

# MINUTES OF A REGULAR MEETING OF COUNCIL

## CITY OF GARFIELD HEIGHTS, OHIO

Monday, December 20, 2010

**MEETING CALLED TO ORDER AT 7:00 p.m.** by President Pro Tem Nancy Marincic

**INVOCATION BY:** Councilwoman Debra Sarnowski

**ROLL CALL:**                   **PRESENT:** Council Members Dudley, Marincic, Nenadovich, Sarnowski, Suster, Vaughn

**EXCUSED:** Geraci, Mahoney

**PRESIDENT PRO TEM MARINCIC:** Very nice, Councilwoman. Roll call please.

AYES: 6

ABSENT: 1

**CLMN NENADOVICH:** I'd like to excuse Clwn Mahoney.

**PRESIDENT PRO TEM MARINCIC:** Roll call on the motion to excuse Clwn Mahoney from the evening's meeting.

AYES: 6

ABSENT: 1

**PRESIDENT PRO TEM MARINCIC:** Motion passes.

**CLMN SUSTER:** I'd like to make a motion that we excuse Council President Frank Geraci from tonight's meeting.

**PRESIDENT PRO TEM MARINCIC:** Roll call on the motion to excuse Council President Frank Geraci from the evening's meeting.

AYES: 6

ABSENT: 1

**PRESIDENT PRO TEM MARINCIC:** Motion passes.

### **READING AND DISPOSAL OF MINUTES:**

Moved by Clmn SUSTER to accept the minutes of the Regular Meeting of City Council of December 13, 2010 as submitted. The minutes were adopted with six YES and one ABSENT votes.

**CLWN SARNOWSKI:** Ms. Chairman, I'd like to waive the 72 Hour Rule on Resolution 54-2010 so it will be on tonight's agenda.

**PRESIDENT PRO TEM MARINCIC:** I'm going to have the Clerk read the title so everyone knows what it is and then we'll roll call.

**CLERK:** **RESOLUTION NO. 54-2010** A RESOLUTION HONORING AND THANKING THE EMPLOYEES OF U.S. COMMUNICATIONS & ELECTRIC FOR THEIR GRACIOUS CONTRIBUTION OF EIGHT HUNDRED DOLLARS (\$800.00) IN ORDER FOR THE CITY TO PURCHASE GIFT CARDS FOR LESS FORTUNATE FAMILIES DURING THE 2010 HOLIDAY SEASON.

**PRESIDENT PRO TEM MARINCIC:** Roll call on the motion to waive the 72 Hour Rule on Resolution 54 and place it on the evening's agenda.

AYES: 6

ABSENT: 1

**PRESIDENT PRO TEM MARINCIC:** That passes with six Yes votes.

**CLMN VAUGHN:** Mme. Chairman, I'd like to ask that we waive the 72 Hour Rule on Resolution 55-2010.

**PRESIDENT PRO TEM MARINCIC:** Will the Clerk read the title on 55?

**CLERK:** **RESOLUTION NO. 55-2010** A RESOLUTION BY THE MAYOR AND COUNCIL ON BEHALF OF THE RESIDENTS OF THE CITY OF GARFIELD HEIGHTS HONORING THE MEMORY OF FRANKLIN R. MELENA AND EXTENDING SINCERE CONDOLENCES TO HIS FAMILY.

**PRESIDENT PRO TEM MARINCIC:** Roll call on the motion to waive the 72 Hour Rule on Resolution 55 and place it on the evening's agenda.

AYES: 6

ABSENT: 1

**PRESIDENT PRO TEM MARINCIC:** That passes with six Yes votes.

**WRITTEN COMMUNICATIONS TO COUNCIL:** None.

**LEGISLATION OUT OF COMMITTEE:** None.

**REPORTS OF THE MAYOR AND DIRECTORS:**

**PRESIDENT PRO TEM MARINCIC:** We will now move on to the reports of the Mayor and his Directors. Before then I'd just like to let everybody know that I am subbing for Council President Frank Geraci tonight and I haven't done this for a while so if I make mistakes please be patient with me. Mayor, we'll move on to your report.

**MAYOR VIC COLLOVA:** Thank you, Ms. Marincic. Council. A short report tonight. Tim, that's usually you, isn't it? I'm sorry for taking your line, Tim. I couldn't help myself. Sorry. First off I'd like to talk about, for those of the residents that haven't gotten involved with the Shop With Garfield Program that's going on, I urge you to do so. We had a resident bring their pet to the veterinarian and they were a part of the Shop Garfield and they received \$70.00 off on their bill so that was great (I don't know how high their bill was) but still \$70.00 off is great so I urge people to continue to do this. It helps the businesses, it helps the residents and it's a great thing for Garfield Heights.

The next thing I want to talk about is we have a brand new Website as was reported in the past, getting ready to be up and running. Actually it goes live this Thursday, December 23, 2010. How you look at it is [www.garfieldhths.org](http://www.garfieldhths.org) and I'll pass this along for Council to get a sort of a sneak preview on what the Home Page looks like. This is just the first phase of the Web page. There will be much more content added as it's coming from all the Directors plus Council but I think everybody is going to agree this thing is really great compared to what we've been seeing in the past from the Website so that is a good thing.

Next I would like to read a letter from the EPA. We've been talking for the last year about the EPA with City View and it seems like we're making some headway. I'm going to pass this out for Council to review it and I'll read it for the audience. This comes from the Environmental Protection Agency. It's addressed to myself.

"Over the last several months the Ohio Environmental Protection Agency has worked to facilitate an agreement between the City of Garfield Heights and the Northeast Ohio Regional Sewer District for collection and disposal of leachate from the Northeast Mound at the City View Center. The removal of leachate is critical to the operation of the active gas extraction system.

The NEORSRD is planning to submit a request for an exemption to Ohio EPA so that it can accept leachate from the NEM, and Garfield Heights is coordinating with the Cuyahoga County Engineer's Office for assistance in pumping and transporting the leachate. In response to Garfield Heights' request for assistance from Ohio EPA, this letter serves as my commitment to recommend to the Director that the Ohio EPA direct the reimbursement of up to \$20,000.00 from the Garfield Trust to Garfield Heights for the first year of collection and disposal of leachate."

This is really something big because with this collection of leachate we can now operate the extraction system and they told us between 60 and 90 days after the extraction operation is up and if everything works well, which we believe it will, they are supposed to give us a news release from the Director of the EPA saying that we are safe. We've always been safe but it would be nice to hear it from them officially so this is something good that is also happening and I was glad to be able to report that.

Bridgeview, we've talked about that in the past. Things are still going very, very well. We are hoping for some good news shortly and as soon as we get that good news I certainly will report.

I'm going to get into the legislation. Ordinance 91-2010. This is the new appropriations and most of this new appropriations revolves around the recent bond sale—about 82% of it but we had to redo the appropriations to meet this year's projections. Any questions certainly Ron can answer them in more detail.

Resolution 50-2010. This is a resolution honoring Marymount Hospital for donating two LifePak 15 cardiac monitors to the Garfield Heights Fire Department. We spoke about this last week at the Council Meeting. This is really something great that Marymount Hospital was doing for us and it shows the cooperation between some of our large businesses in Garfield Heights and the city. We really appreciate that and we want to honor them.

Resolution 51 honoring and thanking Lt. Nick DiMarco for implementing the Shop With a Cop Program in the city of Garfield Heights and again this is something we spoke about at the last Council Meeting. We want to officially honor Nick DiMarco. He's been doing this for

many years. It takes a lot of work. On Sundays he's selling raffle tickets to make money. He's doing many projects to try to bring money in for these kids. In Garfield Heights (I don't have the figures in front of me) but it was like 81 kids if I'm not mistaken that we were able to help and that's given them each \$100.00 plus an additional \$20.00 gift card so they're given \$120.00 to shop. These are kids that come from families that just can't afford to buy Christmas gifts. You know Nick along with many other policemen and there's many involved in this thing but Nick heads it up and he does a great job and we certainly want to honor him for that. Also Resolution 52. A resolution honoring and thanking Garfield Heights police officers Heather DiPenti, Dale Merchant and Vincent Walker for their contribution to the life and well-being of a young Garfield Heights resident. Again this was something we reported on last week. There was a young two-year-old that was burnt very badly in Garfield Heights and Heather and these other two officers took it upon themselves to go through the police department bringing up contributions and they awarded them to this young boy and we want to make sure that they are recognized. Along with them they are the ones who spearheaded it but the entire Garfield Heights Police Department every officer (that I know of anyways) took part in this. So we want to thank them all for this. These are things that these police and fire and other city employees do that go unnoticed and we believe when something like this comes out it's good to spread the good things out. We certainly hope that young boy is doing well. We thank these officers for doing what they're doing.

OK, Resolution 53. A resolution by the Mayor and Council on behalf of the residents of the city of Garfield Heights honoring and thanking Sgt. Daniel Miller for his generous and outstanding service to the city of Garfield Heights. We want to honor--he started with us back in 1985 and he's been with us ever since. He was our first K-9 officer and he has earned numerous awards and commendations for his outstanding police work. Daniel has done a great job like many of our other young men and most of them do things like this and he is leaving. He's done a great job for Garfield Heights. We're sorry to be losing him and we certainly would like to see him honored by this Council. 54-2010. We want to thank US Communication & Electric for their thoughtfulness and donations.

55-2010. Mr. Frank Melena was a past Engineer for Garfield Heights. He worked for the city way back when my father-in-law was Mayor back in the '60s. I think my father-in-law hired him. He did a great job. My wife and I saw Frank every Sunday morning for probably the last year and a half at breakfast and every morning he would come up and say Mayor, how's the city doing? He never, ever forgot Garfield Heights. He was a great man and we're certainly sorry for his loss. Our condolences go out to the family.

With that said, I want to take this time to wish everybody a Merry Christmas and a Happy New Year. We look forward to seeing you all next year at Council Meetings and we hope we get a bigger crowd. That concludes my report. Thank you.

**PRESIDENT PRO TEM MARINCIC:** Any questions on the Mayor's report? There being none, we'll move on to City Law Director Tim Riley. Do you have a report?

**LAW DIRECTOR TIM RILEY:** I do not have a short report tonight. I have no report. Except to say Happy Holidays to everyone. Thank you.

**PRESIDENT PRO TEM MARINCIC:** Any questions for the Law Director? There being none, we'll move on to Service Director Tim McLaughlin. Any report?

**SERVICE DIRECTOR TIM McLAUGHLIN:** Yes, thank you, Mme. President. I guess everybody knows what my report is. Cold. Snow. Water breaks. That's my life for the last week. We are still going street to street trying to clean up some of the streets because over the weekend we did get a little bit of snow in some areas we got more than others. I was very surprised when I went out and looked at some of the roads. I didn't think it snowed that hard and I was out quite a bit over the weekend but they are still going street to street through every Ward. We didn't get through it today but we'll be back at them tomorrow. Just trying to clean up intersections and where cars were parked, etc. We had about six major water breaks. One of them got fixed on 98<sup>th</sup> Street. That was a large water break and it got fixed today. So we've been trying keep those salted and keep the ice off. We hauled some of the ice away from a couple of the big ones and the last thing is we've been trying to work on the sidewalks, making sure all our sidewalks are clear so everybody could walk but that's basically been it. I want to thank you for the cards and wish you a Happy Holidays.

**PRESIDENT PRO TEM MARINCIC:** Any questions for the Service Director?

**CLWN SARNOWSKI:** Is the Water Department acting faster on the complaints? I called them. They got out on my street fast and fixed it.

**SERVICE DIRECTOR TIM McLAUGHLIN:** I don't know. For some. The one on 98<sup>th</sup> was a week.

**CLWN SARNOWSKI:** That's still quick.

**SERVICE DIRECTOR TIM McLAUGHLIN:** I know. There's other ones that are a problem. They've been subcontracting out some of the work. So when I call now they sometimes give me a number and tell me that as soon as the subcontractor gets that number that they'll go to work on it. Usually you could tell when they're getting close is when they put the flags up when they mark the utilities. Usually within a week of that time they are already working on it but you'll see the flags first. Right now the six that we have were not small, but with the cold, I don't know.

**PRESIDENT PRO TEM MARINCIC:** Any other questions? I just have one comment. Mr. McLaughlin, winter this year kind of jumped the gun on us. You just know there's piles of leaves under that snow. I have residents telling me I'm sure I've got a foot of leaves, which we know is an inch thick by now. We're not going to pick those up. There's no way. Is there?

**SERVICE DIRECTOR TIM McLAUGHLIN:** No, I called other cities. It's not just us. We were out the same amount of time as other cities. It was the way they fell. There was the pick up and then it snowed. I mean. People are calling me and asking me to send them out and dig under and take the leaves out because it's killing their grass. Those are run by turbines and once the ice starts forming on them while they're moving you'll just blow those apart. They are not made to work in the cold.

**PRESIDENT PRO TEM MARINCIC:** I don't think we're going to get a break until spring.

**SERVICE DIRECTOR TIM McLAUGHLIN:** I mean if we find a break. Sometimes we get the little breaks in February. If it's warm enough or good enough I will try to get them, but I guess we've never gone out in the spring and got them but we may have to this time.

**PRESIDENT PRO TEM MARINCIC:** Have we used any of those trucks as plows as well?

**SERVICE DIRECTOR TIM McLAUGHLIN:** The trucks that pull the trailers, yeah. Those are low profile dumps. Yes, we do use those. Usually I clean out the leave trucks and put them away. They are still set and ready to go. I'm going to wait and see what happens.

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

**PRESIDENT PRO TEM MARINCIC:** Thank you. I'm glad I bagged mine. Moving on to Finance Director Mr. Tomola. Do you have a report?

**FINANCE DIRECTOR RON TOMOLA:** Thank you, Mme. President. Just a few words on Ordinance 91. The transfer ordinance. A couple Council people asked me to make some comments. The Mayor's already hit the big one. It was the 82% increase due to the notes and bonds sale this year. We had originally only programmed for one bond sale. The way things worked out with the market and the timing we had to roll the notes twice before we could actually bond them. We bonded them late in the year. This is accounting for all of that. The other thing I'd like to say is in past years the city at the end of the year for at least the last few years we've been at least 120 days in payables. With this piece this year and our December Plan in Finance we should cut that down to 90 days this year, which is a pretty big feat in itself from our standpoint. That's my report. Merry Christmas to all.

**PRESIDENT PRO TEM MARINCIC:** Any questions for the Finance Director?

**CLWN SARNOWSKI:** I have a question. I don't know if I should address the Mayor or the Finance Director? In regards to the Financial Commission that we have, did the city come up with another Plan because we did away with the cameras and we are having the rubbish collection or is that on hold for a while?

**FINANCE DIRECTOR RON TOMOLA:** The Mayor may want to expand on this, but from my understanding there's another meeting coming up February 8<sup>th</sup> I believe it is. It was just set this evening by Paul Marshall, the Chairman of that commission. At that point in time we'll look at how the city's progressing according to the existing Plan, if we need to put a new Plan in place and we'll also look at the report on accounting procedures to see how we're progressing against that one. There's two factors that have to come into play there. So at the meeting on February 8<sup>th</sup> we will be looking at that.

**PRESIDENT PRO TEM MARINCIC:** Any other questions for the Finance Director?

**CLMN SUSTER:** You're talking about accounting procedures. Won't the new software that we'll be getting?

**FINANCE DIRECTOR RON TOMOLA:** It will address some of those issues. Some of the issues are policy issues. They want to see policies put in place for debt process, investments, you know. There's a lot of policies that unfortunately Council's going to have to act on and you'll be getting those next year. I will be looking at those and it's setting formal policies for the city in a lot of areas that the city's not had policies in the past.

**PRESIDENT PRO TEM MARINCIC:** Any other questions for the Finance Director? There being none, we'll move on to City Engineer, David Krock. Do you have a report tonight?

**CITY ENGINEER DAVID KROCK:** No, I don't actually, but Merry Christmas to all and thank you for all the nice things here. This stuff looks excellent. Thank you.

**PRESIDENT PRO TEM MARINCIC:** Thank you. Economic Development Director Ms. Noreen Kuban. Do you have a report?

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Yes, thank you, Mme. Chairwoman. Just for clarity, the Website is [www.garfielddhts.org](http://www.garfielddhts.org). It's the same site as it was before. Also as people have noticed AJ Wright will be closing at City View. It will be changing into a Marshall's. In February and March they'll be closed for remodeling and will be reopening in April as Marshall's.

Also I wanted to note that our Annual Western Reserve grant application that runs our Senior Center was increased this year for the first time in the eight years I've run the center. We used to get only about \$9,500.00 a year. It's up to \$22,000.00 this year. We've asked for increases every year and this is the first time we've received an increase. Regarding the US Communications resolution this company had made some donations to the Senior Center in the past and worked with us putting together some packages for families in need. This year they didn't contact us until they had already collected the money so we were obviously surprised that they had collected \$800.00 The employees of the company did this on their own. They were requesting that we donate this to families so that families could use it for their children. So we just want to say thank you to the company. That concludes my report.

**PRESIDENT :** Thank you. Any questions for our Economic Development Director?

**CLWN SARNOWSKI:** I have a question. I don't know if it's to Noreen or to Ron? Is that why the appropriations ordinance here increased so much for the Federal Nutrition bond budget fund? It's because of the money that Noreen just mentioned?

**FINANCE DIRECTOR RON TOMOLA:** No, it wasn't. That was the actual expenses it cost to run the nutrition center this year.

**BUILDING COMMISSIONER BILL WERVEY:** Absent.

**PRESIDENT:** Any other questions for Economic Development? There being none that concludes the reports of the Mayor and his Directors.

#### **COMMENTS BY CITIZENS:**

**PRESIDENT PRO TEM MARINCIC:** Now we'll move on to Comments from Citizens. This portion of the meeting is for comments for items that are on the evening's agenda. You will have five minutes. You'd have to take the microphone and give your name and address. If you would like to speak about any of the items on the agenda tonight just raise your hand. Anybody? I don't think there is. OK. There's no comments tonight.

**COMMITTEE REPORTS:** None.

**PRESIDENT PRO TEM MARINCIC:** There being none, we'll move on to Ordinances and Resolutions.

#### **ORDINANCES AND RESOLUTIONS:**

##### **ORDINANCE NO. 91-2010**

AN ORDINANCE AMENDING ORDINANCE NO. 5-2010 AND ALL OTHER TRANSFER AND ADDITIONAL APPROPRIATION ORDINANCES, TRANSFERRING AND ADDITIONALLY APPROPRIATING CERTAIN FUNDS WITHIN THE GENERAL; STREET LIGHTING; AVERAGE PAY; PERMANENT IMPROVEMENT; POLICE PENSION; FIRE PENSION; RECREATION; STREET CONSTRUCTION, MAINTENANCE & REPAIR; STATE HIGHWAY IMPROVEMENT; CITY INCOME TAX; MOTOR VEHICLE LICENSE TAX; STORM & SANITARY SEWER CONSTRUCTION; WATER MAIN REPAIR; FEDERAL NUTRITION BUDGET; COMMUNITY

DEVELOPMENT BLOCK GRANT; LAW ENFORCEMENT TRUST; INDIGENT DRIVER ALCOHOL TREATMENT; ENFORCEMENT & EDUCATION; DEBT AMORTIZATION; LAW ENFORCEMENT BLOCK GRANT; MUNICIPAL COURT PROBATION SERVICE; MUNICIPAL COURT SPECIAL SERVICES; MUNICIPAL COURT CAPITALIMPROVEMENT; VARIOUS IMPROVEMENT NOTE FUND 2005; EQUIPMENT ACQUISITION NOTE 2007; RECREATION IMPROVEMENT NOTE 2007; STREET IMPROVEMENT NOTE 2007; VARIOUS PURPOSE NOTE 2008 STREET IMPROVEMENT BOND 2010; TRANSPORTATION/ANTENUCCI IMPROVEMENT 2004; BOND RETIREMENT; REVOLVING EQUIPMENT; AND RESTRICTED FUNDS.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to WAIVE RULE 24:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

AYES: 6

ABSENT: 1

**PRESIDENT PRO TEM MARINCIC:** Ordinance 91-20201 stands adopted with six Yes votes.

**RESOLUTION NO. 50-2010**

A RESOLUTION HONORING AND THANKING MARYMOUNT HOSPITAL FOR DONATING TWO NEW LIFEPAK 15 CARDIAC MONITORS TO THE GARFIELD HEIGHTS FIRE DEPARTMENT.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

**CLMN SUSTER:** Before I vote, I'd just like to say that you know this is a great thing that Marymount Hospital has done. Number one the cost of these two LifePaks is \$55,000.00, which everybody knows at this time we don't have that kind of money, but also not only are they paying for the two monitors they are also going to pay for the maintenance which is another \$1,500.00 a year for each one so it's a piece of equipment that is very good to have. With that I vote Yes.

**CLMN DUDLEY:** Before I vote, I'd just like to reiterate what Clmn Suster said. The savings they provided to the city is \$50,000.00 plus included the maintenance and upkeep, etc. and that was greatly needed so I do appreciate and thank them for that. I vote Yes.

**PRESIDENT PRO TEM MARINCIC:** Once again, I want to echo Clmn Suster's and Clmn Dudley's comments and reiterate how I am in awe how everybody's stepping up to bat in this town and

helping out because they know the city's in financial straits. I can't thank everyone enough. I vote Yes.

**CLMN NENADOVICH:** Yes, I'd also like to thank Marymount for their contribution and I vote Yes.

AYES: 6

ABSENT: 1

**PRESIDENT PRO TEM MARINCIC:** Resolution 50-2010 stands adopted with six Yes votes.

**RESOLUTION NO. 51-2010**

A RESOLUTION HONORING AND THANKING LIEUTENANT NICK DIMARCO FOR IMPLEMENTING THE SHOP WITH A COP PROGRAM IN THE CITY OF GARFIELD HEIGHTS.

Moved by NENADOVICH to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

**CLWN SARNOWSKI:** I've been fortunate enough to help Lt. DiMarco with this program since it started. I sat out this year, but I was there first handed. There are also not only the police officers but a lot of police officers' wives that help out in civilian escorts that help with the kids. It's interesting what the kids buy when they get this money donated. As much as the raffle tickets that we sell in our city that's how many kids--for each 100--that's an extra kid that can go and spend the money. Sometimes they buy coats. Sometimes they buy for other members of their family. It's so interesting to see the unselfishness of the kids. They don't just buy toys for themselves. They are really needy kids. It is a great program and I'd like to thank everybody for working with it, especially Lt. DiMarco for all his hard work. I vote Yes.

**CLMN SUSTER:** Before I vote I would like to say that this is a job that Nick took on a long time ago. It just continues to grow. He has to coordinate all of his works with say, the city of Bainbridge, Chagrin Falls, Solon, all the different police departments. I think this year they had 381 kids go through. Not only did they get the \$100.00 that they were given by selling the raffle tickets, Wal-Mart also kicked in \$20.00 per child. They gave them like a 20% discount which they could go back and purchase again. This is a big job and Nick not only did this. He was the FOP State President and this one is one of the other parts that he did. On that I vote Yes.

**CLMN DUDLEY:** I'd like to say that I'm most certainly proud of our Lt. DiMarco and a lot of people in the community don't realize how much goes on to make viable and charitable programs within our city. This certainly shows exactly how viable they are. Once again I thank Lt. DiMarco and the department and I vote Yes.

**PRESIDENT PRO TEM MARINCIC:** I can't say enough good things about Lt. DiMarco. It seems like as long as I've been involved politically he's always been here. It has always been a blessing to me to know I could go to him and he has always had the right answers. This Shop With a Cop Program that's his baby and he has volunteers all over the city giving their time, their efforts and financial support to this program. I want to thank him and I want to thank everyone involved with the Shop With a Cop Program and I vote Yes.

AYES: 6

ABSENT: 1

**PRESIDENT PRO TEM MARINCIC:** This resolution passes 6-0.

**RESOLUTION NO. 52-2010**

A RESOLUTION HONORING AND THANKING GARFIELD HEIGHTS POLICE OFFICERS HEATHER DIPENTI, DALE MERCHANT, AND VINSON WALKER FOR THEIR CONTRIBUTION TO THE LIFE AND WELLBEING OF A YOUNG GARFIELD HEIGHTS RESIDENT.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

**PRESIDENT PRO TEM MARINCIC:** Once again, people stepping up to bat to help those in need. Thank you. I vote Yes.

AYES: 6

ABSENT: 1

**PRESIDENT PRO TEM MARINCIC:** Resolution 52-2010 stands adopted with six Yes votes.

**RESOLUTION NO. 53-2010**

A RESOLUTION BY THE MAYOR AND COUNCIL, ON BEHALF OF THE RESIDENTS OF THE CITY OF GARFIELD HEIGHTS, HONORING AND THANKING SERGEANT DANIEL MILLER FOR HIS GENEROUS AND OUTSTANDING SERVICE TO THE CITY OF GARFIELD HEIGHTS.

Moved by NENADOVICH to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

**CLWN SARNOWSKI:** I'd like to thank Sgt. Dan Miller for all of his years of service to our city and I vote Yes.

**CLMN SUSTER:** I'd just like to wish Sgt. Miller a good retirement and good health. I vote Yes.

AYES: 6

ABSENT: 1

**PRESIDENT PRO TEM MARINCIC:** Resolution 53-2010 stands adopted with six Yes votes.

**RESOLUTION NO. 54-2010**

A RESOLUTION HONORING AND THANKING THE EMPLOYEES OF U.S. COMMUNICATIONS & ELECTRIC FOR THEIR GRACIOUS CONTRIBUTION OF EIGHT HUNDRED DOLLARS (\$800.00) IN ORDER FOR THE CITY TO PURCHASE GIFT CARDS FOR LESS FORTUNATE FAMILIES DURING THE 2010 HOLIDAY SEASON.

Moved by SARNOWSKI to CONSIDER BY TITLE:

AYES: 6  
ABSENT: 1

Motion to SUSPEND THREE READING RULE:  
AYES: 6  
ABSENT: 1

VOTE ON ADOPTION:  
AYES: 6  
ABSENT: 1

**PRESIDENT PRO TEM MARINCIC:** Resolution 54-2010 stands adopted with six Yes votes.

**RESOLUTION NO. 55-2010**

A RESOLUTION BY THE MAYOR AND COUNCIL ON BEHALF OF THE RESIDENTS OF THE CITY OF GARFIELD HEIGHTS HONORING THE MEMORY OF FRANKLIN R. MELENA AND EXTENDING SINCERE CONDOLENCES TO HIS FAMILY.

Moved by VAUGHN to CONSIDER BY TITLE:

AYES: 6  
ABSENT: 1

Motion to SUSPEND THREE READING RULE:  
AYES: 6  
ABSENT: 1

VOTE ON ADOPTION:

**PRESIDENT PRO TEM MARINCIC:** Before I vote I would like to say that once again, since I've been involved politically, Frank Melena was always there and Garfield Heights, even though we had sewer problems 20 years ago the sewer problems were ten times as bad as they are right now and Frank Melena was my go-to guy as the City Engineer. Not as good as you, Dave, but he was amazing. One time I had a resident whose water line kept freezing and no matter what they did it kept freezing and the water company told them just keep your water running. It won't freeze anymore. We did everything. I had the Service Department out there, the water company was out there numerous times. This family was besides themselves about their water line. It was winter they couldn't get water. I called Frank Melena. I should have called him to begin with. He went out there. He said yeah they moved this catch basin a foot during the summertime. Now it's too close to this resident's water line and because the catch basin is full of air it's causing their water line to freeze. He was right. This resident's water line, they moved it another foot and it never froze up again. That was Frank Melena. He got the water company to move it all for free, which is icing on the cake. He was a very wonderful man, he was a go-to guy, he was super intelligent and I will truly miss him. I'm offering his family my condolences. I vote Yes.

**CLMN SUSTER:** Before I vote I'd just like to say I'd like to offer my condolences to the Melena family. There's a lot of things you could say about Frank. Frank was the only guy that you could call out and he never came out with a blueprint. He had every sewer and every manhole in his head. He knew exactly where everything was. You could walk into a field and he would find whatever you needed in there. He was just amazing. I know his family will miss him dearly and I always considered him a good friend and I vote Yes.

AYES: 6  
ABSENT: 1

**PRESIDENT PRO TEM MARINCIC:** Resolution 55-2010 stands adopted with six Yes votes. That concludes Ordinances and Resolutions.

### **COMMENTS BY CITIZENS:**

**PRESIDENT PRO TEM MARINCIC:** We will now move on to Comments By Citizens. This part of the meeting for Comments By Citizens are for items that residents may have brought up to a Councilperson or a City Hall department and the problem has not been solved yet. You have five minutes. Please raise your hand. Come up to the microphone and give your name and address please. Does anybody have any comments to make tonight?

Wayne Williams, 13960 Milo Road. Same complaint I had last year. It's getting to that time of year where we have ice and snow on the sidewalks. A lot of people think that it's too much bother to do anything about that. If you put out newsletters or something to people and your residents I wish you would point out to them this is not just a suggestion. It's a legal requirement. It puts you at liability if you don't do it. Perhaps on the fancy new Website we could put a note on there just to remind people. I know we don't have the manpower to enforce it but at least let people know this has to be done. A common rumor going around is if you clean it off and somebody falls you're liable; if you don't clean it off it's an Act of God. This is not true. Ordinance 521.06 spells it out clearly. So please do what you can.

**PRESIDENT PRO TEM MARINCIC:** Thank you, Mr. Williams. Anybody else have any comments? Anybody else? There being none we'll move on to Miscellaneous Business beginning with Clmn Suster.

### **MISCELLANEOUS BUSINESS:**

**CLMN SUSTER:** First of all I'd like to take this opportunity to wish everybody a Merry Christmas and a Happy New Year and I hope that everybody in the city of Garfield Heights prospers and has good health. I have a letter here that I'd like to read. I received it through e-mail last night and this individual requested that I read it at the meeting tonight, so here I go. It says

"Dear Joe,

I know, you know I've written many letters when I thought things weren't right in the city. I've written many in support of people whom I thought had done a good job and are an asset to the city. I've also read many letters complaining or critical of the city.

With that in mind, I have rarely seen a letter in support of our Police Department or their efforts. Without a doubt, the department's job has become more and more challenging every year and the job they do truly puts their life on the line daily. I'm not sure how they do it, because I know most of us couldn't.

It's time people understand they aren't all about traffic cameras and speeding tickets. I would greatly appreciate it if you shared our story at the Council Meeting this Monday.

Last week (which was Friday) my mother-in-law was banking at US Bank on Turney Road, the way she has done for many years. She pulled to the rear of the bank, got out of her car, grabbed her cane and her purse and shut the car door. Out of nowhere a man ran up behind her and took her purse from her arm. He knocked her to the ground and before she could even turn, he was on his way running and she only saw the back of his clothes.

She was very shaken and her shoulder was pulled out from the socket. She couldn't get up so she pushed her car panic button, yet nobody came out. She crawled to the bank entrance and pulled herself up and then someone saw her and ran to help. They contacted the police. My mother-in-law, (Mary Ann) is 78 years old.

A female police officer named Heather DiPenti responded. She initially calmed my mother-in-law down and my mother-in-law said she instantly felt the compassion and determination of this police officer. Quickly Heather asked her a few questions, and asked her if her cell phone was in her purse. It was in her purse, and Heather got the phone number from Mary Ann.

Minutes later the K-9 Unit with Major arrived. In seconds, this dog took off in the same direction as the scum bag ran leading the police right to his door step. Heather and another police officer responded. Heather waited outside while the other officer went in. Heather then called the cell phone number and it rang in the house until they found it hidden in a dropped ceiling in the basement.

In the meantime, I met my wife and her mom at Marymount Hospital. She was bruised and in great pain. Both of her knees (one recently replaced) was all scraped up. Her forearm is completely black and blue. The worst part was her blood pressure was rising and they couldn't get her heart rate down even with the medication at first. She kept crying and hyper ventilating. She felt like she had let all of us down because she lost her money, but more important all of her information, addresses and all of our information that was in her wallet and in her cell phone. She was beyond being traumatized. She wanted me to leave the hospital and change the locks on her house that minute.

In a matter of 30 minutes, Heather arrived back at the hospital and quickly informed Mary Ann (my mother-in-law) that they had recovered her purse and all the contents. The relief of that news started the healing process in a very few minutes. Heather was so compassionate, and so happy for her. She so obviously was determined to help her and to bring her justice. I never thought it could end like this.

Later Detective Dickinson arrived with her purse. It was unopened, undisturbed and we all were confident this guy never had a chance to even look inside. The detective also treated Mary Ann like the most important person in the world at that very moment. He got some information from her, a description of the criminal's clothes and the path he ran away in. In the end, the detective returned again to let her know that the man confessed and was on his way to jail. He returned the contents of the purse but kept the stolen bag which had a broken strap from how hard this guy pulled.

These officers don't know Mary Ann, but if they did, they would know that she may be the most giving and sweetest lady on the face of the Earth. I would bet if that idiot had said he was down on his luck, she would have given him the money. She gives to everybody and takes from no one. On this day, she received kindness and caring which might be the best gift she could ever have gotten.

Another day at the office? I don't think so! The response and determination and the city's pro-active investment in equipment and a K-9 Unit pulled off the impossible. We never expected to see the purses again and we expected to feel threatened for years by the information that had been lost. If it weren't for the true dedication of Heather and this department he would have gotten away with it. We can't believe that such a horrible event could end with such a positive attitude.

Joe, let them know how much it is appreciated by the Roberts family. Let them know that we all will never forget their efforts. Let Heather know she helped to heal an elderly lady with something as simple as a hug and some compassion. That's OK too! Also let Council

know that their investment in this department and K-9 Unit paid dividends far beyond the statistics!

Thank you all very much and thank you for reinforcing our belief in the 'system' but more important in 'people' who work in the 'system'. You all have a safe and happy holiday! God Bless!

Sincerely,  
Grant Roberts and Family"

It happened at two o'clock. By twenty after this kid was already in jail. That's how fast this happened. Soon as they got there with the dog and the dog and how he ever picked up a scent, I don't know, but they let him out of the car. He went where she fell and up the street he ran right to the house where this kid was at so you know everything turned out good and I know the family is very appreciative of everything that is going on. That's all I have. That's enough isn't it?

**PRESIDENT PRO TEM MARINCIC:** Thank you. Clmn Vaughn, do you have anything tonight?

**CLMN VAUGHN:** I just want to take a few minutes to thank the Knights of Columbus who distributed 90 food baskets on Saturday to different churches and families within our area in the South East side. I thank these men for putting together this program and doing such a great job.

Also if you get a chance and you go past St. Monica's you'll see that they put up their Nativity Scene. Take a few minutes. Take a look at it. This is what the season is really about. It's not about all the running around we do giving gifts and shopping and decorating and driving our families crazy. It's more about what went on in that little stable. With that I wish you all Merry Christmas, Happy New Year and the best of health and hope to see all of you next year.

**PRESIDENT PRO TEM MARINCIC:** Thank you, Councilman. I, too, would like to wish everybody the most Blessed of Christmases and happiest and healthiest of New Years. Everything on this Council's agenda and most of the last agenda too was resolutions honoring people for giving in our community. I am enthralled by all this and Joe's story about the resident in his Ward and what had happened. I have had similar stories told to me by residents in my Ward. I myself experienced it with our police department when someone broke into my garage and what our police officers did. I tell you, our police always get the guy or the girl responsible and you never hear about it. Please, don't ever doubt we have one of the best police forces in this county. I am so proud of them and of every one of our city employees. Once again, have the most Blessed of New Years. Clmn Dudley.

**CLMN DUDLEY:** I was just taken in by that. No, I'd just like to say that I wish everybody a Merry Christmas and a Happy New Year. I'd like to thank the Family Life Center at 13455 Dressler Road. They actually distributed toys on Saturday, I believe, to several hundred kids. I really thank them for that program because a lot of kids wouldn't have had an opportunity to have toys. Several of the other clergies within the Ward and the community I believe, throughout the city done the same, so like I says it was coming together. I reiterated what Council Member Tom Vaughn said, it's not about giving gifts or passing everything on. It's about family. It's about taking time and counting your blessings and the blessing that we all was awakened. We all woke up this mornng. And that's what I'm happy for. I'd like to thank Ward 1 for their support this year. You came through when I needed you the most and we needed you as a city and I thank the city for your support. I think it was a great year for me to be with my colleagues here. It was a beautiful year--period. I thank God for that and I thank everyone. Merry Christmas.

**CLMN NENADOVICH:** I'd like to thank this Administration, the Mayor for his guidance, all the Directors for all their hard work and the cooperation they gave me. As a first year Councilman, I really appreciate it. I learned a lot this year. This coming year I hope it's a lot better. I thank the residents in my Ward for all their cooperation and especially Ward 3 Block Watch. They backed me 100% this year in my first year of my term. I'd like to wish everybody a healthy, prosperous and a lot better New Year than we had in the past. Merry Christmas also. Thank you.

**PRESIDENT PRO TEM MARINCIC:** Thank you, Councilman.

**CLWN SARNOWSKI:** I agree with Mr. Dudley that family is so important during the holidays. Sometimes we get caught up in everything and forget how important family is and every member of it. I'd like to thank everybody for all their prayers the last couple months. We're doing good as a family. My husband's doing well. I'd like to wish everyone a Merry Christmas and a healthier New Year. With that I move to adjourn.

**PRESIDENT PRO TEM MARINCIC:** Roll call on the motion to adjourn the meeting.

AYES: 6

ABSENT: 1

**PRESIDENT PRO TEM MARINCIC:** The meeting stands adjourned.

**MEETING ADJOURNED AT 7:52 p.m.**

**APPROVED:**

**RESPECTFULLY SUBMITTED:**

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Nancy Marincic  
President Pro Tem of Council

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Barbara Molin  
Clerk of Council