

**MINUTES OF A REGULAR MEETING OF COUNCIL**

**CITY OF GARFIELD HEIGHTS, OHIO**

Monday February 25, 2008

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

**INVOCATION BY:** Councilman Joseph Suster

**ROLL CALL:** **PRESENT:** President Frank J. Wagner  
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**LAW DIRECTOR DAVID MACK:** If Rule 24 waiver is not passed it is automatically referred to the Finance Committee. There's no requirement that it meet. It just goes to the Finance Committee. Council can take it out at any time and vote on it.

**CLMN ABELLA:** Thank you. I vote Yes.

AYES: 6

PRESENT: 1

**PRESIDENT WAGNER:** To remove from the Finance Committee with six Yes votes. It will be placed on tonight's agenda.

**REPORTS OF THE MAYOR AND DIRECTORS:**

**MAYOR THOMAS LONGO:** Good evening, Mr. Wagner and Members of City Council. I find it intriguing, all this subterfuge going on, especially a second on a motion to take something out of Committee. That is not part of your rules. This isn't Maple Leaf. Twenty-five years I've been Mayor. I sat on Council for four Council Presidents, too and I watched Stachewicz and people before that. It's nice to just change rules arbitrarily and procedures.

**PRESIDENT WAGNER:** What the rules state, they state, Mayor.

**MAYOR THOMAS LONGO:** Yes, just like the time you brought up Mayoral Privilege. I never heard that before. And you were trying to explain how I could do it. No, I'm not buying that.

Ordinance 6. Oh wait, first of all; before I get into that, this is kind of a fun thing. I'm sure you all watched Fox News 8--the fire station cook off--which was this morning? Our guys won the cook off amongst all the fire stations. Our firemen made Chicken Parmesan, penne pasta with spaghetti sauce, broccoli and cheese sauce. The also made a quick cheesecake for desert. So if you want a demonstration, contact the guys in the Fire Department and I'm sure they will accommodate you.

I would have requested, if you hadn't done this, to take Ordinance 6-2008 from the Finance Committee and approve it. The ordinance grants a 2.5% pay raise to employees of the Municipal Court. Now the City's 2008 Budget has not been finalized for Council's approval and these pay increases will be made part of this budget. I have no personal objections to these increases proposed by Judge Nicasastro. I don't understand why any Councilmen would forsake their legislative duty to represent and watch the public trust. My objection is not in paying public employees fairly. The objection that I have is with the yearly deficit of the Court. That is something I am working with both Judges to resolve. Now, if Council believes these pay raises are unreasonable, then vote No or take no action and my Administration will challenge these increases on your behalf. However, let me reiterate that I have no personal objection to these pay increases and I am asking you to concur. In referring to tonight's agenda, Ordinance 7-2008 updates the regulations of our Building Department to concur with changes or updates to the Ohio Building Code. If you have any questions, Building Commissioner Bill Wervey will address your concerns.

Resolution 8-2008 allows for the appropriation of a commercial building owned by David Snider's family. Half this building will be removed to allow a safe flow of traffic on Transportation Blvd. and into and out of Bridge View Crossing. This, of course, is at no cost to our City. Resolution 9. The traffic volumes presently on Transportation Blvd. and Granger Roads have already reached a congested status. Just try to make a left turn down Granger Hill. Even without Bridge View Crossing this is happening. The intersection needs expansion. This appropriation takes a sliver of property along Transportation Blvd., Granger Road and 96<sup>th</sup> Street. It will allow for modifications of Transportation Blvd, Granger and East 96<sup>th</sup> to allow for a facilitated, smooth, safe flow of traffic in this area. Right now trucks making deliveries on 96<sup>th</sup> Street, especially to Nordlie, have problems turning on to the property without having to back up, go forward, stop, back up, go

forward and they delay traffic for anybody trying to go to the other building, especially with the credit union and a few of the other companies. The net result is more congestion. Of course this appropriation will be processed at no cost to our community and I urge your approval. If you choose not to do it now and we have to do it later then the City has to bear the burden of the cost of appropriation. So it's a good deal for the City. Resolution 7-2008. I served with Montana Allmond on City Council when he was Councilman. He served on Council I believe eight years, 1973 – 1981. That may be a typo in the legislation. Every decision he made was well thought out and concise. Even if you disagreed with him you would always admit his position. His daughter Tanya Allmond just passed away seven days ago and now this happens. It puts a little strain on Janet Allmond, who followed Montana on City Council. She can cope with these two events, but the strain of course is extremely heavy on the Allmond Family. Our condolences to the Allmond family. This concludes my report.

**PRESIDENT WAGNER:** Any questions of the Mayor on his report?

**CLWN MARINCIC:** Good evening, Mayor. First of all, I can't believe I'm saying this, but I agree with you. We don't need a second on that motion. We've never had to do that before and we don't have to have seconds on Council floor. But regarding the one for the Courts? You're saying we need to vote on these raises and I'm going to vote on them because they deserve their raises. It's just that when I was on Council for many years we never voted on them before. Why are we doing it now when we didn't have to do it the six years I was on Council?

**MAYOR THOMAS LONGO:** This is the third time we've been doing it. Because we haven't done it in the past doesn't mean that it's something that shouldn't be done, but you as Members of Council, and of course Dick Obert puts the budget together, these raises have to be a part of that budget. Without this kind of direction, what does he do?

**CLWN MARINCIC:** But he gave it to them before? When I was on Council for six years.

**MAYOR THOMAS LONGO:** That wasn't right. There's no one in our form of government, and I'm going back to the Founding Fathers, that has the ability to appropriate money, tell you how to spend it and do all those things. You always have the checks and balances. No Judge, in my opinion, has that. There have been some lawsuits that have been thrown out. Every one that I've seen shows that once the budget is established, then fine, the Judges can do what they want. So that's the reason. This is just basic Civics 101.

**CLWN MARINCIC:** So you're saying we realized we weren't doing something that we should have been doing for 20 or 30 years?

**MAYOR THOMAS LONGO:** Yes, it was done years ago when I was on Council, Stachewicz always put something up, Holtz even did it and for a good number of years we did it and then as things evolved, pay raises, if you go back 15 or 20 years ago, were very minute. Now it's having an accumulative impact and it also means hospitalization, etc. which the Court employees are entitled to. There is no Judge on this planet (and I've talked to a lot of them) that would deny Council the right of voting on it. You vote on all kinds of things but by your voting on this you're telling the Finance Director put these raises in the budget. Thank you.

**CLWN MARINCIC:** I think they deserve it. Thank you very much, Mayor.

**LAW DIRECTOR DAVID MACK:** I think everybody got a copy of the letter that I directed to Mr. Abella. For the reasons contained therein I would ask Council to pass Ordinance 6-2008. Thank you.

**PRESIDENT WAGNER:** Any questions of the Law Director?

**CLWN SARNOWSKI:** At the last Caucus Meeting you said it doesn't matter if Council votes on it or passes it or doesn't pass it, that the Courts will still get their raises?

**LAW DIRECTOR DAVID MACK:** This is a very technical area and there is no budget yet so at this point in time I would certainly recommend that Council vote on it and pass it. What the Mayor indicated is correct. The Judges do, as I said in my letter, have a lot of leeway in giving raises to certain employees and if I didn't think that that was proper I'd notify this Council. However I think it is proper and that's why myself and the Mayor are recommending that you pass this legislation.

**SERVICE DIRECTOR TIMOTHY McLAUGHLIN:** Since our last meeting, it's been the same. Snow and snow and chuckholes. Tonight it's supposed to snow. Last year at this time they had 55.1" and we used, at this date, 5,040 tons of salt. This year so far we've had 35.9" and we've used 4,204 tons. That's the end of my report.

**PARKS AND RECREATION DIRECTOR JAMES BUKAC:** First of all I am happy to report that the exterior aluminum panels at the Rec Center that cover the beat up fiberglass windows have been completed and it looks great. It's a big improvement to the exterior of the building. So that was a project that was passed last year and it took a little while to get it all done, ordered, etc. but it looks wonderful. Also our indoor soccer (or futsal) program is now in full swing. The games have started. The official count is 200 kids and the kids seem to be really enjoying that. I recommend that anybody that wants to see a different type of sport, stop up at the Middle School any Tuesday through Friday night and watch the game. It's a lot of fun. Finally this Saturday, March 1<sup>st</sup> will be sign ups for t-ball and softball. We're getting into our spring and summer programs. That concludes my report.

**BUILDING COMMISSIONER WILLIAM WERVEY:** I have no report this evening, Mr. President. I would however urge passage of Ordinance number 7.

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** No report.

**CITY ENGINEER DAVID NEUMEYER:** No report.

**FINANCE DIRECTOR RICHARD OBERT:** No report

**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 shall speak more than once. Is there anyone wishing to address Council on tonight's agenda? *(None.)*

#### **COMMITTEE REPORTS:** None.

**PRESIDENT WAGNER:** Next we'll now move on to Ordinances and Resolutions.

#### **ORDINANCES AND RESOLUTIONS:**

**PRESIDENT WAGNER:** We'll begin with Ordinance 06-2008. It's already been considered by title. It's on the agenda before the Council. If I'm correct, Mr. Mack, this will come up for a suspension of rules for three readings, correct?

**LAW DIRECTOR DAVID MACK:** Yes, Mr. President.

**PRESIDENT WAGNER:** Thank you.

Motion to SUSPEND THREE READING RULE:  
AYES: 7

VOTE ON ADOPTION:

**CLWN SARNOWSKI:** Since there's no Court budget approved yet then I'm in agreeance with the raises. I vote Yes.

**CLMN SUSTER:** Before I vote, I'd just like to say that last year when we didn't approve these raises, some Members of Council spent a few days in Court with (two years ago—I'm sorry) it being said that if we didn't eventually pass the raises then the majority of us that wouldn't vote for it or didn't vote for it could land up in jail. And now we're told it's not necessary for us to vote on it and I, myself, saying that this is still monies that, whether it comes out of the Courts or it comes out of the City budget, it's still monies that is appropriated and that we do need to vote on these raises and I vote Yes.

AYES: 7

**ORDINANCE NO. 07-2008**

**AN ORDINANCE AMENDING SECTION 1325.01, OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS, TO ADOPT THE MOST CURRENT EDITION OF THE OHIO BUILDING CODE.**

Moved by MAHONEY to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

**RESOLUTION NO. 7-2008**

**A RESOLUTION BY THE MAYOR AND COUNCIL, ON BEHALF OF THE RESIDENTS OF THE CITY OF GARFIELD HEIGHTS, HONORING THE MEMORY OF MONTANA ALLMOND.**

Moved by DUDLEY to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

**CLWN MARINCIC:** My sympathy and condolences to the Allmond Family and I vote Yes.

AYES: 7

**RESOLUTION 08-2008**

**AN EMERGENCY RESOLUTION DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE FOR ROADWAY PURPOSES A FEE SIMPLE INTEREST IN CERTAIN PROPERTY KNOWN AS PERMANENT PARCEL NUMBERS 542-23-004 (5400 Transportation Boulevard) AND 542-23-001 (5410 Transportation Boulevard).**

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

**RESOLUTION NO. 09-2008**

**AN EMERGENCY RESOLUTION DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE FOR ROADWAY PURPOSES CERTAIN FEE SIMPLE INTERESTS AND TEMPORARY EASEMENTS IN VARIOUS PREMISES.**

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 7

**CLMN SUSTER:** At this time I'd like to entertain a motion to take Resolution number 09-2008 and place it in the Legislative Committee for the reason that this morning I was able to speak with Mark Snider's attorneys, Mr. Pat Winslow and Mr. Tom Kovach, and also Mr. Rick Snider and what they're asking for in this legislation is to have a much more defined description of the properties that are going to be involved. It's not that Mr. Snider is not in favor of the projects that are involved here. He just wants a more defined description, so at this time, like I said, I'd like to place this in the Legislative Committee.

Motion to PLACE IN THE LEGISLATIVE COMMITTEE:

**CLWN MARINCIC:** I, too, would like further clarification and some more time to study this so I vote Yes.

AYES: 7

**PRESIDENT WAGNER:** Resolution 9 has been placed in the Legislative Committee with seven Yes votes. The Legislative Committee is chaired by Clmn Suster with members, Clwn Sarnowski and Clmn Abella.

**COMMENTS BY CITIZENS:**

**PRESIDENT WAGNER:** Next we'll go 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. Citizens shall be limited to five minutes and no citizen shall be heard more than once. Is there anyone wishing to address Council?

**MISCELLANEOUS BUSINESS:**

**PRESIDENT WAGNER:** There being none we'll move on to Miscellaneous Business. Today we'll begin with Ward 1.

**CLMN DUDLEY:** Mr. Chairman, I wanted to remind everybody that tomorrow night from 6 – 8 p.m. is the 6<sup>th</sup> Annual Black History Program to be held at the Performing Arts Building on Turney Road and we look forward to seeing all of you there.

**CLWN MARINCIC:** I would like to congratulate our Fire Department. I think that they are some of the finest cooks. I've been up there when they are making their meals and the aroma fills the Fire Department, but they don't want to share. I don't understand that part?

**CLWN SARNOWSKI:** I want to say I went to the Foreclosure Clinic at the Courts on Saturday along with my colleague Vince Liotta and also attending was our Economic Development Director Noreen Kuban and our Prosecutor Tim Riley. There were about 50 people there. It was really very interesting and lasted till about 2 o'clock. It's one of three. Our next one's probably going to be at the end of April. Is there a date set yet?

**PRESIDENT WAGNER:** April 30<sup>th</sup>.

**CLWN SARNOWSKI:** I encourage people to come because it's very interesting. You learned about foreclosure and ways to stop it and prevent it and bankruptcy. I don't know about you, Mr. Liotta, but I got a lot of good information that day.

**MAYOR THOMAS LONGO:** Do you have a time on the next clinic?

**PRESIDENT WAGNER:** Six thirty, Mayor. The place is being confirmed. We'll know tomorrow exactly where it will be.

**CLMN SUSTER:** I would like to say on behalf of the Suster Family I'd like to thank everybody for the prayers, the cards, the condolences and also the donations to the Pancreatic Cancer Research Center in memory of my brother who passed away a week ago tonight. I would like to say thank you very much.

**CLMN ABELLA:** All this talk about the firemen cooking that food. I haven't eaten dinner so I make a motion we adjourn.

**PRESIDENT WAGNER:** On the motion to adjourn by Clmn Abella?

AYES: 7

**MEETING ADJOURNED AT 7:29 p.m.**

**APPROVED:**

**RESPECTFULLY SUBMITTED:**

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Frank J. Wagner  
President of Council

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Barbara Molin  
Clerk of Council