

COUNCIL CAUCUS MEETING MINUTES

CITY OF GARFIELD HEIGHTS, OHIO

Monday, November 26, 2012

President of Council Nancy Marincic called the meeting to order at 6:30 p.m.

All Council Members were present.

The Chairman said that Clmn Dudley would offer the invocation and lead the Pledge of Allegiance.

There were no communications.

Clmn Suster would dispose of the Minutes of the Regular Council Meeting of 11/13/2012.

Clwn Mahoney moved to accept the Caucus Meeting Minutes of 11/13/2012 as submitted. The Minutes stood approved by a vote of 7 Yes (Mahoney, Vaughn, Dudley, Marincic, Nenadovich, Glenn, Suster) votes.

There was no legislation coming out of Committee. There were no Committee reports.

Ordinance 84-2012: Clmn Suster advised that he would move to consider by title and amend the title.

Ordinance 85-2012: Clmn Suster advised that he would move to consider by title.

PRESIDENT MARINCIC: I hope everybody remembers I voted no on this before and will again so don't anybody be upset with me. Anybody have any questions? Comments?

CLMN DUDLEY: Yes, I got one, Mme. Chairman, because I would have probably looked more in favor of this, but I was told today that they was under investigation by the County.

PRESIDENT MARINCIC: I don't know that.

CLMN DUDLEY: And I was told there is an investigation going on and going possibly to the Grand Jury on the Charity Poker group and nobody had informed me of that before and is it true, Ron that they owe the city some money?

FINANCE DIRECTOR RON TOMOLA: Yes, they do. They owe about \$14,000.00 right now.

CLMN DUDLEY: You see I probably could live with \$14,000.00 because they have to work in order to pay us and that's not an issue but the thing that I don't want to be a part of anything that is under investigation and it's going to blow up in the newspaper somewhere saying Council supports it and these individuals done this, that and the other. So I would like that maybe this be placed into some type of committee till after this investigation is done. It ain't part of my Ward, but I feel more comfortable with that. We don't know what this outcome's going to be.

MAYOR COLLOVA: First off, if we put it into committee the investigation could last for two years and could never come back with any kind of a finding. What happened was is they came in and confiscated records under a subpoena from the Grand Jury, but up to this point and at that point there has not been anything that has been brought back to us that there has been anything illegal

going on. I think the position that I would like to take is that once somebody comes back and says they actually did something illegal they're gone the next day. Bar none. They won't stay another hour. But for us to say that we think this might be illegal—I think we're stepping out of bounds.

CLMN DUDLEY: I didn't say that we would say that we think it'd be illegal. But at the end of the day, Mayor, it's Council that is on this to be approved as far as Council approving it and it is our stamp that is placed here and I'd feel a little more comfortable if I would have got a heads up on this earlier then I could have asked 1,001 questions before then until to the day of if I wouldn't have got their information I would have never known about it and think in the future if anything like this is pending that is anything we got to vote on as Council somebody should make sure each and every one of us is aware of it--every Member of Council is aware of it. That's all I want. I want to be able to know what's going on before I put my name on something. I shouldn't have to find out the way I found out today and that was a disappointment to me.

PRESIDENT MARINCIC: OK. Clmn Vaughn and then Clwn Mahoney.

CLMN VAUGHN: I'm concerned about the \$14,000.00 that they owe us.

PRESIDENT MARINCIC: How long have they owed it?

FINANCE DIRECTOR RON TOMOLA: It goes back some of it to the beginning. They were a couple months up at the beginning it was like \$500.00 one month, \$800.00 another month. The biggest chunk of it is. We invoiced them. They have not paid. The biggest hunk of that is the last couple months, when they had maybe one or two events. There's no rent money coming in and so they owe us the bulk of the last couple months.

CLMN MAHONEY: I agree with Mike as well. In regard to the issue with the Grand Jury, etc. I know that they are close. I talked to them. They're close to winding this out the investigation. They didn't say how close but that's what they told me. They are making a recommendation that at this point it goes to the Grand Jury. So the last time I voted no. I intend to vote no this time. With all this other information with the money that they owe. They've been in business for nine months. They owe six months. They owe the Knights, they owe us, they are being investigated. I'm going to stay clear of this myself. I vote no. I agree with Mike that it should go into committee.

PRESIDENT MARINCIC: If you want it to go into committee someone has to make a motion to place it into committee and then there will have to be a roll call on it. I do not know what committee?

CLMN NENADOVICH: I have a question. We don't know if they did anything wrong yet. It's just under investigation and it's in the investigation portion right now that we're sort of trying them before they've had their trial. I understand that they do owe us money but like Mike says, if they can't make money that's like a debtors' prison. You're going to go to jail until you pay your debt but you have no way of making money. So I mean you're caught between a rock and a hard spot. I say we give them a chance and let our Law Department. If something's illegal, like the Mayor says, we stop them next hour. They don't operate another minute. But we have to give them a chance to break even to get money to pay us. We're judging them before the Grand Jury did.

CLMN DUDLEY: With all due respect, we won't be judging them before the Grand Jury judges them. When I say put it into committee I don't mean put it into committee and let it die. I want to see maybe if it's going to the Grand Jury. If the Grand Jury ain't doing nothing with it in about four to six weeks then I don't mind entertaining the subject again. Not to put them in prison but I want

to see whether it's going to give me a chance to make some phone calls, give me a chance to answer some questions. I want to satisfy, like the Mayor, my curiosity. I don't mean to put it in and kill it. I'm willing to take it out and maybe entertain it a couple weeks down the road and not kill these people financially, but I want to get a chance tomorrow and the next couple days to really make some phone calls around town and that's what I want to do. After I make the calls everybody else can make the calls and we can come back on it. Right now I don't want to do it tonight because I don't feel I have enough information.

CHIEF SACKETT: I talked to Mr. Glenn about this. About one particular issue. Ohio Charity Poker has brought in \$95,000.00 to \$100,000.00 conservatively speaking, to their own coffers.

CLMN MAHONEY: Meaning that's what they brought in?

CHIEF SACKETT: That's not what they brought in totally but their take, if you will. Without documentation from them on where that money went I think it raises some questions why they have not paid the city and why they haven't paid the Knights. They are required to give us some documentation as part of operating there. Initially when this first started we raised some questions after about a month. We met with them and they agreed to give us some documentation basically to move forward with it. The documentation they give me is they give me what they bill each charity. What happens is all the money that's made, a profit, if you will, they send the charity a bill essentially, an invoice and they itemize it out and they give me a copy of that invoice. They have not given me any documentation on where their money goes. What their expenses are. My discussion with Clmn Glenn was that it would seem that they made if you will, a substantial amount of money and they should have been able to pay their bills. My thoughts on the topic that Clmn Dudley raises are very simple. If something is under investigation and I just sent a message to the Sheriff this evening, but I have not got a response back tried to get an update on it. It's probably my opinion that if you waited or not to give the city a black eye.

CLWN MAHONEY: Do you know why they're investigating them? Or can't you say?

CHIEF SACKETT: I don't know. I'm not privy to the day in and day out. When I had discussions with the AG's office and the Sheriff's department they brought up some specific points but I really can't say that's what they're looking at.

CLWN MAHONEY: I think that it's better that we put it into committee because I think if it goes on the floor I think Clmn Vaughn will vote no. If it doesn't go into committee it's going to get killed on the floor and if it goes on the floor I'm afraid some of us may feel the urge to say why we don't think it should be voted on tonight.

CLMN DUDLEY: I don't want to put business out in public like that.

CLWN MAHONEY: If it fails tonight, unless you guys put it up again, then it's done. If it goes into committee we can always pull it out later.

MAYOR COLLOVA: When would we pull it out?

CLWN MAHONEY: I don't know.

MAYOR COLLOVA: You got to be honest. If you're going to say no say no.

CLWN MAHONEY: I'm saying no.

CLMN VAUGHN: I would like to see them try to make some type of payment to us.

MAYOR COLLOVA: I don't think they can make a payment unless they have money and I think that's what the Knights of Columbus are looking for too. I think when the Chief said they made \$95,000.00 I don't think that's pure profit. Did they put \$95,000.00 in their pocket or was that for expenses?

CHIEF SACKETT: They did not give me any documentation. I would guarantee there is some expense.

MAYOR COLLOVA: So the question of \$95,000.00 is a bogus number. They could have made \$95,000.00. They could have lost it now. That's what I mean about us assuming that they're wrong. I think that's a mistake but I think this could be done on Council floor and I think that the charities around should know how we responded so they know whether they're going to do it again or not. Just close them up and let them go.

CLWN MAHONEY: Have the Knights decided to take a cut or are they just asking us to? Does anyone know the answer to that?

PRESIDENT MARINCIC: Gene, you've been waiting a long time. What did you have to say?

CLMN GLENN: I was asked a question first by Tracy. As far as the Knights have gone, the people that have received money to put in their pockets the Knights have received money from Charity Poker. They still are owed money that received money.

CLWN MAHONEY: Have they lowered their costs?

CLMN GLENN: That I do not know. They are taking into consideration. They want to keep the business open. There was a vote on it. Mr. Snodgrass is in charge of the hall. There was a lot of controversy about a talk but there's nobody doing no work there, but Jeff Snodgrass. He manages the hall.

CLMN VAUGHN: That's not true because that's gone into another committee now.

CLMN GLENN: After the argument they had there, they gave a vote of confidence to Jeff.

CLMN VAUGHN: Yes and there's three other guys now.

CLMN GLENN: There's three other guys involved that's true but at the point Jeff was in charge. If this business and I think it's well run to say the least, there might be a lot of bookkeeping mistakes as far as the amounts of money, etc. I know they owe money to the Knights of Columbus and owe some money to the city. We are not law enforcers. That is not our job. We are not moral people for moral obligations. Our job here is Council. It's finances. That's what we're talking. If we knock these people out we get zero. So I feel that we should give them a chance. If we're going to put this on hold for a minimum, let's look for a real short time. Let's talk for about a couple weeks and bring it back if that's what you so desire. I personally feel they deserve a chance. I don't think this is even going to succeed because it's run badly, but unless they have a chance, we'll never know.

CLMN DUDLEY: I'll wrap it up quick. You say it's run badly. You don't think they're going to succeed. That would be automatically in my mind a bad investment you know you never going to get paid so why extend the credit to them further? It won't go by what you say. Also you said that you're believing that the books is all screwed up so you're not helping them none by what you're saying right now. Like I say to the Mayor's question, I'd like to find out what Chief comes up when he gets through having that conversation and Chief give us the courtesy and let us know what's going on. Then I can work with something like that. When Chief comes back and everything is basically then we can take some consideration but I'd rather for it to go into committee. I don't want it killed permanently. I don't want to embarrass them on the floor because I would have to say I know you say well we owe it to them. As far as what Council's job is I'm quite sure everybody sitting here at this table been here longer than you and we know what our jobs is. That's it Mme. Chairman.

PRESIDENT MARINCIC: If you do want to make a motion to put it into committee. Having said that let's move on to Ordinance.

CLWN MAHONEY: Wait. Who's taking that?

PRESIDENT MARINCIC: Joe said you were taking this.

CLMN SUSTER: I don't want it.

PRESIDENT MARINCIC: Who wants this one? Mike?

CLMN NENADOVICH: I'll take it.

PRESIDENT MARINCIC: Let me switch it down. OK. That's 85.

Ordinance 86-2012: Clwn Mahoney advised that she would move to consider by title.

Ordinance 87-2012: Clwn Mahoney advised that she would move to consider by title.

Resolution 35-2012: Clwn Mahoney advised that she would move to consider by title.

In closing, the Council President requested the Members to think over what type of comments should be allowed/not allowed during Miscellaneous Comments by Council at the end of the meeting and to e-mail their thoughts. Secondly, she requested they e-mail her feedback as to whether or not to continue allowing high school students to speak, since they do not appear often. Clmn Dudley asked that Council be notified in advance when such students are going to appear.

Finally, the Mayor handed out tables prepared by the School Board detailing the estimated profits and costs involved in permitting students residing in Garfield Heights and attending Cleveland schools to attend Garfield Heights schools. He would schedule a Council Session so that the School Board could explain the situation in detail and answer questions.

The Council President moved to adjourn the meeting and declared it adjourned at 6:55 p.m.

Approved,

Respectfully submitted,

Nancy Marincic
Council President

Barbara Molin
Council Clerk