

**MINUTES OF A REGULAR MEETING OF COUNCIL
CITY OF GARFIELD HEIGHTS, OHIO**

Monday, April 28, 2008

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

INVOCATION BY: Councilman Vincent Liotta

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

READING AND DISPOSAL OF MINUTES:

Moved by Clmn SUSTER to accept the minutes of the regular meeting of City Council of April 14, 2008 as submitted. The minutes were accepted 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 Council. A couple of items to share with you. The Police Chief has put out a memo:

“During the past two weeks I have attended meetings in Clmn Liotta’s Ward, Clwn Marincic’s Ward as well as the Garfield Heights Democratic Club. Those in attendance were very supportive of the Police Department (*by the way this went out to all his personnel. This is a continuation of what he did last year and before*) and voiced their appreciation for what you do for them. They complimented you on your visibility and quick response to their calls. As the weather gets warmer they’re asking for our help with the ongoing problems of daytime and nighttime curfews, juveniles walking, skating, playing in the streets and loud music coming from vehicles outside of homes. As I recall, each of us, when asked why we wanted to become a police officer answered “to help people”. The citizens of this community are asking for their Police Department to help them. Violations of these quality of life issues cannot and will not be tolerated. Enforcement action shall be taken against those who continue to violate these ordinances. The vast majority of citizens in this community speak well of and support you. This support will continue by your responding positively to their concerns. Bureau Shift commanders, it is your responsibility to deliver the context of this memo to those under your command.

Thomas Murphy”

I thought you guys would enjoy hearing that.

As a reminder, on May 8th at 7 p.m. our Community Discussion on Race vs. Perception will continue. This is at the Performing Arts Center at the high school. I encourage all elected officials and everyone, as far as that goes, to attend. It’s interesting but you have to sit and listen. This is not something that you just come in and speak your mind. You’ve got to listen because somebody will get up and respond to those things that are spoken.

Mark your calendars. On May 6th at 7 p.m. we’ll have a meeting on Senior Transportation Consortium here at the Civic Center. As a matter of fact, Ms. Janice Dzigiel is sitting right in the audience back there. Wave

your hand, Janice. This nice lady is responsible and the director of the senior transportation efforts going on in the Greater Cleveland area. There's an awful lot of interest in this program. From what I've been able to glean especially out of Washington there is literally Congress is willing to pump in millions and millions of dollars. So they've given us a proposal. That proposal is going to be placed on the table and all the comments, all the questions, all the concerns that you have had or concerns from your citizens, Janice and her staff are going to be there and we're going to be there, too, to see in which direction we should go.

In referring to tonight's legislation, Ordinance 11 of course terminates the tax abatement for Audiopack. They never applied for it. So it came out of a recommendation that there's no sense in continuing it. Let's get it off the books and we ask your support on this. This concludes my report.

LAW DIRECTOR DAVID MACK: No report.

PRESIDENT WAGNER: Any questions for Mr. Mack?

CLWN SARNOWSKI: A few meetings ago, Council put up a Resolution to look into taking property by eminent domain around the Snider-Cannata property. Around there. How come the City is evicting someone in Court? Did we approve that?

LAW DIRECTOR DAVID MACK: Are you talking about the Lifeline case?

CLWN SARNOWSKI: Yes.

LAW DIRECTOR DAVID MACK: That is in the property that the Snider trust, David Snider's family, owns and if you recall, we had discussions and no one was real anxious about putting that road through the two buildings because it would do a substantial amount of damage. So David finally said well the only way to do this is to go through my own building, which I guess we all tended to agree with since we passed it. Now under the terms of the development agreement that was long ago accepted between the City and the developer, Dave felt that it was necessary to move this tenant at this time. It's my understanding that the lease expires in November and they are in the process of negotiating that today. They were at Court today. Unfortunately I didn't get here till about 5:45 or 6:30 p.m. I did not get the results. I'll be talking to them tomorrow. I think our engineer is meeting them tomorrow. That's what that is.

CLWN SARNOWSKI: Why would the City evict them and not David Snider?

LAW DIRECTOR DAVID MACK: It's actually Snider under the terms of the development agreement because we're taking the property by eminent domain but the City is not paying for it under the development agreement. Snider pays for the property. Snider pays the attorneys. Snider pays all expenses. That was our development agreement with the Snider people as it was across the way with Boyas originally.

CLWN SARNOWSKI: Why is the City's name in it?

LAW DIRECTOR DAVID MACK: They're taking it in the name of the City because it's part of the eminent domain act, which we have authorized them to file in our name as long as Council passes the appropriate legislation, which Council did, on the eminent domain. Now they're following it up to remove that particular tenant.

PRESIDENT WAGNER: Any other questions? How about a clarification on that, Mr. Mack? The ordinance that was passed a couple meetings ago, was that not, to my understanding, was that an intent to give notice of eminent domain? I think the question was asked in the Council Caucus. You can look at the minutes. I think the response was just giving notice that we'd have to come back to Council to actually do the eminent domain? Or is it not?

LAW DIRECTOR DAVID MACK: I don't remember off hand, Frank, but you're probably right. But they still have the right to do this. They're in Common Pleas Court already also.

PRESIDENT WAGNER: What's going on there?

LAW DIRECTOR DAVID MACK: As part of the eminent domain proceedings. I'm not going to speculate why they're here and there. That's between the different lawyers, but I did have a conversation with Mr. Diemert's office and they said they were very hopeful of trying to reach resolution at some point today. That's where that's going. It's all in the terms of the development agreement that was passed.

SERVICE DIRECTOR TIMOTHY McLAUGHLIN: No report.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: I have no report other than the ice rink is closed for the season.

BUILDING COMMISSIONER WILLIAM WERVEY: No report.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: As the Mayor had mentioned Ordinance 11-2008 refers to the termination of a tax abatement agreement for Audiopack Technologies. They've never performed and never applied for the tax abatement so we just need to terminate that. That concludes my report.

PRESIDENT WAGNER: Any questions of the Economic Development Director? I have one. Ms. Kuban, Lifeline Screening. We are in the process of evicting them out of the City/building? R.I.T.A. says that they paid the first quarter \$54,000.00 in payroll taxes over four quarters. That's \$216,000.00/year that they paid to the City. Is your office doing anything to try to keep them in Garfield? What are you doing as a means of economic development so they don't move to Independence?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: I've contacted them repeatedly over the years to keep them in Garfield Heights. I've also suggested the City View project--moving in there.

LAW DIRECTOR DAVID MACK: At 2% City income tax that figure can't be correct.

PRESIDENT WAGNER: That's what R.I.T.A. reported.

LAW DIRECTOR DAVID MACK: That would be an over \$200 million payroll.

MAYOR THOMAS LONGO: Their income taxes are about \$150,000.00. We have already gone on record to offer them all kinds of different locations.

PRESIDENT WAGNER: To keep them in Garfield?

MAYOR THOMAS LONGO: Absolutely. There's space available in several buildings right through that area. There's something going on between this company and the owners, the corporation and they're looking to squeeze everything they can to get whatever monies they can. I've been able to nose around through different businesses down through that area and everything that I've been told, everything's leaving. Come November they're moving out. There's some excellent things on the table right now for them to take into consideration. It's a business decision and they'll make that decision.

PRESIDENT WAGNER: That's good to know that we're doing something to try to keep them here.

CITY ENGINEER DAVID NEUMEYER: No report.

FINANCE DIRECTOR RICHARD OBERT: No report.

PRESIDENT WAGNER: Any questions of the Finance Director?

CLWN MARINCIC: Richard, is there anything that this City Council could be doing and is not doing to cut expenditures in our City?

FINANCE DIRECTOR RICHARD OBERT: You have your appropriation process which we started with. In the Courts it's basically, I'm going to say the management; it's nothing you personally are going to do. It's going to be the management of the City that's going to make these reductions. I'm sorry.

CLWN MARINCIC: If there is something that this City Council should be doing, you would let us know immediately, right?

FINANCE DIRECTOR RICHARD OBERT: It's the extreme measures which you really can do. You probably won't be re-elected. I have no comment on that. Leave it go at that.

CLWN MARINCIC: OK. As I said I would hope that you would let us know as soon as possible if there is anything that we need to know and what our options are.

FINANCE DIRECTOR RICHARD OBERT: OK.

CLWN MARINCIC: Thank you.

FINANCE DIRECTOR RICHARD OBERT: You're welcome.

CITY ARCHITECT DAVID SPEHAR: Absent.

COMMENTS BY CITIZENS:

PRESIDENT WAGNER: That concludes the reports of the Mayor and the Directors. Next we'll move on to Comments by Citizens. Comments shall be strictly limited to a brief statement not to exceed five minutes with comments limited to the legislation on the current evening Council agenda and no citizen shall speak more than once. Is there anyone wishing to address Council on tonight's agenda? (*None.*)

COMMITTEE REPORTS: None.

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

ORDINANCES AND RESOLUTIONS:

PRESIDENT WAGNER: We'll begin with Ordinance number 11-2008. Will the Clerk please read the title?

ORDINANCE NO. 11-2008

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING CITY COUNCIL TO TERMINATE THE TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF GARFIELD HEIGHTS AND AUDIOPACK TECHNOLOGIES, INC./NOOM ENTERPRISES LLC.

Moved by SARNOWSKI to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

COMMENTS BY CITIZENS:

PRESIDENT WAGNER: Next we'll move on to Comments by Citizens. Comments shall be restricted to any problem a citizen has which has previously been submitted to his or her Councilperson or to the City Hall department directly involved. If the submission of a problem to a City Hall department or a Councilperson is made and there is a lack of service rendered in this regard the problem may then be

presented during Comments by Citizens at a future meeting. It is the intention of this rule that no request of a first nature be presented on the floor at this time. 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? (*None.*)

MISCELLANEOUS BUSINESS:

PRESIDENT WAGNER: There being none, we'll move on to Miscellaneous Business. I'd just like to remind everybody this Wednesday, April 30th is the second Foreclosure Prevention Clinic in the City of Garfield Heights. It will be held at the Rock Community Church located on the Boulevard. Their address is 9403 Garfield Blvd. Registration is from 6:00 to 6:30 p.m. and the program starts at 6:30 p.m.

CLMN SUSTER: I have a question for Mr. Wervey. Bill, could you tell us how many vacant houses and foreclosures we have in Garfield Heights?

BUILDING COMMISSIONER WILLIAM WERVEY: As of today there are around 500 houses in the foreclosure process and there are about 970 that are vacant. They are vacant for any number of reasons.

CLMN SUSTER: That's it. This is for Council President Wagner. Last Thursday you had a meeting in regards to Community Preservation and Foreclosures and I know Ms. Kuban was there and I had talked to her at length about the meeting and it seemed that there was nowhere in the meeting where foreclosures were discussed. It was basically complaints from the citizens? I thought that this summit was to discuss foreclosures and the preservation of the community?

PRESIDENT WAGNER: The whole conception of the entire summit was to bring together community leaders, of which there were very few of those there, civic leaders, there were many of those there, businesses, residents and organizations to talk about concerns that they had to start dialogue going and moving the City of Garfield Heights forward in addressing concerns that people have within the community. Approximately 100 people showed up. There was some discussion on foreclosures. In fact, one of the things that came out of the meeting was development of a task force to address some of these issues including foreclosures.

CLMN SUSTER: I'm sorry if I'm not correct. Even Judge Nicastro had mentioned in the course of the meeting that foreclosures were not discussed.

PRESIDENT WAGNER: They were. You weren't there.

CLMN SUSTER: I know I wasn't there.

PRESIDENT WAGNER: They were discussed. There were people that are in the audience that were there.

CLMN SUSTER: OK. All right. That's all I have. Thank you.

CLMN ABELLA: I would like to discuss a motion that we adjourn.

PRESIDENT WAGNER: On the motion to adjourn?

AYES: 7

MEETING ADJOURNED AT 7:16 p.m.

APPROVED:

Frank J. Wagner
President of Council

RESPECTFULLY SUBMITTED:

Barbara Molin
Clerk of Council