

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, February 23, 2009

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

INVOCATION BY: Councilwoman Tracy Mahoney

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

READING AND DISPOSAL OF MINUTES:

Moved by Clmn SUSTER to accept the minutes of the Regular Meeting of City Council of February 9, 2009 as submitted. The minutes were adopted with seven YES votes.

CLWN SARNOWSKI: Mr. Chairman, at this time I'd like to take Resolution 9-2009 and Resolution 10-2009 out of order and vote on them at this time.

PRESIDENT WAGNER: On the motion by Clwn Sarnowski to take Resolution 9-2009 out of order.
AYES: 7

PRESIDENT WAGNER: Motion carries with 7 Yes votes. Resolution 9 will be before the body out of order. We'll move on the motion to take Resolution 10-2009 out of order.
AYES: 7

PRESIDENT WAGNER: Before Council votes on these it's in the Rules of Council that we open it up for Comments by Citizens on the Agenda. Since Resolution 9-2009 and Resolution 10-2009 are taken out of order I am going to ask the Clerk to read the title of Resolution 9-2009 and then Resolution 10-2009 if anybody wishes to speak on these two? And Mayor, if you'd like to comment on them?

MAYOR THOMAS LONGO: Yes, I have two points I'd like to make.

PRESIDENT WAGNER: That's what I figured.

RESOLUTION NO. 09-2009

A RESOLUTION HONORING AND CONGRATULATING THE JOHN PAUL II ACADEMY SIXTH GRADE GIRLS CYO BASKETBALL TEAM ON ITS RECENT TOURNAMENT SUCCESS AND OVERALL ACCOMPLISHMENTS.

RESOLUTION NO. 10-2009

A RESOLUTION HONORING SERVICE DEPARTMENT EMPLOYEE JOHN HUDECK FOR KINDLY AIDING AN ELDERLY JENNINGS RESIDENT DURING A RECENT SNOW STORM.

PRESIDENT WAGNER: Mayor, you had some comments you wanted to make on them?

MAYOR THOMAS LONGO: I just want to make two introductions. One, the principal of John Paul II Academy, Sister Helene's here. She's standing right over there. If you want some excitement in your school,

bring her in. She'll stir things up. She's done a very nice job. The tradition with CYO is continuing that was established both at St. Therese and Sts. Peter and Paul. It is continuing at John Paul II. She is to be commended to keep that spirit going. Sitting in the audience is Dolores Kiernan. This lovely lady up front who had that problem during the snowstorm. The young man that helped you is sitting right next to you, John Hudeck. She sent a nice letter which allowed us to bring the two of them together so she wanted to thank that handsome young guy that helped her. You guys should be jealous. So here he is.

SERVICE DIRECTOR TIMOTHY McLAUGHLIN: Mr. President, I'd also like to say that we have a lot of good employees in the Service Department. In this type of job that we have day to day you run into things that happen and I hope that everyone knows I appreciate it when someone goes out of their way to help somebody. John Hudeck's a fine example of this and I've known John and his wife for quite a while and John's kids should be very proud of him. Go and brag about your father. I know some of John's fellow employees are here to congratulate him and I want to thank him for what he did.

PRESIDENT WAGNER: Anyone else from the Administration or Council want to address these resolutions? If not, we'll open it to the floor. Is there anybody that would like to speak on Resolution 9-2009 and Resolution 10-2009?

CLWN SARNOWSKI: Sister Helene, would you like to come up and say something about the team?

Sister Helene Scrinari, 1451 Tollus Parkway, Broadview Heights. In two months I will be a resident of Garfield Heights and very proud of that fact. The young women that you are honoring today through this wonderful resolution there are sixth graders and one fifth grader. All of them do not go to John Paul II Academy but all of them do participate either in the parish at St. Peter and Paul or at St. Therese. They've been playing together since the third grade and have won trophies along that line. John Paul II has been blessed with having about half the team at John Paul II itself and we have seven trophies. Five of which they have earned; the sixth has been earned by another girls' team and my boys have only earned one but I'm sure that they will bring that forward. I think the greatest thing that I can say about the group is that they are both scholars and athletes. I have never seen a finer group of young women work on their studies but also be the kind of people that you want in CYO. Their wonderful sportsmanship is a great credit to the City of Garfield Heights. I believe that has come about because of their wonderful coaches, Mr. Santiago and Mr. Stegmaier, who have coached them since they have been third graders. So there's a wonderful history there and also from their parents who even if they are no longer residents of Garfield Heights do put forth a lot of effort to keep things going. So on behalf of them, their parents, their coaches, the whole CYO program and John Paul II Academy, thank you very much for taking notice of their accomplishments and making them even greater and stronger for the year to come.

PRESIDENT WAGNER: Thank you, Sister. Is there anyone else wishing to address Council on these two resolutions?

Jesse Johnson, 12507 Thornhurst. I'd like to speak in reference to Resolution 10-2009. I've been a 30 year retired representative of public employees. It's good and fitting that a public employee get this type of recognition. Those of us who have worked very closely with public employees recognize that there have been some services that have been provided throughout the years but quite frequently all we hear about is when a service truck may have been seen at McDonald's or a person is running to get coffee or stuff like that. The unsung heroes in the public employee departments who come to the aid of citizens deserve to be recognized. I commend you for bringing this resolution.

PRESIDENT WAGNER: Thank you. Is there anyone else wishing to address Council on these two resolutions? There being none we'll begin with Resolution 9-2009. Will the Clerk please read the title?

RESOLUTION NO. 09-2009

A RESOLUTION HONORING AND CONGRATULATING THE JOHN PAUL II ACADEMY SIXTH GRADE GIRLS CYO BASKETBALL TEAM ON ITS RECENT TOURNAMENT SUCCESS AND OVERALL ACCOMPLISHMENTS.

Moved by SARNOWSKI to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN SARNOWSKI: It's just great to hear something exciting happened--especially about the girls. I'm proud that the girls are getting strong and winning a lot of trophies. I hope the boys will succeed. Congratulations to the girls and I vote Yes.

CLWN MARINCIC: My congratulations to the girls, the coaches and the parents and I vote Yes.

AYES: 7

PRESIDENT WAGNER: Resolution 9-2009 stands adopted with seven Yes votes. Moving on to Resolution 10-2009. Will the Clerk please read the title?

RESOLUTION NO. 10-2009

A RESOLUTION HONORING SERVICE DEPARTMENT EMPLOYEE JOHN HUDECK FOR KINDLY AIDING AN ELDERLY JENNINGS RESIDENT DURING A RECENT SNOW STORM.

Moved by SARNOWSKI to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MARINCIC: This doesn't surprise me. In the 20 years I've known John he's always been there to put out a helping hand to everybody he knows. It's about time you got some recognition for it. Good job. I vote Yes.

AYES: 7

PRESIDENT WAGNER: Resolution 10-2009 stands adopted with seven Yes votes

CLWN SARNOWSKI: Should we give applause to John to say thank you? (*Applause*) And I'd like to thank Delores for coming out and sharing this time with us also.

PRESIDENT WAGNER: Thank you.

MAYOR THOMAS LONGO: Does anybody want to take a picture of the two of them? You're kidding me? Ken Baka? The Sun papers? Delores, that's the Sun Newspaper reporter, Ken Baka. He'd like to get you and John out in the hallway.

WRITTEN COMMUNICATIONS TO COUNCIL: None.

LEGISLATION OUT OF COMMITTEE:

CLWN MARINCIC: Mr. Chairman, I would like to make a motion to pull Ordinance 06-2009 from the Finance Committee of City Council.

PRESIDENT WAGNER: Will the Clerk please read the title so the audience knows what Ordinance 06-2009 is?

ORDINANCE NO. 06-2009

AN ORDINANCE AMENDING ORDINANCE 71-1998, THE PERSONNEL POLICIES AND PROCEDURES (A PERSONNEL MANUAL FOR ALL NON-UNION AND ALL OTHER EMPLOYEES OF THE CITY OF GARFIELD HEIGHTS) ELIMINATING THE PICK-UP FRINGE BENEFIT FOR FULL-TIME SALARIED EMPLOYEES RELATIVE TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS).

PRESIDENT WAGNER: On the motion to remove from the Finance Committee. Will the Clerk please call the roll?

AYES: 2

NAYS: 5

PRESIDENT WAGNER: Motion fails with five No votes. The Ordinance 06-2009 will remain in the Finance Committee.

REPORTS OF THE MAYOR AND DIRECTORS:

MAYOR THOMAS LONGO: Good evening, Mr. Wagner and Members of City Council. This past Friday I attended a meeting with several suburban Mayors and suburban school systems and Congresswoman Marcia Fudge. The Stimulus Package was reviewed for us and an outline how to apply for the funding was presented as best they could at this stage. The Community and Development Block Grant funding is expanding infrastructure dollars, housing. School grants are available and these are outright grants. Most funds are outright grants for communities like Garfield Heights. The ability to access funding is very competitive. Communities like Bedford, Orange Village and Beachwood are in a massive lobbying posture. In some cases we have 45 days to apply. That 45 days started when the President signed the legislation. The others are up to 120 days. Some are a little longer and they're trying to finalize the procedures. Some money will go through the State; some through the County; some goes direct. From what I was told and what they showed me on these sheets the Garfield school system for example will get \$1.56 million.

PRESIDENT WAGNER: Mayor, could I ask you a question? On the money for the school system, is that something they have to apply for or is that something they will just be granted through the Stimulus Package?

MAYOR THOMAS LONGO: It depends if they're part of that Title I or whatever it is. There's like an automatic pass through. And some of it they have to go after. I've already talked to them. They know who to go to, etc. So as I said some of these dollars will go directly to communities while other funding will go via the State. NOACCA is going to be a big player, County government I'm not quite certain the role that (*inaudible*) is going to have in all of this. And the State Legislature is going to have a piece of this too. We'll be moving as quick as possible as processes are finalized. We must all work together to be successful. Maybe we can get monies to jump start Bridgeview, expansion of Transportation Blvd. to Rockside and Granger, widening of Granger Road, revamping of I-480 and Transportation Blvd. interchange, expansion of Broadway from 134th Street to Maple Heights, the repaving of Broadway going from 131st Street west. It is desperately needed. The repaving and reconstruction of Rockside Road from Turney Road going east. I was also told that there may be a good chance that part of that grant money that we have could be used as part of our match for the widening of Broadway. So we have to see. We have to get into this process. There is funding to tear down and renovate housing. They're supposed to come up with rules on this to turn buildings green. There are tax cuts for everybody, for people on Social Security to getting credit if you buy an energy efficient stove or furnace or do something with your house. You could write a lot of this stuff off. All this is coming. Again we must all work together to get our fair share and we will keep you apprised of the events as they unfold. It's unfolding in a dramatic fashion. I talked to Howard Mayer from NOACCA and he's not even certain how this is going to fund but they're in the mix. Somehow or another the monies have to be

approved, put on the tax, the transportation improvement programs, etc. So it depends on where you're going and when the money's available and we'll see how this shakes out.

Within the next few weeks (and this is referring to tonight's agenda) we hope to finalize new agreements with the Unions. This and Ordinance 10 are critical to our financial recovery plan. Ordinance 10-2009 is the linchpin to our financial recovery. It will help avoid or eliminate layoffs, which then ties in with across the board cutbacks. So we are entering into a sensitive time frame in planning for our recovery. I'm asking you; please do not jeopardize the progress. I'm glad you're giving us some time to work things over and keeping that one piece of legislation in committee. Ordinance 8 guarantees a seasonably priced supply of salt for the next winter via ODOT's purchasing agreement. If this weather keeps up there won't be salt for anybody. It's going to jump up to \$110.00 per ton. If it wasn't for our ability to obtain salt via ODOT—I think we're paying something like \$39.00 or \$41.00 per ton—our costs would be extraordinary. So they want us to get our order in to the logger as quickly as possible for next year and you almost have to be a soothsayer to determine how much snow's going to fall. We've already more than doubled our snowfall for this year. They're going to hold you to certain responsibilities. Ordinance 9-2009. We have an idling policy in place. If Council wants to consider to codify this requirement it should be discussed a little bit more in depth. I would recommend this be placed in committee. This concludes my report.

ASSISTANT LAW DIRECTOR JERRY STACHIEWICZ: No report.

PRESIDENT WAGNER: Mr. McLaughlin, your guys are doing a good job on the streets.

SERVICE DIRECTOR TIMOTHY McLAUGHLIN: Oh, yes. The snow fall last year was 36.7". As the Mayor mentioned it has doubled to 75.2". Last year we used at this time 4,204 tons. This year we've used 3,465 tons. My understanding is that there may be a few cities that may have problems now finishing out the winter. They may be the ones that have to purchase the salt at \$120.00 per ton. I still have companies calling me that they have it but so far the guys have done a good job of plowing and using the common sense on where they need to salt more. They've done an excellent job to keep us down to 3,500 tons with the kind of winter that we've had so far. A very remarkable job that they've done.

Without the snow on the street in the last two weeks we've used forty tons of cold patch, which at \$100.00 per ton is a very expensive necessity that we can't do without. Were trying to get the bigger holes and leave the little ones go so that we can try and control the cost. There's nothing else that we can do other than use the cold patch. There are no other products out there. Everybody has a revolutionary proefut. It always works the same way.

Also probably in the next month or so--there's been a leak in the roof of the Justice Center--we need to probably go out for bid for that. We also have a heating and air conditioning unit that needs to be replaced at the Fire Station. Right now it does well with the heat but will have no air conditioning so that is something that has to be looked at. Last year we tried to band-aid to keep it going but I've been told that it needs to be replaced so that also will be put up for bid and we'll come up in front of the Council in the future. That's all I have.

PRESIDENT WAGNER: Any questions of the Service Director on his report?

CLMN SUSTER: That air conditioning unit? Is that for station 1 or station 2?

SERVICE DIRECTOR TIMOTHY McLAUGHLIN: Station 1.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: I'd like to announce that our indoor soccer or futsol program has begun. Last Thursday were the first games. We have 239 boys and girls that have signed up this year. Last year was the first year of the program and we had 201 so we grew in our second year. All the games are played over at the middle school on Tuesday through Friday evenings. They're a lot of fun. If you get a chance, go watch the kids. The games are at 6:30 and 7:30. Also one week from today (March 2nd) we'll begin signups for girls' softball and t-ball. Winter's coming to an end, Tim.

SERVICE DIRECTOR TIMOTHY McLAUGHLIN: Good.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: Hopefully sooner than later. But we'll be starting sign-ups for that next week and I'd also like to wish the best of luck to our Mites division and Bantam division hockey teams that play over at the Rec Center. They will be participating this coming Saturday and Sunday in the Greater Cleveland Suburban League Championship games. We're proud of those kids and we wish them well.

I know I didn't say anything before but I, too, would like to congratulate John Hudeck. I've known John here a long time. It shows the quality of his character and also all of our service workers who do such a good job keeping our streets clean and helping out our residents. We're proud of all of them. That concludes my report.

BUILDING COMMISSIONER WILLIAM WERVEY: No report.

PRESIDENT WAGNER: Any questions of the Building Commissioner?

CLWN MARINCIC: I don't really have a question. I just want you to stay around after the meeting because I need to discuss something with you.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: In addition to the Stimulus Package funds that are available, the Building Commissioner and I recently went to a meeting to discuss the Neighborhood Stabilization Program Funds. We've identified a couple of properties that could be demolished in this City. I believe we already have had some legislation up to declare them a nuisance. If there are any other properties in your Ward that you are concerned about please give them to Mr. Wervey and that concludes my report.

CITY ENGINEER DAVID NEUMEYER: No report.

FINANCE DIRECTOR RICHARD OBERT: No report.

PRESIDENT WAGNER: Any questions of the Finance Director?

CLWN MARINCIC: I have a few questions, Richard, regarding Ordinance 10-2009. Could you explain to me how you calculate out what each employee would be getting?

FINANCE DIRECTOR RICHARD OBERT: Yes, first of all you send a request to OPERS in Columbus. They send you back a package. This package has a disc. You install the disc in the computer and it gives you the formula of the three scenarios we discussed at length in our Finance Committee. In other words if you don't qualify to retire you don't even get in this thing. We then go through all the employees lists. There's one piece of information that we could not insert into this program. What a person has (We discussed that at the Finance Meeting, too.) in all their services whether it be the school districts, part-time employment at various municipal centers or County employment. That is the one factor. After tonight if it's presumed this passes, the next step is to get a form letter out to every employee and it has all of these criteria in there. The processing time is two months. Now, with the three criteria established. OK. 25 and 55, 10 years of service, over 60 or 30 years. That's the three criteria we use. You have to go into Barb Miller's computer upstairs and get the age of the employee. They factor not only since they're changing our health care at the State level for retirements. It will be changed on January 31, 2011. It's going up. They have a formula in there that is mostly predicated on age. The older you are, the cheaper it is. That's what I got out of this whole thing after reviewing it. Actually this software will give you the number. It's not like we're sitting here cranking the number. What's going to change that number (I think Mr. Wagner asked me this question in Caucus and we didn't have much time in there really to discuss it.) To change your criteria you could have a program. If you recall, on the length of the attorney that was out here that night speaking from Squires, Greg Vivian? A three year program. We said we would like to place this program and Squires changed the dates on that. It has nothing to do the length of the program saying it's going to be more costly. The reason that they had three years in this was it was in the legislation that OPERS won't allow you to have what they call an annualized payment like we do on our notes and on our bond issues. Usually it's December. You pay them just once a year, as the credit as the people go through this time period and downtown changed it. They've added a 16 month program starting at June 1st and ending at September 30th, all right? Of 2010. Now, you can get into all kinds of different situations on this one. It's like Heinz 57. What the bulk is and this is the one I like. If

you're a 27 year employee you have the ability but this thing they're passing tonight does not mean the employee has to retire. It's completely volunteer. Like we said in the Finance meeting, it's not a mandatory thing.

CLWN MARINCIC: Let me ask you this? When an employee gets their check they pay a certain amount for PERS, right?

FINANCE DIRECTOR RICHARD OBERT: Yes.

CLWN MARINCIC: What is it? \$8.50 on every \$100.00?

FINANCE DIRECTOR RICHARD OBERT: No, it's been raised. It's 10%.

CLWN MARINCIC: And the City pays a portion of it too. What does the City pay?

FINANCE DIRECTOR RICHARD OBERT: The City is paying right now 14% on an ASME worker as a staff worker. On a fireman they are paying 24 cents and on a police officer 19.5 cents. That's the 10 on all three they employ. That's the 10% contribution.

CLWN MARINCIC: OK. That's where I'm a little bit confused with this. In my point of view for buying out say maybe three years and the person makes \$100,000.00? The City would put and the employee it would be about \$10,000.00 a year out of \$100,000.00 that would have to be paid into the PERS plus what the City puts in. Their percentage, right?

FINANCE DIRECTOR RICHARD OBERT: That's 24%. Right.

CLWN MARINCIC: So over three years it's approximately between \$30,000.00 and \$40,000.00, right?

FINANCE DIRECTOR RICHARD OBERT: Yes.

CLWN MARINCIC: Why are some of these buyouts \$100,000.00 then? Or \$200,000.00?

FINANCE DIRECTOR RICHARD OBERT: That's the healthcare. They actually picked up the healthcare in this program and paid for that healthcare or the person would not have healthcare. But when you actually analyze the spreads out there.

CLWN MARINCIC: It's the healthcare?

FINANCE DIRECTOR RICHARD OBERT: Yes, it's the healthcare. It's very important. For example, I'll use myself. I'm 65 years old. My wife is going to be 65 in a few months, all right? I plan to retire July 1st, all right? There is no healthcare. I have MEDICARE in front of me. Parts A and B. Because I'd have the 30 years the time they have this is what I worked for all of this. You take a young man a that's 52 years old. They can start working in a city at 17 – 18 years old. They could be 48. I think 47 would be the minimum. They can't get into that MEDICARE A and B until they're 65 years old. Who's paying for it? That's why the numbers are what they are. I apologize I was looking at the wrong line. Mine was not 114. It was \$84,000.00.

CLWN MARINCIC: (*Inaudible*) was even lower then?

FINANCE DIRECTOR RICHARD OBERT: Yes, I saw that when I got upstairs.

CLWN MARINCIC: I have another question. Any of these employees who would leave. They have to retire then, right?

FINANCE DIRECTOR RICHARD OBERT: Everything has changed over the last year, OK? A couple years ago you had to actually be off the employer's books for two months. Then you could go back (call it the double dip) a lot of the schools were doing this. I think Mr. Victor did it over there at the school district. They changed all that. You can go out now and you could say again using July 1st, all right? OK. I'm going to retire on July 1st. You're taken off the healthcare of the City which is \$12,000.00 per year. Your healthcare is now shed. You tell PERS even though I'm retired I want two additional months (This is what the attorneys were explaining to us when we were at the conference downtown.) It's like starting later your actual pension check from the State. Social Security works pretty comparable. They have in the announcement you better

come in at least 60 days before if you want to get that payment check on the day that you are eligible to retire. Like you should know it's December 1st, all right? The changed the rules a little bit on that.

CLWN MARINCIC: Could one of these employees take the buyout, retire and then the next day go to work some place else?

FINANCE DIRECTOR RICHARD OBERT: Yes.

CLWN MARINCIC: Could they come back to work for the City?

FINANCE DIRECTOR RICHARD OBERT: Yeah, they could do that too. They are going to delay their pension by that 60 day period. That was the point that has been changed. A lot of people don't understand that.

CLWN MARINCIC: Yes, I know. When the County did theirs they had it written in that the employee could not come back to work for the County. They could go some place else, but they couldn't come back to work for the County. Can we amend ours that says that anybody who accepts this cannot come back to work for the City of Garfield Heights?

FINANCE DIRECTOR RICHARD OBERT: Well if that's in your plan I wish we would have discussed this when we had Greg here.

CLWN MARINCIC: It was just brought to my attention this weekend.

CLMN SUSTER: Excuse me. Don't we have it written somewhere that they can't come back for a year?

CLWN MARINCIC: It isn't in the legislation.

CLMN SUSTER: I know it isn't in this legislation but.

FINANCE DIRECTOR RICHARD OBERT: I believe it's in our Operations Policy of 1998. Joe is correct.

CLWN MARINCIC: They have done it. They have come back.

FINANCE DIRECTOR RICHARD OBERT: I'm not really aware of anyone that came back.

CLWN MARINCIC: Someone from Building did. Allman did.

FINANCE DIRECTOR RICHARD OBERT: She's long gone. Many years ago.

CLWN MARINCIC: I know that was a while ago.

FINANCE DIRECTOR RICHARD OBERT: That was before 1988 if you think about it.

CLWN MARINCIC: It wouldn't be a problem to put it in this legislation that the employee cannot return to the City of Garfield Heights employment. They could go anywhere else.

FINANCE DIRECTOR RICHARD OBERT: They're entitled to do whatever they want with their lives, Nancy. I don't think you can write an ordinance telling them you can't go to work.

CLWN MARINCIC: I didn't say that. I said not to Garfield Heights.

FINANCE DIRECTOR RICHARD OBERT: If you want to consider that? I could ask Barry to make a comment on that one.

CLWN MARINCIC: That's my suggestion on that one.

PRESIDENT WAGNER: Any other questions, Councilwoman?

CLWN MARINCIC: No.

CLWN SARNOWSKI: I have a couple. You have it where they could have their planned service credit in a lump sum or installment plans? Who establishes that? You do? Or the PERS? Or?

FINANCE DIRECTOR RICHARD OBERT: Yes, that's the agreement. We were trying for the three years. Taking the whole three years and saying we want an annualized payment. For that you had to go down. You see, like I said again in the Finance Meeting. We went through this all. It's like taking a cart and putting it in front of the horse. Here's something that's available.

CLWN SARNOWSKI: Are you saying that these people are going to take the lump sum? Or could they go three years?

FINANCE DIRECTOR RICHARD OBERT: You're missing the lump sum completely. Listen to what I'm saying, all right? It's not the employee getting the lump sum. It's the pension board saying as each person retires you just write a check for that person. That's one option. But if you want to go into an installment plan over three years then you'll have an annual day established and agreed upon and you will make a check. Maybe it's four people? This is very complicated. You have a potential of 39 people. I know several that are not taking anything. They have to be on that list because they're eligible to retire.

CLWN SARNOWSKI: I think we have 38.

FINANCE DIRECTOR RICHARD OBERT: No. There's 39. That's the latest count I got was 39, all right? Some of the people were left off. This is all going to change. If they want 60 days, we allowed ourselves one month to get the whole work out to change this computer sheet which is about 14" long to submit down there. You see that's the final number is when they serve and then the PERS is going to have to certify this. But when the employer. (Again I was in the military three years. I could exercise. I could buy three years additional service time. At what cost?) You have part-time workers. I think years ago they signed an exemption form. Please don't take out any pension because I'm a student. You know? Laws were all changed again. They can now buy that. Go back to the 70s or the 60s.

PRESIDENT WAGNER: Not to interrupt but just for the clarification for everyone here. When you're saying they can buy the time, who's paying for that?

FINANCE DIRECTOR RICHARD OBERT: They are.

PRESIDENT WAGNER: They are. Not the City. The point is that we need to let everyone know that if they're buying the service time they're paying for that and the City's not.

FINANCE DIRECTOR RICHARD OBERT: Absolutely. 100%. There are so many factors of it. That's what I was trying to say in the Caucus Room. So if you take this plan over a 16 month period and you start second guessing it basically Greg told us, our attorney, when you have all of this and you got the horse in front of the cart and you know what the costs are going to be then try just by the dates on this thing and knowing what I do know from the people I do work with and I've worked with them quite a long time, you probably would have the first ratio as 60/40. I changed that Friday to 50/50. So you only have 50% of the expenditures coming out this year and 50% coming out next year. So that you have another year to pay for. It's not like you get all this lump sum. Then you asked the question at the Finance Meeting. Every person there that had some small bank of sick time accumulated or some form of vacation time in every contract has something and our manual has it. You're going to pay that liability. It's picked up on the books and recorded in State every year. No matter what happens here tonight. You're still on the hook contractually agreeing to all that stuff. So that does not even enter the equation. I was running through them and just because Frank brought it to my attention a lot of them are very small amounts of money. Again when you look down you go to kind of who said it? How are we going to get the new grant with the new data in here? Years of service? Are they going to buy some? There's another thing I found out last week. You can't say to the pension board I'm going to buy this. You come up with that payment plan for those people or you do get credit for it. That's personal time I'm talking about here. All these other factors. So once we go--we've got about 30 days worth of real work to figure out how we're going to do this? Who's eligible? Who's not eligible? You know, from the whole City?

CLWN SARNOWSKI: What is the bottom line of how much we're going to save?

FINANCE DIRECTOR RICHARD OBERT: My best guess is about \$4.4 million in years 2 and 3. \$2.2 million per year. The way you have it spread out over the three years it's a payment. I would venture to say how many are not going to take out of the 39? We were down as low as saying maybe a dozen people would not take this.

CLWN SARNOWSKI: Does that also include the people you would rehire for that position?

FINANCE DIRECTOR RICHARD OBERT: If you want to get technical I'll explain it here. You changed all your election laws here, right? In June you have a primary. You have to have your petitions in for the primary in September, right? Petitions must be turned in June 23rd, right? If the Mayor don't decide to run that's his problem. You'll have a whole new ball game in here. You change governments. What is the first thing when Ken Patton got to be Mayor in Brooklyn when I was on his staff? I was on his staff for hiring over there. They fired all 23 people. They had no choice. Here's your pink slip. The last day was 12/31. They start January 1st. The new Mayor coming in can't say here's your slip? If that happens. I don't have a crystal ball here no matter who the Mayor is, you have an option. All these people, I'm on the list. I wasn't going to plan to retire. They have that window available to retire.

PRESIDENT WAGNER: Hold on a second. Mr. Obert, the Mayor is asking to take the floor. Will you concede?

FINANCE DIRECTOR RICHARD OBERT: Yes.

MAYOR THOMAS LONGO: You're getting into a totally "what if" circumstance. You play that "what if" game and you go crazy, believe me. There's going to be some dramatic changes and when I said in my report that there's going to be some Union contracts and other things coming that's all part of the package. They will not be discussed here on the floor because it's all personnel related. When I say what I was going to do and I've told several of you this and many, many times, it's going to happen. Everything right now is speculation.

CLWN SARNOWSKI: He's saying there's a projected \$2 million savings with this buyout. Does that include hiring the wages of the people that you are hiring?

FINANCE DIRECTOR RICHARD OBERT: Yes, it did. We have the replacements, yes.

PRESIDENT WAGNER: If you look at the one sheet Mr. Obert passed out of the positions but not the names there were identified potential replacements. It's on that list.

FINANCE DIRECTOR RICHARD OBERT: Those are positions you really should have here.

CLWN SARNOWSKI: Not amounts though?

PRESIDENT WAGNER: No, but they are not figured in in the amounts.

FINANCE DIRECTOR RICHARD OBERT: We used some (*inaudible*) Frank, for replacement figures.

PRESIDENT WAGNER: That's what I thought.

FINANCE DIRECTOR RICHARD OBERT: Very real.

PRESIDENT WAGNER: Any other questions of the Finance Director?

CLWN SARNOWSKI: I have another question. When it's saying you can adopt rules or regulations anything that you deem necessary and desirable, what does that mean? If something comes up we can change it? Or you can change it?

FINANCE DIRECTOR RICHARD OBERT: I think they're referring to that whole thing you discussed about the going to Columbus with the pension board. That's what they're really talking about.

CLWN SARNOWSKI: They're saying that you can change it. You can adopt any regulations as Director.

FINANCE DIRECTOR RICHARD OBERT: I don't think it means. The State controls the whole thing. I can't change anything there. I have no idea what that means. Outside of if we do have to negotiate, say for contracts, etc. for the buyout.

CLWN SARNOWSKI: They're saying that there could be. How could there be collective bargaining or arbitration? If you present it to them what they're eligible for and they can argue with you?

FINANCE DIRECTOR RICHARD OBERT: Greg put a lot in it. We did discuss this already, right? Downtown. We have a lot of individuals. He wants to come up with another letter saying that basically say you had so many people missing this I mean I saw it in the County. Two weeks they missed the whole program and then they had to wait another three years until they re-offered. They're in the second one right now. I believe it (*inaudible*) July 1st? They sue. You say I'm very sorry, but they say, look why can't you allow me another two weeks? That's why that date we set there was September 30th. We have it in the ordinance. Gee, I'm eligible October 2nd. You can't change and then you say no, I'm sorry we can't. Then you get a lawsuit.

CLWN SARNOWSKI: Do you see any lawsuits coming like that even though we are?

FINANCE DIRECTOR RICHARD OBERT: We screened all the people here. We took. That's not going to even be remotely. I think the closest one was like a year, you know? You got to cut it off. Where do you cut it off at? How long do you want to go with this thing?

PRESIDENT WAGNER: Any other questions for the Finance Director? There being none we'll move on to the City Architect.

CITY ARCHITECT DAVID SPEHAR: Mine's easy. I have nothing to report. Thank you.

PRESIDENT WAGNER: Are there any questions for the City Architect?

CLWN MARINCIC: Mr. Chairman, I'd like to go back to Jerry Stachewicz if I could?

PRESIDENT WAGNER: You have the prerogative under the Mayor's Reports to ask the Directors any question you want.

CLWN MARINCIC: Jerry, I would like to amend this legislation and place in it that any employee who takes advantage of this retirement incentive is barred from further employment for the City of Garfield Heights. Where would I put that?

ASSISTANT LAW DIRECTOR JERRY STACHIEWICZ: Off the top of my head I don't know where you would put it.

CLWN MARINCIC: Well, can you figure it out by the time this comes up on the floor in a little while?

ASSISTANT LAW DIRECTOR JERRY STACHIEWICZ: I'll try.

MAYOR THOMAS LONGO: Mr. Chairman?

PRESIDENT WAGNER: Are you done?

CLWN MARINCIC: Yes.

PRESIDENT WAGNER: Mayor, go ahead.

MAYOR THOMAS LONGO: I don't know if you could put a restriction like that in there because.

CLWN MARINCIC: The County did.

PRESIDENT WAGNER: The Mayor has the floor right now. Let him finish.

CLWN MARINCIC: Sorry, Mayor.

MAYOR THOMAS LONGO: You're restricting the next Mayor. Let's suppose somebody is working as a director, they're getting \$90,000.00 and then the pay next year is \$60,000.00 and they want to bring that

person back? I don't think you can restrict because a lot of those appointments are approved by City Council. You have police and fire that are already on their retirement, we don't even know about it. They're getting everything on the back side. I understand what you're trying to do, but in some of these positions where you absolutely need somebody they need skills especially like with the finance or the law directors, etc. Why would you want to do that?

CLWN MARINCIC: There's a feeling that I have gotten a couple of calls from people saying can the employees come back? Are they going to attempt to? There's always somebody out there ready to fill this type of position. I know some of them are specialty positions but believe me there's people out there qualified. I feel if someone's going to take advantage of the buyout and leave they can work anywhere else they want but they should go to another city or company somewhere and we should let somebody new come in and work for the City of Garfield Heights.

MAYOR THOMAS LONGO: That's all speculation.

CLWN MARINCIC: It is speculation but adding a simple amendment to that could keep it from happening.

MAYOR THOMAS LONGO: All the appointments of the Mayor are subject to approval of City Council.

CLWN MARINCIC: Not all of them.

PRESIDENT WAGNER: OK. One at a time now. Mr. Stachewicz.

ASSISTANT LAW DIRECTOR JERRY STACHIEWICZ: It seems to me when you're dealing with specialty individuals who require specialized training and specialized degrees. People that are qualified for that may not be as readily available as someone who say is working for the Service Department or is working in that Finance Department or just working in one of the other departments throughout the City. As far as directors go. By putting that in there my position would be that you are then restricting any future Mayor from ever bringing anyone back that he or she may deem is beneficial to the City. I would submit that if you take this buyout PERS has its requirements as to when and if you can come back and how long it's going to be before you could come back I think you're really having a problem when it comes to specialized degrees, specialized training as far as trying to bring that individual back and it basically puts a restriction on the then acting Mayor to put his cabinet together that he feels is in the best interests of the City. I think that would also be in violation of the City Charter.

PRESIDENT WAGNER: If I could, just as a point of information to the Council, regarding that proposed amendment. To the contrary to that amendment would be that if you were to bring someone back that you would not be paying their hospitalization. That there's a huge cost savings there also so you want to look at that. Especially someone that may be in a specialty position where you're going to ask them to come in at a lower salary if you're doing a buyout I think you want to be concerned about being able to get someone with good credentials at a lower salary also.

FINANCE DIRECTOR RICHARD OBERT: May I have a point on this? You see the person. We got into it again at the Finance hearings and I said, like the Mayor said, let's pretend, all right? The Manual 90 is withdrawn. Everyone that would come back to work they have absolutely no longevity. They start at zero. Vacation eligibility one year. Nothing for a year. When you make that election you say you're coming back as Mr. Wagner just said you want to come back for about \$40,000.00 less or \$35,000.00 less for something to do, there's not even any withholding for the pension for these people. They're already retired. You start adding that all up. You're getting a real deal here. It's actually the opposite of what you are presenting because like the Mayor said again every director here you're going to have a ratification of Council to bring them back to that position. What happens if you wanted to bring them back just as an advisor like Mark Sejelka taught me the job 27 years ago? Ted Holtz paid him \$1,000.00 a month to come over here for three months. I had not a clue what this job was all about. What would you do with that, Nancy?

CLWN MARINCIC: Let me ask you this? Would you come back?

FINANCE DIRECTOR RICHARD OBERT: I wouldn't come back full-time. Possibly part-time or something? I'm getting closer to the end and I'd like to have some enjoyment in my life.

CLWN MARINCIC: Thank you, Richard.

CLWN SARNOWSKI: *(Inaudible)* Mr. Obert, is it legal to borrow the \$3 million for this?

FINANCE DIRECTOR RICHARD OBERT: We're not borrowing the \$3 million for this. We're not borrowing the money. You're splitting hairs. We have available up to eight you figure out \$1.7 million a year multiplied by eight is \$1.3 million we are able to borrow what our deficit amount is to eliminate that we have eight years to pay it back. It has nothing to do with this buyout at all, really.

CLWN SARNOWSKI: We have eight years or 10 years?

FINANCE DIRECTOR RICHARD OBERT: Eight. I had Mr. Marshall inform me. He corrected me. We were told by our auditors 10 years and he said on the floor here to me (remember, Frank?) eight years.

PRESIDENT WAGNER: Eight. Any other questions? *(None.)*

COMMENTS BY CITIZENS:

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

Gary Wolsky, 6109 Hathaway. First question. If Mr. Obert answers does that count off my five minutes?

PRESIDENT WAGNER: No.

MR. WOLSKY: You have a tendency, Mr. Obert to. In regard to Ordinance 10-2009 the retirement incentive plan, Mr. Obert, can you explain how there is a savings to the City in reference to this ordinance when based on Ordinance 06-2000 states the pay differential between Step 1 and Step 9 and the pay range that the individuals signified in your paper from last week that would be replaced in the Range 9 and 10 the difference in salary is less than \$10,000.00?

FINANCE DIRECTOR RICHARD OBERT: 10%. That's why. We can change an ordinance every time you want. Let's presume we are in June when things start, June 1st, all right? The Mayor has the authority to put out an ordinance saying fine I'm cutting as a part of my reduction plan we're cutting the directors' pay. Here is the new range. That was implied in some of the stuff that we did to figure out our exact costs on this thing that that would happen or eliminate 98 completely. The manual. And let the new Mayor and Council decide whatever they want to do with it.

MR. WOLSKY: Where would the City get this money to pay for this from?

FINANCE DIRECTOR RICHARD OBERT: We have money. It's not like we don't have any money. The problem is it was a very nice way of interpreting that if they're going to. Here's how you look at this thing. You have \$6 million right now, right? You owe \$3 million. So what do you have in the checkbook? You have \$3 million. Then say the bank gives you a check for \$3 million? All of a sudden you've got \$6 million again.

MR. WOLSKY: Why is the State giving you \$3 million?

FINANCE DIRECTOR RICHARD OBERT: Because we were going to borrow that money for that fiscal deficit and eliminate it.

MR. WOLSKY: We still have to pay that back somehow?

FINANCE DIRECTOR RICHARD OBERT: Yes, you have eight years to pay it back.

MR. WOLSKY: No way to pay that back though?

FINANCE DIRECTOR RICHARD OBERT: What do you mean? No, they have a. Again, we've had all of this. We were at the meetings with the State on this. They advance us every month about \$150,000.00 or \$1.7 million. It's called Local Government Funds. What they would reduce on the plan that we had we estimated we had it in numbers they would not send us \$125,000.00 or \$150,000.00. They would send us \$125,000.00 for the eight years so they really took it out there. That's pretty long--eight years. It was 10 at one time. By shorting our money but it's shorted over a monthly period over 120 months. Literally 120 that's 10 years. Now it's eight years so that would be 96 months.

MR. WOLSKY: I'm still not quite sure how you get to the \$2.3 million in savings with the buyout unless all 38 people take it?

FINANCE DIRECTOR RICHARD OBERT: You cannot get to these people that are on that list because of their seniority. Would you agree to that? How are you going to lay them off? There's no way you're going to layoff a person that has 27 years.

MR. WOLSKY: Correct.

FINANCE DIRECTOR RICHARD OBERT: You're going to lay off the person who's got one year, two years, three years, right? So when I said, I made that comment when we had our Finance Meeting. This group of people are the highest paid in the City because of the longevities and other things that are factored into these payrolls over a period of time. Most of them are damn close to 27 years. When you actually do the crank on this thing you say OK, there is an area in there and I kind of went through this all right? You can't replace. These people are not going to be replaced, all right? But they are not our young people that are out there now servicing our streets, our drivers. If you look at where these classifications are they had jailers on there. I mean these are the older jailers. We have dispatchers on that thing. We had a lot of public lands and buildings employees over there. So you just simply make it a policy we're not replacing these people. That's where the savings come into this thing and the reduction on the directors.

MR. WOLSKY: That's provided that those people would leave. Those are probably the people at the end who would not be able to leave

FINANCE DIRECTOR RICHARD OBERT: Well then we'll take your recommendation. We'll put the buyout out there. Nobody will take it and we'll lay off about 40 employees then. I think that's the answer.

MR. WOLSKY: Well, see Mr. Obert, every time anybody speaks to you you get sarcastic with them.

FINANCE DIRECTOR RICHARD OBERT: We have hours of these meetings. We had the meetings.

PRESIDENT WAGNER: OK, gentlemen, gentlemen. Mr. Obert, right now Mr. Wolsky has the floor.

MR. WOLSKY: I asked you a simple question and your response was we'll lay off 40 employees. I'd like to.

FINANCE DIRECTOR RICHARD OBERT: What would you do if you don't have a buyout?

MAYOR THOMAS LONGO: Dick, stop.

PRESIDENT WAGNER: Right now Mr. Wolsky has the floor. Please don't interrupt him.

MR. WOLSKY: The question simply is the only people that seem like they would be willing to jump on this buyout would be the people that are the non-replaceable people. The directors and the secretaries for the most part. Those are the highest people. We wouldn't save that much money by buying those people out because there's no benefit to it. The difference between Step 1 and Step 9 is only \$10,000.00. Even if you include longevity.

MAYOR THOMAS LONGO: No, you're missing something.

PRESIDENT WAGNER: Mayor, hold on one second.

MR. WOLSKY: I don't know what I'm missing. It's some paperwork that Mr. Obert passed out last week, Mayor.

PRESIDENT WAGNER: Wait.

MR. WOLSKY: Go ahead.

PRESIDENT WAGNER: OK.

MAYOR THOMAS LONGO: Let's get down to some reason. Number 1. We're down 11 employees from last year. That's part of the mix. Number 2. Whatever's on those scales—that's all going to change. Number 3. What comes out of the negotiations between the Unions and the City that's all part of this mix because it then affects the Administration too and I'm not going to discuss the details of how this is going to flow back and forth, etc. You're making some assumptions that just there's some things in this that you are just not privy to but there's going to be some substantial cuts made on various things right across the board. So that's coming. So when you look at this entire mix, etc. that's flowing into this, on the other side we go into a layoff position then we're paying 6 months worth of salary. That's the cost of laying off. So you got to start balancing off who's left, what you're going to do, what's coming out of the negotiations, and we're hoping that that gets cleared up. I can't predict that fully. You understand that? Who's already left? You start putting all this together and you start looking at all of this and you start looking at the money from this Local Government Fund as to what costs us practically nothing and we get the money up front and we can start shortening up this deficit.

You really want to play the "what if" game? I'll give you a "what if" game. Let's suppose this economy now takes a real nose dive and all of a sudden our income tax gets cut in half, our property tax goes down and all this stuff keeps going on? If this stimulation stuff does not work, God help all of us because then there's no matter what you do. You want to lay off 30 or 40 people? Fine. We lay them off. You're going to be laying off another 30 or you're going to be increasing taxes. That's the wild card. You got to look at some positive side of this thing and we're trying to balance this thing off where we don't have to lay off the younger workers and we give the other employees a chance to get on with their lives.

You want to play this "what if" game? Fine. We could be here all night and nothing's going to happen. Then come tomorrow it starts. I will start trimming the budget. I'm trying to avoid all that. That's why this was put up here. This is an option. I put three options before Council. They don't want any of them. They want a plan. This is the plan. Without this, OK, there isn't going to be any adjustment in fees, there isn't going to be any tax adjustments, fine. Then I'm going to do what has to be done. I have to have it done and have it in place before March 30th gets here. That's what's on the table.

MR. WOLSKY: I understand all that but we've been involved in this process from the beginning as far as all the plans you have presented and I understand this is just another one but this one doesn't seem to be the simplest to implement because of all the variables that are in it. Like Mr. Obert said, one person might take it. 38 might take it. Without knowing how many you have no idea how much your savings is. When you talk about—you or Mr. Obert mentioned there's three jailers on the list; there's three dispatchers. I'm not quite sure how the jail would function without three jailers back there or how the dispatchers would function with three less people. So if they took that and they weren't replaced like Mr. Obert's paper suggests I don't know would happen to those functions without in the City? Which I guess would be the same thing if you had to lay people off. I guess we'd be in the same situation, so I guess it doesn't matter? I thank everyone for their time.

PRESIDENT WAGNER: Thank you. Anyone else wishing to address tonight's agenda? There being none we'll move on to Committee Reports.

COMMITTEE REPORTS: None.

ORDINANCES AND RESOLUTIONS:

PRESIDENT WAGNER: There being none, we'll move on to Ordinances and Resolutions.

ORDINANCE NO. 08-2009

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A PURCHASING PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT) FOR THE 2009-2010 SEASON.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 7

Motion to WAIVE RULE 24:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

ORDINANCE NO. 09-2009

AN ORDINANCE AMENDING PART THREE, CHAPTER 331 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS BY ADDING SECTION 331.44 "EXCESSIVE IDLING".

Moved by SARNOWSKI to CONSIDER BY TITLE:

AYES: 7

CLWN SARNOWSKI: Mr. Chairman, we have some questions on this. I'd like to put it into the Safety Committee.

Motion to PLACE INTO SAFETY COMMITTEE:

AYES: 7

PRESIDENT WAGNER: Ordinance 9-2009 has been placed into the Safety Committee. The committee consists of Chairman Clmn Vince Liotta, and Members Clmn Dudley, Clwn Marincic, and Clwn Mahoney. That's placed in the Safety Committee with seven Yes votes.

ORDINANCE NO. 10-2009

AN ORDINANCE ESTABLISHING A RETIREMENT INCENTIVE PLAN FOR EMPLOYEES WHO ARE MEMBERS OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM; AND DECLARING AN EMERGENCY.

Moved by OTERO to CONSIDER BY TITLE:

AYES: 7

Motion to WAIVE RULE 24:

AYES: 7

Motion to SUSPEND THREE READING RULE:

CLWN MARINCIC: When what I consider a controversial issue comes up on Council floor, I really feel it's only fair to let residents have a chance at the next meeting to voice their opinions after they've read about

it in the newspaper. I think this is a controversial issue and I'd like more residents' opinions so I'm going to vote No to waive the three reading rule.

CLWN SARNOWSKI: I agree with Clwn Marincic. I vote No.

AYES: 5

NAYS: 2

PRESIDENT WAGNER: The waiver of three readings passes with five Yes votes.

VOTE ON ADOPTION:

CLMN DUDLEY: Before I vote, I'd just like to mention that I really hope that all 39 employees (or whatever the amount is) the majority of them actually accept to take the retirement plan that's been offered to them because I hate to see a lot of our young employees go and I talk to them everyday. When I see them on the street I don't just drive by them or nothing like that. Hopefully they are going to accept and we'll be able to save some money and we'll be able to save some jobs because in this economy I don't want to put nobody on the street—not one person. I vote Yes.

CLWN MARINCIC: I think one of the biggest problems I have with this legislation is Mr. Obert has said several times during our meetings that there's a new Administration coming in in November and what a new Administration does is they clean house. Maybe 10, 15 of these people will leave anyway without us giving a buyout to go and adding to their PERS? We may have to pay unemployment on some of them? We may not? But that will be six months. I'm not even sure if we pay unemployment on the directors? Whatever it is, it's not going to equal \$3 million and I realize we're not borrowing \$3 million outright, but we're going to collect less tax money on a monthly basis because the State's going to withhold money from us until the \$3 million is paid back. I'm not sure this is being fiscally prudent and I'm not, in fact, I'm sure more residents wanted to voice their opinions on this and they'll be sorry they didn't have the opportunity to do it when they read about it in the newspaper. Because of that right now I have to vote No.

CLWN SARNOWSKI: I was looking forward to a plan to vote on, not pieces and pieces of different things. I vote No on this.

AYES: 4

NAYS: 2

ABSTENTIONS: 1

PRESIDENT WAGNER: Under the Rules of Council an Abstention vote is counted with the majority of the votes cast. So therefore Ordinance 10-2009 stands adopted with 5 Yes votes.

COMMENTS BY CITIZENS:

PRESIDENT WAGNER: Moving on to Comments by Citizens. I guess as a legal factor, Mr. Stachewicz, do you agree with my call on the vote?

ASSISTANT LAW DIRECTOR JERRY STACHIEWICZ: Yes.

PRESIDENT WAGNER: OK. That's according to the reading of the Rules of Council.

ASSISTANT LAW DIRECTOR JERRY STACHIEWICZ: You're absolutely correct, Mr. Wagner.

PRESIDENT WAGNER: Thank you. Moving 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 is presented on the floor at this time. Comments may be limited to five minutes and no citizen shall be heard more than once. Is there anyone wishing to address Council this evening?

David Mays, 8250 Green Drive. Mayor, according to what I read in the paper in the Neighborhood News, you strongly oppose the elimination of the fringe benefits for full-time employees' salaries?

MAYOR THOMAS LONGO: No, I didn't say that.

MR. MAYS: That's what the paper says? (*Mr. Mays showed the Mayor the article in question.*)

MAYOR THOMAS LONGO: I didn't say that. Read what that says. I said it be put in committee.

MR. MAYS: It says you strongly oppose this.

MAYOR THOMAS LONGO: Yes, I did at that point in time. Yes. And so it's in committee. The reason I opposed it was because we were negotiating with all the Unions. When you are in negotiations you don't take from here and you don't take from there and you stand up and take a stand on something because it sets off a chain reaction in the negotiations. I was very clear with that with City Council. When everything's settled and done we'll come back and we'll address that. I'm not going to address it here on the floor of Council.

MR. MAYS: OK. Let me tell you how I feel about it. Whether you address it now or later? OK? You suggested on numerous Council meetings that the citizens may wind up paying more taxes, we may wind up losing safety employees, and we may wind up paying for garbage. I have a real problem with that if the City of Garfield.

MAYOR THOMAS LONGO: Give me those three items again. I want to make sure I understand.

MR. MAYS: You said numerous times that taxes may go up, which means I'm going to wind up paying more taxes. You may wind up laying off safety forces, which is going to endanger my family and everybody else's family. Or we may wind up paying for our own garbage pickup.

MAYOR THOMAS LONGO: It wasn't just safety employees. It was 30 some employees.

PRESIDENT WAGNER: Mayor, right now let him finish because he's got the floor.

MR. MAYS: OK. I'm pointing out you said safety forces so that's what I'm saying. Safety forces. Police and fire. I have a real problem with that whether it's done now, later or after the Union says what they're going to do if you don't take this away from them and you expect me to pay upfront? I don't think so.

PRESIDENT WAGNER: Any response, Mayor?

MAYOR THOMAS LONGO: How do you respond to that? Because what I had said at the time was that there were three choices. Either you layoff 35 employees which would be across the board so yes I guess I said there'd be safety employees involved in that. Absolutely. Or that there would have to be a charge for rubbish or a combination. Or there would have to be a reduction in the tax credit, which is a tax increase. Or what we're trying to do here is a reasonable approach where we avoid all that and maintain some semblance of where there are no layoffs and things move on, but Mr. Mays is entitled to his opinion and that's fine.

PRESIDENT WAGNER: Anyone else wishing to address Council this evening? There being none, that concludes Comments by Citizens. We'll move on to Miscellaneous Business beginning with Ward 1, Clmn Dudley.

MISCELLANEOUS BUSINESS:

CLMN DUDLEY: I'd just like to thank the Service Department and say you know, we've had some heavy snow and some of the nights I got off quite late from work and like I said the roads were pretty clear. I know for a fact that it's hard to maintain the roads with some of the drifts, etc. They done a good job. I thank all,

even our safety department and all I figure everybody kind of fits into the equation so I just thank all the City workers. That's my comment for tonight.

CLMN LIOTTA: Mr. Chairman, we're going to have a Safety Meeting on March 2nd, which would be Monday, at 7 p.m. The topic of discussion will be excess idling.

PRESIDENT WAGNER: Monday, March 2nd?

CLMN LIOTTA: Monday night, the second.

PRESIDENT WAGNER: At what time?

CLMN LIOTTA: 7 p.m.

PRESIDENT WAGNER: Location? Council Chambers?

CLMN LIOTTA: Council Chambers.

PRESIDENT WAGNER: Chambers? Or the Caucus?

CLMN LIOTTA: Caucus Room.

PRESIDENT WAGNER: Council Caucus Room? Do you want the Law Department to send the notices out?

CLMN LIOTTA: Yes.

PRESIDENT WAGNER: Mr. Stachewicz, would you make sure the notices go out for the Safety Committee Meeting March 2nd, 7 p.m.? The Clerk will take care of that. Thank you.

CLMN LIOTTA: Mr. Chairman, we need the police chief also.

PRESIDENT WAGNER: Mayor, if you'd make sure the Chief is notified?

CLMN SUSTER: The only thing I have for this evening is this past Saturday evening the Chamber of Commerce had their annual dinner and there were some awards that were given out and I would just like to let everybody know who got them. The Ambassador for the Chamber of Commerce was the young lady that works for First Energy that helps represent the City of Garfield Heights. That was Karen Goodson. The Citizen of the Year, very deservedly, Peggie Sikon, the Mayor's secretary. The Business of the Year was Wendy's over here on Turney Road. The Civic Organization was the Union of Poles. The New Business of the Year was Applebee's over in Vista Way. And also the Beautification Award this year. There were actually two of them. One was for the first part of the year and one was for the second part of the year. Speedway got it for the first six months of this year and the SUNOCO at the corner of Turney and Granger got it. That was the award winners. It was a very nice affair. That's all I have.

CLMN OTERO: I make a motion to adjourn.

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

AYES: 7

MEETING ADJOURNED AT 8:19 p.m.

APPROVED:

Frank J. Wagner
President of Council

RESPECTFULLY SUBMITTED:

Barbara Molin
Clerk of Council