

# MINUTES OF A REGULAR MEETING OF COUNCIL

## CITY OF GARFIELD HEIGHTS, OHIO

Monday, December 14, 2015

**MEETING CALLED TO ORDER AT 7:00 p.m.** by Council President Joseph Suster.

**INVOCATION BY:** Council President Joseph Suster

**PRESIDENT SUSTER:** Roll call please.

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

**READING AND DISPOSAL OF MINUTES:**

**PRESIDENT SUSTER:** Reading and disposal of the Minutes.

**CLMN NENADOVICH:** Mr. Chairman, I would like to make a motion that we accept the Minutes of the Regular Meeting of Council, City of Garfield Heights, November 23, 2015 as printed.

**PRESIDENT SUSTER:** On the motion made by Mr. Nenadovich to accept the Minutes of the Regular Meeting of Garfield Heights City Council of Monday, November 23, 2015, all in favor signify by saying Yea. All opposed?

**AYES:** Nenadovich, Glenn, Suster, Burke, Vaughn, Dudley, LaMalfa  
That passes with 7 Yes votes.

**WRITTEN COMMUNICATIONS TO COUNCIL:** None.

**PRESIDENT SUSTER:** At this time, I would like to turn the meeting over to Mayor Collova for the swearing in of a couple of police officers.

**MAYOR VIC COLLOVA:** Thank you, Mr. Chairman. Ladies and gentlemen, once again I have a distinct honor and privilege to swear in two new Police Officers to the city of Garfield Heights. I've said it on numerous occasions, we all know it, we have one of the finest if not the finest in any city. We're proud that we have them. We're looking forward to bringing on these two officers and before I do the swearing in, I want to turn it over to Chief Byrne.

**ACTING POLICE CHIEF ROBERT BYRNE:** Thank you, Mayor. I want to thank Charles Lee and Shurkrea Cooper who are our two new officers who will be sworn in tonight. To get to the point right here they go through an extensive background and it takes a lot of patience. We started this in August, but I sit up here tonight very confident that we have two excellent police officers that are going to be starting. They're both experienced police officers and I look forward to working with both of them. I'd point out one thing. Charles Lee is going to be badge number 7

and in the age of computers, we have to have three digits for our badge numbers so he is badge number 007. He should be able to handle any problems. Thanks everybody for coming out to show your support for them. I'll turn it back over to the Mayor.

**MAYOR VIC COLLOVA:** Thank you, Chief. If James Bond and Shurkrea would like to join us along with the Chief and their families, any family members who'd like to join us?

*(At this time, the Mayor swore in the two new officers.)*

**PRESIDENT SUSTER:** Tonight we're also going to have an appeal from the Zoning Board of Appeals on a decision that was made and we're going to have a couple neighbors come up and talk. Is Richard or Kellie Schultz here? If you'd like to come up? One person please.

Richard Schultz, 5213 East 100<sup>th</sup> Street, Garfield Heights. I understand we're limited to five minutes apiece? I have some handicap issues. I may not be able to speak fast or read real good. I was going to ask if I could request my wife read my part. We wrote up what we're going to say. I wanted to see if she could do the 10 minutes instead of me doing five?

**PRESIDENT SUSTER:** As long as it sticks to the fence issue and the fence issue only.

**MR. SCHULTZ:** That's what we're here for.

**PRESIDENT SUSTER:** OK.

**MR. SCHULTZ:** Thank you.

Kellie Schultz, 5213 East 100<sup>th</sup> Street, Garfield Heights. First of all thank you for allowing us to be on the agenda. We appreciate it very much. This is regarding the variance waiver allowed by the Board of Appeals. I did put together a drawing. I'm not sure that you need it. It would help understand where the fences are, where the current fence is. I don't know if you want that?

**PRESIDENT SUSTER:** Yes, give it to the Council Members please.

**MRS. SCHULTZ:** We are respectfully requesting that all personal issues between ourselves and the neighbors be left out of this decision by City Council. My husband and I feel that the Board of Appeals were unduly biased against us based on their information provided to them regarding the ongoing issues between us and the neighbors. We are asking that City Council please base their decision on this matter solely on the facts, which is what you requested. We're not sure what exactly has been given to you regarding this matter, however if you were given the police reports which were given to the Board of Appeals that were written by Michael Thompson and Andito Ricks we do feel that since we were not permitted to also give that information to the Board of Appeals that it was a bit biased. We live at 5213 East 100<sup>th</sup> Street. Andito Ricks owns the property at 10017 Grace Avenue. Our back property line runs approximately 165 feet across the width of the back of our property. The large majority of our property line is the side property line for Andito Ricks's property. We do understand that the circumstances of this property line are very unusual, however we are requesting that the Municipal Code to be adherent to in this case just as they are for anybody else. Andito Ricks has received a variance allowing her to place a solid white vinyl fence from the front of her property line starting at the sidewalk in the front of her house to the back of her property. The definition of a fence is a barrier, railing or other upright structure typically enclosing an area of ground to control access or prevent escape from a particular area. Based on the application

submitted by Andito Ricks this structure is a wall, not a fence, because there's no ending or beginning cross barriers. So it does not attach to anything in front or in back so it's technically not a fence. It's a wall, based on definition. It was brought out in the Board of Appeals meeting that she may or might run part of this along the back of her property, but nothing in her application states that this wall is going to run anything from the front to the back with nothing enclosing it. Municipal Code 1155.01 states no permit shall be issued without the application first presenting to Building Commissioner a survey of the parcel of land sought to be enclosed. Please note this is not an enclosure. It's a straight line. Or in the alternative an agreement by all persons of interest expressing their agreement and consent to the location of the fence upon the applicant's parcel of land. My husband and I are the major landowners along this and we do not consent to this fence. Based on the original copy of the application given to us upon request from the Building Department the original application accepted by the Building Commissioner on November 19<sup>th</sup> did not include a survey of the parcel of land nor did it include signatures from the appropriate neighbors. When we tried to submit our own application to the Building Commissioner for a new fence we received a phone call from the Building Commissioner's office indicating that the Building Commission would not process our application without a legal survey. We took a partial copy of our survey and were then instructed by the Building Commissioner that he wanted our legal survey and that he would not complete or process our application without it. We were reluctant to give this survey to Mr. Wervey because he indicated to us that since we have a survey they could piggyback on our survey. We paid a large sum of money for the survey and we do not feel that it's fair that we were required to submit a legal survey in for our application to be accepted while Andito Ricks was told that she can submit her application and that it will go in front of the Board of Appeals and they can deal with the survey later. We do not feel that was a fair request. Municipal Code 1155.01B says no fence shall be erected or constructed between the rear building lines and the street or sidewalk except hereinafter provided. An extension of a fence shall be allowed one foot beyond the side door of a dwelling from the back building line with a gate providing the dwelling does not have a rear entrance. Andito Ricks's property indeed has a rear entrance and not a side entrance. The Building Commissioner shall only permit the extension provided for in subsection B1 when the extension of the fence from the rear building line to one foot beyond the side door shall not constitute a hardship to the adjoining property owner. Can I get my water?

**PRESIDENT SUSTER:** Sure.

**MRS. SCHULTZ:** Thank you. The definition of hardship is a situation difficult to endure. Allowing this wall to be built will indeed cause incredible hardship on Rick, my husband and myself along with family, friends and pets in the following known manners. We've always had issues with people jumping over our fence, cutting across our yard and jumping our front fence. Our lot is totally encased in a fence and vice versa coming from front to the back, putting us in danger since we cannot be sure if any parties we come across in our yard are armed, cause us harm or damage our property. This wall would allow anyone walking down Grace. It's a dead end. For all purposes, we live at the dead end of Grace. They will be able to walk behind this wall on either side undetected from front to back without an enclosure. Giving them freedom to jump our fence at any point they choose both coming and going since we believe this wall has to be three feet from the existing fence, that would make the side closest to us accessible also from South Highland. So this will basically run from Grace to the back of Ricks's property. At that point there is only a gate that is unlocked. So anyone can open that gate and cut through to South Highland. The issue of people cutting through these short cuts would only increase over time as people become aware that they are virtually hidden with this wall. They can hide on either side. Our side or Andito Ricks's side. We will never be sure if it is safe to go into our back yard, never know if someone is in the yard. Allowing this wall to be built would cause a hardship

on our entire neighborhood since children often play at the dead end street of Grace. A sexual predator can easily hide behind this wall undetected and grab a child and run to the end and be out the other end of the fence before anyone would even realize this child is missing. There would be nothing to stop this perpetrator at South Highland. He would be free to continue on to a possible waiting car. This would also be true of children playing next door to us, which is Joe's property, because there is a fence back there, but they do have a gate. The gate is not always locked. The children playing in the yard next door to us could easily be grabbed and run behind this wall without anyone even knowing they were gone. This wall would also pose a threat for anyone coming home late at night since anyone could hide behind structure undetected waiting for people to arrive home and attack them as they enter their homes. The structure would allow criminals to hide and attack. There are numerous other hardships that would be placed on our neighborhood if this wall were allowed. I believe you can see our concern. Municipal Code 1155.09 states no fence shall be erected or constructed parallel to another fence in a manner that would cause less than three feet of property to exist between the two fences. Said property between the two fences must be mainlined in accordance with Garfield Heights by the owner. When applying for a fence permit failure to inform the Building Department or the Building Commissioner of the condition of a parallel fence would result in the negation of any permit. It's unclear based on the waiver that was allowed whether or not this wall/fence as they're calling it.

**PRESIDENT SUSTER:** Your time is up.

**MRS. SCHULTZ:** OK. I can just do one more thing. We have tried on four different occasions to mediate this with our neighbors, twice with the Building Commissioner, once with the Law Director and unfortunately she has informed us as of yesterday. I did speak with her yesterday in her yard, there was some conversations going on that enough was enough and I did indicate that we had tried to talk with her at least three different occasions before being yesterday. I did send her an e-mail. I have copy of that e-mail if you would be interested in what we thought could possibly be a solution to this problem. We are open to mediation, but we are at least asking the Council if you cannot make a decision tonight on this to please table it until you have more information. This is really going to cause a huge hardship on everyone involved. Thank you.

**PRESIDENT SUSTER:** Thank you. Is there anyone else here this evening who needs to talk on this matter?

Michael Thompson, 10017 Grace Avenue. They wanted the privacy fence at first. I don't know what's going on. The privacy fence- you know no one will go through it. It will only provide much more security. It's going all the way to the front and all the way to the back. They wanted it at first. I know you want to talk solely about the fence. We want to know if while we're waiting. Because they said they're going to take it to the Supreme Court or whatever. I don't know where they're going to take it. Can we at least get the back done? Because they're constantly harassing us. You see that video camera right there? That's what they have all the time on my daughter, my fiancée. They won't stop. I have pictures of it. They won't stop. I call the police all the time. They say there's nothing that they can do about it. They continue to harass me. If anyone in her is a father, a mother they would be very upset how they are all the time with that video camera. Anytime. Inside our house. Outside our house. They won't stop.

**PRESIDENT SUSTER:** All right. Stick to the fence issue.

**MR. THOMPSON:** Right. OK. What I'm saying is that while we're waiting for appeals can we at least have the back done so we can at least get half of our privacy? Because we were already

granted the privacy fence going all the way. Now the front is because I guess there was something about a loophole because it's the back of their home. It's basically the front of our house. So we just want to know if we can just get the privacy fence for the back yard right now and then while this is going through appeals can we just get that? Because we know it's going to go through but we just want to wait right now.

**PRESIDENT SUSTER:** The thing of it is you'd have to go through the Building Commissioner on that.

**MR. THOMPSON:** OK, but this is what he does all day long. I don't know if the Chief of Police knows about it, but we have so much, it's just really crazy because my daughter from college she don't even want to come home because this is all he does.

**CLMN BURKE:** Mr. Chairman, I'd like to make a motion that we vote on this matter to uphold the Zoning Board of Appeals decision.

**PRESIDENT SUSTER:** On the motion made by Mr. Burke to uphold the Zoning Board of Appeals ruling, roll call please, by Ward.

**CLMN DUDLEY:** Before I vote, I was listening to her and I didn't hear both parties. At the beginning, I heard the second part, etc. and obviously, something is going on. I'm looking at the fact that if I'm looking for privacy and my neighbor chooses to put up a six-foot fence or run that fence and I don't have no money to put up that fence. All I got to do is tag to it or put an enclosure or something on it, I would be OK with that. Right now, I haven't heard too much but I believe I heard enough and I want to vote Yes to uphold the Zoning Board's decision.

**CLMN NENADOVICH:** I vote to uphold the Zoning Board's decision. Yes.

**CLMN GLENN:** Before I vote, this is an issue about neighbors and neighbors are building a wall between neighbors. That's not good. I would like to see a compromise made here and the two parties involved that they get together without the city and settle this issue in a satisfactory way. I wish that could happen and shake hands and have one nice fence. On that, I'm going to vote Yes.

**PRESIDENT SUSTER:** I vote to uphold the Zoning Board of Appeals decision. I vote Yes.

**CLMN VAUGHN:** I vote to uphold the Zoning Board of Appeals decision. I vote Yes.

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

**PRESIDENT SUSTER:** On this matter there are seven Yes votes to uphold the Zoning Board of Appeals decision.

**COMMITTEE REPORTS:** None.

**LEGISLATION OUT OF COMMITTEE:** None.

**REPORTS OF THE MAYOR AND DIRECTORS:**

**PRESIDENT SUSTER:** Mayor, do you have a report for us this evening?

**MAYOR VIC COLLOVA:** Mr. Chairman. Yes, I do. Thank you. First off I wanted to talk a little bit about the Community Service Program with the litter pickup. I received another report and I'm very proud of what they're doing and I think it's helping the community and that's what I want to report to Council and all of the residents. To give you an example, McCracken Road from Broadway to the Cleveland line they picked up 22 bags of rubbish/litter. McCracken Road railroad tracks to Broadway, six bags. Granger Road under the 480 bridge four bags. Rockside Road from the post office to the mall entrance seven bags. Antennuci from Turney to Transportation Blvd. 17 bags of litter. Turney Road Tonsing Park four bags of litter. Turney Eastwood old Pet Supplies Plus five bags of litter. Forestdale from Broadway to the top of the hill 62 bags of litter. East 131<sup>st</sup> Christine parking lot two bags of litter. Dressler from Lawrence 142<sup>nd</sup> Street four bags of litter. Valley Lane seven bags of litter. They're doing a really a great job. The reason I want to report this is because this is a program that the city is paying for. They work for us four days/week and as long as that weather isn't completely totally freezing we want them out there cleaning up so let me know if you have any properties that need a litter clean up because these guys are doing a fabulous job. I wish the residents would do a little more to help them. Seriously they're doing a great job and let's utilize this program as much as we can.

Next I wanted to say tomorrow's the last day to get in your Holiday Lighting Contest nominations. They could be turned in here at the Civic Center until 4:00 p.m. I don't know whose house is on Carpenter but I think they're paying people to call us because they're getting a lot of calls about that house. Something's going on. Tomorrow's the last day. We do this each year so if you have any that you want to turn in let's get them in.

The other thing I wanted to say. I know Mr. McLaughlin's not here, but I wanted to talk to you. I never really believed in global warming before but I'm starting to wonder. It's been a great year- no salt. Sorry Service guys, no overtime. It's really been great. This is going to help the city out immensely. I hope it continues. I know everybody wants to see a nice white Christmas. I hope you have to spray something white because I don't want to see any snow, but with that said I just want to wish everyone on Council, all of the residents a Merry Christmas on behalf of my wife and myself. It's been a great year. We have another Council Meeting before the end of the year so we'll talk about the year then. Merry Christmas to everybody. Hopefully we'll have a great holiday season.

With that said, I want to do tonight's legislation. Ordinance 53 is about automotive sales in Garfield Heights. We spoke in the past that we're trying to change some of our rules to conform to some of the other cities, make some changes to the city. When you look at the Auto Mile on Broadway when you see the different car dealerships on Rockside Road, when you see them in Brookpark, in Brunswick, these are nice places. They help the city. They bring money in. They bring people in. People that come to buy cars stop at restaurants, other stores. I think this is a great thing for the city and I would appreciate Council's support on this. Also Ordinance 54 is basically what we do each year. We change the Council Meeting dates according to holidays for the following year. Ordinance 55 is an ordinance to enter into a two-year motor vehicle registration audit agreement for the years ending December 31, 2015 and 2016. I think Barb could tell you more if you have any questions about it. This is something we do each and every year or contract term. Barb can get into this but I don't believe there is a price increase from the last two-year contract. That's correct, right? With that, Mr. Chairman, you have my report. Merry Christmas to all.

**PRESIDENT SUSTER:** Thank you, Mayor. Is there any questions of the Mayor on his report? Are there any questions of the Mayor on his report? There being none, we'll move on to Law Director, Tim Riley. Do you have a report this evening?

**LAW DIRECTOR TIM RILEY:** No report tonight, Mr. Chairman.

**PRESIDENT SUSTER:** Thank you. Acting Police Chief Bob Byrne. Do you have a report this evening?

**ACTING POLICE CHIEF ROBERT BYRNE:** Yes, I do, Mr. Chairman. Thank you. This past Saturday the Police Department participated in Shop With A Cop. This was the 20<sup>th</sup> year for the event. Twenty-three youngsters from Garfield Heights participated with over 250 other kids from the area. Each child received \$150.00 gift card to shop with at the Macedonia Wal-Mart. After the shopping, they were treated to a pizza party at Garfield Heights High School. Special thanks goes out to all who participated in this event including the police officers, the civilian escorts, those who volunteered at the high school with the setup and serving and the employees of the Macedonia Wal-Mart all of whom went out of their way to welcome us and assist us with shopping. I'd like to especially thank John Marks of our Police Department and retired Lt. Nick DeMarco. They're the ones that were the point guys for the F.O.P. and our Police Department. They did a good job. I'd also like to thank those who purchased raffle tickets or simply made a donation. All the kids and their families were very thankful and appreciative. It was a fun day and even those who got stuck in the traffic jams had a smile on their face.

The second item I have is not quite as fun. We have absolutely inundated with theft from autos in Ward 6 and Ward 7. From Oak Park south to Hathaway on the east side of Turney we're getting hit pretty good with these break-ins. Please lock your car doors, remove your valuables, particularly electronic items and firearms because these people are going through these cars on a nightly basis. If you see anybody or hear anything, please call us. Don't hesitate. Call 9-1-1 and we'll get somebody out there to check it out. It's occurring mainly in the early morning hours, but we've also had issues as early as 9:00 p.m. Keep your eyes and ears open for us and give us a call.

On behalf of the Police Department, we also would like to wish everybody a Merry Christmas. With that, you have my report, Mr. Chairman.

**PRESIDENT SUSTER:** Plmn. Marks, would you like to stand up please?

**CLMN NENADOVICH:** Chief, I have a question.

**ACTING POLICE CHIEF ROBERT BYRNE:** Yes.

**CLMN NENADOVICH:** These break-ins that are occurring are they breaking into the cars or are the cars left open?

**ACTING POLICE CHIEF ROBERT BYRNE:** The cars are left open. That's why I stress please lock your car doors. They're looking for an easy target. If your car is locked they're probably going to go find somebody who didn't lock it. You do a lot by locking your car doors.

**CLMN NENADOVICH:** Is there a difference in what they're charged with from a locked car or an unlocked car?

**ACTING POLICE CHIEF ROBERT BYRNE:** No, if they're caught it's generally a theft offense.

**CLMN NENADOVICH:** Thank you, Chief.

**PRESIDENT SUSTER:** Are there any other questions of Chief Byrne on his report? There being none we will move on to Noreen Kuban who will give Tim McLaughlin's report.

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Thank you, Mr. President. Leaf pickup. It was over on Friday December 4<sup>th</sup> so if there are any other piles of leaves out there you will have to bag it up and put it out with your regular rubbish. All the equipment, trailers and trucks are being cleaned and getting ready for snowplowing. So put it in your rubbish from now on.

Rubbish will be one day late after Christmas. The rubbish company will not be out on Christmas Day so they will be working on Saturday the 26<sup>th</sup>. Likewise, on New Year's Day they will be working on Saturday the 26<sup>th</sup>. That concludes Tim's report.

**SERVICE DEPARTMENT DIRECTOR TIM McLAUGHLIN:** Absent.

**PRESIDENT SUSTER:** Thank you. Are there any questions of Noreen on Tim's report? There being none we will move on to Parks and Recreation Director, Bob Dobies. Bob, do you have a report for us this evening?

**PARKS AND RECREATION DIRECTOR BOB DOBIES:** Mr. President and Council Members, good evening. Yes, just a couple things. This past Saturday we entertained our 21<sup>st</sup> Annual Figure Skating Recital. We enjoyed over 200 attendees on a balmy Saturday afternoon to watch our young stars emerge. It was a fun afternoon for everybody. This Sunday December 20<sup>th</sup> will be our Residents Skate with Santa Claus from 3:00 p.m. to 5:15 p.m. Residents only. This is freebie so come on out and enjoy yourself.

Futsal signups are going on. They started Monday December 7<sup>th</sup> through January 18<sup>th</sup>. This is a co-ed program for five to 15 years old. It is one of our popular programs and continues to be.

Last, I just wanted to say that the Learn to Skate Hockey second nine-week Learn to Skate will commence on January 2<sup>nd</sup>. We do have this Saturday from 11:15 a.m. till 12:15 p.m. Come out and try. Free try orientation. So those that have some questions or are not sure about their skills can try it for free and sign up. I am happy to report both sessions in figure skating and hockey continue to grow. We are like 40 . 45 kids in each program at this time. I always get a few newbies so if anybody is interested call the Rec Department or visit our Website for any information.

I would like to thank everybody for the cards and the candy. Vic tells me I don't have any friends. This proves different, doesn't it?

From my family and the Recreation Department, we wish everybody a Merry Christmas and a Happy New Year. Thank you. That concludes my report.

**PRESIDENT SUSTER:** Are there any questions of Mr. Dobies on his report? Mr. Vaughn.

**CLMN VAUGHN:** Mr. Dobies, the Mayor pays us first of all. Besides that, you said September? I think you meant December?

**PARKS AND RECREATION DIRECTOR BOB DOBIES:** December 4<sup>th</sup>.

**CLMN VAUGHN:** Yes, in your first part of your report I think you meant to say December?

**PARKS AND RECREATION DIRECTOR BOB DOBIES:** I stand corrected. Thank you.

**CLMN VAUGHN:** Thank you.

**MAYOR VIC COLLOVA:** Excuse me, Mr. Chairman, if I may? I actually thought he was saying September because it was free.

**PRESIDENT SUSTER:** Next, wedl move on to our City Engineer, Dave Krock. Do you have a report for us this evening?

**CITY ENGINEER DAVID KROCK:** Thank you; I have no report this evening, Mr. President.

**PRESIDENT SUSTER:** Thank you. Finance Director, Barb Biro. Do you have a report for us this evening?

**FINANCE DIRECTOR BARBARA BIRO:** Thank you, Mr. President, I do. Mr. Dobies, you do not stand alone when it comes to letting things go for free from the Finance Department. Free is not a word in our department that is well taken. So is the word Yes, Mayor.

In regards to Ordinance 55, the two-year agreement that we have with Ms. Pride, she has been conducting audits for the city of Garfield Heights for the past 17 years. During the audits, she recovers money that is charged at registration at the BMVs that were incorrectly paid to other cities, whether by errors in the address and/or ZIP Code. Over the years, she has identified monies that have been given to us and it has been a well worthwhile contract. Again, the costs are expected to stay the same as last year. That's all I have, Mr. President.

**PRESIDENT SUSTER:** Thank you. Are there any questions of Barb on her report? Are there any questions for Barb on her report? Next wedl move on to Social Services Director Kathy Rush-Parssons. Do you have a report for us this evening?

**SOCIAL SERVICES DIRECTOR KATHY RUSH-PARSSONS:** I do. Just a brief one. At our November Food Pantry distribution families were again given a larger than normal amount of food and a Thanksgiving turkey thanks to several businesses, organizations and individuals within the community. In those two days of distribution, we served 115 families, totaling 222 Garfield Heights residents. Of the 222 people served, 89 were Senior citizens and 54 were children. So we're definitely getting more families that are in need. We're trying to meet the need. We are serving more of the children and Seniors.

I would like to extend a huge thank you to the following businesses and organizations who did donate food, turkeys, money and gift cards to the Food Pantry for the Thanksgiving holiday: Maple Leaf School, Johnson Dance and Gymnastics, the Kiwanis Club of Garfield Heights, Overdrive, Chart Industries, the Garfield Heights United Methodist Church and 1-888-OHIOCOMP. I want to say each year I am always amazed at the generosity of not only businesses and organizations, but individual residents as well that give anonymous donations. Even if it's only \$20.00 every year, it seems to grow. That allows us to serve more and more people. On behalf of the Senior Center and the Mayor and the city, I would like to publicly thank those organizations and businesses. That's all I have.

**PRESIDENT SUSTER:** Thank you. Are there any questions of Kathy on her report? Are there any questions of Kathy on her report? Next, we will move on to Economic Development Director Noreen Kuban. Do you have a report for us this evening?

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Yes, thank you Mr. Suster. I just have one comment. I received notice from an organization I work with about the H.A.R.P. Program (Home Affordable Refinance Program). It's a program for Fannie Mae and Freddy Mac mortgages. If you have little equity in your home or owe as much or more than your house is worth, it's possible to get refinanced at the value of your house. This deadline has been extended to December 31, 2016. It's been extended twice. This will be the last time it's extended. The benefits are lowering your monthly payment, reducing your interest rate, securing a fixed-rate mortgage, building your equity faster and lower closing costs. The Website is harp.gov and in the Plain Dealer on October 29<sup>th</sup> and November 4<sup>th</sup> there were some articles about that. That is the end of my report. Thank you, Mr. President.

**PRESIDENT SUSTER:** Thank you. Are there any questions of Noreen on her report? Are there any questions for Noreen on her report? There being none we will move on to Building Commissioner Bill Wervey. Bill, do you have a report this evening?

**BUILDING COMMISSIONER BILL WERVEY:** No report, Mr. President.

**PRESIDENT SUSTER:** OK. Thank you.

**COMMENTS BY CITIZENS ON THE AGENDA:**

**PRESIDENT SUSTER:** Next, we will move on to Comments by Citizens on tonight's agenda. Would the Clerk please read the rules?

**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 SUSTER:** Do we have anyone here this evening that would like to speak on the items that are on the agenda? Do we have anyone here this evening that would like to speak on the items that are on the agenda?

**MR. SCHULTZ:** A couple questions please? One, what was actually approved in the Zoning hearing? Can I get the minutes on that or no? We don't know what was even approved. Or that you guys agreed to. What was it that you agreed to?

**LAW DIRECTOR TIM RILEY:** Mr. Chairman, if I may? The Minutes will be available after the. They haven't been approved yet. After the next Zoning Meeting, they will be approved at that meeting and you can have a copy.

**MR. SCHULTZ:** All right, but the Council here is asking if they know what they just voted on?

**PRESIDENT SUSTER:** Yes, we have a copy of the Minutes.

**MR. SCHULTZ:** You have the Minutes but we don't?

**LAW DIRECTOR TIM RILEY:** They have unapproved Minutes at this point. OK? And they were aware of what the decision was.

**PRESIDENT SUSTER:** Let's sit down, please. Is there anybody that wants to talk on anything that is on tonight's agenda?

**ORDINANCES AND RESOLUTIONS:**

**PRESIDENT SUSTER:** There being none, we'll move on to Ordinances and Resolutions, beginning with Ordinance 53-2015.

**ORDINANCE NO. 53-2015**

AN ORDINANCE CREATING GARFIELD HEIGHTS CODIFIED ORDINANCE CHAPTER 773: AUTOMOTIVE SALES.

Moved by NENADOVICH to APPROVE ON THE SECOND READING:

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

**PRESIDENT SUSTER:** OK. That will go up for a SECOND READING.

**ORDINANCE NO. 54-2015**

AN ORDINANCE PROVIDING FOR HOLIDAY COUNCIL MEETING CHANGES FOR THE YEAR 2016.

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

**PRESIDENT SUSTER:** On its adoption, beginning with Councilman Vaughn.

VOTE ON ADOPTION:

**PRESIDENT SUSTER:** Before I vote, I would just like to say so the audience knows, the changes are basically when a holiday falls on a Monday and city hall is closed we change it to another day so we still have the right amount of meetings that are needed. I vote Yes.

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

**PRESIDENT SUSTER:** Ordinance 54-2015 passes with 7 Yes votes.

**ORDINANCE NO. 55-2015**

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A TWO-YEAR MOTOR VEHICLE REGISTRATION AUDIT AGREEMENT, FOR THE YEARS ENDING DECEMBER 31, 2015 AND 2016, WITH DARLENE M. PRIDE, GOVERNMENTAL AFFAIRS CONSULTANT, TO CONDUCT AUDITS OF CERTAIN OHIO BUREAU OF MOTOR VEHICLES RECORDS, PER THE ATTACHED AGREEMENT.

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

Motion to WAIVE RULE 24:

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

**PRESIDENT SUSTER:** On its adoption, beginning with Councilman Dudley.

VOTE ON ADOPTION:

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

**PRESIDENT SUSTER:** Ordinance 55-2015 passes with 7 Yes votes.

**MISCELLANEOUS COMMENTS BY CITIZENS**

**PRESIDENT SUSTER:** Next we will have Comments by Citizens. Would 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 SUSTER:** Is there anyone that has anything to speak about tonight?

**MISCELLANEOUS BUSINESS:**

**PRESIDENT SUSTER:** There being none wed I move on to Miscellaneous Business beginning with Clmn Burke.

**CLMN BURKE:** Thank you, Mr. President. First and foremost, I'd like to congratulate and welcome Ptlmn Charles Lee and Ptlwn Shurkrea Cooper. Welcome aboard.

I just want to also remind everybody too, to make sure you lock your car doors. We have had some issues in Ward 6 where cars were left unlocked. I know right around the holidays is the prime time for this to happen. I know from personal experience because it happened to me about two years ago. Just left the car unlocked for 15 minutes. Was in the house. Came back out and my wallet was missing.

The Community Awareness Meeting is going to be held this Wednesday right here at the Civic Center at 7:00 p.m. We're going to try to have a little bit of fun and maybe do some Christmas carols. Everybody's welcome to attend. It's open to everybody.

On behalf of myself and my family, I would like to wish everybody here a Merry Christmas. I would like to say thank you also for all the gifts. Thank you.

**PRESIDENT SUSTER:** Mr. Vaughn.

**CLMN VAUGHN:** Thank you. I want to welcome our new Police Officers. Good luck and most of all please be safe out there. You guys have a good career here.

My truck got hit last night, folks. I was one of the lucky ones up in Ward 7. Walked out, went to open the latch, the door was unlocked. My son left it open. They didn't get anything out of it, but they threw everything on the seat. This is the second time in two years. I know he didn't lock it. So please please lock your cars.

Thursday evening wed I be having our Block Watch up at St. Benedict School on the campus of St. Monica's. Wed I be having our annual Christmas party so there will be a lot of good food,

bakery, a lot of good things to eat. In case you want to come up, Vic? You are all more than welcome to stop in.

On behalf of myself and my family, my wife Barb, everybody have a blessed Christmas. Enjoy your family. Most of all drive safely.

Again thank you for the gifts. I already put them below here. Thank you very much. We'll see you soon.

**PRESIDENT SUSTER:** Thank you. Mr. Dudley.

**CLMN DUDLEY:** First of all, I tell you it was a glorious day today. I'd like to congratulate our two new officers, Officer Charles Lee and Officer Shurkrea Cooper. Welcome aboard and most important just be safe out there. As you know coming aboard, the world has changed. We got individuals that just don't have regard for our lives or even for officers' lives right now. It's almost like putting a target on you sometimes for some fools out there. I wish you all the best. Stay safe.

I'd like to wish everybody a Merry Christmas. Like I said before, now that it's Christmas time, keep your doors locked, keep your cars locked. Because you know when you put that tree up and you open that window and they see it shining they are opportunists who are waiting for that opportunity. I'd just tell you a quick story. A couple years ago, I went into Wal-Green to fill a prescription. I got distracted by one of my kids. I turned around less than five seconds and the individual stole my wallet right off the counter. But he was on film and he lived on Alvin Street. This really happened. They caught up with him in no time. He claimed he threw the wallet in a mailbox or whatever the case may be. I did get it back from the post office. There was nothing in it. He should have put something in it for me. That's what happened. That's why I say you got to watch yourself because they work quick.

Also, I'd like to acknowledge we got our former Councilman of Ward 1, Mr. Henry Warren here tonight. It's good to see him. And our former Precinct person, Mr. Jesse Johnson. It's good to see both of you gentlemen tonight.

Most of all I'd like to tell you all to go ahead and be safe and watch yourselves. Watch your family. The kids are excited in parking lots when you go to these malls so be careful when you drive. They will run in front of your vehicle at a snap of a dime.

With that, Merry Christmas to everybody, my colleagues and everybody else sitting up here as well as everybody that came out tonight. Merry Christmas. Be safe. Thank you, Mr. Chairman.

**PRESIDENT SUSTER:** Mr. LaMalfa.

**CLMN LAMALFA:** I'd just like to wish everyone a Merry Christmas. Thank you.

**PRESIDENT SUSTER:** Mr. Nenadovich.

**CLMN NENADOVICH:** I'd like to welcome Mr. Lee and Ms. Cooper, new police patrol people. Welcome aboard. Stay safe. Grow old with us, please.

I ask you to remember the Vets as I always do. They can't be home for Christmas so lift a glass of eggnog in their honor.

Some of the orange barrels left Warner Road. Thank you, David.

I'd like to wish everybody Merry Christmas. I thank you all from my family. My colleagues I wish the best. Thanks for all the candy. I'm sure I could use it. Whatever I don't get, Vic, is yours.

Speaking of Mr. Vaughn, you had your car broken into. I went to mine the other night and it was open, but you've seen my vehicle. He left me 20 bucks to take it for repair.

With that, I wish everybody a Merry Christmas. Thank you.

**PRESIDENT SUSTER:** Mr. Glenn.

**CLMNN GLENN:** I, too, would like to extend my congratulations to the two new officers, Ms. Cooper and Mr. Lee.

Remember the poor. There are a lot of poor folks out there, needy. Give generously to the charities. This is the time of the year that for any serviceman serving his country right now New Year's and Christmas are the most loneliest days a service person can have. So if you have a family member give a shout. Say hello.

Also from my family, my wife Ann and myself, I wish everybody a Merry Happy Christmas. That's all.

**PRESIDENT SUSTER:** OK. Thank you. You notice I don't have any presents in front of me so I must have been bad this year. No, I put them away already.

I, too, would like to congratulate the two new Police Officers and I wish you will be safe. I want to thank the residents that showed up tonight to see these people be sworn in because it means a lot on the first night and it will mean a lot to them in the future when they know how many people were here to support them.

On behalf of my family, I would like to wish the Mayor, all the Directors and my colleagues a very Merry Christmas. I hope that if anybody's doing any traveling that you travel safe and come back to us safe.

On that, I would like to make a motion to adjourn the meeting. On the motion to adjourn, all those in favor signify by saying Yea. All opposed?

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

**MEETING ADJOURNED AT 8:00 p.m.**

**APPROVED:**

**RESPECTFULLY SUBMITTED:**

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Joseph Suster  
President of Council

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Barbara Molin  
Clerk of Council