

# MINUTES OF A REGULAR MEETING OF COUNCIL

## CITY OF GARFIELD HEIGHTS, OHIO

Monday, December 17, 2012

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

**INVOCATION BY:** Clmn Joseph Suster

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

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

**PRESIDENT MARINCIC:** Reading and disposal of the Monday, December 10<sup>th</sup> regular meeting of the Garfield Heights City Council.

**CLMN SUSTER:** Mme. Chairman, I'd like to make a motion that we accept the Minutes of the Regular Meeting of Garfield Heights City Council dated Monday, December 10, 2012 as submitted.

**PRESIDENT MARINCIC:** All in favor say Yea. All opposed? 7-0.  
**AYES:** Suster, Vaughn, Mahoney, Dudley, Marincic, Nenadovich, Glenn

**WRITTEN COMMUNICATIONS TO COUNCIL:** None.

**LEGISLATION OUT OF COMMITTEE:** None.

**COMMITTEE REPORTS:** None.

### **REPORTS OF THE MAYOR AND DIRECTORS:**

**PRESIDENT MARINCIC:** There being none, we will move right on to the reports of the Mayor and his Directors. Mayor Collova?

**MAYOR VIC COLLOVA:** Thank you, Mme. Chair. First I'd like to start with the ordinances tonight. Ordinance 94-2012 is new language allowing employees to transfer from one deferred compensation plan to another. Ron can get into this a little bit more if you have questions. Ordinance 95 basically we're adopting an auditor to do the two-year required audit for the city. Ordinance 96. An ordinance reclassifying the Assistant Law Director from Category 5 to Category 4 in the Garfield Heights Staffing Ordinance. Assistant Law Director Kevin Weiler is retiring through P.E.R.S. and we're going to bring him back and it's a good move for the city because we're going to bring him back at a lower salary which saves the city some good dollars. Ordinance 97 is an appropriations ordinance. Ron Tomola I know has discussed it in Caucus and can answer any questions anyone may have on that. In Ordinance 98-2012 we're changing

the jail pay phone provider. This new provider has better technology and Ron has worked it out with the old provider so there's no problem changing contracts. That's tonight's legislation.

I wanted to talk a little bit tonight about the Connecticut shootings but the more I thought about it I'm at a loss for words. The only thing I can say is it's probably the worst tragedy that I've ever experienced by far in my entire life. On behalf of Garfield Heights our deepest sympathies goes out to the families and friends of those that were injured and killed for the most part in those shootings.

Another bit of bad news. I don't know how many of you knew this? The police dog Major was retiring. Actually January 14<sup>th</sup>'s meeting was set aside to honor Major for all the accomplishments he did in Garfield Heights. Unfortunately Major did not make it through last week. He came down with some complications. They found out it was cancer. He had to be put down. His handler, Dale Merchant, as everyone can understand, was very close to the dog and came back in to be there when it took place, but we will certainly give Major his due on January 14<sup>th</sup>.

Along with that as we were going to retire Major, we are bringing two new dogs into Garfield Heights. Both of those dogs have been certified as of last Friday. The dogs' names are Arlo and Roscoe. These will be the two new dogs in Garfield Heights. We are going to swear them in. The handlers are Dale Merchant, of course Major's handler, and Officer Tad Hayes is the other handler. We're going to bring them in on January 14<sup>th</sup>. We're going to swear them in to the Police Department and I know it's the Mayor's duty to swear these new officers in but I think I'm going to leave that duty to Chief Sackett this time just because I don't want to take all the credit. I'd like to give the Chief some credit so he can pin the badges on them two new dogs.

I also want to comment on Shop With A Cop. I had the opportunity to go down to the Cinemark where they were all meeting. All the kids that were involved in this. All the Police Departments that were involved in this. It was an unbelievable sight. There were hundreds of people there. There were police officers, they were from cities from all around. There had to be at least 20 cities, hundreds of kids that were going to enjoy \$165.00 in shopping what the police were able to get for these kids. It's a great thing. It was started by Mr. Nick DiMarco way back many years ago. It has grown from Garfield Heights to all these other communities. It's really something that you appreciate. Next year we're going to try to get more people involved at least to witness it. It's quite a sight. They leave the Cinemark in force. They go in columns, they turn the lights on, the kids are traveling in the police cars with the police and they got lights and sirens going. It's really quite a sight so we'll certainly build that up for next year.

I want to talk a little bit about how the city progressed in 2012. I'm very pleased. When you talk about some of the completed projects that took place last year. Overdrive is completed. They're in full force over there; they're going strong. The McCracken Road project the paving is completely finished There are some curbs and striping they have to do (just final touches) they are going to put on once the weather gets better in the spring but those are completed projects.

We have two new projects that just started construction. We got the new McDonald's and the library. They're both moving along well. So those are two great things for the city. If you can think about it just a few short months we'll be looking at the resurfacing of Granger Road and Rockside Road. Long overdue, but it's going to be here. We're looking forward to those orange barrels I can tell you that. We're also happy about the continued stockpiling of fill for Transportation Blvd. We need a million square yards and I don't know how many they have but

if you take a right behind the Nike site and take a look at what they brought in, it's phenomenal. The trucks keep coming in so that's great. That's great news.

There's momentum building on the Bridgeview project as was reported in Crain's Business News. We're still under some confidentiality but if anybody is interested they can look at Crain's and get an idea of what they're talking about. Also the agreed funding for the Turney Road project which is a few years down the road but still it's been agreed to to have that project done so that's another great thing.

Probably the most important of all is that very shortly, probably six to eight weeks, we will be requesting removal from the Fiscal Emergency. That's going to be happening very shortly. I'm sure it will take a few months. Let's don't jump the gun because they have to give us approval but Ron gave me the report for the next five years and although a good rainstorm might bring us back into the red we're in the black and we're doing pretty darn good. So I'm happy about that. So 2012 has been a pretty good year and I'm pretty happy with everything that's taken place. I can only anticipate bigger and better things fro 2013 and we're looking forward to get started on that.

First off I want to make sure I thank all of Council, my staff and all of the city's employees for their dedication and hard work to make all of this happen. But most of all I want to thank the residents of Garfield Heights for their patience and support and I want to wish everybody a Merry Christmas and a Happy New Year. Mme. Chair, you have my report.

**PRESIDENT MARINCIC:** Thank you, Mayor. Any questions for the Mayor?

**CLMN SUSTER:** Mayor, one quick question. I know that the Turney Road project was moved up a year. Is there any chance they could move it back?

**MAYOR VIC COLLOVA:** It was actually moved back a year—delayed a year. We are trying. We've contacted Congresswoman Fudge's office. They're working with us to try to get it resolved but right now I'd say we're looking at a minimum of two years down the road. The funding is there and that's a good thing even though we have to wait a little bit at least we know it's in the works.

**CLMN SUSTER:** OK. Thank you.

**PRESIDENT MARINCIC:** Anything else? Anyone else have anything else? There being none we will move on to Law Director Tim Riley. Do you have a report?

**LAW DIRECTOR TIM RILEY:** Yes, thank you, Mme. President. Just briefly, Chief Sackett wanted me to mention that they will be holding the OVI checkpoint on December 21<sup>st</sup> from 10:30 to 2:30 a.m. in the Broadway area. That is something that has to be announced so he wanted me to let you know that. With that you have my report.

**PRESIDENT MARINCIC:** Thank you. Any questions for the Law Director? There being none we will move on to Tim McLaughlin, Service Director. Do you have a report?

**POLICE CHIEF ROBERT SACKETT:** Absent.

**SERVICE DIRECTOR TIM McLAUGHLIN:** Thank you, Mme. President. In the last week, we've started patching some of the holes that have opened up with cold patch. It's been a week since

the asphalt companies closed down now. There was just one left open that was downtown and we got as much as we could off them before they closed, but we've been patching some bigger holes with cold patch and that's the way it's going to have to be until springtime.

We've spent four days in the last week on Granger Road Hill. I know some of you have noticed that there was water coming down off the hill and there are spots on the way up and down that were freezing at nighttime and between us and the State we had been. When we went home at 4:00 we would salt it to try to keep it open but we spent time trying to regrade the bottom of the hill and there was water coming up in the middle and we couldn't figure out where it was but as I checked it today and over the weekend there was none today but very little that was there so hopefully we did something to straighten out that problem.

Also I'd like to mention the Holiday Light Recycling Collection from the Solid Waste District in Garfield Heights. From November 1<sup>st</sup> till January 11<sup>th</sup> you can take your old strings of lights, electrical cords and power strips up there and turn them in and they will be recycled. They have a company that they're working with that they're going to recycle them and I guess take out the PVC and glass and copper and separate them and recycle them. That's at 4750 East 131<sup>st</sup> Street, Monday through Friday, 8:30 to 4:30. You can just take them up there. If anybody has any questions about what they want to recycle they can call (216) 443-3749.

I just wanted to wish everybody a Merry Christmas and Happy New Year and that's the end of my report.

**PRESIDENT MARINCIC:** Thank you. Any questions?

**CLMN SUSTER:** Quick question. Tim, I know we did the paper shredding here. Isn't there somewhere on Payne or somewhere you can also take documents to have them shredded on a regular basis?

**SERVICE DIRECTOR TIM McLAUGHLIN:** Yeah. There's one in Valley View. If I remember I called them. I don't know if it's the first Saturday of the month? I think they charge you like \$5.00 for a bank size box or something. It's not free but they do it. It's right on the other side of Bob's Big Boy. It's a shredding company, but I called I can't think of exactly the times. I think it's the first Saturday of the month from like 8 till noon. You can take your papers down there. We're probably going to do it again twice. Once in the spring and once in the fall in conjunction with the hazardous roundup. We're going to be doing it again too.

**CLMN SUSTER:** OK. Thank you.

**PRESIDENT MARINCIC:** Any other questions for our Service Director? There being none we will move on to City Engineer Dave Krock. Do you have a report?

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

**CITY ENGINEER DAVID KROCK:** I do. Thank you, Mme. President, I just wanted to let everybody know I did pass out besides the normal Council report there is a one-page Annual Report. Just gives a little briefing of things that happened in 2012 and it will give you a little bit of an idea what's coming in 2013. I think there are a lot of good things that we will see in 2013. Also I want to let you know we've been working on a lot of the mapping and those maps will be more available to you than a Ward map and some of those things but there's a list that I put in

the Council report and those will be available as well, as well as to the Directors and whoever else needs them, but that should help in some of our planning in the long term.

With that I have my report and I want to thank everybody for all the cards and the chocolates especially. Thank you.

**PRESIDENT MARINCIC:** Any questions for the City Engineer? There being none, Finance Director, Ron Tomola?

**FINANCE DIRECTOR RON TOMOLA:** Thank you, Mme. President. Just very quickly, since everything on the agenda tonight has to do with the Finance Department, I would encourage passage of all of the legislation, in particular the 95-2012, which is the contract for the independent audit company to perform our audits for the next four years and 97-2012, which is the appropriation amendment changing the annual appropriations for 2012. With that you have my report.

**PRESIDENT MARINCIC:** Thank you. Any questions for the Finance Director?

**CLMN GLENN:** Mme. Chairman, is it appropriate now to ask him about it?

**PRESIDENT MARINCIC:** Absolutely.

**CLMN GLENN:** Ron, on this amendment I have one concern here about the bond issue and I understand it is that we basically paid off one bond and got a new bond at a lower interest rate?

**FINANCE DIRECTOR RON TOMOLA:** Yes, we did that two months ago.

**CLMN GLENN:** Two months ago? Can you give us what the old interest rate was on the old bond versus the new one?

**FINANCE DIRECTOR RON TOMOLA:** I don't have that with me right now. You asked me in Caucus. I said I have it all up in my office.

**CLMN GLENN:** OK. I understand.

**FINANCE DIRECTOR RON TOMOLA:** But it is a variable rate for every year that the bond is outstanding. The average rate over the life of the bond was limited by the legislation that was approved by Council so each individual year could fluctuate slightly but never go above what that limit was that was put in the original legislation.

**CLMN GLENN:** My understanding is that we're going to vote on this tonight without knowing what interest rate we're going to be paying then?

**FINANCE DIRECTOR RON TOMOLA:** All you're voting on tonight is what was already happened two months ago. You authorized the sale of the bond or the refunding of the bond to pay off the old issue at a lower interest rate which saved the city between \$300,000.00 and \$350,000.00 if I remember correctly. Again all these individual schedules for each bond issue I do have in my office. I can supply those to you, but right now I don't have them with me.

**CLMN GLENN:** OK. Thank you.

**PRESIDENT MARINCIC:** I only have one comment, Mr. Tomola. Right now we're going to finish the year in the black, right?

**FINANCE DIRECTOR RON TOMOLA:** All funds will be in the black at the end of the year. There will be roughly about a \$600,000.00 black balance in the General Fund. The General Fund Appropriation that I am requesting in this re-appropriation 97-2012 actually was a reduction in the appropriations that were estimated at the beginning of the year of about \$276,000.00.

**PRESIDENT MARINCIC:** When is the last time you remember our finishing in the black?

**FINANCE DIRECTOR RON TOMOLA:** 2003, 2004, 2005. In that general area somewhere.

**PRESIDENT MARINCIC:** Don't mess this up.

**FINANCE DIRECTOR RON TOMOLA:** Me?

**PRESIDENT MARINCIC:** I don't want any storms, no earthquakes.

**FINANCE DIRECTOR RON TOMOLA:** I'm not going to lie to you. The budgets are all tight and especially the General Fund. It is tight. \$600,000.00, if you think about it for a city this size is not a lot of balance to be carrying forward. I personally would like to see that number somewhere around \$2 million, \$2.5 million.

**PRESIDENT MARINCIC:** I think we all would. OK. Any other questions?

**CLMN SUSTER:** We had a ordinance I believe it was in the latter part of June or first part of July about that refinancing. Wasn't the interest rate on that piece of legislation?

**FINANCE DIRECTOR RON TOMOLA:** Yes, it was and I just don't remember what it was off the top of my head.

**CLMN SUSTER:** Well that I could understand. You deal with a lot of figures and you don't carry all that stuff in your back pocket either. OK. I just wanted to make sure.

**PRESIDENT MARINCIC:** Correct me if I'm wrong but by law you have to have all that information on there, correct?

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**FINANCE DIRECTOR RON TOMOLA:** Yes, it's all got to be spelled out. How much you're borrowing, what the maximum amounts of the principal are going to be, what the interest rate's going to be and when you go to actually sell the issue you can't go beyond those numbers.

**PRESIDENT MARINCIC:** OK. Thank you, Ron. Anyone else have anything for our Finance Director? Now the only one left is our Building Commissioner, Mr. Wervey. Do you have a report?

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Absent.

**BUILDING COMMISSIONER BILL WERVEY:** I don't have anything new this evening, Mme. President.

**PRESIDENT MARINCIC:** OK. Anybody have any questions or concerns for our Building Commissioner? None? OK That concludes the reports of the Mayor and his Directors. Now we will move on to Comments regarding the legislation. I'm going to have our Clerk read the rules.

**COMMENTS BY CITIZENS ON TONIGHT'S AGENDA:**

**CLERK:** Comments are strictly limited to brief statements not to exceed five minutes with comments limited to the legislation on the current evening's agenda.

**PRESIDENT MARINCIC:** No one can speak more than once. Anyone wishing to?

Joe Lamalfa, 13205 Silver Road. You're going to finish in the black? Now's a good time that Nancy could put her thing on the agenda to lower the rate for you. Pay. Remember last time you put it on there?

**PRESIDENT MARINCIC:** Does this have to do with the legislation on the evening's agenda?

**MR. LAMALFA:** You made sure that he understood that we're in the black so I figured I'd just throw that in. Mr. Collova, how you doing?

**MAYOR VIC COLLOVA:** I'm doing great, Joe, how about you?

**MR. LAMALFA:** OK. Real good.

**MAYOR VIC COLLOVA:** You want me to answer before you ask or you want me to wait?

**MR. LAMALFA:** No, I just want to clarify a few things. I don't see the newspaper here though, so it's probably not going to get in the newspaper, but Kevin Weiler or whatever the name is, you hired him just so he could get his years in to P.E.R.S. and then you allowed him to retire and now you're going to bring him back with our tax money? Sort of double dipping? Is that how that really worked or?

**MAYOR VIC COLLOVA:** No, not at all, Joe. Actually we hired Kevin Weiler for his expertise. And we were well rewarded from it. What is happening now is he has an opportunity to retire.

**MR. LAMALFA:** Because of the three years he worked here.

**MAYOR VIC COLLOVA:** I don't know if that has anything to do with it or not. He's been working for a long time for cities, Joe, so I have no idea what it is. I just know that he has said he would like to retire from P.E.R.S. and we have an option to bring him back or go out and hire someone else for a little bit more money. I thought because of the financial situation of the city and all the different moves we made to get in the black that it would be to the city's advantage to retain someone with the excellence that Kevin Weiler has and has proven in this city over the last three years and by the same token save money for the city so I think and I'm sure Council thought it was an excellent move for the city and that's why we did it.

**MR. LAMALFA:** So, exactly how much are we going to be saving because of this?

**MAYOR VIC COLLOVA:** Approximately \$5,000.00 a year.

**MR. LAMALFA:** OK. So that puts the salary at roughly \$65,000.00 then for the new employee?

**MAYOR VIC COLLOVA:** No. I believe it's in the \$39,000.00 area or \$40,000.00.

**LAW DIRECTOR TIM RILEY:** Yes, it's gone from approximately \$45,000.00 down to \$40,000.00.

**MR. LAMALFA:** If you advertise a job opening you don't think you could find a part-time lawyer to work for that? Or is this just to pay back to one of the cronies?

**MAYOR VIC COLLOVA:** I know that Kevin does an excellent job for us. Why would I want to go out and find someone else to see if they do a good job?

**MR. LAMALFA:** Well, you know it just seems to be like every job is supposed to be posted. How do you know he's the best one for the job if you don't post it and interview?

**MAYOR VIC COLLOVA:** The fortunate thing about being Mayor, Joe, is you do get to hire some people and that's what I'm doing. I'm hiring the guy that is best for the job and we're getting a heck of a bargain wages-wise.

**MR. LAMALFA:** So over the years he did a good job for the last three years? He handled a lot of projects?

**MAYOR VIC COLLOVA:** He handled plenty of projects.

**MR. LAMALFA:** Is there any way that we could get a list of those projects?

**MAYOR VIC COLLOVA:** You know what, Joe, you could put a public records request in and then you can go about it through the proper channels and we will surely get you all the information and then you can bring it back up when the paper's here so you can get your due in the paper.

**MR. LAMALFA:** OK. Sounds good. Thank you.

Bob Halan, 12416 Oak Park Blvd. Just to clarify what he just brought up. This is not the only city that's doing this. P.E.R.S. I belonged to P.E.R.S. They're giving the people early retirement as reduction to the city and benefiting employee that's P.E.R.S. member. No underhanded on this and there's no crony B.S. I just wanted to clarify that. I don't want the wrong interpretation given out to the public. If you don't believe me read the Neighborhood News this past Bedford just did the same thing. Saved the cities the money and gave benefits to the employee. I'm a P.E.R.S member and I'm sure some of the people here are also. There's nothing underhanded on this. Just want to clarify that.

**MAYOR VIC COLLOVA:** Mme. Chair, I would like to respond. Bob, you are right and I'll tell you what. When we brought Kevin Weiler on and Tim Riley on with the new regime we paid them both a salary. One was \$40,000.00 and I'm not sure what Tim makes. It's around \$60,000.00 something. But the old regime attorney bills were unbelievable. That's part of the reason Kevin Weiler, along with Dave Krock are part of the reasons that we were able to get out of the red and into the black. Because they saved the staff money. They are in renegotiations right now. They're doing the work. When we go to Court right now 90% of the time they do the work. In the past it was always farmed out and we paid hundreds of thousands of dollars each year in attorney fees. That no longer happens in this city thanks to Tim Riley and Kevin Weiler.

**MR. HALAN:** I understand that. That's why I spoke up. Because I don't want the wrong interpretation given out. Thank you.

**CLMN GLENN:** May I respond? Bob, I just want to interject that Kevin Weiler is more than worth his money. He has helped this city a lot because of his experience and knowledge of this city. That alone you can't put a price on. Thank you.

**ORDINANCES AND RESOLUTIONS:**

**PRESIDENT MARINCIC:** Anyone else wishing to speak tonight? There being none we will move right into the evening's legislation beginning with Ordinance 94-2012. Will the Clerk read the title.

**ORDINANCE NO. 94-2012**

AN EMERGENCY ORDINANCE AMENDING THE CITY OF GARFIELD HEIGHTS' 457 DEFERRED COMPENSATION PLAN.

Moved by SUSTER to CONSIDER BY TITLE

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

Motion to SUSPEND THREE READING RULE:

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

**PRESIDENT MARINCIC:** Roll call on the adoption beginning with Clmn Suster.

VOTE ON ADOPTION:

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

**PRESIDENT MARINCIC:** Ordinance 94-2012 stands adopted with 7 Yes votes.

**ORDINANCE NO. 95-2012**

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND THE FINANCE DIRECTOR, TO ENTER INTO A CONTRACTUAL AGREEMENT WITH THE STATE AUDITOR'S OFFICE AND CIUNI & PANICHI, INC., AN INDEPENDENT PUBLIC ACCOUNTING FIRM, FOR THE PURPOSE OF PROVIDING THE CITY WITH AUDITING SERVICES FOR THE PERIOD JANUARY 1, 2011 THROUGH DECEMBER 31, 2014, PURSUANT TO THE MEMORANDUM OF AGREEMENT AND COST PROPOSAL ATTACHED HERETO AS EXHIBIT A.

Moved by SUSTER to CONSIDER BY TITLE

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

Motion by SUSTER to WAIVE RULE 24:

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

Motion to SUSPEND THREE READING RULE:

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

**PRESIDENT MARINCIC:** Roll call on the adoption beginning with Clmn Suster.

VOTE ON ADOPTION:

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

**PRESIDENT MARINCIC:** Ordinance 95-2012 stands adopted with 7 Yes votes.

**ORDINANCE NO. 96-2012**

AN ORDINANCE RECLASSIFYING THE ASSISTANT LAW DIRECTOR FROM CATEGORY 5 TO CATEGORY 4 IN THE GARFIELD HEIGHTS STAFFING ORDINANCE, APPROVING THE REAPPOINTMENT OF THE ASSISTANT LAW DIRECTOR SUBJECT THERETO AND DECLARING AN EMERGENCY.

Moved by VAUGHN to CONSIDER BY TITLE

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

Motion by VAUGHN to WAIVE RULE 24:

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

Motion to SUSPEND THREE READING RULE:

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

**PRESIDENT MARINCIC:** Roll call on the adoption beginning with Clmn Vaughn.

VOTE ON ADOPTION:

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

**PRESIDENT MARINCIC:** Ordinance 96-2012 stands adopted with 7 Yes votes.

**ORDINANCE NO. 97-2012**

AN ORDINANCE AMENDING ORDINANCE NO. 12-2011 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 CAPITAL IMPROVEMENT; 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: Suster, Mahoney, Vaughn, Dudley, Marincic, Nenadovich, Glenn

**CLMN SUSTER:** I'd like to make an amendment to the title, which starts right at the beginning where it says "An" I'd like the word "emergency" put into there. "An emergency ordinance amending ..."

**PRESIDENT MARINCIC:** I'll have the Clerk read the first line.

**CLERK:** The amendment calls for the first line to be changed as follows: "An emergency ordinance amending Ordinance No. 12-2011 and all other transfer and additional, etc."

Motion by SUSTER to AMEND:

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

Motion by SUSTER to WAIVE RULE 24:

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

Motion to SUSPEND THREE READING RULE:

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

**PRESIDENT MARINCIC:** Roll call on the adoption beginning with Clmn Suster.

VOTE ON ADOPTION:

**CLMN GLENN:** Mme. Chairman, before I vote, I'd like to make note that we are going to approve this here legislation no matter how I vote on a new bond that we don't know what the interest rate's going to be so I'd like to vote yes not knowing what the interest rate will be.

**PRESIDENT MARINCIC:** Are you voting yes?

**CLMN GLENN:** Thank you.

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

**PRESIDENT MARINCIC:** Ordinance 97-2012 stands adopted with 7 Yes votes.

**ORDINANCE NO. 98-2012**

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A CONTRACT FOR INMATE PAY PHONE TELEPHONE SERVICES, WITH CPMC CORRECTIONS, PER THE AGREEMENT FOR INMATE TELEPHONES ATTACHED HERETO AS EXHIBIT A.

Moved by MAHONEY to CONSIDER BY TITLE

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

Motion by MAHONEY to WAIVE RULE 24:

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

Motion to SUSPEND THREE READING RULE:

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

**PRESIDENT MARINCIC:** Roll call on the adoption beginning with Clwn Mahoney.

VOTE ON ADOPTION:

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

**PRESIDENT MARINCIC:** Ordinance 98-2012 stands adopted with 7 Yes votes.

**COMMENTS BY CITIZENS:**

**PRESIDENT MARINCIC:** That concludes Ordinances and Resolutions for this evening. Now we will move on to Miscellaneous Comments and I'm going to have the Clerk read the rules again.

**CLERK:** Comments shall be restricted to any problem a citizen has which has previously been submitted to their City Councilperson or to the city hall department directly involved. If submission of a problem to a department or a Councilperson has been made and there is a lack of service rendered in this regard, then the problem may be presented during comments from citizens at this meeting. It is the intention of this rule that no request of a first nature be presented on the floor at this time.

**PRESIDENT MARINCIC:** No one may speak more than once. Anyone that wishes to speak tonight just raise your hand. Anyone? There being none we will move on to Miscellaneous Business beginning with Clmn Dudley.

**MISCELLANEOUS BUSINESS:**

**CLMN DUDLEY:** First of all I want to wish everybody a Merry Christmas and like I say my heart goes out to them families in Newtown, Connecticut because I tell you when I was driving I had to pull my truck over and actually take a few minutes break when I heard that on the radio, I couldn't believe it. I know we got sick minded individuals out there and it's just a sad thing that the people have to go through. I can't imagine. Like I say I have a son of mine is waiting on a bus stop in Cleveland to go to Cleveland schools years ago and he had a gun pulled on him-- put it to his head--on 131<sup>st</sup> and Harvard. I'm glad nobody didn't shoot my child. I can't imagine that today so my heart goes out to these families. We got to keep them in prayer because this is something that's not going to end overnight.

Also I want to let the St. Timothy Manor and St. Timothy Park know that we're going to have our Annual Holiday Dinner this coming Saturday, the 22<sup>nd</sup> for the Seniors up there from 4:00 to 6:30 p.m. and that we did not forget about them.

I'm going to save everything else for the New Year and let us have a Merry Christmas. We going to raise some cain when we come back though. That's all, Mme. Chairman.

**PRESIDENT MARINCIC:** Clmn Vaughn.

**CLMN VAUGHN:** Thank you. First of all my sympathies to the people in Connecticut. Let everyone know that our prayers are with you at this time.

On Thursday the 27<sup>th</sup> we'll be having our Block Watch, our Annual Holiday Party, Christmas Party. Please come on down and join us. I'd like to thank everybody that purchased a sign from St. Monica. We had over 1,700 of them out all over Northeast Ohio and we're very pleased with the outcome. The proceeds from that will be donated to the St. Vincent De Paul Society.

On tonight's legislation I just have one comment. The rate that we borrowed that money is in the legislation that we voted on. I'm sorry I did not bring it with me. If anybody needs to know please call. I'd be more than glad to look it up.

With that I want to wish everybody a Merry Christmas and thank you for the gifts and to all a good night.

**PRESIDENT MARINCIC:** Thank you. Clmn Nenadovich.

**CLMN NENADOVICH:** Thank you, Mme. Chairman. I'd like to thank the residents of Garfield Heights, the Mayor, the Directors, Council and anybody who helped in any way to move this city ahead like we did this year. It was a big endeavor by everybody. This whole city pitched in and they did what we had to do to make the city look good and I again I thank the Mayor and his Directors and Council.

I want you to remember all the kids who can't be home this year because they're overseas. Our Vets. I hope they have a safe Christmas. I hope they celebrate the next one here in the States. For all those families in Newtown, Connecticut, my heart goes out to them especially at this time

of year. Of course any time of the year, but this is going to be a memory that's going to haunt them every December for the rest of their lives.

I want to thank everybody who kept my wife in their prayers. I know the Mayor brought it up at the last meeting. She's doing great. Thank you all, very, very much.

And I want to wish everybody a Healthy, Happy and Prosperous New Year and those that helped us, let's go out and convince the ones that didn't that next year we're going to do the same thing to bring the city in the black. Thank you.

**PRESIDENT MARINCIC:** Clwn Mahoney.

**CLWN MAHONEY:** I, too, would like to offer my condolences to the community of Newtown, Connecticut and also to the family of Dale Merchant.

Also on that issue we were supposed to retire the dog on January 14<sup>th</sup>. I would like to publicly invite all the people to come to our January 14<sup>th</sup> Council Meeting for our dog swearing in and there will be refreshments if that helps anyone to want to come more.

I'd also like to thank everybody for the gifts that we received this evening. Thank you all for your friendship through the year and I wish everyone a Merry Christmas and a Happy New Year.

**PRESIDENT MARINCIC:** Thank you. Clmn Glenn.

**CLMN GLENN:** Thank you, Mme. I, too, would like to send my condolences to Connecticut. Tomorrow night at Sts. Peter and Paul at 7 o'clock they are having a little safety get together in recognition of Connecticut for the kids that passed away.

I want at this time to acknowledge my wife's birthday, December 27<sup>th</sup>.

With that I wish everybody a Merry Christmas and Happy New Year. Thank you, Mme. Chair.

**PRESIDENT MARINCIC:** You got some points for that. I've been told Suster wants to be last. I'd like to thank everyone for the gifts and I have a little wish I'd like to read to everybody, not only here but in our community.

My wish for you is that you have all you ever need plus a little bit more.  
That life treats you kindly and friends knock at your door.  
You take time to dance even if it's only a jig  
and you share what you've learned with all of our kids.  
Finally, treat others kindly whatever I say  
remember others. You may need them some day.

From my family to yours, Happy Kwanzaa, Happy Hanukkah, Merry Christmas and a Happy and Healthy and Prosperous New Year to all. Mr. Suster.

**CLMN SUSTER:** I, too, would like to offer my condolences to the families in Newtown, Connecticut. I don't think there's any words that could really describe what these families are going through at this time. If you take a look at the age groups, six, seven, plus the families of the teachers and that, there's no way that anybody could say enough words to these people

how sorry everybody is. We always want to take God out of everything and then surprisingly enough President Obama last night in his talk when he was there he did say prayers, God and everything else. If that's the case why can't we put God back in our schools? Why can't we have the Pledge of Allegiance back in our schools? People wonder why this country's going the way it is. I think if the laws went back to where they were probably about 25 or 30 years ago where children had respect for everybody, whether they had respect for anybody that's in that room and that's what we need to do because everybody's losing it. They don't care about the police. They don't care about their teachers. You have parents taking kids to fights so they can watch their daughter or their son fight with somebody and these kids and they're teaching them that this is right. That is not right. It's wrong. Here again, these are the kinds of things that need to be addressed. You hear on the 11 o'clock news every night let's take back our streets. The only way we're going to take back our streets is to enforce the laws. People don't like the laws because it affects their family and if your family does wrong then they should be punished for it.

On that note, I'd like to, on behalf of the entire Suster family, I'd like to wish each resident of the city of Garfield Heights a Merry Christmas; a Happy New Year. If you're traveling, please drive safe and return to us.

On that note I'd like to make a motion we adjourn.

**PRESIDENT MARINCIC:** All in favor say Yea. All opposed. The meeting stands adjourned.  
**AYES:** Suster, Mahoney, Vaughn, Dudley, Marincic, Nenadovich, Glenn

**MEETING ADJOURNED AT 7:45 p.m.**

**APPROVED:**

**RESPECTFULLY SUBMITTED:**

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Nancy Marincic  
President of Council

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Barbara Molin  
Clerk of Council