCIL MEETING CHANGES FOR THE YEAR 2019.

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:** Ordinance 04-2019 passes with 7 Yes votes.

#### ORDINANCE NO. 05-2019

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH PHOENIX SAFETY OUTFITTERS FOR THE PURCHASE OF (8) EIGHT SETS OF FIRE GEAR FOR A TOTAL COST NOT TO EXCEED \$24,000.00

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 BURKE:** On its adoption, beginning with Clmn Vaughn.

VOTE ON ADOPTION:

**CLMN VAUGHN:** Before I vote, if this \$24,000.00 that we're spending saves one fireman's life, it's well worth it. With that, I vote Yes.

**CLMN DUDLEY:** Before I vote, I echo my colleague, Clmn Vaughn. It's all about life. Life is more of a priority than money. You want to stay within budget but the safety of the people is more important. With that, I vote Yes.

**CLMN NENADOVICH:** Before I vote, I echo my colleagues. I vote Yes.

**CLMN GLENN:** I will always vote safety over money. I vote Yes.

**CLMN SUSTER:** I concur with my colleagues and I vote Yes.

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

**PRESIDENT BURKE:** Ordinance 05-2019 passes with 7 Yes votes.

ORDINANCE NO. 06-2019

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OR HIS DESIGNEE TO PURCHASE ONE (1) 2019 FORD F-250 PICKUP TRUCK AT A TOTAL COST OF TWENTY-SIX THOUSAND, EIGHTY-SEVEN DOLLARS (\$26,087.00), THROUGH MARK THOMAS FORD, PER THE ATTACHED PRICING QUOTATION

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

VOTE ON ADOPTION:

**CLMN VAUGHN:** Before I vote, I do believe we should take the 30-year-old truck out of service. It has serviced us well and yes, you need a new truck. With that, I vote Yes.

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

**PRESIDENT BURKE:** Ordinance 06-2019 passes with 7 Yes votes.

ORDINANCE NO. 07-2019

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH UTILITY TRUCK EQUIPMENT, INC. FOR THE PURCHASE OF A 2019 FORD F-550 EQUIPPED WITH A 37' AERIAL UNIT UNDER OHIO REVISED CODE SECTION 125.04(C) PER THE ATTACHED PRICING QUOTATION

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

VOTE ON ADOPTION:

**CLMN NENADOVICH:** Definitely well needed, I vote Yes.

**CLMN VAUGHN:** Again, it's needed for the safety of our workers. I vote Yes.

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

**PRESIDENT BURKE:** Ordinance 07-2019 passes with 7 Yes votes.

ORDINANCE NO. 08-2019

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO ESTABLISH THE MUNICIPAL COURT IDAT SURPLUS FUND, NUMBER 224, WITHIN THE CITY'S BUDGETARY FUND STRUCTURE

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

VOTE ON ADOPTION:

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

**PRESIDENT BURKE:** Ordinance 08-2019 passes with 7 Yes votes.

ORDINANCE NO. 09-2019

AN ORDINANCE TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT DISTRICT

Moved by DUDLEY to CONSIDER BY TITLE:

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

Motion to SUSPEND THREE READING RULE:

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

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

VOTE ON ADOPTION:

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

**PRESIDENT BURKE:** Ordinance 09-2019 passes with 7 Yes votes.

ORDINANCE NO. 10-2019

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY DISTRICT BOARD OF HEALTH FOR THE PROVISION OF SERVICES, BY THE BOARD, TO PERFORM PHASE II STORMWATER ACTIVITIES AND TO PROVIDE OTHER SERVICES IN ORDER TO FACILITATE THE CITY'S COMPLIANCE WITH ITS NPDES PERMIT FOR STORMWATER, PER THE ATTACHED AGREEMENT

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

VOTE ON ADOPTION:

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

**PRESIDENT BURKE:** Ordinance 10-2019 passes with 7 Yes votes.

#### **MISCELLANEOUS COMMENTS BY CITIZENS**

**PRESIDENT BURKE:** That concludes tonight's Ordinances and Resolutions. We will move on to Comments by Citizens. Will 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 BURKE:** Is there anyone wishing to address City Council tonight on any problems they have discussed with anybody in the city or their Councilperson? If there are none, we will move on to Miscellaneous Business. I will start tonight.

#### **MISCELLANEOUS BUSINESS:**

**PRESIDENT BURKE:** Before I do anything, I just want to thank Noreen Kuban for coming to my Ward meeting the other day and actually discussing some of the things that she does for the city of Garfield Heights. A lot of times, we don't know what some of these people do that are working inside because we don't get to see them all the time. Noreen, you brought up a bunch of great information about City View, Bridge View. I just wish we could have had a lot more residents there to hear some of that news that you had to offer and some of the things that you had to offer. I look forward to having another one of my meetings done that way.

The other thing is I want to make sure everybody knows to drive safely tonight. I hear the roads are pretty bad with the weather the way it is so on your way home just make sure you're careful. That's all I have. Mr. Suster.

**CLMN SUSTER:** The only thing I have this evening is Matt had mentioned streets. Sidewalks outside of here. Watch yourself out there. They're pretty slippery.

Here again I would like to thank Ms. Holt for coming here tonight and speaking on the dogs. I think we got a lot of good information out of it. Although it's already passed and that's what your intentions were, it's done. That's all I have this evening.

**PRESIDENT BURKE:** Thank you, Mr. Suster. Let's move on to Mr. Glenn.

**CLMN GLENN:** Thank you, Mr. President. Tonight we had a lively discussion and we learned a lesson on how the democratic process works. I'm happy to say this is over with and we'll move on.

What I am also concerned about, we don't have enough residents participating in the Council Meetings. Some of the people here are here for one meeting. This Council Meeting and won't be here. They will be long gone. Hopefully Abby will come back for our regular discussions, but saying that there, I don't think the rest of the people that are advocates for this ordinance will ever show up again. I doubt it very much.

With that, I want to thank the Mayor for his opinions. I know you made a statement you were against pit bulls as a personal thing. I took it one level higher. I voted No in this regards. That's the way it is so we'll work this here. It's a done deal and we all get together and make the city a better place. Thank you.

**PRESIDENT BURKE:** Thank you, Mr. Glenn. Mr. Nenadovich, do you have anything you'd like to share with us this evening?

**CLMN NENADOVICH:** Just a few things. I have been on Council now 9.5 years and this is the first time I have had people calling me up saying what a great job our guys do every day. They said snowplowing was fantastic, the streets were clear. They do this every year. Just the way the snow hits. They do their job. I actually had phone calls come in that nobody complained this year. Even the ones that complain about everything.

**SERVICE DIRECTOR TIMOTHY MCLAUGHLIN:** Excuse me, Mr. President.

**PRESIDENT BURKE:** Yes.

**SERVICE DIRECTOR TIMOTHY MCLAUGHLIN:** Could you have them call me? That's not what I get.

**CLMN NENADOVICH:** I got some other ones like you, Tim. Rest assured.

Mayor, thank you for sharing that notice that you sent to Maple Heights and the response that you had because that's a crucial point for people to know. You held out your hand with Council and they had the choice of taking it and chose not to. With that, I have nothing else.

**PRESIDENT BURKE:** Mr. LaMalfa, do you have anything you'd like to say?

**CLMN LAMALFA:** Thank you very much.

**PRESIDENT BURKE:** You're sure you don't want to have a Fourth Reading? Mr. Dudley, you have anything you want to go over?

**CLMN DUDLEY:** You saved the best for last. I appreciate it.

**PRESIDENT BURKE:** Actually, I'm saving Mr. Vaughn for last.

**CLMN DUDLEY:** I thought he had no comments so I guess he changed his mind. Hey, it can go either way. His words will be just as pleasant as mine. No problem.

As we all know, on Friday February 15, 2019 at 6:30 p.m. at the Garfield Heights Performing Arts Center, 4900 Turney Road we are going to have our Annual African-American Heritage Black History Program what we do annually. I thank those who supports the program and I thank those who shows up. This year we have a great treat and every year is great treat. We go back to Clans Baumann, Dr. King's driver, Sandra Garrett, Morgan Garrett's granddaughter and last year we had Herbert Willborn, Jr. the jazzman musician. This year we have a former anchorperson and everybody know but she's also a journalist who's a multi-Emmy award winner for investigative reports. She has been anchor on WJW-TV, TV 8 and WVIZ and has a list of credentials but we have Ms. Eleanor Hayes. She will be the keynote speaker at our Annual African-American Heritage Black History Program. So you people into that journalism come out because she has a lot to say.

Once again, this is a free program. Everything is free. The raffle is free. The food is free. The sponsors include McDonalds, Mr. Hero's, Subway, Lucas Funeral Home, Lorenzo's Dog Training and even one guy we know as (*inaudible*). He has been a sponsor. We are looking forward to your coming out. Bring your children. It's always a great show. The Mayor's always there, myself, Members of the Council. Several Members have already donated baskets, etc. You can donate stuff to be raffled off because there is no fee for nothing we do. But if you do, put your name on it so we can thank you for your contribution. It's a great show, a great learning experience. I look forward to as many people coming out this year. Bring the kids. It's open to the general public. Come out and enjoy yourself for an evening. It's Friday February 15<sup>th</sup> at 6:30 p.m. at the Garfield Heights Performing Arts Center. I thank the school for providing us with this location and venue to have this program every year. With that, I thank you, Mr. Chairman. Tonight's meeting was very interesting.

**PRESIDENT BURKE:** I agree.

**CLMN DUDLEY:** I thank those who took the time to come out and speak tonight. Thank you, Mr. Chairman.

**PRESIDENT BURKE:** Thank you. Mr. Vaughn.

**CLMN VAUGHN:** Thank you, Mr. Chairman. Abigail, thank you for coming and sharing your wealth of information. I hope to see you at future Council Meetings. Thank you.

I'd also like to thank Ms. Hackett. I guess she already left (she's probably getting ready to go to work tomorrow morning) for coming again to give her time to come and back this ordinance.

Tim, I want to thank your guys for doing a great job. I had a resident that had a problem and he said by the time he got off the phone with me within three/four minutes your guys were there to clean up the problem. I commend you guys for doing a good job. Thank you.

Block Watch. Our Block Watch Thursday evening is going to be cancelled. We're going to cancel it because of the weather. There's no sense people coming out in below zero temperatures, getting ill, slipping on the ice, so we will cancel and hold our meeting next month.

In Caucus tonight I brought up the fact that I would like to see us develop a Council Webpage. We're going to be going to Legislative Committee, correct, Mr. Chairman?

**PRESIDENT BURKE:** Correct.

**CLMN VAUGHN:** And this will be brought up for discussion so we can get things out to people so that they know what's going on. What the truth is. Why we're doing things. Why we're changing the dog ordinance, why we needed to buy a sign truck. That type of thing. So we can answer these questions and people aren't posting on social media mistruths about why we're doing stuff. So that's something I am very much in favor of and looking forward to working on.

With that, Mr. Chairman, I ask that we adjourn.

**PRESIDENT BURKE:** On the motion made by Clmn Vaughn to adjourn tonight's meeting, all in favor signify by saying Yea. Any opposed? Meeting adjourned.

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

**MEETING ADJOURNED AT 8:27 p.m.**

**APPROVED:**

**RESPECTFULLY SUBMITTED:**

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Matthew Burke  
President of Council

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Barbara Molin  
Clerk of Council