

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, April 13, 2009

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

INVOCATION BY: Councilwoman Nancy Marincic

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

READING AND DISPOSAL OF MINUTES:

Moved by Clmn SUSTER to accept the minutes of the Regular Meeting of City Council of March 23, 2009 as submitted. The minutes were adopted with seven YES votes.

WRITTEN COMMUNICATIONS TO COUNCIL: None.

LEGISLATION OUT OF COMMITTEE: None.

REPORTS OF THE MAYOR AND DIRECTORS:

MAYOR THOMAS LONGO: Good evening, Mr. Wagner and Members of City Council. In accordance with the City's Fiscal Plan Review and review with the auditors the following changes in Administrative pay ranges and fringe benefits is being presented tonight. We believe that this is a total savings of about almost \$800,000.00 a year. They are scheduled for implementation on December 1st with the incoming new Administration and of course this would allow for the current employees to adjust their lifestyles between now and 12/01. Ordinance 18 establishes new pay parameters for the Administrative staff. Ordinance 19 establishes the Mayor's salary at \$85,000.00 per year and Ordinance 23 eliminates the PERS pickup. As I said, this is a cumulative savings of \$800,000.00 per year. These changes are a big part of the City's Fiscal Recovery Plan. Your approval is required. This also allows for a smooth transition with the next Administration taking office on 12/01/2009, whoever that may be--if it's me, somebody else or whomever. Ordinance 20 and Ordinance 21 are rollovers of previous notes. Without this approval the City would be literally out of business, bankrupt, etc. and if you have any questions (these are from past projects) our Finance Director Dick Obert can address them. Ordinance 22-2009 allows for the purchase of five Dodge Charger police sedans. These purchases are provided for in our budget and are covered just about 95% - 98% by a grant. If you have any questions on that, again, the Finance Director can address those. Ordinance 23 is for PTS Medical Inc. They want to stay in Garfield Heights. They want to expand. They're part of the Marymount/Cleveland Clinic thing. They've been an excellent employer. This is a good deal for us and we wish to keep them in our community. Your approval is requested.

Finally, Resolution 17. Charles "Chuck" Goedecke. He served as Service Director for 10 years. Chuck was fun to be around and competent to boot. He helped mold the Service Department to be the responsive and dedicated Department that it has become and he also got them to start to become more attuned to addressing the needs of our community. So to his family and to the memory of Chuck, our condolences. This concludes my report.

LAW DIRECTOR DAVID MACK: No report.

PRESIDENT WAGNER: Any questions of the Law Director?

CLWN SARNOWSKI: Over the Holy Weekend I received a very upsetting e-mail from one of my colleagues and it was very offensive and I guess he thought it was a joke. It had some private parts of a male exposed and I thought that was very offensive. Is there anything that you could do or say to the colleagues to stop this and if they do continue to do these kinds of sick jokes to take my name off their list?

LAW DIRECTOR DAVID MACK: Ms. Sarnowski, I received your inquiry today. We didn't get a chance to speak about it earlier but I will look into it and get back to you and the rest of Council as soon as possible.

CLWN SARNOWSKI: Thank you.

SERVICE DIRECTOR TIMOTHY McLAUGHLIN: The last couple weeks we've been able to get some of the spring crews out. We got a few trees taken care of. The street sweepers are out. Today was supposed to be the start of hot patch. They are all ready to go. They went down and got in line and three hours later it broke down. We never could get any patch. We'll try again tomorrow. As I have figured out is that we are going to begin with the main streets as soon as we get the patch. I figure it will take about six weeks to go through the whole City street by street like we normally do. We go into a Ward, complete the whole Ward and move on to the next Ward. Anything that's dangerous we will take care of ahead of time. Hopefully with good weather we'll get to these streets and get some of the permanent patch in.

The Cuyahoga County Solid Waste District Round-Up for the City of Garfield Heights will begin on April 20th from Monday to Friday April 24th from 7:30 to three o'clock in the Service Garage. Also there will be a second week, April 27th to May 1st at the same times and on May 2nd it will be open on Saturday from 8 a.m. till noon. Items that will be taken include oil-based paint, pesticides, batteries, antifreeze, all household spray products and motor oil. They will also take batteries. So we will have that set up. You'll be able to get it to the garage and we'll separate it and we'll get a date that we take it out to the County Fairgrounds for disposal.

I also would like to comment on Resolution 17-2009. Chuck Goedecke was a very good friend of mine. He taught me a lot of things and a lot of the guys today you know when he passed away we had discussions about it and Chuck was very dedicated to the City. He loved his job more than a lot of things. I mean we talked about it. When he retired he was like about 72 years old and he just thought that it was time for somebody to take his spot, but Chuck did the best for the citizens and everybody in the City and I also wish to his family my best. That's the end of my report.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: We completed our t-ball signups. We have 237 boys and girls who will be starting practice next Monday. We still have three openings so if there's any little tots running around that you know of we can take three more before we go on to a waiting list. Our girls' softball program we will have another week of signups before that concludes and then we'll be getting that program under way. I, too, would also like to express my condolences to the Chuck Goedecke family. Chuck was a fantastic guy. He was here when I got here and he actually was in my wedding and we became great friends and certainly he had a big impact on my life and on the people of Garfield Heights. He is going to be missed. That concludes my report.

PRESIDENT WAGNER: Any questions of the Parks and Recreation Director?

CLWN MARINCIC: Jim, I would just like to thank you and any other employees from the Rec who took the time out of their Saturday before Easter to come and volunteer and help with the Easter Egg Hunt which went very well. Thank you.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: Thank you, Councilwoman.

BUILDING COMMISSIONER WILLIAM WERVEY: Absent.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: I just want to acknowledge that at the last Council Meeting there was a Resolution honoring Millie Piros who works in our Senior Center. She had assisted one of our Seniors when she had fallen. I regret I was not able to be at the meeting but I just want to acknowledge her effort. I also know that one of our volunteer home delivery people had delivered a meal and he met with the family and the family said that Millie had saved this woman's life so I wanted to acknowledge Millie.

Second I'd like to urge Council to pass Ordinance 24-2009. This is for the purchase and renovation of a building located at 5299 East 98th Street. An existing medical practice in the City of Garfield Heights wants to move. They are going to invest between \$500,000.00 and \$1.1 million in the renovation of the building. I think it's an excellent project and I strongly advise Council to support this effort.

Finally, Congresswoman Fudge is hosting a seminar tomorrow: How to Recession-Proof Your Business. It will be from 3-5 p.m. at the Eastern Campus of Cuyahoga County Community College which is at 4250 Richmond Road. They are going to discuss the Recovery and Reinvestment Act, tax implications of the Recovery Act, Changes to SBA 7a, 8A and 504 Business Loan Programs and SBA will also be there for a presentation. If you'd like details I have a flyer here. That concludes my report. Thank you Mr. President.

PRESIDENT WAGNER: You're welcome.

CITY ENGINEER DAVID NEUMEYER: No report.

FINANCE DIRECTOR RICHARD OBERT: No report.

PRESIDENT WAGNER: If you could, on Ordinance 20 and 21, emphasize the fact of why we're rolling these over and the fact that this isn't any additional money that we're borrowing so everyone understands?

FINANCE DIRECTOR RICHARD OBERT: No, as Ms. Marincic brought up at our Caucus, you'll see that it's under the Plan and the people are meeting here Thursday at 5 p.m., I believe, and these are not due until the middle of June, but they have to be brought up and put into. Whereas you can put them into the bonds in September with our other notes and then all our notes are gone.

PRESIDENT WAGNER: Correct, but this isn't any additional borrowing?

FINANCE DIRECTOR RICHARD OBERT: No.

CITY ARCHITECT DAVID SPEHAR: Absent.

COMMENTS BY CITIZENS:

PRESIDENT WAGNER: That concludes the reports of the Mayor and his Directors. Before we move on to Comments by Citizens on tonight's agenda, I'd like to let the audience know that Ordinance 11-2009 is up for its third and final reading since it's not on your agenda. I'm going to ask the Clerk to read the title for you so you know that it's before the Council this evening. Oh, it's at the end? They have it? OK. It's the final under Old Legislation. Very good. With that said 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 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?

David Mays, 8250 Green Drive. Ordinance 23-2009. If this Ordinance isn't passed this evening then I think somebody sitting up there should inform the State that we don't have a money problem and somebody sitting up there should inform the citizens of Garfield that we don't have a money problem because evidently you're not interested in saving any money in this City. Thank you.

PRESIDENT WAGNER: Thank you. Is there anyone else wishing to address Council on tonight's agenda?

Ron Finnerty, 8025 Garfield Blvd. I don't know exactly the numbers. I think they're 18 and 19? Dealing with the financial pay cuts and I've already heard through the grapevine that you guys are going to table those to go to the Finance Committee, but that's beside the point. The point is my company, our managers, are responsive to the needs of the company being successful and when we made a meeting together and made a decision that we were going to lay off employees because we had to cut back our expenses all the managers immediately decided that we would take a 10% pay cut as a sign of solidarity because we're concerned about the company. We didn't take a 10% pay cut and say, you know what? To ease into it guys why don't we like do it next year? We did it the following Monday. We took another 5% pay cut three weeks ago. And if we need to we'll take another 10% because the survival of the company is paramount to the people that work there. Apparently we have a different philosophy here and we will ease people in because the fact that we're in fiscal emergency doesn't matter. We'd rather lay off employees if we have to rather than assuming a sign of good faith. I saw that Council President is supposed to take a pay cut come December, Council is supposedly you're taking a pay cut in December, and that's great. I'm glad to see you're going to take a pay cut. But what does that do for our fiscal state today? I don't understand that. How do you take a pay cut in the future? Six months from now things might be hunky dory and you might not need to take that pay cut. What do we do? Wait until we change who's in office? And then golly gee the new people get the pay cut.

Now the issue ahead, Mr. Mack, I have heard it said in these chambers that theoretically there is an ordinance or some kind of law saying you cannot take a pay cut in the middle of term. Is that true? And what would that be? Because I can't find it.

LAW DIRECTOR DAVID MACK: The Ohio Revised Code specifically says that no elected official's pay can be changed during the term of office. That is why the pay cuts affecting the Council, the Council President and the Mayor are effective December 1st because that's after the next election and a new Mayor and Council will take their seats at that point.

MR. FINNERTY: OK. So I'm to understand that if the person was elected they can't take a pay cut?

LAW DIRECTOR DAVID MACK: No. Whoever is elected?

MR. FINNERTY: No, I mean currently. Anybody that was elected to office and is currently holding office cannot take a pay cut until the end of their term?

LAW DIRECTOR DAVID MACK: That's correct.

MR. FINNERTY: But if you were appointed or you're not an elected official?

LAW DIRECTOR DAVID MACK: No, you're just an employee, just like police, fire.

MR. FINNERTY: Therefore you would be eligible to take a pay cut?

LAW DIRECTOR DAVID MACK: Absolutely.

MR. FINNERTY: So that \$800,000.00—I believe 19 goes to the Mayor which we can't cut his pay until December?

LAW DIRECTOR DAVID MACK: Correct.

MR. FINNERTY: But 18 is all Administrative staff?

LAW DIRECTOR DAVID MACK: That's correct. All non-Union.

MR. FINNERTY: They certainly could take a pay cut effective next week?

LAW DIRECTOR DAVID MACK: Right.

MR. FINNERTY: As opposed to in December?

LAW DIRECTOR DAVID MACK: That's correct.

MR. FINNERTY: I want to advise Council strongly to think about the fact that the pay cut should be effective immediately and not the third Tuesday of next week when Wimpy will get his hamburger. Thank you.

PRESIDENT WAGNER: Mr. Mack, a question for you. In the City of Cleveland some elected officials forego their pay increases. How are they able to do that?

LAW DIRECTOR DAVID MACK: I don't know for a fact but I think what they're doing is they're donating it back.

PRESIDENT WAGNER: Like what I'm doing with my increase?

LAW DIRECTOR DAVID MACK: Yes.

PRESIDENT WAGNER: OK. Any other comments on 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 11 is at the end of the agenda so we'll take it up at that time and we'll stick with the agenda. We'll move on to Ordinance 18-2009. Will the Clerk please read the title?

ORDINANCE NO. 18-2009

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 06-2006 OF THE CITY OF GARFIELD HEIGHTS.

Moved by SARNOWSKI to CONSIDER BY TITLE:

AYES: 7

Motion to PLACE IN FINANCE COMMITTEE:

AYES: 6

NAYS: 1

ORDINANCE NO. 19-2009

AN ORDINANCE FIXING THE SALARY OF THE MAYOR OF THE CITY OF GARFIELD HEIGHTS, OHIO.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 7

Motion to PLACE IN FINANCE COMMITTEE:

AYES: 5

NAYS: 2

ORDINANCE NO. 20-2009

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,608,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF (1) RENOVATING, IMPROVING AND EQUIPPING THE RECREATION CENTER, TOGETHER WITH ALL NECESSARY APPURTENANCES, (2) ACQUIRING AND EQUIPPING MOTOR VEHICLES, INCLUDING POLICE CARS, AN AERIAL PLATFORM TRUCK AND OTHER TRUCKS, AND RELATED EQUIPMENT FOR USE BY THE DEPARTMENTS OF THE CITY, (3) IMPROVING BROADWAY AVENUE BY CONSTRUCTING, WIDENING, GRADING, CURBING, PAVING, RESURFACING AND OTHERWISE IMPROVING THE SAME, TOGETHER WITH

ALL NECESSARY APPURTENANCES, AND (4) CONSTRUCTING, INSTALLING AND EQUIPPING TRAFFIC SIGNALS IN TURNEY ROAD, BROADWAY AVENUE, GARFIELD PARK BOULEVARD AND OTHER STREETS AND LOCATIONS IN THE CITY, TOGETHER WITH ALL NECESSARY APPURTENANCES, IN COOPERATION WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION; AND DECLARING AN EMERGENCY.

(The Clerk read the Fiscal Officer's Certificate.)

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. 21-2009

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,800,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF (1) IMPROVING STREETS WITHIN THE CITY INCLUDING BUT NOT LIMITED TO RECONSTRUCTION AND REHABILITATION OF TRANSPORTATION BOULEVARD AND ANTENUCCI BOULEVARD, WIDENING, UPGRADING AND IMPROVING BROADWAY, INSTALLATION OF TRAFFIC SIGNILIZATION, AND INCLUDING PREPARATION OF PLANS, SPECIFICATIONS AND ESTIMATES, AND OTHERWISE IMPROVING STREETS OF THE CITY IN ACCORDANCE WITH PLANS OF THE CITY ENGINEER, ALL TOGETHER WITH THE NECESSARY EQUIPMENT AND APPURTENANCES THERETO, (2) IMPROVING EAST 131ST STREET BY CONSTRUCTING SIDEWALKS, CURBS, RAMPS, INSTALLING SIGNALIZATION AND SIGNS, LANDSCAPING AND OTHERWISE IMPROVING, (3) IMPROVING AND EQUIPPING HATHAWAY PARK INCLUDING DESIGN, ENGINEERING AND SITE IMPROVEMENTS, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND (4) RENOVATING, IMPROVING AND EQUIPPING THE RECREATION CENTER, TOGETHER WITH ALL NECESSARY APPURTENANCES; AND DECLARING AN EMERGENCY.

(The Clerk read the Fiscal Officer's Certificate.)

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. 22-2009

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE POLICE CHIEF OR HIS ASSIGNEE TO PURCHASE FIVE (5) 2008 DODGE CHARGER POLICE SEDANS AT A

TOTAL COST OF ONE HUNDRED ELEVEN THOUSAND, EIGHT HUNDRED NINETY-TWO DOLLARS AND FIFTY CENTS (\$111,892.50) THROUGH GOLLINGS ARENA DODGE DEALERSHIP, AN APPROVED VENDOR UNDER THE STATE OF OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES STATE BID CONTRACT INDEX NO. GDC-050L, BID CONTRACT NO. RS903908 (10-31-09).

Moved by MARINCIC to CONSIDER BY TITLE:

AYES: 7

CLWN MARINCIC: Mr. Chairman, I would like to offer an amendment to this legislation.

PRESIDENT WAGNER: Your amendment please?

CLWN MARINCIC: In the title where it says "\$111,892.50" I would like that amended to "\$89,550.00" and also where it says "five" police cruisers I would like that changed to "four". I would also like in Section 1 the same amendment where it says "five" police cars to change it to "four" and where it says "\$111,892.50" to also change that to "\$89,550.00".

PRESIDENT WAGNER: Would the Clerk please read the amendment back?

CLERK: AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE POLICE CHIEF OR HIS ASSIGNEE TO PURCHASE FOUR (4) 2008 DODGE CHARGER POLICE SEDANS AT A TOTAL COST OF EIGHTY NINE THOUSAND, FIVE HUNDRED AND FIFTY DOLLARS (\$89,550.00) THROUGH GOLLINGS ARENA DODGE DEALERSHIP, AN APPROVED VENDOR UNDER THE STATE OF OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES STATE BID CONTRACT INDEX NO. GDC-050L, BID CONTRACT NO. RS903908 (10-31-09). And in Section 1 The Police Chief or his assignee be and he is hereby authorized and directed to purchase four (4) Dodge Charger Police Sedans at the total cost of Eighty Nine Thousand Five Hundred Fifty Dollars (\$89,550.00) through Gollings Arena Dodge Dealership, an approved vendor under the State of Ohio Department of Administrative Services, State Bid Contract Index GDC-050L, Bid Contract No. RS903908 (10-31-09).

ROLL CALL ON THE AMENDMENT;

AYES: 7

PRESIDENT WAGNER: The amendment passes with seven Yes votes. Before we go on to the suspension of Rule 24, Mr. Mack, during Caucus the intention of the amendment is to use the additional money from the grant to equip the cars. Do we need to put that in here anywhere since we're talking about?

LAW DIRECTOR DAVID MACK: I'm not aware of that, but I did believe that I heard Clwn Mahoney say that she spoke with the police chief about this so do you have anything to add on this, Tracy?

CLWN MAHONEY: It was my understanding that the grant money could be used for certain things that the Police Department wanted so therefore the changing the cars from the Crown Vics to the Chargers could be included under this grant. When I spoke to the Chief earlier although it would be lovely to get them five cars, by changing this and getting them four will cost the City absolutely nothing.

LAW DIRECTOR DAVID MACK: All right.

PRESIDENT WAGNER: Do we need any additional amendment?

CLWN MAHONEY: I would suggest not from my conversation with the Chief.

LAW DIRECTOR DAVID MACK: I believe that's correct.

Motion to WAIVE RULE 24:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MARINCIC: Before I vote, I would just like to thank our Police Department and especially our Police Chief on their tenacity and their ability to constantly look for ways to continue cutting expenses and I know the whole community appreciates what they're doing and I vote Yes.

CLMN SUSTER: Before I vote, I would like to say I'd like to compliment Councilperson Mahoney because she spent a lot of time on this, not only this weekend but also this morning we were on 3-way calling. We talked to the Police Chief. She was talking to Timmy McLaughlin about the changeovers. This is actually costing the City nothing. When all is said and done with the \$89,550.00 that the cars will cost and for the changeover it probably would cost us another.

CLWN MAHONEY: \$2,275.00 per vehicle.

CLMN SUSTER: So with that this is costing the City absolutely nothing even with the changeover. I'd like to compliment her again on that and I vote Yes.

AYES: 7

ORDINANCE NO. 23-2009

AN ORDINANCE AMENDING SECTION 15 OF THE PERSONNEL POLICES AND PROCEDURES (A PERSONNEL MANUAL FOR ALL NON-UNION AND OTHER EMPLOYEES OF THE CITY OF GARFIELD HEIGHTS) TO REPEAL ORDINANCE 71-1998 (THAT HAD IMPLEMENTED A FRINGE BENEFIT PICK UP) AND TO SUBSTITUTE THE LANGUAGE OF THIS ORDINANCE (TO CONTINUE A SALARY REDUCTION PICK UP)

Moved by MARINCIC to CONSIDER BY TITLE:

AYES: 7

CLWN MARINCIC: Mr. Chairman, I plan on making a motion to place this into the Finance Committee, but before that I would like to offer an amendment to Section 1 and that amendment would take effect in the last line, the last few words where it says "effective November 30, 2009" I would like to offer an amendment to change it to "July 1, 2009".

PRESIDENT WAGNER: W20 B07P0rkto eaausreavedack B0n amendme?4.

CLWN SARNOWSKI: All right.

CLERK: Section 2. Page 15, Section headed “PUBLIC EMPLOYEE RETIREMENT SYSTEM (PERS)” of the Codified Ordinances of the City of Garfield Heights; the following language is hereby inserted following the Section heading, effective “July 1, 2009”.

ROLL CALL ON THE AMENDMENT:

CLWN MARINCIC: Before I vote the reason that I chose this date for it to take effect is that on Caucus Mr. Mack was asked when our Union contracts would be complete and we would be voting on those and we’re probably going to have those over the next month so those would be voted on first and this would be voted on second. I vote Yes on the amendment.

AYES: 2

NAYS: 5

PRESIDENT WAGNER: The amendment fails with five No votes.

Motion to PLACE INTO FINANCE COMMITTEE:

AYES: 7

ORDINANCE NO. 24-2009

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN “ENTERPRISE ZONE AGREEMENT” BETWEEN THE CITY OF GARFIELD HEIGHTS AND PTS MEDICAL, INC., FOR THE PURPOSE OF PROVIDING INCENTIVES FOR THE DEVELOPMENT OF AN ENTERPRISE ZONE

Moved by SARNOWSKI to CONSIDER BY TITLE:

AYES: 7

PRESIDENT WAGNER: Mr. Mack, since we’re issuing a tax abatement here do we need to waive Rule 24 since we are giving up money?

LAW DIRECTOR DAVID MACK: No, it’s not the spending of City money.

PRESIDENT WAGNER: OK. So I get clarification for the record.

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN SARNOWSKI: Before I vote, I’d just like to thank Ms. Kuban for her hard work on this one because instead of giving 100% for 10 years or so we have a sliding scale of tax abatement and it’s for like eight years and goes from 75 all the way down to 65. We’re also keeping business within our City. They’re not moving out so that’s a very good job. I vote Yes.

AYES: 7

RESOLUTION NO. 17-2009

A RESOLUTION BY THE MAYOR AND COUNCIL, ON BEHALF OF THE RESIDENTS OF THE CITY OF GARFIELD HEIGHTS, HONORING THE MEMORY OF CHARLES GOEDECKE.

PRESIDENT WAGNER: If there is no objection from the Council I’d like the Clerk to read it in its entirety in honor of Mr. Goedecke.

(The Clerk read Resolution 17-2009 in its entirety.)

Motion by MAHONEY to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

PRESIDENT WAGNER: That concludes new legislation before the Council. Next we'll go on to Old Legislation on the agenda and that would be Ordinance 11-2009. It was adopted on its First Reading on March 9th, adopted on its Second Reading on March 23rd and it's up for its Final Adoption Reading today. So will the Clerk please call the roll on the Adoption of Ordinance 11-2009?

AYES: 7

PRESIDENT WAGNER: Ordinance 11-2009 has been adopted with seven Yes votes.

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?

David Mays, 8250 Green Drive. This Ordinance 23-2009 this is the second time this has been put back into committee. Am I correct? Like I said before, evidently there are certain people that aren't interested in saving the City of Garfield any money because this is costing us \$189,000.00 a year. Pardon?

FINANCE DIRECTOR RICHARD OBERT: \$160,814.00.

MR. MAYS: OK. So it's like I said before, not interested in saving the City any money so I think you should inform the State that we don't need the money and the citizens of Garfield that we don't need the money.

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

Joe Waltos, 12306 Sunset Drive. First of all my question is why is Garfield police saying that they want Dodge Chargers to replace Crown Vics? Because if I remember cities could actually get Crown Vics for approximately \$15,000.00 under State bid pricing?

CLWN MAHONEY: It was my understanding that the Crown Vics were comparable in price with the Chargers and that they can get the Chargers sooner and because the Crown Vics were 8 cylinder and the Chargers were 6 the Chief of Police felt that that would.

MR. WALTOS: Save gas and stuff. OK I could buy that. Second of all I would also like to know the situation on the Mayor's proposal on red light cameras.

PRESIDENT WAGNER: There's another meeting with a company next Monday and the Council is at this point in time listening to presentations from various companies that the Mayor is having coming in to talk to us. There's been no definitive decision made by this Council. No legislation has been introduced or passed with the exception of it's part of the Financial Recovery Plan that has been submitted to the State. There's a

meeting April 16th where the Commission is either going to accept or make comments on that Fiscal Recovery Plan.

MR. WALTOS: OK, so since the Mayor said that it was based on safety, it's actually all about money then?

PRESIDENT WAGNER: It's part of the Fiscal Recovery Plan.

MR. WALTOS: OK, thank you.

PRESIDENT WAGNER: You're welcome. Anyone else wishing to address Council this evening?

Shar Racicki, 6025 Andover. Garfield Mall. We've got a problem with the light at the corner of Garfield Mall. You're going in and out and people are going different directions. There's no exact signs of going straight or going right and all the stop signs; all the pot holes. Is there something we can do about this? It's starting to look like it's a war zone over there.

PRESIDENT WAGNER: Mr. McLaughlin, if you're talking about the streets? Or are you talking about the

MS. RACICKI: OK, because there are three or four stop signs and then there's like a stop sign that's painted on the ground, but people don't stop. There are so many stop signs and nobody knows what to do. It's like mass confusion.

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

Ed Damastus, 5252 Monica Lane. My main question is why do we put things into the Finance Committee? Like just a random, you know, Ordinance number 19? I'm new to this.

PRESIDENT WAGNER: I don't think it was randomly put into the Finance Committee.

MR. DAMASTUS: What is the main purpose behind this?

PRESIDENT WAGNER: It's for Council to study it a little farther. They received information Friday on those Ordinances and today right before the meeting we were given additional backup material that really no one in Council had an opportunity to read because we got it at 6:30.

MR. DAMASTUS: Is there like a limit that you can have it in the Finance Committee? Or is it exponential?

PRESIDENT WAGNER: Mr. Suster's Chairman of the Finance Committee. It can be kept in the committee for six months but my understanding is he's going to announce a committee meeting tonight. I believe it's for Monday, but he's going to make the official announcement.

MR. DAMASTUS: OK. I was just wondering how long it could possibly be. Is that for all legislation as a maximum time it can be in?

PRESIDENT WAGNER: Yes.

MR. DAMASTUS: OK. Thank you.

CLWN MARINCIC: Mr. Chairman, just to clarify it. It could stay in that committee forever, but after six months it's dead.

PRESIDENT WAGNER: After six months it theoretically dies.

CLWN MARINCIC: It ceases to exist.

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

Karen Szczesniak, 13508 Oakview Blvd. One of my complaints is on Oakview Blvd. we've been having a very bad problem with mice and now it's turning into rats. If you look at the corner house you see all the garbage on the corner, the one behind us, there's garbage everywhere. The lady on the corner said she knows they're there. She's got a hole in her garage. She's got stuff stuffed in her garage. I mean it's a mess and that's where they're staying. They're coming into our yards; they're trying to get into our homes. A couple neighbors had their homes had exterminators come in; they are still having problems with them. It's like nobody's taking any measures to make sure like I've been here for 20 years and this is the first time I've ever seen these and I know there's a lot of empty houses, but there's none right in my vicinity.

PRESIDENT WAGNER: The Mayor wants to address that issue.

MAYOR THOMAS LONGO: Do you have an address of these homes?

MS. SZCZESNIAK: Yes, I do.

MAYOR THOMAS LONGO: After the meeting give them to us. We'll have the Board of Health check it out. They really are very responsive in getting on top of rodents. Somebody--there has to food or something? Shelter and food is what they need.

MS. SZCZESNIAK: What she does is she goes down to the co-op and she buys big bags of peanuts and big bags of bird feed and she throws it out in the front yard and the back yard and there's little children running around there.

MAYOR THOMAS LONGO: After the meeting give us the addresses.

MS. SZCZESNIAK: OK. Thank you.

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

Eugene Glenn, 5218 East 100th Street. I'm looking at the Financial Plan and the last sentence is the Plan is predicated on the Municipal Court being self-sufficient. Have there been any plans to correct this problem? One suggestion. If the City owns the building why not charge the Court high rent? Is that possible?

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

LAW DIRECTOR DAVID MACK: Unfortunately it is not, Sir.

MR. GLENN: Not possible?

LAW DIRECTOR DAVID MACK: No, I'm sorry it is not.

MR. GLENN: Why not?

LAW DIRECTOR DAVID MACK: The Court is not really an entity. A Court is governed by the Supreme Court of Ohio and Garfield Heights is the seat of one of the Municipal Courts so we are required to provide space for the Court. We cannot charge them rent no different than if we wanted to charge the Police Department rent or the Fire Department rent. They cannot be charged rent.

MR. GLENN: There should be a way to correct the problem?

LAW DIRECTOR DAVID MACK: We're hoping that with the fiscal emergency and cooperation from the Unions and the non-Union employees and Administration and City Council that the Court will cooperate and trim their budgets accordingly and contribute just as everyone else is contributing. That's what we're hoping for.

MR. GLENN: One other issue I'd like to talk about. If we're going to have these speed monitors, if it's really for money why not put it on 480? Two coming and two going outside of Garfield? Wouldn't that be a good moneymaker?

LAW DIRECTOR DAVID MACK: That could be done. Yes.

MR. GLENN: Let's put it into action.

LAW DIRECTOR DAVID MACK: Yes, that's what the portable one's for.

MAYOR THOMAS LONGO: You could set up permanent ones on the.

MR. GLENN: That wouldn't make the citizens of Garfield unhappy. It would be a moneymaker.

MAYOR THOMAS LONGO: I think we may have to get permission from the Ohio Department of Transportation.

MR. GLENN: You got to make some ways to do it.

CLMN SUSTER: Several weeks ago there was an article in the Plain Dealer. The State's going to be putting those cameras on 71, 77, 480, any Interstate they're going to set them up on there.

MR. GLENN: The State is, but how about Garfield Heights?

CLMN SUSTER: No, it's controlled by the State, as the Mayor stated. You'd have to get permission from the State to do it and they are in the time right now where they're looking at to do it for themselves.

MR. GLENN: How about the money? Linndale's been doing it for years. We have police cars down there on 480. We have police cars. Why can't we have monitors?

CLMN SUSTER: It was the same thing when we had the police cars on there we actually had to ask the permission of the State to do it--the State Highway Patrol. There for a while, correct me if I'm wrong, Mr.

Mack, we also used the State airplane on 480. They used to bring it here on Saturdays and they gave out umpteen tickets for that. That has to go through the State because it's theirs.

MR. GLENN: The State Highway Patrol doesn't even want to come up this area--monitor it. They don't have a State Highway Patrol on a regular basis down there. Not like on 71, 77, those highways.

CLMN SUSTER: They don't have it like they used to have it. It's a rarity that you see a State Trooper on 480.

MR. GLENN: That's right. Thank you for your time.

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

Ron Finnerty, 8025 Garfield Blvd. I need some date clarification about the meetings because I plan on being here, unfortunately for you.

PRESIDENT WAGNER: It's a good thing for us.

MR. FINNERTY: You said the red light camera meeting is Monday?

PRESIDENT WAGNER: Monday is my understanding?

MR. FINNERTY: Monday is what?

CLMN SUSTER: The 20th.

MR. FINNERTY: The 20th. And Finance Committee is Monday the 20th?

PRESIDENT WAGNER: At 6:00 p.m.

MR. FINNERTY: One's at 5, one's at 6.

PRESIDENT WAGNER: No, one's at 6:00 p.m., one's at 7.

MR. FINNERTY: OK. Red camera's at 7?

PRESIDENT WAGNER: Yes. The other meeting I was going to announce is April 16th which is Thursday is the State Commission Meeting here in the Council Chambers. That's at 5 o'clock, correct?

MR. FINNERTY: That's one of my questions. You're having a meeting on the 16th to discuss going ahead with the proposed budget.

PRESIDENT WAGNER: The State Commission is having a meeting.

MR. FINNERTY: But an integral part of that is the red light cameras that have not been approved and are not yet discussed, that aren't going to be talked about until the 20th?

PRESIDENT WAGNER: The 20th and there's a few other meetings.

MR. FINNERTY: Am I missing something here? That seems a little.

PRESIDENT WAGNER: I asked that question at the last Commission meeting of Paul Marshall, who chairs the State Commission. Although the Council has not approved the measure it can be part of the Fiscal Recovery Plan that the State Auditors will look at and they will look and see whether or not it will become part of the Plan that the Commission will approve. Yes it can be in the Plan and not with any final approval because a question was asked of that also. The Union contracts have not been approved by the Council either—the concessions.

MR. FINNERTY: OK so we're not going to talk about the PERS being brought back down until after that also, right?

PRESIDENT WAGNER: Correct. That's going to be on.

MR. FINNERTY: OK so you're doing that too. I'm confused by some things that I heard today.

PRESIDENT WAGNER: We want to make sure you have a good understanding.

MR. FINNERTY: Mr. Mack, you did say that elected officials can voluntarily cut their pay?

LAW DIRECTOR DAVID MACK: No, I said an elected official can donate any portion of their pay back.

MR. FINNERTY: In effect, cutting their pay?

LAW DIRECTOR DAVID MACK: Donating it. Not cutting it. They're donating their own money. They're being taxed on it.

MR. FINNERTY: Oh, so it goes as a tax deduction (*inaudible*) because we're not a charitable organization?

LAW DIRECTOR DAVID MACK: I'm not an accountant so I can't tell you if it's tax deductible or not.

MR. FINNERTY: OK. If it's donating it back that's different than voluntarily cutting it, right?

LAW DIRECTOR DAVID MACK: Yeah, right.

MR. FINNERTY: Because if somebody proposed the legislation that would be to cut a pay they might want to do that themselves like. I understand now. I'm sorry. I didn't know it was donations. OK

PRESIDENT WAGNER: Is there 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: Good evening everybody. I'd like to take a minute to read a letter that was given to me today. It will only take three or four minutes to read it. It says "To The Honorable Mayor Thomas J. Longo and Members of the Garfield Heights City Council. I want to first ask for your forgiveness for not appearing in person but because of a funeral at my church at this time I'm unable to be here tonight. Our church has been in Garfield Heights Ward 1 area for over 10 years and we have been providing community services in many ways to Seniors, families and young adults. We took an old abandoned building in the community and partnered with the citizens of which many are members of our church to provide an outreach for people with your help in 1998. Today we are coming to you again, asking for your help to revive an historical asset, the old Roosevelt Elementary School located at 13455 Dressler Road, Garfield Heights, Ohio." (That's what we consider the Garfield Heights Community Center.) It says "We need your assistance in acquiring the property so that we can then proceed to rehabilitate the property for the Family Life Community Center. If we can avoid the high cost of purchasing the property we can then proceed with the necessary repairs to open by the summer of 2009, this summer. On March 20, 2009, I delivered to Garfield Heights City Hall and the Board of Education Members a proposal for the services we now and will provide in the building that we believe should be given back to the community. It is our plan to keep our church location at 12700 Broadway Avenue." (They said they're not going to vacate that building.) "And operate the Family Life Center which will provide many programs and jobs for the community as a separate entity with our church. May God continue to bless you all. Revered Timothy Eppinger, The Tabernacle of Faith Church."

I just wanted to mention. I'm quite sure everybody is familiar with the Roosevelt Building. That's a battle I've been doing now since for well over a year or so just to keep that building from being closed down. It came to the point that the school does want to auction it off. You know today is not really a seller's market and that building is not going to bring a bunch of money in. My biggest concern, and it should be the concern of many of the people in this City, we know we're not going to have jobs. Jobs as adults is limited out there. I know a lot of people and friends I have that live in different Wards and they call me and say Dudley, you

know the kids is hanging out on the corner. They're getting worse. They got nowhere to go. What do you think is going to happen this summer when you don't have no center but the one that sits over there by the Civic Center? That's a Rec Center. That's not a family center. They don't do no programs the kind to help youth who have trouble issues that need to be dealt with. It provides no food to the needy like the center has done for 200 families; 600 something family members. I wanted that boxing program and my boxing program is slipping and I wanted to mention something about boxing. Boxing do attract a lot of your troubled young males especially. We get them into that program we can make some changes in their lives. They want to provide them something that we haven't had before. That center never has served the City of Garfield Heights. Some people don't even remember the building being over there as a center. Now that we have two entities that really want to do something with it and make it be what it should have been many years ago. You know the auction is coming up and I've been talking to School Board Members until I'm blue in the air and they are working pretty good and they understand how I feel personally and I hope that others have been talking to them because we cannot afford it. If we got \$40,000.00 for that building that may employ somebody for another year, but that's going to be it. The wrong person get their hands on that building it's just going to be another eyesore and they got to go in and fix this and clean up that and they don't have the money. We got another big abandoned building sitting there for kids to go in there and do you know what.

That's not the biggest concern. The biggest concern is I know what's coming this summer. I talk to the kids in the community and our police officers are going to be so busy trying to deal with juveniles that we are nothing but a revolving door. They can't really do too much to them. You pick them up. The parents come down there and get them. We can't afford to lose that building, people. I mean if you can make one call? I don't want to flood their lines because I don't want no emergency going on that somebody can't be reached and know about their child, etc. But keep it in your prayers and I hope to God that we don't lose it because we need that building. We need it more than ever. They're talking about job programs, prep programs for our children and as well as our adults. Somewhere for us to go and have different things set up that we can do with the children after school activities, tutoring programs, etc. Like a lot of people don't know ODOT provides tutors to some of these schools and we never really took advantage of that. You know out in Lorain County they do. They take the grant; they take the mathematicians and we haven't touched those and we got people failing math. We have a chance now, you know? It's not to support me. It's to support our City. I want that center to do what it was made to do many years ago and it hasn't done. I just ask that you keep it in your prayers and if you got a minute call them and tell them to make the decision that's going to be in the best interest of the community and at the end of the day a lot of people leave that school and they go to different cities. Our School Board Members live here. We live here. Like I said I want something for the kids in my community. When I say community I mean the City of Garfield Heights, not Ward 1. I want something to be provided. I've been fighting for a year for that building and I don't think it's an endless battle. I think the next two days is going to tell the tale and if I'm not mistaken the School Board has the ultimate decision in which direction that building goes. If you can do nothing else for us, not for me just make a call and ask them to take consideration that we have a couple entities that want to take that building over and they want to do the right thing for us.

With that one other thing I would ask you to keep my family in your prayers also. I have a brother who's on life support and he's been so for about three weeks now and he is considered to be brain dead. He's only 53 years old. Tomorrow our family has a tough decision as to whether or not to pull the life support on him. So I ask that you keep those two things in your prayers for us. Thank you.

CLWN MARINCIC: Your family will indeed be in my prayers, Michael. I would just like to thank everybody for putting up with my sneezy, sniffly, crackly voice tonight. That's all I have.

CLMN SUSTER: I have nothing this evening.

PRESIDENT WAGNER: Do we know about the Finance Committee Meeting?

CLMN SUSTER: It was said enough. I'm sorry. We'll go over for Mr. Finnerty, one more time. The Finance Meeting will be next Monday evening, April 20th at 6 p.m. We'll be discussing Ordinances 18, 19, and 23 and following that we will have another meeting with the camera people. That's all.

PRESIDENT WAGNER: Clmn Suster, could we discuss Clwn Marincic's Ordinance too about the PERS? Could you put that on the agenda? Which one was it?

CLWN MARINCIC: 23. The original was 6.

PRESIDENT WAGNER: Place that on the agenda too.

CLMN OTERO: I'd just like to extend my condolences to Mr. Goedecke but I'd also like to say that he is remembered for a lot of things and I remember never meeting him but I remember his name often because I spent a lot of my lifetime with Youth Services and I know that he spent a lot of time with sports and programs with young people and I think he ought to be really recognized for that and with no other comment I move we adjourn.

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

AYES: 7

MEETING ADJOURNED AT 8:12 p.m.

APPROVED:

Frank J. Wagner
President of Council

RESPECTFULLY SUBMITTED:

Barbara Molin
Clerk of Council