

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, May 11, 2009

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

INVOCATION BY: Councilwoman Debra Sarnowski

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

CLMN OTERO: Mr. Chairman, I'd like to take Resolution 20 out of order and have it read in its entirety.

PRESIDENT WAGNER: On the motion by Clmn Otero to take Resolution 20-2009 out of order. Roll call on the motion?

AYES: 7

PRESIDENT WAGNER: Motion carries. Resolution 20-2009 is now before the Council and it was asked that it be read in its entirety.

The Clerk read Resolution 20-2009 in its entirety.

PRESIDENT WAGNER: Before we vote on the Resolution I would like to give everybody the opportunity to speak on it. We'll begin with the Mayor? Is there anything you'd like to say?

MAYOR THOMAS LONGO: Yes, this has been a long process for the Davis's and of course it's with deep sorrow that when we lose a member of our community in this fashion it just makes us stop and reflect that we should appreciate Brad's life and what he stood for, the friends that he had, the relationships and you begin to understand why he joined the service and it kind of helps me in a way to make sense of what happened because he literally helped to guarantee the lifestyles that we enjoy back here in this country. Whether we like someone, dislike someone, agree with things or disagree, it all comes down to what made this country what it is and the contributions that he made but more importantly the contributions he had with the relationships that he had with family especially his friends and those he affiliated with going through school and growing up here in Garfield Heights so again, condolences and our deepest sympathy.

PRESIDENT WAGNER: Anyone else wishing to speak on this Resolution? Anyone from the Council? Anyone from the audience wishing to speak? From my perspective I'd like to let everyone know that Brad's mother Terri is here and his sister Jennifer and again, our heartfelt sympathy to the family. It's because of brave men like Brad that gave their life for our country that we're able to sit here in a Council Meeting or any governmental body and perform democracy at its greatest. That tribute we can thank your

son for that. With that we shall move on the suspension of rules requiring three readings.

AYES: 7

VOTE ON ADOPTION:

CLMN DUDLEY: Before I vote I do want to say that there are not too many words I can say to make anything change but I want to you to know that your family will be forever in our family's prayers and, as a Veteran, I'm proud of him and I can say I am very, very much proud of him and I wish you all the best. If there is anything that my family can do feel free to call on us and I vote Yes.

CLWN MARINCIC: Before I vote I just want to say I don't think there's anything I can say or anybody else here can say that will console this family enough. What your son did was remarkable and I just want you to know that my heart and my prayers will be with you. I work with you, Terri, and we're going to get together one day and I vote Yes.

CLMN LIOTTA: Before I vote I'd like to express my condolences to the Davis family and I vote Yes.

CLWN SARNOWSKI: My deepest condolences to the Davis family. I vote Yes.

CLMN SUSTER: Once again, I'd like to offer my condolences and I'd like to say that I listened to the eulogy delivered by his sister and there were a lot of memories that were brought up. It was very beautiful the way it was presented. It reflected on their lives and things they did in the time of growing up. I also listened to a Brigadier General who gave a speech. Through the whole speech his voice quivered which shows that as many times as these people have to go out and do this deed they never get used to it and I would just like to thank you for your son being part of our country. Thank you very much. And I vote Yes.

CLWN MAHONEY: Before I vote, I also would like to offer my condolences. As a mother and as a sister I cannot imagine the horror that you must be going through. I thank you for giving the country your son. If there's anything that we can do for you please let us know and I also vote Yes.

PRESIDENT WAGNER: Before I announce the vote I'd like to ask everyone just to bow your heads in silent prayer as a moment of silence on behalf of the Davis family, specifically Brad. *Moment of silence.* Thank you. With that I'll announce the vote. Resolution 20-2009 stands adopted with seven Yes votes. If there is anything you'd like to say you may feel free to do so.

AYES: 7

Ms. Jennifer Gardner expressed her gratitude to Council and the Administration for all their support and for honoring her brother. She said that meant a lot to her family.

PRESIDENT WAGNER: Thank you.

READING AND DISPOSAL OF MINUTES:

Moved by Clmn SUSTER to accept the minutes of the Regular Meeting of City Council of April 27, 2009 as submitted. The minutes were adopted with seven YES votes.

WRITTEN COMMUNICATIONS TO COUNCIL: None.

LEGISLATION OUT OF COMMITTEE:

CLMN SUSTER: Mr. Chairman, I'd like to make a motion that we remove Ordinance 18-2009 out of the Finance Committee.

PRESIDENT WAGNER: On the motion by Clmn Suster to remove Ordinance 18-2009 from the Finance Committee. Would 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.

PRESIDENT WAGNER: On the motion to remove from Finance.

AYES: 7

PRESIDENT WAGNER: Ordinance 18-2009 has been removed from the Finance Committee and is on Council's agenda for this evening.

CLMN SUSTER: Mr. Chairman, I'd like to make a motion that we remove Ordinance 19-2009 from the Finance Committee.

PRESIDENT WAGNER: On the motion by Clmn Suster to remove Ordinance 19-2009 from the Finance Committee. Will the Clerk please read the title?

ORDINANCE NO. 19-2009

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

RESIDENT WAGNER: Roll call on the motion to remove from Committee.

AYES: 7

PRESIDENT WAGNER: Ordinance 19-2009 is removed from the Finance Committee and is on Council's agenda for this evening.

CLMN SUSTER: Mr. Chairman, I'd like to make a motion that we remove Ordinance 23-2009 from the Finance Committee.

PRESIDENT WAGNER: On the motion by Clmn Suster to remove Ordinance 23-2009 from the Finance Committee.

ORDINANCE NO. 23-2009

AN ORDINANCE AMENDING SECTION 15 OF THE PERSONNEL POLICIES 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)

PRESIDENT WAGNER: On the motion. Roll call.

AYES: 7

RESIDENT WAGNER: Ordinance 23-2009. The motion stands adopted and it's on Council's agenda for this evening. When we come to Comments By Citizens if anyone wishes to address those they are before the Council on tonight's agenda. Any other legislation coming out of committee? There being none, we'll move on to the reports of the Mayor and his Directors. We'll begin with Mayor Longo?

REPORTS OF THE MAYOR AND DIRECTORS:

MAYOR THOMAS LONGO: Good evening, Mr. Wagner and Members of City Council. Ordinance 25 and 26 are straight out of the City's Charter and they're the average pay raises 1 1 police and fire. If you have any questions on this as to the process with the Charter, etc. Dick Obert has to implement all this and it just has to be done. Also the ASME contract Ordinance 28 has a small pay raise this year and a little bit more the following years. These are all part of our Financial Plan. They've been worked into it. I understand there's some concern about the hospitalization. We passed out information on hospitalization at a Finance Committee Meeting that you all were given. We want to implement the hospitalization but we have to have at least 30 days of meetings with the employees and ASME was that first go round they're the ones that completed their contract, gave it to us and I passed it on to you guys. We understand that the fire's coming soon and there's some language things that are being resolved this week with the police. So you know, these are things that we've already discussed. I urge Council to support this. Ordinance 28-2009 is an easement 1 1 Jennings 1 1 water supply. There's no charge to the City. It has to do with that new construction that's going on right off of our Granger Road and if you have any specific questions Dave Neumeyer can address them. This concludes my report.

LAW DIRECTOR DAVID MACK: No report.

SERVICE DIRECTOR TIMOTHY McLAUGHLIN: Absent.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: We are currently in the process of our t-ball and softball kids beginning their practices so if you see a ton of activity at the baseball fields, they are getting ready for the upcoming season. Down at the Recreation Center we are now getting the swimming pool ready, painting it and doing everything we have to do for the June 6th opening. The pool will open June 6th at one o'clock. That concludes my report.

BUILDING COMMISSIONER WILLIAM WERVEY: No report.

PRESIDENT WAGNER: Any questions of the Building Commissioner?

CLWN MARINCIC: Regarding grass cutting, is it going to be done in any order this year?

BUILDING COMMISSIONER WILLIAM WERVEY: I believe we are probably going to do it the way we've done it most years. We start in the north part of town and work our way south.

CLWN MARINCIC: Is there any way to vary from that because that way the one side of town doesn't get done till last?

BUILDING COMMISSIONER WILLIAM WERVEY: We'd rather not because the north end of town has the predominance of vacant houses and in order for us to make it work we have to continue doing it the way we've done it in the past.

CLWN MARINCIC: If we get a house that's particularly bad can we call and get it done?

BUILDING COMMISSIONER WILLIAM WERVEY: Yes, that we can do.

CLWN MARINCIC: OK, because last year I had a couple lawns that were three feet by the time you got to Ward 2.

BUILDING COMMISSIONER WILLIAM WERVEY: If there's something in particular that needs attention we have the ability with Mr. Bukac's help to do that but we don't want to vary too much or else we're running from one part of town to the other and it's counter productive.

CLWN MARINCIC: Thank you.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Absent.

CITY ENGINEER DAVID NEUMEYER: No report.

PRESIDENT WAGNER: At the last Council Meeting we talked about the roof and you were going to get us some information.

(Inaudible.)

FINANCE DIRECTOR RICHARD OBERT: No report.

CITY ARCHITECT DAVID SPEHAR: I do have an update on the roof. Last time we talked it was just looking at doing the part of the roof that was over the jail and police dispatch area, which is a large portion. To do that the number would be \$99,427.00 as opposed to the \$130,000.00 so there's about a \$30,000.00 savings to go to just that part of the roof. I haven't pulled all the numbers together yet on if we were to look at bidding it because I still have to check some of the line item costs but hopefully I'll have those within a week and I'll forward those to everybody.

PRESIDENT WAGNER: Any questions of the City Architect?

CLMN SUSTER: Are you basically saying the part above the Courts would not be done?

CITY ARCHITECT DAVID SPEHAR: No. There's two sections of roof that need to be replaced. One is the roof over the first floor, the dispatch area. The other one is over the carport. To do both of those together is roughly 10,000 square feet and the price quote on that is \$130,000.00. If you wanted to look at holding off on the carport which isn't as bad and it's obviously not over an occupied area we could reduce the cost by about \$30,000.00.

CLMN SUSTER: OK, but the part above the Courts would be done?

CITY ARCHITECT DAVID SPEHAR: The part above the dispatch area would be done. Right.

CLMN SUSTER: OK. I have nothing else.

PRESIDENT WAGNER: Any other questions?

CLMN OTERO: Wouldn't it be more cost effective to do those together than to wait? It will be a greater cost at a different time?

CITY ARCHITECT DAVID SPEHAR: You know there might be some cost savings but because we're doing this on a State term they are pre-negotiated prices per square foot and you would have probably some cost savings for the installation part of it but I don't think it would be substantial.

COMMENTS BY CITIZENS:

PRESIDENT WAGNER: Any other questions? There being none that concludes the reports of the Mayor and his Directors. Next we'll move on to Comments By Citizens on Tonight's Agenda. Comments shall be strictly limited to a brief statement not to exceed five minutes with comments limited to the legislation on the current evening's Council agenda and no citizen shall speak more than once. Is there anyone wishing to address Council this evening?

Ron Finnerty, 8025 Garfield Blvd. OK. I have some strong feelings about the legislation that was just pulled out of Finance Committee because as I've expressed at the Finance Committee and before it's bad legislation. I understand it was written to fit a need to make a budget that worked but it doesn't work. Eighteen in particular I was surprised as maybe many of you were surprised when we found out there were people such as the Senior Center Director that was going to be affected by that huge cut. You weren't surprised?

CLWN SARNOWSKI: It's not the Senior Center. It's the (*inaudible*) Director. That's the proper name. Not the Director.

MR. FINNERTY: I'm sorry. I used the wrong name? OK. It's somebody other than the people at the top. I don't have access to seeing who it is that's getting cut and how. I don't know if you guys know that? I don't know that if you've done a study to see whether or not those price cuts are in line with what other cities of our size are paying? Or are we just making cuts that meet the budgetary need? I think the latter is the truth. That's why I really implore you all to not vote Yes. Not vote No. Just let them go to the side. Let them stay on the books because they meet the need for the State budget until you don't pass them and come up with some legislation based on the actual numbers that are comparable with the local communities. Somebody needs to do a little research. I didn't hear anybody talking about doing that. I'm surprised. Is the Mayor's salary aligned? I don't know. Should it be cut \$30,000.000 or \$40,000.00? I don't know. I don't know if you all know. I don't know what the local number is. And as far as PERS, that never should have been on the table. That never should have been given to them. That's unheard of in most communities. If it was something that was given as a raise as Mr. Obert said to the Finance Committee, that's great it was given then, but it's out of line now. That one actually needs to go away. I don't want to have happen what I heard said at the Finance Committee which is people on the Council said you know what? I'm tired of fighting the fight. To heck with it. Let's just pass the doggone thing and be done with it. Because somebody put a Plan together and you don't understand it, don't pass it. You shouldn't pass something you don't understand that will cost us money.

MAYOR THOMAS LONGO: Mr. Finnerty, I applaud the fact that you're the only one that has gotten up on the floor of Council and said that you review the e-mails, the Plan, etc. One of the things that I had never heard from you is as to what recommendations you would make on the Plan. Not one item whether you agree with it or what we should or shouldn't do, etc. And I'm anxious to get that kind of feedback. Where you make the comment about how this compares with other communities. We did that. It compares

very, very well. When you have people that have worked for 20 some years who are entitled to a raise it gives us a chance to re-evaluate things and of course the Plan was very, very specific as to what we put together and what we did and it's the same thing with everything that's in that Plan. We could get into all kinds of different opinions but I have not heard from anyone what their recommendations are. I hear people getting up here saying they're against cameras. Well, OK, fine. Where do we get the million dollars? But everybody gets up here and says don't lay anybody off. OK. Where do we get the million dollars? People get up here and say don't do this, wipe this out. Where do we get the money? But then the next breath is don't increase taxes. So we're looking for input. I have yet to hear it, outside of coordinated efforts, etc. that have been going on on the floor of this Council I have yet to hear. You are the first one that said you evaluated, you looked at the Plan and you don't agree with it. Well, I'd like to know how, where your background is, what research you did because in today's environment all somebody has to do is either get on the phone, send an e-mail, ask for specifics. Call Bedford, call Lakewood and say how much does the recreation director get? Where does that start at? Those are the kinds of things we need to make decisions.

MR. FINNERTY: I'm agreeing with you. How much of his statements can I answer?

PRESIDENT WAGNER: As much as you like.

MR. FINNERTY: OK. My comments were I didn't hear any discussion by anybody in the Finance Committee or anybody in Council talk about how any of the numbers compare to what's going on in the other communities. I'm glad to hear you say that you actually did do that. I never heard anyone say that. That was one of my recommendations. Somebody needs to do that. PERS, you've heard my opinion on that. It shouldn't happen. That's unheard of. That is not something that's common. We all know that's not common. Yeah, it happened back when there was money or however. It happened. It should go away. Is it people taking a 10% effective pay cut? Sure. But their wage isn't their wage plus their benefits. Their wage is their wage. That's the number you're comparing. So if somebody made \$80,000.00 and they got the Garfield Heights 10% PERS co-pay, they're making \$88,000.00. They are not making \$80,000.00.

MAYOR THOMAS LONGO: I understand exactly what you're saying but I have a question for you. Are you done?

MR. FINNERTY: No. And as far as my background just so you know, I've run multi-national projects as a project manager; multi-million dollars; they run three to five years long. I've done that. That's my background. I have a Masters Degree in Technology. I'm not some dumb cluck who just walked in.

MAYOR THOMAS LONGO: That's very impressive.

MR. FINNERTY: You want to know that I know a little bit.

MAYOR THOMAS LONGO: Yes, that's good.

MR. FINNERTY: I've been an operations manager for my company for years too.

MAYOR THOMAS LONGO: There's another thing that I have to ask you. You know like in my background before I came here I used to work for the Bell System. I used to handle one account and before anybody made a phone call there was a million dollars a month in billing and people can't comprehend what that's all about. But anyways there was a comment that I heard that was made that you had a chance to review the recommendations of the Performance Audit and you totally disagreed with it?

Is that a true statement?

MR. FINNERTY: The recommendations of the Performance Audit?

MAYOR THOMAS LONGO: The Performance Auditors.

MR. FINNERTY: I've reviewed their statement. I don't know that that's an exact statement. I don't know what misconception that is?

MAYOR THOMAS LONGO: That's what I heard. That's why I'm asking you right here. It's a public forum.

MR. FINNERTY: Did I see a Performance Audit?

MAYOR THOMAS LONGO: From what I was told.

MR. FINNERTY: Unless it was sitting on that table I haven't seen one.

MAYOR THOMAS LONGO: So then the comment about what the Performance Audit was all about or whatever they presented, that has no validity or basis for truth?

MR. FINNERTY: I don't know what you're referring to?

PRESIDENT WAGNER: I don't think he said anything about a Performance Audit.

MAYOR THOMAS LONGO: Please. I had gotten feedback that.

MR. FINNERTY: You got it from somebody else. You didn't hear it from these lips.

MAYOR THOMAS LONGO: That's why it's here.

MR. FINNERTY: I didn't say it.

MAYOR THOMAS LONGO: OK.

MR. FINNERTY: I appreciate that. I appreciate we direct each other on what we said. There's things I've heard you've said that I don't accuse you of them because I agree there's things in the newspaper, they're misquoted, these things that are said by other people on the side. I don't know what you said or didn't. If I didn't hear you say it I'm not going to give you a hard time about it.

PRESIDENT WAGNER: You have one minute left.

MR. FINNERTY: I'm done. I think 18 needs to be reviewed more. It should be voted on. Somebody needs to look at what the comparisons are rather than take them at face value. Nineteen, same thing. Twenty-three that should be a done deal. This should be a done deal yesterday—not in December. I'm sorry to hear you at the Finance Committee say that you were pulling your legislation because you were shouted down. That was wrong. That's one last thing. As a point of order I would hope that you guys can all get together and agree that everybody on the Council and all the Directors need to treat everybody else with respect and not shout them down. Yes, look at Mr. Baka's article in the Maple Sun on the 9th he just talked about Mr. Obert yelling at Ms. Marincic. It's out of hand. And then he took on what's his name from the police department?

CLMN SUSTER: Gary Wolsky.

MR. FINNERTY: Yes. It's out of hand. You guys need to get a rein on it. Thanks.

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

CLMN DUDLEY: I would like to mention one thing because I know everybody doesn't get to come to the Finance Meetings so there won't be a misconception. You think that every body threw their hands up and said we're going to vote for this piece because it was an individual that got a little frustrated but that wasn't the way all seven Members of Council had reacted. Like I say I'm quite sure myself and many of the other Council Members you know we don't vote--personally I don't vote--out of frustration and I don't vote out of pressure. People elected me to do a job and nobody is going to pressure me to make a decision. Every decision I make is going to be best for the community. When I say community I mean the City as a whole so I want to clarify that that we all did not throw our hands up and say we're going to vote. Personally I would never do that and I'm quite sure a lot of Members of Council would not do that so I wanted to clarify that so there wouldn't be a misunderstanding about that. Thank you.

COMMITTEE REPORTS: None.

ORDINANCES AND RESOLUTIONS

PRESIDENT WAGNER: We'll move on to Ordinances and Resolutions beginning with Ordinance 18-2009. It's been considered by title, it's been in the Finance Committee and it's up for suspension of rule requiring three readings. Will the Clerk please call the roll?

ORDINANCE NO. 18-2009

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

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

ORDINANCE NO. 19-2009

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

PRESIDENT WAGNER: It's been considered by title, it's been in the Finance Committee and it's up for suspension of rules requiring three readings. Will the Clerk please call the roll?

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MARINCIC: Before I vote I have a question for our Law Director. I mean I plan on supporting this because I'm in favor of it but I heard a little rumor a while ago saying that there is some law in our community that the Mayor can't make less than the police chief. Is that in fact true?

LAW DIRECTOR DAVID MACK: No, there is no such thing because that's gone on for many years.

CLWN MARINCIC: I've heard that but I'm not sure if it's true?

LAW DIRECTOR DAVID MACK: Absolutely not.

CLWN MARINCIC: I couldn't find anything.

LAW DIRECTOR DAVID MACK: No. There is nothing.

CLWN MARINCIC: All right. I vote Yes. Thank you.

AYES: 7

PRESIDENT WAGNER: Going on to Ordinance 23-2009, will the Clerk please read the title?

ORDINANCE NO. 23-2009

AN ORDINANCE AMENDING SECTION 15 OF THE PERSONNEL POLICIES 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)

PRESIDENT WAGNER: This Ordinance has been considered by title, it's been in the Finance Committee and it's before the Council for a suspension of rules requiring three readings. Will the Clerk please call the roll?

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MARINCIC: Before I vote I'd just like to make a short statement. I think just about everybody knows how I feel about the PERS benefit. I thought it was wrong to begin with 10 years ago and it's really wrong now. If I had my way this would have taken effect in February but I didn't have the votes to pass it then, I tried to pull it out of committee several times and I could not prevail. When this piece came up on Council floor I tried to amend it to take effect in July and I did not prevail then. I guess that as long as I have the votes and the Council is willing to pass it in December that's when it's going to have to pass, but I still in my heart believe it should pass right now and be effective right now because I can't see how anybody could sue us for changing this benefit. And Mr. Obert in Finance Committee kept stressing that. He got angry. He started screaming, he started yelling. He even used some language that I think he owes people an apology for. But this is the one that the support is there to pass so I'm going to vote Yes on it.

AYES: 7

ORDINANCE NO. 25-2009

AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. 13-2008 TO REFLECT INCREASED SALARIES OF THE FIRE DEPARTMENT IN ACCORDANCE WITH THE CHARTER AMENDMENT TO SECTION 41.

Moved by MAHONEY to CONSIDER BY TITLE:

CLWN MARINCIC: I messed up, Tracy. I'll take yours.

AYES: 7

Motion to WAIVE RULE 24:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

ORDINANCE NO. 26-2009

AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. 12-2008 TO REFLECT INCREASED SALARIES OF THE POLICE DEPARTMENT IN ACCORDANCE WITH THE CHARTER AMENDMENT TO SECTION 41.

Moved by MARINCIC 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. 27-2009

AN EMERGENCY ORDINANCE AUTHORIZING THE EXECUTION OF THE LABOR AGREEMENT BETWEEN THE CITY OF GARFIELD HEIGHTS AND LOCAL 2729 AND COUNCIL 8 AFSCME, AFLO-CIO.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 7

Motion to PLACE INTO FINANCE COMMITTEE:

AYES: 7

ORDINANCE NO. 28-2009

AN ORDINANCE AMENDING ORDINANCE 75-2002 BY ENTERING INTO A NEW

CONTRACT, THAT CONTAINS A CORRECTED LEGAL DESCRIPTION, WITH THE SISTERS OF THE HOLY SPIRIT FOR A PERPETUAL RIGHT-OF-WAY AND EASEMENT FOR THE PURPOSE OF SUPPLYING WATER SERVICE FOR THE JENNINGS HALL SENIOR CENTER PROJECT ON GRANGER ROAD.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

COMMENTS BY CITIZENS:

PRESIDENT WAGNER: That concludes the legislation before the Council this evening. 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 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?

Jerry Hill, 5353 East 131st Street. I don't know who I should direct this to? I have two questions. The first one being the house number 5344 East 131st Street. It's been abandoned for five years. It's got to be the worst looking house in Garfield Heights. It's boarded up, has broken windows, there's a rodent problem and I'd like to know what's going to be done with that? If anything?

BUILDING COMMISSIONER WILLIAM WERVEY: I don't know the specifics on that house. If you'd like to give me a call in the morning I can tell you.

MR. HILL: It's my understanding that HUD owned the home.

BUILDING COMMISSIONER WILLIAM WERVEY: Right now I can't answer you. I think I know which house you're talking about.

MR. HILL: But HUD has since relinquished it or sold it and no longer owns it. Someone else bought it. They were going to fix it up but we've heard people were fixing it up for the last five years and no one's done it yet. There is supposedly a permit problem with the City of Garfield not relinking the permits to fix it up. Then again this is what I got from HUD.

BUILDING COMMISSIONER WILLIAM WERVEY: That shouldn't necessarily be.

MR. HILL: My second question is I'd like to know why Granger Road is a truck exit. There's hundreds of trucks that go down that exit every day with their jake brakes on and I am a retired truck driver—40 years. I don't know why they get off here because it's residential all the way up to Broadway. There are no

businesses down there and the place that all these containers are going is on Broadway. Why are they allowed to get off on Granger Road? It's noisy enough over there with the freeway. We don't need the trucks too. We have to get a break on this street somewhere. The noise wall barrier does not come down far enough. The noise there. You can't even sit with your windows and doors open. I'm retired. I wanted to move to Florida with my grandchildren and my children. I've tried to sell the house. I'm on record three times as giving Garfield \$75.00. I have a violation free home. I can't even get somebody to come in the door to look at the house and it's one of the nicest looking houses on the street and in the neighborhood.

CLWN MAHONEY: I can attest. It truly is.

PRESIDENT WAGNER: The Mayor wants to respond to the question on the trucks.

MAYOR THOMAS LONGO: Mr. Hill, we used to. Granger's a State route.

MR. HILL: I understand.

MAYOR THOMAS LONGO: Years ago we used to ban trucks going down Granger Hill.

MR. HILL: I've been driving since then, too.

MAYOR THOMAS LONGO: We then were giving tickets out to trucks going there because back in the late '70s there was a horrific accident at the bottom of Granger Hill.

MR. HILL: I remember it well.

MAYOR THOMAS LONGO: I forget if it was eight people that got killed.

MR. HILL: Several people killed. The brakes went out on the truck at the bottom of the hill.

MAYOR THOMAS LONGO: So when we started to enforce it we were hauled into Court. We had to pay back \$6,800.00 in fines because the Judge ruled that you can't ban trucks on Granger Road, whether it's the hill or what have you. That's just the state of the law because years ago when things were a little bit different you didn't have this freeway coming through here this section of Granger Road that you're talking about trucks weren't allowed there. They had to get off on Broadway.

MR. HILL: Or Transportation.

MAYOR THOMAS LONGO: It was even before Transportation. But when you get caught in the cycle and then the trucking association the trucking companies they started to assert themselves and when you get a Judge ruling that you can't keep them off of a road well now you have a problem because if you then proceed to. There's nothing I'd like better than to say OK, from Turney Road or from Transportation Blvd. going east trucks go find another route. But it's the same situation that we get stuck with trucks going to Turneytown, trucks going to Rockside Mall, making deliveries on some of the miscellaneous stores or businesses along Granger and then they have that ramp that comes off. They come down the ramp right into Maple Heights, you know, two or three blocks and you're in Maple Heights. The only way that that could be resolved is the State legislature would have to give us relief to allow us to exercise an option to ban the trucks.

MR. HILL: Or another option would be to put a weight restriction on the bridge going over the valley. I'm very familiar with the State route issue from being from one end of this country to the other more times than I can tell. I'm very familiar with re-routing a State route and in this case it would have to be from like 77 to Rockside and Rockside over because the only place that they can go before they go over

the bridge to the container place is to turn right on Dunham and go up to the industrial park, but you can come in off of Rockside for that.

MAYOR THOMAS LONGO: You have another operation that is impacted by the tractor-trailer deliveries. It's called Marymount Hospital. Marymount Hospital was instrumental in getting that left turn as you come off that ramp in. As a matter of fact they wanted to make it a four-way. If they could they would probably. The Cleveland Clinic would pay for a four-way interchange right on Granger because it would help them immensely with patients, doctors and doing business there. You start trying to balance stuff and you understand what the aspects is.

MR. HILL: I understand it but I also by making deliveries to Marymount myself I always went in off of McCracken--down Turney to McCracken.

LAW DIRECTOR DAVID MACK: I wish to respond to your second portion of your question. I was around during the crash at the bottom of the hill. Not as Law Director, but as a private attorney. Later I was involved in the Court actions that the Mayor talked about as Law Director for the City of Garfield Heights. We saw the handwriting on the wall that the Court was probably going to allow trucks to use Granger Road Hill so we came up with the weight argument on Granger Road Hill and the City invested in the scales that the police could use and the Court ruled that they were not accurate and it had to be a weigh station and therefore we couldn't enforce any weight on those either.

MR. HILL: That's a pretty old bridge on Granger.

LAW DIRECTOR DAVID MACK: I'm just telling you that we thought of that argument after we were sure we were going to lose the hill argument and the City invested money in the scales and the Court didn't buy that argument either.

MR. HILL: The bridge is actually in Maple Heights.

LAW DIRECTOR DAVID MACK: That's probably why it wouldn't affect us either way.

MR. HILL: I haven't seen any other restriction or any weight sign up on that bridge and that bridge has been there a long time.

LAW DIRECTOR DAVID MACK: This Council can't do it.

MR. HILL: It's Maple Heights. My concern basically and it's really not any farther. It's just like a short cut is the only reason to go that way. The next exit is Broadway. They loop around Broadway, go up the street and the entrance is on Broadway anyway.

LAW DIRECTOR DAVID MACK: I don't think you'll find anybody on the Council or in this Administration who does not agree with you, but we found our hands tied by the Court and the State on this issue and we've looked at every different angle to get around it that we have been able to. It would take the legislative action by the State of Ohio to give us the right to do that and they are not about to do that.

MR. HILL: How about extending the wall? The noise barrier wall?

LAW DIRECTOR DAVID MACK: I can't. That's State also but one of our former Councilwomen, Rose Lovano, was very instrumental in getting those put up originally in this area. That could be looked at, but it would be a long term project.

MAYOR THOMAS LONGO: Just as an aside though because you're bringing back old memories, before the noise barriers went up, when they opened up the road the traffic was flying through here and people all up and down I-480 were complaining the noise was just horrendous because it acts like an echo chamber the way it comes up. One of the old timers who was very well known in this town, he's still around and he's very up there in years, when we started talking about putting noise barriers and looking around as to what happened around other parts of the country, his comments were these, "I don't want a Berlin Wall put up in this town." That comment stopped any action being taken because I was on Council. It was my first couple years on Council and that freeway opened up I think it was in '78 when you could get off on 98th Street. Then it was in '84 when they allowed it to go through. When that thing went through it just turned it into especially with that slope going down and you get this (I forget how they call it) that Doppler type effect where it echoes and just goes up. So then the answer was the noise barriers and oh my God you're not going to put the Berlin wall up in this town! And yet out in North Olmsted they were putting them up and when I went out there and I met the elected official out there I said how do these things work? And he said come with me. He took me and it was quiet.

MR. HILL: They're great.

MAYOR THOMAS LONGO: Yes.

MR. HILL: I would love to see them extended farther and I would love to see that house taken and plant some trees there. We could use the help on the end of the street.

MAYOR THOMAS LONGO: Talk to Bill Wervey and he'll get you everything he can. If we can take it down we will.

MR. HILL: Thank you very much.

CLWN MAHONEY: Mr. Hill, after the meeting I'd also like to speak with you in regards to that home.

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: The only thing I want to mention is like I say, you know, we are still battling for that same community center which I say affects the entire community of Garfield Heights. The good thing about it is we have some people outside, in Greater Cleveland and also some Cuyahoga County officials who understand exactly what I'm talking about. They are going to try to support me so we can save that building and turn it into something to utilize for the kids this summer. That battle's not over. That's all I have, Mr. President.

PRESIDENT WAGNER: What is the status on that?

CLMN DUDLEY: Actually it's in limbo. They're talking about trying to possibly get the auctioneer—because he's also real estate--to try to sell the building. But like I explained if you sold it for \$40,000.00 in the City how many people can you employ for \$40,000.00 and give them benefits? When like I said you can feed 225 families out of there, some 600 family members; you can create some programs for our kids

who ain't going to have jobs this summer. We can bring some job fairs and different programs. The rec center is exactly what it is over here. It's a recreation center. It's not a community center with community-oriented programs. We're going to need something. I keep sending that warning. The kids and young people are going to be on the corner; they won't have nothing to do. Our law officials, our police department will be tied down with a bunch of juveniles this summer and we don't have nobody to blame but ourselves if we don't save the building. It's for the community. It's not for Ward 1. We want to make it do what it should have done years ago—serve the entire community of the City of Garfield Heights and not just be surrounded by a particular Ward. We have to do something. We can't let that go. We got to remember sometimes the people who make the decisions on that building do not live in the City of Garfield Heights like we do. They may leave and go home to their own cities at night. So like I say it's important that we maintain that building and that facility. We need it bad. Badder than we think.

CLWN MARINCIC: I'm just going to ask that before the next meeting when each Council Member comes they bring a little snack along because Clmn Liotta's stomach has been growling so loud all night. I thought I heard a baby lion cub. So let's bring him some snacks. With that I have nothing else.

CLMN LIOTTA: I have nothing to say about that.

CLWN MAHONEY: I'm a little hungry myself.

CLMN OTERO: I'd just like to say that small things sometimes go unnoticed and I want to just applaud the Service Department because they've done a great job in doing a lot of patch work, especially somehow we've gotten the Garfield Mall taken care of and several streets throughout and there are some streets that got patched that really should be scraped and repaved, but it's a good beginning. I want to compliment their work for doing that. Also I want to say that in the last couple of months—the last three months--I've looked at a lot of sheets of good work that's been provided and evaluations considering other communities and the Court system and how they work and the number of officers and police and fire and so the decisions I look at as I look at all the financial issues, etc. is based on quite a bit of information and I wish the old mind can repeat that information and target it and retain it easily but I do have a lot of information that I've been looking at. I move we adjourn.

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

AYES: 7

MEETING ADJOURNED AT 8:01 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Frank J. Wagner
President of Council

Barbara Molin
Clerk of Council