

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, February 11, 2008

MEETING CALLED TO ORDER AT 7:00 p.m. by President Frank J. Wagner.

INVOCATION BY: Councilwoman Debra Sarnowski

ROLL CALL: **PRESENT:** President Frank J. Wagner
Council Members Dudley, Marincic, Liotta,
Sarnowski, Suster, Abella

EXCUSED: Councilwoman Mahoney

CLMN SUSTER: Mr. Chairman, I'd like to make motion to excuse Councilperson Mahoney this evening.

PRESIDENT WAGNER: Roll call on the motion by Clmn Suster to excuse Councilperson Mahoney from tonight's meeting? Motion carries with six Yes votes. Clwn Mahoney is excused from tonight's meeting.

READING AND DISPOSAL OF MINUTES:

Moved by Clmn SUSTER to accept the minutes of the regular meeting of City Council of January 28, 2008 as submitted. The minutes were accepted with six YES votes.

WRITTEN COMMUNICATIONS TO COUNCIL: None.

LEGISLATION OUT OF COMMITTEE: None.

REPORTS OF THE MAYOR AND DIRECTORS:

MAYOR THOMAS LONGO: Good evening, Mr. Wagner and Members of City Council. Let me refer right to the agenda since we have a cold day or two facing us. Ordinance 4-2008 is required to collect the franchise fee from any cable or other operation that provides video services to our residents and if there are any specific questions, they changed the State law and this is what's required. Dave Mack, our Law Director, can address your concerns. Ordinance 5-2008 allows for the replacement of police vehicles. This is an annual expense and I believe some of this was discussed at your Finance Meetings? Ordinance 6-2008 is a request by Judge Deborah Nicastro to have pay increases. You have to understand something. Every pay increase that is given in this City is covered by an Ordinance or some type of a contract, etc. So this is part of the duties and responsibilities that are placed upon the City's operation by the Charter. I believe that basically these are 2.5% pay raises. We have no objections to the increases.

Resolution 5-2008. It is good to see that the Garfield Heights Figure Skating Twinklettes are back doing well again. It's been a number of years. It just shows that a lot of good work is starting to be generated and that they're starting to get back in to the recognition. Maybe this will lead to something national? Resolution 6. I put that up because there's a movement on to insure safety for children riding in cars who are too big for car seats and too small for seatbelts. It seems to be logical that people should be buckled up in a vehicle. As a side note, for those of you that knew Janet Roman, her daughter just recently passed away. We have no other information and she's going through a very difficult time. As we hear more we'll let you know. This concludes my report.

PRESIDENT WAGNER: Any questions for the Mayor?

CLMN SUSTER: Mayor, in regards to Ordinance 6-2008, Judge Nicaastro came to our Caucus before the meeting this evening and she had stated that because of City Council passing the Ordinance last year, which is basically what we have here, I think it was also a 2.5% increase, that for the next five years it's going to cost the City a half a million dollars and add to the deficit of the Courts. Is this going to do the same thing?

MAYOR THOMAS LONGO: I don't understand what's that? I'm lost. What's a half million dollars?

CLMN SUSTER: She said that that would be added to the deficit of the Courts for the next five years because we passed the increase for her Courts last year.

MAYOR THOMAS LONGO: And we did it the year before.

CLMN SUSTER: Correct.

MAYOR THOMAS LONGO: Which she proposed. And one of them was a 20% -- \$40,000.00 pay increase.

CLMN SUSTER: Yes. So this too will add to that half a million dollars?

MAYOR THOMAS LONGO: It just depends on how you manage the finances of the Court. The day in and day out management of the Court we are not involved in.

CLMN SUSTER: OK. That's all I needed. Thank you.

PRESIDENT WAGNER: Any other questions of the Mayor? Mayor, I have one question/comment. You asked me before the meeting if Council had no objections to your putting the Foreclosure Prevention Clinic on the scroll? I polled the Council and all of the members here had no objection to it.

CLMN SUSTER: Mr. Chairman, what does that have to do with the Council Meeting?

PRESIDENT WAGNER: Under the Mayor's Report he asked me to poll the Council.

MAYOR THOMAS LONGO: Before the meeting Mr. Wagner came up to me and I said that has to be a City-sponsored event and I said is Council supporting it? If it supports it we'll put it on the scroll.

CLMN SUSTER: OK.

PRESIDENT WAGNER: Thank you. Any more questions for the Mayor?

CLMN DUDLEY: I have one question for you, Mr. President. If it's going to be City-sponsored shouldn't all of Council be listed on that sheet also? The sheet that I got for the foreclosure plan? I don't see where Council is listed on there?

PRESIDENT WAGNER: If anybody wants their name on it, I'd be more than happy to add it. It's an important issue I think we need to address.

CLMN DUDLEY: All right.

MAYOR THOMAS LONGO: They want everybody's name on it?

PRESIDENT WAGNER: Yes. I'll check with Clwn Mahoney (she's not here) to make sure she wants her name on it.

LAW DIRECTOR DAVID MACK: As the Mayor indicated and I indicated in council I would urge you to pass Ordinance 4-2008 regarding video service providers. That was created under new State legislation this past year in Columbus. Thank you.

SERVICE DIRECTOR TIMOTHY McLAUGHLIN: Mostly for the last couple of weeks it's been snow and cold. Potholes keep coming up and water breaks are having damaging effects on some of the streets. Last year at this time we had 33.66 inches of snowfall, the overtime for the high man was 50.5 hours and salt use was 3,859 tons. So far this year it's been 29.2 inches, the overtime was 65.5 hours for the high employee and the salt use was 3,257 tons. That will change with the storm that we're supposed to get tomorrow.

Some of the things that the Service Department is working on right now is painting the kitchen in the Civic Center. It gets a lot of use from the Seniors, etc. so we took a day and a half that they weren't in there and cleaned it up, painted it and got it set up. We've also been working on the evidence room that we changed over in the Justice Center in the basement. We had to switch rooms. The custodian's room now is the evidence room. We cleaned it up, painted it and moved stuff in there and that is now completed. We're just looking for tomorrow's storm to take care of. That's the end of my report.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: I want to let Council know that this coming weekend, from Friday through Monday, we'll have our Melt-The-Ice Hockey Tournament. There will be kids from all over the area. You probably want to know what's going on with the futbol program? We started practice Saturday and we had 201 kids signed up. Things went off without a hitch at the first practice. Finally, with the decent weather that we had last week, the contractor started doing things around the Rec Center and the parking lot. The Tonsing side of the building is complete. That concludes my report.

PRESIDENT WAGNER: Where is the practice?

PARKS AND RECREATION DIRECTOR JAMES BUKAC: At the Middle School.

BUILDING COMMISSIONER WILLIAM WERVEY: No report.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: No report.

CITY ENGINEER DAVID NEUMEYER: No report.

PRESIDENT WAGNER: Any questions for the City Engineer?

CLWN SARNOWSKI: On our resurfacing program—the streets—were all the streets done in the resurfacing program?

CITY ENGINEER DAVID NEUMEYER: All the streets that were standard mill and fill were completed. The only ones (the hot in-place recycling) were not completed. One of his foremen had a stroke and he wasn't able to complete it this year, but I will be first on his list this coming year.

CLWN SARNOWSKI: What street was that?

CITY ENGINEER DAVID NEUMEYER: I had to deal with Benedetti on phase 2. I'd have to look it up. I don't have it on the top of my head. I don't recall.

CLWN SARNOWSKI: Were the streets in Ward 1 resurfaced?

CITY ENGINEER DAVID NEUMEYER: No.

CLWN SARNOWSKI: Rexwood and Maple Grove? Were they resurfaced this year?

CITY ENGINEER DAVID NEUMEYER: Rexwood had some work done on it. The concrete work was done. It was just coated on top.

CLWN SARNOWSKI: But the main streets were all done? So you're working on the sides? The alternative plan bids then?

CITY ENGINEER DAVID NEUMEYER: No. There was two phases. There was one phase of coat with the standard take off two inches and put two inches of fresh asphalt down. That's all completed. In the spring you just have to paint the crossbars in the crosswalks, etc. Phase 2 for recycling, which yes, grinds up the asphalt and puts it all down in one process, that's the part that was not completed. I think there were four streets on there. The concrete was done but the asphalt recycling was not completed. I can get a list for you if you like of all the roads that are not completed?

CLWN SARNOWSKI: I would appreciate that.

PRESIDENT WAGNER: Any more questions for the City Engineer?

CLWN MARINCIC: Mr. Chairman, I wasn't here last year. Could you give me a list of the street resurfacing? Which ones were done and which ones were not in what wards?

CITY ENGINEER DAVID NEUMEYER: Yes. No problem.

CLWN MARINCIC: Thank you.

CLMN DUDLEY: I'd like that list too.

CITY ENGINEER DAVID NEUMEYER: OK.

FINANCE DIRECTOR RICHARD OBERT: I suggest we pass Ordinance 5, which we discussed in our Finance Committee. The cars were ordered last Friday or were going to lose them because they're stopping the lines. I told the Chief that I'd make a recommendation that we pass this before we get the cars officially ordered. Thank you.

PRESIDENT WAGNER: Any questions of the Finance Director?

CLWN SARNOWSKI: Mr. Obert, I heard Tony Collova was hired? What capacity was he hired in and what is he getting paid for?

FINANCE DIRECTOR RICHARD OBERT: Tony was hired. We're doing a program with Workmen's Compensation that he was in charge of about seven years ago. We have two sections. We have a drug program for all employees—even part-time. I've been working with him on that. It's more consulting and when you get into the actual 10-Point Plan, which he actually already did, and has all the notes on it, it helps our management here on all the safety issues in the City to bring our rates down. It's a discount of 10% if we put this program in so I asked him. I lost 50% of my office. I don't have the time to do this, so I asked him if he'd be kind enough and his rate was \$20.00/hour. I will get one bill per month depending on how many hours he puts in.

CLWN SARNOWSKI: That's going to decrease our insurance?

FINANCE DIRECTOR RICHARD OBERT: Yes. Ten percent.

CLMN SUSTER: Mr. Obert, that's only for a short period of time?

FINANCE DIRECTOR RICHARD OBERT: Absolutely.

CLMN SUSTER: It's not a permanent position?

FINANCE DIRECTOR RICHARD OBERT: No.

CLWN SARNOWSKI: I have a question for either Mr. Obert or Mr. Mack (I'm not sure)? When we're involved with a TIF, if something happens where the school can't get paid, is the City responsible for paying that money to the school or who would be responsible for that?

FINANCE DIRECTOR RICHARD OBERT: I think that's kind of a misleading question. First of all your project, you can say either City View TIF or Bridge View TIF?

CLWN SARNOWSKI: OK. Bridge View TIF.

FINANCE DIRECTOR RICHARD OBERT: If David has something in writing saying that we're going to pay you x number of dollars to proceed on this property, the school would have to go for a break in the contract, but if it's implied we will give you the dollars when the TIF is sold at the bond issue, it's issued, that's a whole different issue. I kind of overheard that they want their money up front. They don't want to wait so it becomes an issue then with Cannata doing the Bridge View, too.

CLWN SARNOWSKI: OK, usually in regular tax abatements the City would make up the pay for the schools.

FINANCE DIRECTOR RICHARD OBERT: We have absolutely nothing to make up for the schools. Absolutely nothing.

CLWN SARNOWSKI: Even with tax abatements?

FINANCE DIRECTOR RICHARD OBERT: This is TIF.

CLWN SARNOWSKI: I'm saying with regular tax abatements the City would compensate the schools?

MAYOR THOMAS LONGO: Yes.

FINANCE DIRECTOR RICHARD OBERT: I'll say Yes then. It's complicated. It's not quite that simple.

CLWN SARNOWSKI: All right, but then with this TIF would the City ever be responsible for giving them the money?

LAW DIRECTOR DAVID MACK: Mr. President, the answer is no. The way the TIF works the TIF money is used to retire the bonds so there is no payment of taxes. That money is used to retire the bonds if the project itself is not generating sufficient income, then they go to the owners of the project, which would be the Snider/Cannata Group. If that all fails then no one, according to our lawyers at Squire Sanders, can ever come back on the City for payment. That was the way the TIFS were set up for City View and that's the way I anticipate they are going to be set up for Bridge View.

MAYOR THOMAS LONGO: Let me just interject something on that, Mr. Chairman. The developer and the school system have a separate agreement that has nothing to do with taxes, etc. They created payments in lieu of taxes, called it pilots. That agreement is between Snider/Cannata or whatever their TIF is called and the school system. We have nothing to do with that.

CLMN SUSTER: Mr. Chairman, if I might, I believe about one or two years ago we attended a meeting with David Harburger who is the attorney for Snider/Cannata. Debbie, you were there also. He did explain that to us that we are not liable for any of that TIF if they renege on it.

CLWN SARNOWSKI: The TIF, yes, but the school agreement was separate.

CLMN SUSTER: Correct, but the City is still not responsible as he explained to us at that meeting.

CLWN SARNOWSKI: If they cannot pay the school, the City will not have to be liable to pay?

MAYOR THOMAS LONGO: Let's just take it a step further. For that to happen, this City Council would have had to approve some kind of an ordinance or some kind of contract. Has anything been before the City Council on that? I can't go and make up those kinds of things. It's like saying I give pay raises to the administrative staff. There's an ordinance that you guys passed that authorizes us to do that. Just about every piece of pay raise, purchase, etc. is covered within those confines. It all comes before Council so that unless there is something that slipped by us that came before Council that puts a liability on us, I'm totally unaware of it, you know. I'm sure Mr. Obert has never seen anything like that come before City Council.

CITY ARCHITECT DAVID SPEHAR: Absent.

COMMENTS BY CITIZENS:

PRESIDENT WAGNER: That concludes the reports of the Mayor and the Directors. Next we'll move on to Comments by Citizens on tonight's agenda. Comments shall be strictly limited to a brief statement not to exceed five minutes with comments limited to legislation on the current evening's Council agenda and no citizen may speak more than once. Is there anyone wishing to address Council on tonight's agenda?

Henry Warren, 4512 East 131st Street.

PRESIDENT WAGNER: What ordinance are you speaking on?

MR. WARREN: Ordinance 5. I overheard a comment that the City has not bypassed budget for this year. Is that correct?

PRESIDENT WAGNER: Correct. The temporary budget they passed.

MR. WARREN: The last audit that I saw from the State did not authorize the City to spend the money they don't have. (*inaudible*)

PRESIDENT WAGNER: Mr. Obert, would you like to address that?

FINANCE DIRECTOR RICHARD OBERT: This was addressed. These cars we know. When the budget was presented, the temporary budget back in December, I made the comment this is not any longer a 25% budget for 3 months. We are appropriating close to almost a 50% level. These cars were in there. We know they're coming, just like our insurance bill, so we had not appropriated enough money so now we over appropriated for the first quarter and if you get those reports that were given out today, you'll see in there the income on both reports: the Mayor's Estimate and also your budget is a 100% estimate. You just look at your expenditures and you can see what percentage of reduction much over the expenditure in those.

MR. WARREN: My issue is not so much the purchase of the cars but I indicated that the last audit report that I read didn't authorize that many cars. (*inaudible*) If you do not have a budget how can you authorize the cars?

PRESIDENT WAGNER: There is a temporary budget in place, Mr. Warren.

MR. WARREN: OK, even with a temporary budget, you do not have a budget that you passed that takes you from (*inaudible*)

PRESIDENT WAGNER: We're not sure that mike is on? Please get closer to the mike.

MR. WARREN: Is it on now? My issue is how can you logically spend money for a budget of \$129,367.00 to authorize a purchase when you don't have a full budget of what you're going to be spending throughout the year?

FINANCE DIRECTOR RICHARD OBERT: We have until April 1st to pass that budget. And tomorrow night's a very important meeting we're having here, discussing it.

MR. WARREN: Why don't you wait till after then?

FINANCE DIRECTOR RICHARD OBERT: Because the cars have to be ordered or we don't get them? The factory has cut-offs on this stuff. When you're actually a player and you get cars or you don't get the cars. We also had a Finance meeting to discuss what the State of Ohio just did. They're getting rid of the Crown Vics and replacing them with Ford Focuses, because the fuel budgets are insane. That was brought up at one of our meetings, but when you look at where those deficits are, Henry, and you don't understand them,

they are not in operational funds. They are in special revenue funds. I've got \$2.4 million that the Mayor and I were trying to get back from other government agencies today and there is no deficit.

MR. WARREN: I didn't mean for you to get upset, Dick.

PRESIDENT WAGNER: I believe he attempted to answer a question that he did a temporary budget for three months and he's using the money out of the temporary budget. Mr. Obert said that that was budgeted in his temporary budget. Thank you. Is there anyone else with questions for Council?

David Mays, 8250 Creek Drive. I have a question about something that was stated at the last Council Meeting.

PRESIDENT WAGNER: That's at the end of the meeting. This is on Comments on the Agenda. Just tonight's agenda. Is there anyone else with comments on the agenda? There being none, we'll now move on to Committee Reports.

COMMITTEE REPORTS: None.

PRESIDENT WAGNER: Next we'll now move on to Ordinances and Resolutions before the Council.

ORDINANCES AND RESOLUTIONS:

ORDINANCE NO. 04-2008

AN EMERGENCY ORDINANCE DETERMINING THE VIDEO SERVICE PROVIDER FEE TO BE PAID BY A VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE CITY PURSUANT TO A STATE AUTHORIZATION; AND AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE PROVIDER FEE.

Moved by SARNOWSKI to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES:

ABSENT: 1

VOTE ON ADOPTION:

AYES: 6

ABSENT: 1

ORDINANCE NO. 05-2008

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE POLICE CHIEF OR HIS ASSIGNEE TO PURCHASE FIVE (5) FORD CROWN VICTORIA POLICE SPECIALS AND ONE (1) FORD EXPLORER AT A TOTAL COST OF ONE HUNDRED TWENTY-NINE THOUSAND THREE HUNDRED SIXTY-SEVEN DOLLARS (\$129,367.00) THROUGH STATEWIDE FORD, LINCOLN MERCURY, INC. DEALERSHIP, AN APPROVED VENDOR UNDER THE STATE OF OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES STATE BID CONTRACT INDEX NO. GDC-0501, BID CONTRACT NO. RS903908 (10-31-08).

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to WAIVE RULE 24:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES:

ABSENT: 1

VOTE ON ADOPTION:

CLWN MARINCIC: Before I vote just to clarify things. Mr. Obert, the City is paying cash for these and they are in the temporary budget that Council has already approved?

FINANCE DIRECTOR RICHARD OBERT: That's correct.

CLWN MARINCIC: I'll vote Yes.

AYES: 6

ABSENT: 1

ORDINANCE NO. 06-2008

AN EMERGENCY ORDINANCE ESTABLISHING THE ANNUAL COMPENSATION OF EMPLOYEES OF THE MUNICIPAL COURT OF THE CITY OF GARFIELD HEIGHTS.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to WAIVE RULE 24:

AYES: 4

NAYS: 2

ABSENT: 1

PRESIDENT WAGNER: The Ordinance does not pass and automatically goes to the Finance Committee. Ordinance 6-2008 on a Waiver of Rule 24 fails; Ordinance 6-2008 is automatically referred to the Finance Committee of Council.

RESOLUTION NO. 05-2008

A RESOLUTION HONORING GARFIELD HEIGHTS' VERY OWN SYNCHRONIZED SKATING TEAM, THE TWINKLETTES, WHO RECENTLY WON SECOND PLACE IN THE 2008 MID-AMERICA SYNCHRONIZED SKATING CHAMPIONSHIPS.

Moved by MARINCIC to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES:

ABSENT: 1

VOTE ON ADOPTION:

CLWN MARINCIC: I would like to congratulate the girls and I vote Yes.

AYES: 6

ABSENT: 1

RESOLUTION NO. 06-2008

A RESOLUTION SUPPORTING HOUSE BILL 320 REQUIRING BOOSTER SEATS FOR CHILDREN WHO ARE TOO SMALL FOR SAFETY BELTS.

Moved by MARINCIC to CONSIDER BY TITLE:

AYES: 6
ABSENT: 1

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

VOTE ON ADOPTION:
AYES: 6
ABSENT: 1

COMMENTS BY CITIZENS:

PRESIDENT WAGNER: That concludes the legislation before Council this evening. Next we'll move on to Comments By Citizens. Comments shall be restricted to any problem a citizen has which has previously been submitted to his or her Councilperson or to the City Hall department directly involved. If the 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 by Citizens at a future meeting. It is the intention of this rule that no request of a first nature be presented on the floor at this time. Citizens shall be limited to five minutes and no citizen shall be heard more than once. Is there anyone wishing to address Council?

David Mays, 8250 Creek Drive. At the last meeting it was stated that people are putting out garbage too early. If they didn't answer the door or there was nobody home you couldn't give them citations. My question is why can't you mail them a citation? We got a lot of people doing it.

BUILDING COMMISSIONER WILLIAM WERVEY: The Judges have put some restrictions on what we can do. If we don't have Social Security numbers we can't cite them because we don't know who put it out. The Judges won't tolerate it.

MR. MAYS: If there's people living there in the house? I don't understand. If there are people living in the house they have got to be the ones who put it out?

BUILDING COMMISSIONER WILLIAM WERVEY: There are things to consider. One which is there are some rental properties and people don't always tell the truth when confronted with something. If we could issue a violation letter or a Court affidavit for Mr. Jones that lives at a particular address we get to Court and he says I didn't put it out. One of my kids put it out/my wife put it out/my kids came over to help me clean the garage out.

MR. MAYS: He's still responsible. He lives there.

BUILDING COMMISSIONER WILLIAM WERVEY: Not necessarily. The Judges do not want us to issue citations unless we are sure we have the right people. If nobody answers the door, we don't know that we have the right people. That's the part of the problem we have with any citation that we issue or any Court affidavits. Many times we never even see the people. It's not like a policeman stopping a car coming down Turney Road. He asks for identification. We don't always get that. It does create problems

MR. MAYS: I was always under the impression that if you live in a house you're responsible for what happens in that house?

BUILDING COMMISSIONER WILLIAM WERVEY: I'd like to think that's always the case, but it's not. If you'd like to give me a call tomorrow I can go into more detail about what we run into when we issue violation letters or affidavits and the right people's names aren't on the things. I'll be glad to discuss it

further. The fact is the Judges have put some pretty strict criteria on what information we have to have when we issue Court affidavits.

MR. MAYS: I disagree with it.

LAW DIRECTOR DAVID MACK: Mr. Chairman, I'd like to back up Bill Wervey on this. It's very similar, for example, if you drive a green Ford and somebody sees your Green Ford going 100 mph down your street and the police show up. Are you responsible for that Ford going 100 mph if nobody knows who was driving it? That's the question that Mr. Wervey has to deal with.

MR. MAYS: I would have to prove that I wasn't.

LAW DIRECTOR DAVID MACK: No, under our system of justice it doesn't work that way. The Judges have given the Building Commissioner and his employees their marching orders and we have to abide by what the Judges tell us. That's the problem we face.

PRESIDENT WAGNER: Mr. Mack, could the City possibly revisit those ordinances and see if we could make the homeowner, particularly the person of record, responsible?

LAW DIRECTOR DAVID MACK: Between the Building Commissioner and myself we can, but we try to keep our codes updated and it's part of the Ohio Basic Building Code, we work with other municipalities, Bill is always looking at other people's codes to try to improve ours and we'll do whatever we can but I'm sure if Mr. Wervey had found a way to do it he'd be down there and say let's change it. I've worked with him long enough to know he's on that.

BUILDING COMMISSIONER WILLIAM WERVEY: I'd like to discuss this tomorrow with you, if you want to go over specifics. We have to have certain information when we cite people.

CLWN MARINCIC: Regarding what Mr. Mack just said, you said that you used the scenario if there's a car speeding down the street and the car's in your name that you can give the owner the ticket because who knows who is in the car? Is that what you said?

LAW DIRECTOR DAVID MACK: That's right.

CLWN MARINCIC: But then how can the devices work that they are putting at lights that are giving speeding tickets. How are they determining who gets that ticket?

LAW DIRECTOR DAVID MACK: That's why a lot of those people who contest those walk away winning because they say I wasn't driving. You can't see who's driving.

CLWN MARINCIC: That's the way you do it, then? OK.

LAW DIRECTOR DAVID MACK: Most people don't contest it. They just pay the money and forget about it.

CLWN MARINCIC: Thank you.

Melanie Rapp-Weiss, 5409 Turney Road, Garfield Heights Library. I'd like to address the Council today to compliment some wonderful people on behalf of the library. About a year and a half ago we started having problems with disruptive youth. Mayor Longo called me and asked me what I needed for help. He gave it to me. So did Tracy Mahoney. Because of them, although we have lively times, we're still doing very well serving the public in Garfield Heights. We're very proud about that and proud of the support that we have.

I'd also like to compliment the police department of Garfield Heights. They are truly outstanding. There have been many times when staff have been threatened, we've had criminal behavior in the library, we've been treated with respect, kindness and all the patience in the world. I think too many times we don't recognize the people that are so wonderful to us and that's why I'm here tonight, so if you can extend those thanks from me I would appreciate that.

PRESIDENT WAGNER: Thank you, I'm sure the Mayor will extend them. Anyone else wishing to address Council?

Mike Nenadovich, 4625 Horton Avenue. Addressing this issue that you're talking about. The garbage being put out early, etc. If you don't know who did it. So if I park my car in the street and I get a parking ticket, I'm responsible. The car's in my name. Just like with property. If we're going to sidestep this issue, just leave the garbage out all week. Don't take your cans in. Don't plow your driveway. Don't paint your porch. Maybe you painted it and the paint fell off? It was a bad manufacturer. Your sidestepping ordinances are going to run the City down. It's turning into a trash heap on Sundays and over the weekend. A guy put an ipod the size of this room on his front lawn over the Christmas holidays. I don't get that.

MAYOR THOMAS LONGO: Mr. Nenadovich, I'd like to make a recommendation. Sometimes Judges live in a vacuum. They just don't understand what the realities are. I've seen it many many times through the years. With the active block watch groups that you have, do the judges come around to that block watch?

MR. NENADOVICH: Yes, they do.

MAYOR THOMAS LONGO: Your logic is impeccable. I support what you're saying, but I just can't have our people, if they go to cite somebody it gets thrown out for whatever reason. Something's wrong. I think that would be a fair question to invite the Municipal Judges to a block watch meeting and ask them why is this the case when if my son, my daughter parks the car in the street and forgets to bring it in and it's my car, I'm the one that has to pay the ticket even though I didn't do it? Your logic is flawless.

MR. NENADOVICH: It's not a City Council problem. It's a judicial problem. In other words if it goes through the Charter Review Board and they say let's change the ordinance for homeowners do we need a Municipal Judge to say yes we can?

MAYOR THOMAS LONGO: It's a matter of the interpretation because the Law Department has to write the legislatioso that it's applicable. We can't write something here that if they cite you and it can't be enforced the police would just walk for it.

MR. NENADOVICH: Do you believe that would be our first step toward getting this changed?

MAYOR THOMAS LONGO: I don't see where it would hurt because it's a situation. It's one of these quality of life issues. That's one of the things that I have found through the years, that block watches are a powerful voice. There has to be a way. Of course you get the other argument from the Judges: I can't tell you how to write it because it might be appealed. This is their policy. Who knows what's going tiohere? But your logic I find and I concur with it 100%. That car of yours is parked in the street and you get a ticket no matter who put it there. You're responsible.

MR. NENADOVICH: OK. (*Inaudible*). I have faith in you. Thank you.

PRESIDENT WAGNER: Is there anyone else wishing to address Council?

Henry Warren, 4512 East 131st Street. I'm addressing Mr. Obert. Back in 1989 the City passed an ordinance that stated that the school board, if they lost any money in a tax abatement, the City would make up the difference. You don't remember that ordinance?

FINANCE DIRECTOR RICHARD OBERT: Yes, I remember it.

MR. WARREN: So now, if in fact, Bridge View, City View, whoever, if they renege on their tax abatement or did a loss on it (*inaudible*) and they didn't come up shooting. What would be the City's position?

FINANCE DIRECTOR RICHARD OBERT: The answer is not called tax abatement. It's called tax incremental financing and the developers' agreement with the schools as the Mayor said they were pilots. They approach them and say if we get your vote on this--the school has to approve these TIFs same as the State and the County—to make it sweeter, we're going to lose \$10 million in 18 years. We'll give us \$3 million up front and we'll sign off but we'll collect 50%. That's what these are. They're 50 per centers. If they don't get the money up front, I won't sign off on it. Debbie, that was basically your question. They're entertaining that now with Bridge View as to what value they want up front. It's not tax abatement.

MR. WARREN: Has the City paid any money out to the school board regarding tax abatement?

FINANCE DIRECTOR RICHARD OBERT: Absolutely, as the TIFs.

MR. WARREN: I'm not talking TIFs. You're mixing all those things up as one. I'm specifically talking about the ordinance that you admitted we do have on the books that addresses the fact that if the school board loses any money the City makes up the difference. So my question is how much money over the years has the City paid as a result of lost tax abatements to the schools?

FINANCE DIRECTOR RICHARD OBERT: Millions. Friday I gave the schools \$293,000.00 of real estate 50% taxes off the TIF. They were happy.

MR. WARREN: I do have a little experience as a Councilperson. If it was my residents that came up to deal with that issue I believe that could be handled just by putting up an ordinance to cite the home with regards to trash left out. I recall in Maple Heights they had building inspectors working on the weekends because people were moving in and out and leaving trash out. As Mr. Nenadovich says, this is becoming a common occurrence within the City and particularly in Ward 1. This past week a contractor that did some work in a house fire on 131st set all the material out for the job on the street. That's what contractors are doing. They wait till Sunday and set that crap out there and it sits there all weekend from Friday till Monday. It's unsightly. Thank you.

MAYOR THOMAS LONGO: Just a point of information, Mr. Warren. There's a big difference between Maple Heights and Garfield Heights. Everybody overlooks this. Maple Heights has a Mayor's Court. All their building complaints go to the Mayor's Court. Anything with rubbish, misdemeanor type traffic, etc. all goes through the Mayor's Court. It doesn't hit the Courts. So how they implement in Maple Heights, Independence, Brecksville, etc. where it comes to an ordinance like we have on the books, (which is similar to what they have) that's up to that agency whether you believe that a Mayor's Court should be in existence or not, because there are only two States that have Mayors' Courts and Municipal Courts—Ohio and Louisiana—but they get to handle that in a Mayor's Court and it never comes over here. However that magistrate or Mayor handles those cases they have a lot more flexibility because by law we can't have a Mayor's Court. Everything goes to the Municipal Court.

MR. WARREN: I think our laws suck, don't you?

PRESIDENT WAGNER: Hang on a second, Mr. Warren. Clmn Dudley asked for the floor.

CLMN DUDLEY: I just wanted to mention something and I believe the Service Director knows this. When I go through my Ward and I notice the people have done that, before I call the Service Director, I make it a courtesy of mine that I take an envelope and I put a note in it with one of my cards and I let them know that they need to know the rules of the City. Some contractors don't know. It happened on Saybrook and I called the Service Director about it. That's the best you can do sometimes. Contractors are not all aware and they think that in some cities it's OK. I make it a personal courtesy of mine to put an envelope with a letter in it and my card to let them know that you cannot put out rubbish before 6 p.m. the night before the garbage is due and half the time you go there after they do it. You might not see them for a couple of days so if you address it to them they feel the crime has already been committed. If I see it, I wanted to let you know, Mr. Warren, that I do address those issues. Some things you can't change right away, but they are made aware of it. When I see it, I take care of it.

MR. WARREN: I'm glad you're on top of it, because we all can't see everything, but I would caution you about knocking on somebody's door because some Council people got shot the other day. Going back to the Mayor about the Court situation, I wasn't addressing the Courts, Mayor. It seems like it's an obsession up here with the Courts.

PRESIDENT WAGNER: OK, he was giving you a point of information on that. I don't think he was attacking the Courts.

MR. WARREN: The Administration has to deal with the problems of people leaving trash out on the weekend. I don't know about the Mayor's Court. I appreciate your comments.

PRESIDENT WAGNER: Thank you. Anyone else wishing to address Council?

MISCELLANEOUS BUSINESS:

PRESIDENT WAGNER: There being none we'll move on to Miscellaneous Business. We'll go in reverse order and start with Ward 7, Clmn Abella.

CLMN ABELLA: I'm going first? I have no comment other than I can't believe I'm going first, so I have no comments.

CLMN SUSTER: Tomorrow night we'll have our wrap-up meeting for the Finance Committee at 7 p.m. in the Caucus Room. I have a question for Mr. Obert. Seeing that the Judge was here earlier and was concerned about this budget, have there been any new people hired in the Courts in the last couple months?

FINANCE DIRECTOR RICHARD OBERT: Yes, I have the ordinance here that they gave out tonight. A bailiff was added for \$41,600.00, Mr. William Morris, we've had a couple of replacements and then there was a part-timer that doesn't appear on this also. Yes, there have been hires.

CLMN SUSTER: OK. Is Ed Licht back?

FINANCE DIRECTOR RICHARD OBERT: Yes.

CLMN SUSTER: The reason I ask that is the Judge was quite emphatic bringing up that last year because we passed the raises for the Courts that it would cost a half million dollars over the next several years and. I've worked for a lot of companies. In fact. I ran a \$65 million company and what a lot of companies do is when they do have financial problems they do look to see what positions could be cut rather than hire more people. That's all I have for this evening.

CLWN SARNOWSKI: I want to remind everybody Valentine's Day is coming up. Don't forget your sweethearts.

CLWN MARINCIC: You know, Mr. Chairman, I used to be City Council President and once I went in reverse order and Mike went first and he got ugly about it. If I were you, I would think twice about doing it again.

CLMN DUDLEY: Motion dismissed.

PRESIDENT WAGNER: On the motion to adjourn by Clmn Dudley?

AYES: 6

ABSENT: 1

MEETING ADJOURNED AT 7:54 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Frank J. Wagner
President of Council

Barbara Molin
Clerk of Council