

**MINUTES OF A REGULAR MEETING OF COUNCIL
CITY OF GARFIELD HEIGHTS, OHIO
Monday, March 9, 2009**

MEETING CALLED TO ORDER AT 7:05 p.m. by President Frank J. Wagner.

INVOCATION BY: Councilman Elving Otero

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

EXCUSED: Suster

CLWN MARINCIC: I make a motion we divert from the regular order of business and place Resolution 14-2009 on the floor at this time.

PRESIDENT WAGNER: Will the Clerk please read the title of Resolution 14-2009?

RESOLUTION NO. 14-2009

A RESOLUTION HONORING THE GARFIELD HEIGHTS MITE HOCKEY TEAM AND CONGRATULATING THEM ON WINNING THE CLEVELAND SUBURBAN HOCKEY LEAGUE CHAMPIONSHIP.

PRESIDENT WAGNER: On the motion to take Resolution 14-2009 out of order and put it before the Council at this time?

AYES: 6

ABSENT: 1

PRESIDENT WAGNER: Motion carries with 6 Yes votes. Normally before the Council votes on anything we give the residents an opportunity to address the legislation before it's voted on. At this time I'd like to announce to everyone that if you'd like to speak on this particular Resolution 14-2009 that you raise your hand to be recognized.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: Mr. Wagner?

PRESIDENT WAGNER: I know you're going to want to say something, so we're going to let you talk on it. Go ahead Mr. Bukac.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: Thank you. This is honoring our Mite hockey players. It's been 15 years since we've had a hockey team at any level win the Cleveland Suburban Hockey League Championship. 15 years ago I'd be willing to bet that some of the parents that are here today were probably hanging around the Dan Kostel Recreation Center on the ice rink as young kids just playing hockey or skating so we are very proud of this group of players. The nice thing is that these are our youngest kids which means that the future is very strong. These guys will keep on going through our system and we're very happy for them. Also we're very proud of the fact that when they do play in other rinks they represent our City very well as far as their sportsmanship and their attitude. I'd like to particularly thank the coaches for their fine job. I'd like to also recognize Coach Mark Ferfolia who is the head coach. A lot of people know Mark as the head coach of Trinity High School which he's done for about the last 25 to 30 years. People don't realize the time he spends volunteering for the Garfield Heights program coaching the kids. He was very instrumental this year along with our hockey coordinator Mike Kordesh in setting up our new in-house

program which is the future. Again in our hockey program we had 70 kids signed up for that. Thank you coaches, congratulations players and that concludes my comments.

PRESIDENT WAGNER: Anyone else wishing to make any comments on Resolution 14-2009?

CLWN MARINCIC: Mr. Chairman, I make a motion to read Resolution 14-2009 in its entirety.

PRESIDENT WAGNER: OK. If there's no objection from the Council we'll read the Resolution in its entirety please, Madame Clerk?

(The Clerk read Resolution 14-2009 in its entirety.)

PRESIDENT WAGNER: Since the Resolution 14-2009 was read in its entirety, it's before the Council, I will entertain a motion to suspend the rules requiring three readings.

Motion by MARINCIC to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

CLWN MARINCIC: Before I vote I would just like to say to the coaches, the parents and the entire team, job well done. Congratulations and I vote Yes.

CLWN SARNOWSKI: Congratulations guys and I vote Yes.

CLWN MAHONEY: I'd also like to congratulate all you guys. Nice looking bunch of kids over there and I vote Yes.

CLMN OTERO: Outstanding performance and I vote Yes.

CLMN DUDLEY: I am proud of all of you. Thanks for bringing it home and I vote Yes.

PRESIDENT WAGNER: Before I announce the vote I too would like to extend my congratulations to the boys and to the coaches and to the families behind them. You made Garfield Heights very proud. With that Resolution 14-2009 stands adopted with six Yes votes. Why don't you guys stand up and be recognized? Let's give them a round of applause.

AYES: 6

ABSENT: 1

PARKS AND RECREATION DIRECTOR JAMES BUKAC: Just one comment before everybody congratulates the boys? Christina Ferfolia you want to say this is not just a boys' sport? Coaches, want to say anything?

PRESIDENT WAGNER: Congratulations to the boys and girls.

Mark Ferfolia. I want to say thanks to the President of Council, to the Mayor and all the Council. *(Inaudible.)*

(Photos were taken at this time.)

Mike Kordesh. I'm the hockey coordinator for the City of Garfield Heights. Obviously the kudos they received are well deserved. On a personal note I want to thank Jim Bukac (my boss) who has allowed me a lot of freedom to run this hockey program for the last 15 years. Although our numbers had been dwindling

along with every other hockey program in the City of Cleveland Hockey League Garfield Heights has done a huge rebirth. I know at prior Council meetings Jim has touched upon the in-house program that Mark and I had started and he mentioned the number of 70 but actually the number is double. It's 135. What you need to know is of that 135 85% of those are residents. That's a huge percentage for this program. This is the future. This is our youngest team. They have roughly eight years left in the hockey program and I hope they bring back many City championships. Thank you for your time.

READING AND DISPOSAL OF MINUTES:

Moved by Clwn MAHONEY to accept the minutes of the Regular Meeting of City Council of February 23, 2009 as submitted. The minutes were adopted with six YES votes.

WRITTEN COMMUNICATIONS TO COUNCIL: None.

LEGISLATION OUT OF COMMITTEE: None.

REPORTS OF THE MAYOR AND DIRECTORS:

PRESIDENT WAGNER: Mayor Longo is not here. I understand he is on vacation in Arizona.

MAYOR THOMAS LONGO: Absent.

LAW DIRECTOR DAVID MACK: No report.

SERVICE DIRECTOR TIMOTHY McLAUGHLIN: We've kind of had a little bit of a break these last two weeks so the salt use hasn't really changed much. Last year at this time we had used 5,000 tons on 51.2 inches. This year we've used 3,589 tons on 77.4 inches. The last two weeks we've been trying to keep up with the potholes. The hot asphalt plants are talking about reopening the first week of April or the second week of April. They're not quite sure but hopefully we've filled some of the holes until we get to that point where we have more permanent patch. I put the sweeper out whenever I can, trying to get up some of the winter debris. I had the sewer jet out, seeking out some trouble spots. We did it in a few places that were flooded with the rain yesterday. A few street areas that we took care of. That's the end of my report.

PRESIDENT WAGNER: Any questions of the Service Director? Before I move on to the Parks and Recreation Director I do want to welcome Mr. Mack back

LAW DIRECTOR DAVID MACK: Thank you, Mr. Wagner.

PRESIDENT WAGNER: You're welcome.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: Thank you Council for passing that Resolution for these kids. It's a great shot in the arm for this program. Speaking of skating programs, March 27, 28 and 29th if you like figure skating we invite everybody to come to the Dan Kostel Recreation Center for our Annual Ice Show. It will be Friday and Saturday at 7 p.m; Sunday time is 2 p.m. It's the matinee show. The kids are very busy preparing for that right now. It's just a few weeks to go before the ice show. Finally we are taking sign-ups for our softball programs. That will continue through March as we prepare for another summer. That concludes my report.

CLWN SARNOWSKI: I don't know if this deals with you? Is our baseball program combining with another city so that we have more teams?

PARKS AND RECREATION DIRECTOR JAMES BUKAC: I can answer that partially. The baseball program is run by the Garfield Heights Little League. From what I understand what they are looking into this year is at the Upper Division—this would be the Colt League. They're looking into combining it with Maple Heights because at the Upper Division there are only about four Colt teams in both Garfield Heights and Maple Heights so rather than have two small leagues they will put them together into one larger league. I'm not sure what the final results of that are.

CLWN SARNOWSKI: It's still to be determined. They had also met with Bedford.

CLWN MAHONEY: They had also met with Bedford. Excuse me.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: Regionalization.

CLWN MARINCIC: Mr. Bukac, do we still have the Easter Egg Hunt?

PARKS AND RECREATION DIRECTOR JAMES BUKAC: Yes. It will be Saturday April 11th at the Metro Park at 2 p.m. I think. One o'clock or two o'clock? I'll let Council know at the next meeting. I'm pretty sure it's 2 p.m.

CLWN MARINCIC: Thank you.

PRESIDENT WAGNER: Any more questions of Mr. Bukac?

CLMN OTERO: How many children do you have registering for the t-ball?

PARKS AND RECREATION DIRECTOR JAMES BUKAC: It usually starts out slow but for the last five or six years we've had around 300.

CLMN OTERO: Great.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: Now we have around 30.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Absent.

BUILDING COMMISSIONER WILLIAM WERVEY: The only thing I have to report tonight is foreclosures are holding steady at around 520 active cases. Vacancies are around 900. Bear in mind you don't add those figures together to come up with anything. Mr. Bukac and I are making our preliminary plans to successfully take care of grass cutting at the vacant houses. We are updating our data so that we can get cooperation from the banks and HUD so that they take care of things that they own and we will be able to take care of things that sort of fall through the cracks.

CITY ENGINEER DAVID NEUMEYER: Absent.

FINANCE DIRECTOR RICHARD OBERT: No report.

PRESIDENT WAGNER: Any questions of Mr. Wervey or Mr. Obert?

CLWN MARINCIC: Mr. Obert, going back to in Caucus when the two women from the Auditor's Office were talking with us. They said if the City borrows the \$3 million that the State would take as much as half back out of our taxes. Could you clarify it for me?

FINANCE DIRECTOR RICHARD OBERT: She said, and I corrected you in the meeting, it's "up to". You have to listen to every little key word the way these ORCs are written in Columbus. It's "up to". I had a rough estimate on it this morning with our bank, about \$40,000.00. And I was also told by some very expensive lawyers this is a no-brainer and boy, you guys got a deal.

CLWN MARINCIC: And do you expect us to be able to sell the notes?

FINANCE DIRECTOR RICHARD OBERT: That's what I was discussing with our banks. They have a wonderful relationship. They go back 40 years with three banks. In these times, like the gentleman said in Caucus, it's hard to even get financed, so when the bankers are coming to you. We'll take that. They're putting it in their own portfolios, that's a hell of a compliment. All right?

CLWN MARINCIC: Will the City be OK with \$40,000.00 less?

FINANCE DIRECTOR RICHARD OBERT: I have the privilege of working on this plan. There is literally millions of dollars that are going to be coming in and out of here in the next six months. Yes, I'm very comfortable. Now we have to initiate the plan.

CLWN MARINCIC: Originally you thought about \$25,000.00 and that's considerably more.

FINANCE DIRECTOR RICHARD OBERT: If you wanted to use the full ramification, you're right. You're out of fiscal emergency and now we want to show I'd say probably in about another six to eight months (*inaudible*) this year. Say April 1st. you are out and are going to stay out and that's what that fiscal plan's all about. If you didn't you'd go right back into the same hole again. So those cuts have to be done, you know?

CLWN MARINCIC: Thank you.

CITY ARCHITECT DAVID SPEHAR: No report.

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? There being none we'll move on to Committee Reports.

COMMITTEE REPORTS: None.

ORDINANCES AND RESOLUTIONS We'll move on to Ordinances and Resolutions.

ORDINANCE NO. 11-2009

AN ORDINANCE AMENDING PART THREE, CHAPTER 351 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS BY ADDING SECTION 351.071 "EXCESSIVE IDLING OF ATTENDED VEHICLES".

Moved by SARNOWSKI to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

CLWN SARNOWSKI: Mr. Chairman, I move to adopt this on the First Reading.

PRESIDENT WAGNER: There's a motion on the floor to adopt this on the First Reading. Roll call on that motion? This is just a motion. Basically you can vote No to consider by title. Or you want the motion?

CLWN SARNOWSKI: No. we considered by title already.

PRESIDENT WAGNER: OK. I mean to suspend the rules requiring three readings. All right. On the motion to adopt this on the First Reading?

AYES: 6

ABSENT: 1

PRESIDENT WAGNER: Motion carries with six Yes votes. Ordinance 11-2009 is passed on its first reading. It will be up at the next Council Meeting for a second reading.

ORDINANCE NO. 12-2009

AN EMERGENCY ORDINANCE AMENDING SECTIONS 307.03(a) AND 307.04(b) OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS RELATING TO TOWING CHARGES.

Moved by MARINCIC to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

AYES: 6

ABSENT: 1

ORDINANCE NO. 13-2009

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO DEMOLISH 4 RESIDENTIAL PROPERTIES IN THE CITY OF GARFIELD HEIGHTS LOCATED AT 7617 BANCROFT AVENUE, 13303 THORNHURST AVENUE, 4704 EAST 144TH STREET, AND 13400 SOUTH PARKWAY DRIVE, WITH TOTAL DEMOLITION COSTS ESTIMATED BETWEEN \$31,000 AND \$36,000 NOT TO EXCEED \$36,000 AND TO BE REIMBURSED BY THE PROCEEDS OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S NEIGHBORHOOD STABILIZATION PROGRAM GRANTS.

Moved by OTERO to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to WAIVE RULE 24:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

CLMN DUDLEY: Before I vote, I'd like to mention something. I don't know if anybody had the opportunity to look at the house that sits on 144th? It's been bad for years. The roof looks like a broken down horse which sinks in the middle. Also on Thornhurst. But these are not just the facts of getting them taken down. They are a safety issue to the community. The one on 144th is just so bad it's like roach infested so it becomes a safety as well as a health issue. We definitely need to start bringing some of these homes down before we wind up with somebody inside them, somebody getting injured or somebody kept and taken in there for the wrong reason. I vote Yes.

CLWN MARINCIC: Before I vote, I would just like to reaffirm for those present that this is being paid for through grant money and the City's not going to have to take it out of their coffers. I vote Yes.

AYES: 6

ABSENT: 1

RESOLUTION NO. 11-2009

A RESOLUTION HONORING THE WINNERS OF THE GARFIELD HEIGHTS CHAMBER OF COMMERCE 2008 ANNUAL AWARDS.

Moved by MAHONEY to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

CLWN MAHONEY: Before I vote, I'd like to congratulate all the Chamber winners for a job well done. I'm sorry that most of them couldn't be here this evening. I vote Yes.

CLMN DUDLEY: I'd like to say congratulations even to one of our own and I vote Yes.

CLWN MARINCIC: I would also like to congratulate the Union of Poles, Appebee's, Karen Goodson, and Peggie Sikon. Congratulations. I vote Yes.

CLWN SARNOWSKI: I would like to congratulate all the nominees because it's truly an honor to be recognized by the Chamber and also a big thank you to the Chamber of Commerce for taking the time for this annual event and paying tribute to the outstanding groups and people that go the extra step to make Garfield Heights a City I'm proud to call home. I vote Yes.

AYES: 6

ABSENT: 1

RESOLUTION NO. 12-2009

AN EMERGENCY RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR GRANTS FOR THE GARFIELD HEIGHTS POLICE DEPARTMENT MADE AVAILABLE BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

Moved by LIOTTA to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

AYES: 6

ABSENT: 1

RESOLUTION NO. 13-2009

A RESOLUTION ON THE SPENDING OF FEDERAL ECONOMIC RENEWAL GRANTS TO THE CITY OF GARFIELD HEIGHTS, OHIO.

Moved by MAHONEY to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

CLWN MARINCIC: Buy American please. I vote Yes.

AYES: 6

ABSENT: 1

COMMENTS BY CITIZENS:

PRESIDENT WAGNER: 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 shall be limited to five minutes and no citizen shall be heard more than once. Is there anyone wishing to address Council this evening?

Henry Warren, 4512 East 131st Street. I need a clarification on Ordinance 13-2009. (*Inaudible*) I thought that the City got a grant for that from the County for the two houses that were to be torn down three or four years ago? (*Inaudible*).

BUILDING COMMISSIONER WILLIAM WERVEY: I think that's better for me to answer. Money was not available to us because. The payment plan from the County has changed. We put up legislation that enabled us to demolish those houses but the funding would not have been reimbursed to us from the County for probably three to five months so we never demolished them. This new program, the County has assured us at a meeting we were at a couple weeks ago that reimbursement and/or direct payment will come within a month or so. So what we intend to do is to make an agreement with any contractor that would do the work for us that they submit their bill and they sit and wait for a couple months until the money comes from the County and they'd be paid directly from the County and we don't have to put any money out.

MR. WARREN: OK. I'm asking this to all of Council. Will there be any street resurfacing program this year? The answer would be no?

PRESIDENT WAGNER: Mr. Warren, could you come closer to the mic?

MR. WARREN: (*Inaudible.*)

CLWN MARINCIC: There was really no discussion about it during the Finance Meetings that I could recall.

MR. WARREN: (*Inaudible.*)

CLWN MARINCIC: Probably.

MR. WARREN: I heard rumors (*inaudible*) from workers from the City. I understand they gave up (*inaudible*) what has the Administration given up? (*Inaudible*) with the financial issue?

LAW DIRECTOR DAVID MACK: Mr. Wagner, I'd like to respond to that. Mr. Warren, I have been in touch with the Mayor. I've been in touch with Clwn Mahoney, with Mark Bloch and with Assistant Law Director Gerald Stachewicz who have been active in the negotiations with the Union. We are very close we feel to finalizing an agreement with the Unions. As a matter of fact there is, hopefully there will be, a productive meeting tomorrow. The Mayor and the Administration have pledged that whatever in the way of concessions might be made the same would be true for the employees that are non-Union and as soon as some arrangements are made and finalized that the Special Work Session of Council will be called to bring all the Unions and our labor lawyer and everyone together to finalize this whole procedure and we're hoping that will take place very soon.

MR. WARREN: That was all good what you said referencing the Unions and how close you are to that but I still didn't get an answer (*inaudible*) as to anything the Administration is giving up in regards to helping the City?

LAW DIRECTOR DAVID MACK: Let me repeat what I said to you in case you didn't hear it. I said that the Administration and non-Union workers would give up the same things that the Union would at a very minimum. So we don't know what that is. I'm not going to discuss union negotiations out here right now and anything that the Union would be offering back to help the City the non-Union employees will be treated exactly the same and they would have to give up that also.

MR. WARREN: OK. Let me ask you this then? Maybe you answered the question but in my *(inaudible)* you kind of tossed the Unions and Administration together in there *(inaudible)* they're separate entities.

CLWN MARINCIC: I don't have it with me.

MR. WARREN: To reduce the PERS paid by the City for non-Union workers. Is that on the table? Or did council just *(inaudible)* Do you know what the position of that is?

LAW DIRECTOR DAVID MACK: Everything's on the table including jobs that are in Administration, jobs that are Union. Everything is on the table. The City is in a tough financial condition right now and there is nothing that is not on the table. Period.

MR. WARREN: Mrs. Marincic? What's the fate of that ordinance? *(Inaudible)*

CLWN MARINCIC: It's in committee right now, Mr. Warren, and the Mayor has said that he has plans to make several cuts. He's just waiting until everything is finalized with the Unions. I am expecting him to present to Council several different cuts and plans that he wants for the non-Union full-time employees. That's coming, is it not, Mr. Obert?

FINANCE DIRECTOR RICHARD OBERT: You're absolutely correct.

MR. WARREN: Remember that movie with Gary Cooper and the Gunfight at the O.K. Corral?

PRESIDENT WAGNER: You've got one minute left.

MR. WARREN: I need two minutes—three minutes. Council?

CLMN DUDLEY: I propose we give him some additional time.

PRESIDENT WAGNER: On the motion by Clmn Dudley to allow Clmn Warren how many minutes? Additional minutes, Councilman?

CLMN DUDLEY: I'll allow him three or four additional minutes.

PRESIDENT WAGNER: Give me an exact number. Three minutes. Is that your motion?

CLMN DUDLEY: Yes.

PRESIDENT WAGNER: Roll call on the motion please?

AYES: 6

ABSENT: 1

MR. WARREN: *(Inaudible)* In the Caucus meeting the Auditor said that if a budget isn't approved by the 23rd of the month that the Auditor is going to cut 15% *(inaudible)*. Now Mr. Mack is telling me that they are going to have more meetings. They're going to have more of this and more of that. I'm not Nostradamus but it appears to me by the way everything is shaping up there's going to be people laid off at the City regardless. That's why I was asking you about that ordinance that you had and is there enough votes on Council to pass it?

CLWN MARINCIC: I do not believe there is, Mr. Warren.

LAW DIRECTOR DAVID MACK: Mr. Chairman?

PRESIDENT WAGNER: Mr. Mack, hold on one second. Are you done, Ms. Marincic?

CLWN MARINCIC: Yes.

LAW DIRECTOR DAVID MACK: I don't understand (in my little brain as you said about yourself) how Ms. Marincic's ordinance is going to prevent layoffs of anybody. I don't see that.

MR. WARREN: Oh, Mr. Mack, I can see why you don't understand. Because if police, fire and City workers are making concessions in regards to them giving up things to try to keep their jobs at the City.

LAW DIRECTOR DAVID MACK: That's correct.

MR. WARREN: When I was in the military in Viet Nam, if there was a lieutenant he probably would have been fired, OK? But the fact is that you follow your leader. If the leaders are not willing to lead by giving up something and make it come off the backs of these guys here I mean those City workers and put the monkey on their backs while the City is sitting up in the Bastille eating cake every day, that's not fair.

LAW DIRECTOR DAVID MACK: Mr. Warren, let me just say this. And I'm going to say it again. Anything that the Union gives up non-Union workers will give up also. Further, this Council already passed a reduction for the next term for Council's salaries and I'm anticipating legislation to reduce the Mayor's salary for the next term because you can't do it during your current term. You understand that? So if the elected officials are contributing, the Unions are contributing and the non-Union people are contributing. The goal is not to lay anyone off. Period.

MR. WARREN: Well, I concur and I hope that is the case. However, when Shaker, Mayfield Heights and some of the more affluent cities like Cleveland Heights are laying off people what is to make the City of Garfield Heights so special that our workers may not get laid off? That's my concern. I don't want none of these guys laid off and particularly police and fire. People don't have jobs. People acting all stupid. I just don't want to see anybody laid off. But unfortunately like Nostradamus, if the State comes in it's going to be a 15 cut across the board no matter the buyout no matter the Houdini bait and switch things that have been said and done, it's just going to be a done deal—15% across the board. Thank you, Mr. Chairman, for letting me talk.

PRESIDENT WAGNER: Is there anyone else wishing to speak?

Jim Semanik, 13202 Reindeer. I don't know if anybody read the Plain Dealer Sunday about layoffs and the suburbs feeling the pain? The main thing I want to point out is the figures that the Plain Dealer gives. North Olmsted has a population of 32,000 and a budget of \$20 million it says here. We have a population it says 28,000 and a budget of \$30 million. If North Olmsted only has a budget of \$20 million for 4,000 more citizens and ours is \$10 million more than theirs with less citizens that's kind of a lopsided figure. What is North Olmsted doing better than Garfield Heights in their budget? Did anyone read this article yesterday? \$10 million is a lot of money to be spending more than North Olmsted with more citizens, I don't get it? Is anyone interested in talking to North Olmsted's executives and finding out what they're doing right? And what we're doing wrong? I mean to save \$10 million. That's not pocket change.

PRESIDENT WAGNER: That's a considerable amount of money, yes. Mr. Mack?

LAW DIRECTOR DAVID MACK: I'm not speaking for Council but I'm sure we all read the article. I certainly did and I think what you have to consider, Sir, is some of those suburbs have substantially less employees than the City of Garfield Heights. 80% of a city's budget is for personnel.

MR. SEMANIK: It says in the article Garfield Heights has 230 employees. North Olmsted has less—225--so five less and their budget is only \$20 million compared to ours.

LAW DIRECTOR DAVID MACK: They just laid off 15 people.

MR. SEMANIK: It's pretty much the same. The \$10 million difference is still there with the same employees. You can't say that. It also says here, if you read it, Cleveland Heights—another comparison. Does anybody here talk to other cities and find out what they're doing to save money? Do you have meetings with other Mayors? Other executives at all? Anybody?

PRESIDENT WAGNER: There's a Mayors' and Managers' Association. I'm not sure if the Mayor attends every meeting or not?

LAW DIRECTOR DAVID MACK: Yes, he does,

PRESIDENT WAGNER: I would imagine he does and there is the City Council Association that we attend on a regular basis that holds quarterly meetings and I've seen many of the Council Members at the meetings. We do discuss things with other Council Members.

MR. SEMANIK: It's obvious if these figures are wrong, they're wrong. It doesn't seem to me that they are. I think if there's \$10 million at stake you should all be concerned about looking into it.

PRESIDENT WAGNER: Absolutely.

MR. SEMANIK: It also says that they use the example of Cleveland Heights. It says all city hall employees must take 10 unpaid days off per year. No one will receive a scheduled 2% raise. Is that being considered here?

PRESIDENT WAGNER: There are numerous things being considered. I think Mr. Obert would be the best to tell you what they're doing because he's in the process of putting together the recovery plan for the City of Garfield Heights. I'm not sure exactly what's all in the plan because we haven't been privy to that information because it's in the process of being created.

MR. SEMANIK: Just to conclude real quick. I know you got other business to do but I'd like someone to look into why there's a \$10 million difference and where's our \$10 million going that North Olmsted's not spending for their more citizens than our community. Thank you.

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

Eugene Glenn, 5218 East 100th Street. I'm a resident of Garfield Heights for about 30 years. I have a couple questions. I was back in the Caucus and I understand the recovery plan is nothing more than a loan from the State. One lender fixed a variable rate. Am I saying that correctly?

PRESIDENT WAGNER: The recovery plan--the loan is part of the overall recovery plan. There are more aspects to that plan it is my understanding. It's not just the loan.

MR. GLENN: Is there just one lender that we can go to? Is it a variable rate?

PRESIDENT WAGNER: To my understanding, and Mr. Obert, if I'm wrong, correct me, is when the other two cities had borrowed the money they only had one lender interested in it. It doesn't necessarily mean Garfield is in that position and they did clarify at the end of the meeting that when the City enters into that agreement it will be a fixed interest rate. She was talking variable because it could be variable from this position to this position because she did not know. I think she was saying 3.4% or 3.1%?

FINANCE DIRECTOR RICHARD OBERT: About 3.1%, Frank.

PRESIDENT WAGNER: 3.1%.

MR. GLENN: You mean to tell me a city that's in receivership can go out and get a loan at 3.4%?

PRESIDENT WAGNER: I don't know what the percentage is going to be myself.

MR. GLENN: Can anybody tell me?

FINANCE DIRECTOR RICHARD OBERT: Excuse me, Frank. I'll answer that. You cannot, Sir, get a loan if you are under. The only reason we're getting a loan is because we're in fiscal emergency. Without that emergency we cannot borrow money for our operations.

MR. GLENN: Can you tell me who's loaning you the money? And at what rate?

FINANCE DIRECTOR RICHARD OBERT: We deal with all the banks on Turney Road. We have multiple accounts in each bank.

MR. GLENN: Who's going to loan Garfield Heights?

FINANCE DIRECTOR RICHARD OBERT: I'm not at liberty to tell you that.

MR. GLENN: You don't want to answer the question?

FINANCE DIRECTOR RICHARD OBERT: No, I don't.

MR. GLENN: OK. There's a reason why he doesn't want to answer. He's in negotiations with the banks right now and he doesn't want to give an answer. As far as I'm concerned the way Garfield is going right now we're going to go into receivership one way or another. If we get the loan we're still going to have layoffs down the road and we're going to be in worse shape. If we compare ourselves to East Cleveland we're in bad shape. I don't want to see us go down that road. This Council, this Mayor and all the officers of the Council have to make some hard decisions. The easy decision is to make a loan. The hard decision is to make the cuts. I don't see any politicians here willing to make those cuts. I don't see any leaders who are going to make those cuts. There are going to be ramifications down the road that are outcomes. Things are going to have to be paid some time or another. Sooner or later we're going to have pay. That's the bottom line. I thank you for your time.

PRESIDENT WAGNER: Thank you, Sir. We appreciate your comments. Is there anyone else wishing to address Council this evening?

Rebecca Burkey, 9707 Plymouth Avenue. Other than a resident I'm also a City worker. I've answered the phone for many of you on Council and given immediate response for your needs. I got a piece of paper in the mail the other day from the Mayor. I appreciated the fact that he sent me something in regards to helping me with my mortgage but then it was also just ironic as a kick in the ass that I'm standing here in front of a threat of losing my job. I've paid my taxes, I work with the City and if we don't make some type of decision it's just all going to hit me. I don't understand what can't be done to save these jobs? I live under the threat of by the 23rd that I might not have a job. It's a big joke to me. I pay my taxes. I live in Garfield. I work for the City. I give it my heart and soul and by the 23rd if something's not done I'm going to lose everything I've worked so hard for. I'm just confused. I don't understand why we can't wrap things up? Get this done.

PRESIDENT WAGNER: The Council was anticipating the recovery plan by today or sometime this week so we have it with plenty of time to look at it and we have not received it yet.

MS. BURKEY: OK. I have one other question. This stuff confuses me a little bit, but when we're looking at the emergency economic plan from the President for police and fire. If we have a deadline of the 23rd, the monies that could be granted to us through this can't that be considered in so we don't have to take job losses? I don't know how long it would take? Three or four months down the road you have the money but by then I've already lost my home; others have taken major hits. I was just wondering if that was anything that was optional?

PRESIDENT WAGNER: Mr. Obert, you'd be the best one to answer that question.

FINANCE DIRECTOR RICHARD OBERT: Those grants don't work like people think they work. For example, we had a program here under, I believe it was Bush, Senior. Cops More. Cops Fast. They paid their salaries for up to three years and we had 12 additional police officers hired. Then we got stuck paying for the full boat. So these things are just little "stimulations" to say we'll help you out. They're not a lot of money. The one I was listening to was about \$400,000.00. It sounds like a lot of money, but you basically are buying four employees with that for one year. So once they're on the books, they're on the books. You have to figure out year two, three, four down the road how you're going to pay for it. That's all it is really.

MS. BURKEY: OK. I guess basically I would ask Council to really put as much effort forth as you can. I love working for the City. I love living here. I entertain your daughters at my home continually. I don't want to lose it all. I pray you to all work your hardest to save what we have for fire, Service and police. Thank you.

PRESIDENT WAGNER: Thank you. Is there anyone else wishing to address Council this evening?

Joe Lamalfa, 13205 Silver Road. I have a question to ask Ms. Marincic. You know I called you and I talked to you about that golden parachute that you passed a couple weeks ago and we talked extensively on the phone about that? I was under the understanding that you were going to borrow the money for the golden parachute. Now that I understand you can't borrow the money for the golden parachute, is that correct?

CLWN MARINCIC: That's what I was told today in Caucus, that they're going to borrow it for the four funds since the City's in a deficit, right, Mr. Obert?

FINANCE DIRECTOR RICHARD OBERT: Two funds.

CLWN MARINCIC: Three funds?

PRESIDENT WAGNER: Two funds.

CLWN MARINCIC: Two funds. And that's going to enable the City to have more money to do the buyouts, right?

FINANCE DIRECTOR RICHARD OBERT: All I said is that the 3.2 goes back in our treasury to be appropriated by the ordinance. Your appropriation ordinance. It's all there. It's all in the appropriation ordinance.

MR. LAMALFA: In Caucus I asked a question. I says if you had three million for toilet paper and you use that for the golden parachute instead of buying the toilet paper, can you then borrow the money for the toilet paper? And the Auditor said no, you can't do that. So if you can't do it that way and you don't have the money to do it and you're in financial straits, where is the money coming from?

FINANCE DIRECTOR RICHARD OBERT: I would like to reverse that question. Maybe you could help me figure out how would we replace this 3.2 that we've had on the books five years now? I'd like to know how to do it, Sir?

MR. LAMALFA: That's the question?

FINANCE DIRECTOR RICHARD OBERT: I don't know, Sir. You got to tell me.

MR. LAMALFA: You can't borrow more money to replace it? Can you?

FINANCE DIRECTOR RICHARD OBERT: No.

MR. LAMALFA: OK. So how are you going to get the money?

FINANCE DIRECTOR RICHARD OBERT: I'm not commenting.

MR. LAMALFA: You have no plan to get the money? Is that what it's all about?

FINANCE DIRECTOR RICHARD OBERT: You wanted me to sit here and discuss like I wrote the damn thing and tell you what's going on with our Unions, etc?

PRESIDENT WAGNER: Mr. Obert, compose yourself, please. We need everyone to remain quiet. Mr. Lamalfa has the floor.

MR. LAMALFA: I'm just trying to find out if there's no money where's the money coming from?

PRESIDENT WAGNER: Mr. Mack, if you'd like to address that?

LAW DIRECTOR DAVID MACK: Again I want to reiterate what Mr. Obert said. He's been under a lot of pressure. He's feeling that financial pressure and what I responded to Mr. Warren.

PRESIDENT WAGNER: Hold on a second, Mr. Mack. If you would keep the other conversations down because what happens is the Clerk won't be able to transcribe the Minutes because she's going to hear a lot voices and she won't be able to hear what she needs to transcribe.

LAW DIRECTOR DAVID MACK: Mr. Obert does not want to discuss and I would certainly advise him not to discuss it. We have had very, very profitable meetings with our Unions. Those are not conducted in public. Those are conducted behind closed doors. They are continuing meetings with the Unions. As I indicated to Mr. Warren that if there are concessions by any Unions then the same concessions will apply to the Administration and non-Union employees. That's where the financial package comes from. Mr. Obert is not going to be discussing it tonight. The first people that are going to get a look at it after it's put together is the Council and the Council President who sits on the committee with the Mayor and then they will have

meetings and eventually they will vote to adopt it or not adopt it or amend it. That's the way the plan is run and as the one gentleman said over here only, and if only, the City does not act will the State come in and make cuts. That's what the Mayor, the Council, the Administration the Unions, the non-Unions are all trying to do. They are trying to avoid having to lay anyone off, no matter who that is and for whatever reason. So as I said before yes, everything's on the table including jobs that may not be around next year or the year after or the year after that.

MR. LAMALFA: Now I understand. You're taking the money from the Union cutbacks to pay for the golden parachutes.

LAW DIRECTOR DAVID MACK: Does no one hear what I'm saying? The Administration also is going to take the same cuts.

MR. LAMALFA: I'm going to repeat what you just said. You said they're taking the money from the Unions.

LAW DIRECTOR DAVID MACK: If the Unions give up a dollar then the Administration employees and non-Union employees give up a dollar. So they are cooperating with the City with the assurance that the same plan will be applied toward the non-Union workers.

MR. LAMALFA: To get back to what Mr. Warren said. He was trying to say that the Mayor should have made the cuts for himself first and then went to the Union and said listen, this is what I gave up. I want you to do the same. I think that's what he meant. Mr. Warren is that?

(From the audience Mr. Warren said correct.)

PRESIDENT WAGNER: You have one minute left.

MR. LAMALFA: OK. I'm just trying to figure out how. So you're eventually paying for this out of the whole package, is that what you're saying?

LAW DIRECTOR DAVID MACK: It has to be presented to the State. That's correct.

MR. LAMALFA: OK. Thank you very much.

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: What I'd like to say, you know, because we're hearing people say let's do this real quickly and you have to make a decision tonight or tomorrow. It's not easy to make a decision by tonight or tomorrow and I'm not going to yield to anybody's peer pressure because we're talking about people's jobs here and I plan to use every minute, every second I have available to be sure that we can keep as many people and hopefully nobody in this City is laid off. I keep hearing this thing about executive pay and whatever paying for the PERS. Maybe we should look back to maybe 1998 and see why the PERS thing was even given to them. But the most important thing is not to look where we've been; it's to look where we're going. I want you all to understand that you got to be a little patient and understand that we need every minute possible. I don't want to see this lady talking about losing her home. I know what that feels like. I had a gentleman said nobody wanted to give up nothing I think I gave up a lot just to sit here and I didn't do it for the publicity. I almost lost my home in the process of taking this seat. When I done my taxes this year I believe I dropped almost \$16,000.00 from my regular job. I went over a year and a half without benefits-- dental and medical--but the most important thing is not about me. It's about the people that I represent. It's about the people in this City. I want to do everything possible and use every minute I have to make sure that nobody hopefully is going to lose their jobs. And that we move forward. That's basically what I wanted to say. Keep us in your prayers and you have to believe we're going to be OK.

CLWN MARINCIC: I would like to reiterate that I think--I know it's my goal and I'm pretty sure it's the goal of everybody on this City Council and in the Administration to avoid layoffs at all costs; that no one loses their job. We all know how bad the economy is out there for every single person and we need all of our City workers. With that I have nothing else tonight.

PRESIDENT WAGNER: Before we move on to Ward 6 I have one quick comment either for Mr. Obert or Mr. Mack? Do you know when Council or do you have an estimate when the Council will actually get the recovery plan? My concern is, and I think the concern of Council, is that we don't get it on March 20th.

LAW DIRECTOR DAVID MACK: You know, if I had the date I would give it to you, but as of today, like I said, the meetings are continuing as we speak. They're being held tomorrow. Obviously the Mayor is encouraging Mr. Obert, myself and anyone else that's involved that we'll get it as soon as possible. But I think what people have to understand is yeah, there's easy ways out of this. Just lay off 15% or let's increase the taxes or let's do that. But this Council, this Administration is not doing that. They're trying to work with everybody to insure there's no tax increases and there's no job losses. There are easy solutions but I have to take my hat off to this Council as well as the Finance Director and the Administration for not just saying, let's just lay them off or let's just increase taxes. I think everyone's trying to do the right thing and if the plan is ready tomorrow, I've been assured by the Mayor that you will have it. If it's ready the next day you will have it. And the Mayor told me today 15 minutes before I left my house to come here that he intends to call an immediate Special Work Session with Council the moment that plan is ready. He assured me that.

PRESIDENT WAGNER: Just so we have an idea of this whole thing. When is the Mayor scheduled to be back?

LAW DIRECTOR DAVID MACK: I think Friday. I talk to him four or five times a day, so.

CLWN MAHONEY: I'd really just like to say that as a community and as far as our employees are concerned we have always worked together. Everybody. The Unions have worked hard to try to get to where they were asked to be and I am sure that every employee of this City will do their best to try to help us through this time that we're in and this Council as well as the Administration will work well. We'll try to work together to come to a means to an end and hopefully we can all work together and not have fighting amongst ourselves or anything or anybody else and we can try to get over this and move on from where we are now. With that I have nothing else.

CLMN OTERO: I just want to add that being a new Member of this Council I've witnessed a great deal of work being achieved and I strongly support the opportunity that we need to find to avoid any layoffs in any one of the departments and we have to give that process a little more time. My hope is that we will come out ahead and there are no layoffs. That looks like a strong possibility. I have no other comment except we move to adjourn.

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

AYES: 6

ABSENT: 1

MEETING ADJOURNED AT 8:10 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Frank J. Wagner
President of Council

Barbara Molin
Clerk of Council