

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

Monday, June 9, 2008

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

INVOCATION BY: Councilwoman Tracy Mahoney

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 May 12, 2008 as submitted. The minutes were accepted with seven YES votes.

WRITTEN COMMUNICATIONS TO COUNCIL: None.

LEGISLATION OUT OF COMMITTEE:

PRESIDENT WAGNER: I understand there's a piece of legislation coming out of Committee.

CLMN SUSTER: I'd like to make a motion that we take Ordinance 14-2008 out of the Legislative Committee.

AYES: 7

PRESIDENT WAGNER: Ordinance 14-2008 will be removed from the Legislative Committee and is on tonight's agenda. For those of you who have an agenda in front of you it's listed under Old Legislation.

CLWN MAHONEY: I'd like to make a motion that we put on the floor at this time Resolution No. 19-2008.

AYES: 7

PRESIDENT WAGNER: Motion carries. Based on the resolution itself maybe we should read it in its entirety, please.

CLWN MAHONEY: I move you should read the title and then we'll vote on that and then go on to read it in its entirety. Isn't that how you should do it, no?

PRESIDENT WAGNER: Will the Clerk please read it in its entirety?

(The Clerk read Resolution No. 19-2008 in its entirety.)

PRESIDENT WAGNER: Normally the Council would start voting on this resolution but before we do that, if the Council would give me a little liberty, since the Mayor co-sponsored it maybe he has something to say on it? And also to recognize Derek if you would stand up?

MAYOR THOMAS LONGO: Thank you Mr. Wagner, it's always a very nice event when we could take time to recognize one of the young citizens in our community who contribute so much and it's good that we do these things. Wherever life's going to take you, Derek, the things that you've learned, that you've put to use so far, should bode well in your future. Usually when you go away to college you stay away. They don't come home. That's just a fact. Come on back to Garfield Heights. There's plenty for you to get involved with and help out in all aspects, church life, social life, throughout the community. Thank you, Mr. Chairman.

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MAHONEY: Before I vote, I would like to congratulate Derek on his great work and to his parents. Amazing feats. Congratulations on a job well done with your son and I vote Yes.

CLWN MARINCIC: Congratulations and I vote Yes.

CLWN SARNOWSKI: Thank you, Derek, for making a difference in the world. Congratulations. I vote Yes.

CLMN SUSTER: I would like to say congratulations, Derek, and good luck in your future endeavors. I vote Yes.

PRESIDENT WAGNER: Before I announce the vote on Resolution 19, I, too, would like to give you my sincere congratulations and best wishes in the future to you and your family.

AYES: 7

REPORTS OF THE MAYOR AND DIRECTORS:

MAYOR THOMAS LONGO: Good evening, Mr. Wagner and Members of City Council. Derek, if you want to say something? OK, fine. In your package handed out today was this little flyer. If you have a chance you should attend something like this. With what's happening with the price of petroleum products, gasoline, etc. it looks like we're going to be, in this country, forced to go back and rebuild the public transportation system as it was 40 or 50 years ago. If you have any strong comments on this or you're really interested, go down to Cleveland State, the Joseph Cole Center, 30th Street, just by Chester. There's a parking lot there. Go on in and speak your mind.

From Committee you took Ordinance 14-2008. This is for an independent apartment at Jennings utilizing the Community Reinvestment Area agreement that we have with them. We have done this for Jennings and their apartments and they have done a superb job. It's been a tremendous example of what can be done for the Senior community and it's been accomplished at Jennings. Martha Kutik, who is the CEO, is sitting there in the second row behind Mr. Jim Nordlie. So if you have any questions, know that Martha will be more than happy to address any comments or questions that you have. I mentioned Jim Nordlie. Mr. Nordlie, the gentleman in the blue shirt, is here because of Ordinance 16 which provides for the appropriation of some of the grass area along Granger and also on the west side of the property for access in and out of Bridgeview. This is at no cost to the City of Garfield Heights. This is a thing that we have done many, many times before. The development agreement that we have with Snider/Cannata allows them to use the City's ability for eminent domain, but it has to be done in an equitable way so therefore Snider/Cannata would post to Court the amount of money that's outlined in the ordinance and then they would negotiate and reach some kind of a settlement so that we could progress with the installation of the road. Dave Snider's here. Sam Cannata and their lawyer, Diane Kalta, is here. As is Mr. Nordlie and Mr. Smith are here from Nordlie so we can get into that.

Ordinance 15. The Court is now making an effort to collect the uncollectible funds. Capital Recovery Systems is one of several companies that can do this. This is the company that the Court wishes to work with. They can start on June 18th. Your approval is required for the contract. If you have any specific questions, Dave Mack can address them. Ordinance 17 is a slow but modest start for the widening of Broadway. We have to front the money that eventually is going to come back to us in Issue 2 money. We can't really do any engineering or design work until after January of this year when it could start and we probably won't get our money back from the Issue 2 until the project is completed so there's going to be many other items in this reserve fund that Dick is setting up. So it's just the start. Eventually you'll have to give approval to go out for bid for the widening but it all has to be tied so we can get our money in appropriate time without taxing the City's infrastructure. If anyone has any questions, Dick Obert can

address those. Ordinance 18 is a multi-faceted piece of legislation. One, it provides for the acquiring of two homes next to the Justice Center, 5555 Turney Road. Parking is atrocious down there. The gentleman that has bought these properties to put his business in there did some modifications and then he said OK, if the City buys from him he'd like to be reimbursed for them. That's why the \$300,000 or so for this project is what he's asking for. This also does the roof, which needs to be done, and we'd want to demolish the old Garfield Show. It has been an eyesore and a nightmare for us. So what Ordinance 18 does is—it sets up a pool of money which means we have to come back to Council, number 1, to buy the property, number 2, to fix the roof, number 3 to take down the show. Without this pool of money we can't take the next step. We urge Council to establish the pool and then we can work from there. Ordinance 19 is a rollover on the note on the construction of the Recreation Center. They're still working on the elevator. Hopefully it will be up and running soon. Ordinance 20-2008 procures for the purchases we already purchased--the big aerial platform and other equipment--so there isn't \$1 million laying around. When we bought the truck (you probably saw a picture of it fighting that fire in Maple Heights and the fire chief from Maple Heights was very appreciative that we had equipment like that). Ordinance 21-2008 completes the traffic signalization system installed by ODOT. This thing started back in 1992. That's when the first approval was given by NOACA for this and I used to get on them unmercifully that they built the aircraft carrier Constellation in less time than they did their approvals, but here we are. Ordinance 22 makes provision of our purchase of rock salt via the State of Ohio ODOT contracts. Since we don't have to go out for bid we're buying it at the price that's in there, which is very very competitive. It's impossible to find anything cheaper.

Resolution 20 applies for a grant to finance our D.A.R.E. Officer and the City schools. We'd like to keep the officer working with those kids in the schools, both parochial and public. Resolution 21-2008 supports Governor Strickland's Clean OHIO Air Fund. We have taken advantage of that fund. There were some things we had to fix, so it's been good for our community. I urge you to support this effort on the Governor's part. Resolutions 16 and 22 praise the Academic Team and Music Express of the Garfield High Schools. There are no kids today. They must be doing homework. Our kids today are accomplishing things we could only dream of. We're so proud of them; especially the pride they bring to our community. I'm so grateful the kids are doing exceptionally well throughout the State of Ohio. If not the country. Resolution 18. Father Norman Gajdzinski is retiring. It took me 10 years to learn how to pronounce his last name and now he's gone. He was the pastor at St. Therese Church for a good number of years and now he's retired. We wish him good health and happiness and he did a yeoman's job in maintaining the facility, the school and all the other structures they have over there. Resolution 17. After the Cleveland School District closed the Cranwood Elementary School it was like taking the heart and soul out of the Cranwood community. Now if a representative from Garfield Heights sat on the Cleveland School Board, we would have at least one voice speaking for our community. They were just so callous about that. That school was the top performing school in the Cleveland School District and it just disintegrated. I just want to go on record that I support Resolution 17. This concludes my report.

LAW DIRECTOR DAVID MACK: No report.

SERVICE DIRECTOR TIMOTHY McLAUGHLIN: Our patch crews have gone through the City one time. I'm taking the work force off the patch crews and back into the jobs I borrowed them off of so we're a little bit behind on streets, etc. We'll catch up on that. There will be patch crews going throughout the City to take a better look but there was some bad weather and a lot of streets ended up having potholes in them. We're also working on the water cutout repairs. We started those this week—75 of them. We'll get those done as soon as possible so we can bill the City of Cleveland for them. If you've noticed, the clock tower is up and new clocks are up. Unfortunately there are a couple of numbers missing. We moved the clocks that were on there to the Rec Center. They're being used at the Rec Center. We installed a different style up there now. Hopefully it will work out much better and I won't get so many complaints about Mr. McGoogle Eyes up on top of the tower. We're not done yet. Finally a week ago Saturday we had Iron Mountain, the shredding company, come in to the Service Garage for the first time and I think it was pretty successful. They shredded 6,000 lbs. of residents' documents and hopefully they will do it again in September. A lot of

people came down there and were interested and watched. It had a camera on the side. You could watch as it shredded, so there was a lot of interest, people were happy to get rid of things that they were afraid would fall into the wrong hands so we'll do it again. That's all I have.

CLWN MAHONEY: I received a call from a resident who wanted to have me push for you to do that again this year and thought that was a wonderful thing. I guess at one time he had identity theft happen so they were quite pleased and wanted to thank you.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: We are into all our summer programs—softball, t-ball, Little League, etc. The swimming pool opened this past Saturday from 1 – 7 for public swimming, Mondays – Thursdays and 1- 8 on Friday, Saturday and Sunday. We'll have swimming lessons beginning at 9 a.m. Monday to Thursdays and 7 – 8 p.m. Mondays and Thursdays. The first lessons begin a week from today. There's still time to sign up. We start the pre-schoolers as Minnows on Saturday mornings and we also have water aerobics, etc. Call the Rec for more information. You can still sign up. The elevator is close to completion. The State inspection wants a couple of tweaks. Once that's done we should get the permits and have that thing up and running soon. That concludes my report.

PRESIDENT WAGNER: Any questions of the Park Director?

CLWN MARINCIC: Regarding the mowing of lawns, I understand you have a crew that's in charge of this?

PARKS AND RECREATION DIRECTOR JAMES BUKAC: Yes,

CLWN MARINCIC: How many people are on a crew?

PARKS AND RECREATION DIRECTOR JAMES BUKAC: Three.

CLWN MARINCIC: I had several residents ask me and I think I know what the answer is but I'd like you to address it publicly. Why don't we hire a company to come through the City? Because it did take your department how many weeks to get to my Ward?

PARKS AND RECREATION DIRECTOR JAMES BUKAC: We'll finish your Ward tomorrow. The last four houses we have to do.

CLWN MARINCIC: Wonderful.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: Then we'll do Mr. Dudley's Ward. We're on top of that whole grass cutting thing. We bill \$200.00 per cut and we do get paid for it. We bring in two times as much as our outlay. If we contract out that would change the whole ball game. Mr. Obert?

FINANCE DIRECTOR RICHARD OBERT: You're absolutely right. We brought in \$64,000.00 last year and if you contract out you'd spend more than \$64,000.00.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: Yes, it's not that it's not a hassle. It is. Once we get through the City the first swipe, things get a lot better, too. It's springtime. The grass grows a lot quicker, it will dry out a little bit now. We should be done with our first swipe during if not by the end of this week the first part of next week. So we are hitting some of these houses the second time around and they are not as bad.

CLWN MARINCIC: Will you change the rotation so that Ward 1 is always the last one? I've had some lots three or four feet tall and that was pushing it.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: Mr. Dudley's Ward was the last one.

CLWN MARINCIC: Can you change the rotation from time to time so that our Ward is not always the last?

PARKS AND RECREATION DIRECTOR JAMES BUKAC: That would not make sense to do that because if we go back to Ward 3 or 4 those lawns were cut two weeks ago.

CLWN MARINCIC: That's not what I'm saying. I'm saying next year when you begin this?

PARKS AND RECREATION DIRECTOR JAMES BUKAC: We'll make Ward 2 number one next year.

CLWN MARINCIC: I would appreciate it.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: Don't tell Clwn Mahoney.

CLWN MARINCIC: Ward 2 then Ward 6 or vice versa?

BUILDING COMMISSIONER WILLIAM WERVEY: Let me add something to that. Mr. Bukac did not set that up. The Building Department set that up so don't blame him. We figured we would start in the north part of town because that's where the majority of the houses that needed cutting were and then go to Ward 7, etc.

CLWN MARINCIC: Next year Ward 2 first.

BUILDING COMMISSIONER WILLIAM WERVEY: No. If I might add something to what Jim had said. The other reason for us not farming this out is because that creates an expense for us and this money does not come back to us immediately.

CLWN MARINCIC: I understand that.

BUILDING COMMISSIONER WILLIAM WERVEY: So it avoids that issue.

CLWN MARINCIC: OK. Thank you.

CLWN MAHONEY: I've been asked to thank you for emceeding the Garfield Heights Sports Parade. A job well done, as always.

BUILDING COMMISSIONER WILLIAM WERVEY: I have nothing to add.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: The Mayor already made reference to the legislation for Jennings Center for Older Adults and the D.A.R.E. grant so I won't cover those. Also we'll be starting the CDBG Grant cycle so I'll be asking you shortly for your ideas. I'll be attending the meeting to get the parameters for the program next week. Finally Congresswoman Stephanie Tubbs Jones is holding a hearing on the Prevention and Management of Sub-Prime Mortgages on June 16th. The public is welcome to attend. It's from 9 o'clock to two o'clock at CSU at 3100 Chester Avenue. They will have counseling agencies there if residents want. That concludes my report.

CITY ENGINEER DAVID NEUMEYER: No report.

FINANCE DIRECTOR RICHARD OBERT: No report.

CITY ARCHITECT DAVID SPEHAR: Between Tim and Jim they gave my report on the clock tower and the Rec Center so I have nothing to add. Thank you.

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?

James Nordlie, 450 Tooting Lane, Birmingham, Michigan. I want to thank you for giving me a few minutes to shed some light or talk about the effects of your taking of ModCom Associates property from the standpoint of the owner and employees of the corporation. Incidentally you got questions? Anytime you can ask me. I have with me Mr. Kevin Smith who is the General Manager of our Cleveland operation here at 9550 Granger Road. I want to start by saying that I represent the stockholders of ModCom associates, owner of the property at 9550 Granger Road, a portion of which property is to be taken to assist the efforts of the developers of the intended Bridgeview shopping mall. I presume you have heard the value and the reason why the taking will be beneficial to the developers and the community? I'd like to comment on the results of

the taking from the viewpoint of property owners and those persons whose lives will be affected by the taking. My question was if you considered what will be the possible damage to property owners and our company employees? Add to that the headaches that will come for our customers? Your individual charge as members of the City Council of Garfield Heights on the surface is reasonably simple. That is to make sensible and supportable decisions to the sound answers regarding those questions which will affect the City and the interests of its taxpayers. In the execution of your charge, I wonder, is it required that you also consider the interests and rights of the individual workers which may be harmed, not to mention their hardship and possible sorrows they may endure following the taking? When the choice comes to larger business interests overwhelming the smaller fellow it's easy to look the other way some times and try to figure how you would feel if you were the target of possible hasty, impersonal, damaging action. Also I believe it's difficult to estimate how the taking will affect our business and the decisions of our customers and our employees. As an example, when getting into your car you make plans to avoid heavy traffic and congestion which in too many cases may possibly lead to the distress of fender benders and a disastrous waste of time and money ensues. In this case the potential customer then goes elsewhere, especially with gas at \$4.00/gallon and a marginal economy haunting him or her. Have you seen a sketch or drawing of the plan taking which I have? I have a three-page handout. The last page is a sketch of the identification of the property before and after the taking. Have you seen this sketch of the taking which will virtually clip our wings resulting in heavy traffic on three sides of our operation? Can you picture yourself on a tiny island surrounded by speedboats on three sides? Exaggeration? Perhaps? But certainly a consideration. The City and the mall are concerned about ingress and egress. Consider our problems with entry and exit of refrigerated trucks, semi trailers and the precious ease of customer parking? Please think about both sides of the question. It is a tactical solution for us to take a problem which should have been answered previous to the initial realization of the project plan. What is required now is required but it was not put into the plans and that is the reason the request is coming late, literally at our expense. This is a tactical solution to a strategic question which should have been answered previous to the initial finalizing of the project plans. Tactical solutions in the long run are usually wrong, resulting in a more serious problem in the future. I want to thank you for listening and thanks for your volunteering to Council for service to your community, if you have any questions I would try to answer them.

PRESIDENT WAGNER: Thank you, Sir. Any questions?

CLWN SARNOWSKI: I would like to see a bigger map. We have a small map. Do you guys have a bigger map?

MR. NORDLIE: In the handout there is a map that will be adequate. I don't believe I have enough for everyone but I got about eight or 10 copies.

CLWN SARNOWSKI: So there are two main entrances going into Bridgeview and your property is in the center of it?

MR. NORDLIE: Yes, it's on the corner of Granger Road and 96th Street. As I understand it there is no exit or entrance into the mall, of course, from the other or Valley side. The only entries and exits end up on the street side and there's a question or perhaps some kind of a problem that maybe the City is considering or will consider that requires adding more opportunity for ins and outs. They're putting a road in and they're widening. On one side they're taking a substantial amount of our property. In the front, on Granger Road, I think they're going to add to Granger Road another one or two lanes, I don't know. So they're taking some of the property on the front of our operation. Is that any help?

PRESIDENT WAGNER: Any other questions?

CLWN MARINCIC: I'm looking at one of the maps and it says ...

MR. NORDLIE: (*Pointing.*) This is us

CLWN MARINCIC: I'm looking at the map, Sir, that we were given and it says here on it before the taking there were 3.4942 acres and afterwards you're 2.358 acres. They're taking over an acre from you?

MR. NORDLIE: Yes. They're taking about 30% of the land. That is not the end of the world except it's putting us in a position that will be uncomfortable and difficult to work in. We don't know how much it will damage our efforts in our company.

CLWN MARINCIC: Why do you feel it would be uncomfortable? Would it make it unsafe? How close will you be to the street after that?

MR. NORDLIE: You take a mall; there's a tremendous amount of traffic in and out of it. With heavy traffic on three sides of our property and in one case on the west side the road is very close to our building. On the east side the sidewalk is pretty much where it was. It hasn't changed much but I think they are going to improve the curbing and possibly take maybe three, four, six or eight feet there. We have a business that has a lot of freight going in and out of it on larger trucks. We have customers that come in or send people to pick up. We've got a perishable product. When you're in your car, if you've got a headache down at the end of the road, you go for a different source. I'm afraid that might be one of the problems that will make a difference for us.

PRESIDENT WAGNER: Any other questions?

CLWN SARNOWSKI: Is the road going to be too close to the building? The property you're taking and putting a road in there?

CITY ENGINEER DAVID NEUMEYER: Are you talking about the west side?

CLWN SARNOWSKI: Yes.

CITY ENGINEER DAVID NEUMEYER: From what I recall I think the road will be about 10 feet off the right of way line. So the road is not going to be right up against the building. It will be a little ways away but the right of way will be pretty close to his building.

CLWN SARNOWSKI: How far is the building from the actual street?

CITY ENGINEER DAVID NEUMEYER: I think it's about 10 or 15 feet.

CLWN SARNOWSKI: That's all?

CITY ENGINEER DAVID NEUMEYER: From the property line?

CLWN SARNOWSKI: No, from the building.

CITY ENGINEER DAVID NEUMEYER: About 30 feet, because the right of way line's going to be about 20 feet from the property so you're looking at about 30 feet from the roadway to the building.

PRESIDENT WAGNER: Any other questions for Mr. Nordlie?

MR. NORDLIE: May I? If I'm over five minutes, you holler.

PRESIDENT WAGNER: You're already over five minutes.

CLWN MAHONEY: I make a motion to allow Mr. Nordlie to continue speaking.

AYES: 7

MR. NORDLIE: Thank you for being gracious. There is not a lot of land there, but it's on a hill and it's certainly less than level. It's got quite a slope to it because when you take out the bottom of a hill how do you contain the dirt? So they will have to put a wall in there, which will be necessary to keep the soil in place and it's close enough, based on the traffic involved that we aren't sure how it will affect us. It's like you don't know how deep the hole is so you don't jump in. That's probably not a clear explanation but that's where we are. OK? I thank you for your time. Again, if you have more questions, you've got my address and I will pass out the extra copies of the map that I have here.

CLWN MARINCIC: Have you discussed your concerns with Mr. Snider or his agent regarding this to see if there was any changes he could make?

MR. NORDLIE: Yes. They've been very generous with their time and we do not have an adversarial situation. We're trying to reach something that would be good for both of us. In our case we have never operated in a situation like this where we're close to a lot of noise and traffic. It concerns us, but we have talked to Mr. Snider and Mr. Cannata and they've been very gracious.

CLWN MARINCIC: Thank you.

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

Sam Cannata, Snider/Cannata Interests, 9555 Vista Way, Garfield Heights, Ohio. Good evening. I'd first like to address Mr. Nordlie's comments. We've been working with Mr. Nordlie for over a year now to address his concerns and we've actually modified our plan three times to create the least amount of impact to his property. I think he'll acknowledge that we have done that by not running the road behind his property and impacting his dock area. Furthermore, we've worked with the City to improve the traffic conditions in the location. We're going to enhance East 96th Street with a curbing. Right now it just has an asphalt road. We're also going to align William's Way with North Granger Road and the residents on North Granger Road with a traffic light there. This will facilitate and ease the traffic. We'll continue to work with the City to make sure that all conditions around the neighborhood are safe, not only for the community but for Mr. Nordlie and his employees and also work to make sure that his business becomes part of the overall plan in a logical and safe manner. We'll continue to work with you, Mr. Nordlie and make this process as easy as possible during construction. Thank you.

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

CLWN SARNOWSKI: May I ask a question of Sam? So all the property that you're taking is going to be a road?

MR. CANNATA: It's not going to be a hard surface per se. Of the land that they're taking a portion of it is for tree lawn and set back from the road. For example on the west side of the property there is 119 feet that is being taken. A hard surface there represents maybe 50 feet of that. The rest is set back from the building. As the City Engineer pointed out it's a good 30 to 40 feet away. His building's going to be 30 to 40 feet from the back of the curb for the lawn area.

CLWN SARNOWSKI: You said 50. He said 30. That's a big difference.

MR. CANNATA: I'm not saying the road will be a 50 foot wide roadway but that gives you 119 minus 50 that leaves 60 feet or thereabouts of grassed area and driveway, etc.

CLWN SARNOWSKI: So the street itself is going to be about 60 feet from his building?

MR. CANNATA: No, it's going to be about 30 to 40 feet. And the on the west side of the road there's going to be some tree lawn too. I believe the plan that Mr. Nordlie gave you is not the correct plan that we're building to. The plan is on file with the City.

PRESIDENT WAGNER: Excuse me. Mayor, is that the plan that is attached to the ordinance?

MAYOR THOMAS LONGO: Yes.

PRESIDENT WAGNER: So Council does have the correct diagram attached to the ordinance?

MAYOR THOMAS LONGO: Yes, because that all had to go through our traffic engineers to make certain for safety reasons and along Granger Road, eventually Granger Road is going to be widened all the way down to Canal Road. So property will have to be taken now or in the coming years. Of course we're trying to

get ODOT to do all of that. It can get extremely expensive. And 96th Street is a total disaster. It's not wide enough to take trucks, etc. So there will be some massive improvements, but you have this process and that's why the monies go to the Court and then the Judge takes over because you're starting to get involved with you're becoming Judge, jury, engineer, how much money is going to be spent on this site? You can't resolve this here.

PRESIDENT WAGNER: Is there any more questions of Mr. Cannata? No? Thank you, Sir. Is there anyone else 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 14-2008. It has already been considered by title. It's been removed from the Legislative Committee and it's up for suspension of rules requiring three readings.

ORDINANCE NO. 14-2008

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A "COMMUNITY REINVESTMENT AREA AGREEMENT" BETWEEN THE CITY OF GARFIELD HEIGHTS AND THE SISTERS OF THE HOLY SPIRIT AND THE JENNINGS SENIOR HOUSING PARTNERSHIP FOR THE PURPOSE OF PROVIDING INCENTIVES FOR RESIDENTIAL DEVELOPMENT IN THE GARFIELD MALL REINVESTMENT AREA.

Motion to WAIVE RULE 24:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLMN ABELLA: Before I vote I just want to make a clarification about this ordinance. The Garfield Mall Investment Area is a name of a reinvestment area that started out at Garfield Mall but extends farther through the City of Garfield Heights. So when residents or people read that there is going to be a Senior housing development they insinuate that there is going to be one in the Garfield Mall, that is not true. There are zoning issues and things that we'd have to go through for something like that to ever happen so this is Senior housing in an area further away—not in—the Garfield Mall. With that I vote Yes.

AYES: 7

ORDINANCE NO. 15 -2008

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT WITH CAPITAL RECOVERY SYSTEMS, INC. FOR THE PURPOSES OF MUNICIPAL COURT DEBT COLLECTION.

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. 16-2008

AN EMERGENCY ORDINANCE TO APPROPRIATE FOR PUBLIC STREET PURPOSES CERTAIN EASEMENTS AND FEE SIMPLE INTERESTS IN AND TO PERMANENT PARCEL NO. 542-22-002 IN THE CITY OF GARFIELD HEIGHTS, OHIO PURSUANT TO OHIO REVISED CODE CHAPTER 163 FOR THE PURPOSE OF PROVIDING FOR THE EXPEDITED ACQUISITION OF THIS PROPERTY FOR THE MUNICIPAL PURPOSE OF MAKING OR REPAIRING ROADS WHICH SHALL BE OPEN TO THE PUBLIC WITHOUT CHARGE AND DECLARING AN EMERGENCY. (Part of 9550 Granger Road).

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:

CLWN MARINCIC: Before I vote, I would just like to reaffirm with Mr. Obert, even though it says the Finance Director is supposed to issue his vouchers for \$152,750.00, this amount is not going to be paid by the City? It's going to be paid by the developer?

FINANCE DIRECTOR RICHARD OBERT: Yes.

CLWN MARINCIC: OK, I vote Yes.

AYES: 7

ORDINANCE NO. 17-2008

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$33,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING BROADWAY AVENUE BY CONSTRUCTING, WIDENING, GRADING, CURBING, PAVING, RESURFACING AND OTHERWISE IMPROVING THE SAME, TOGETHER WITH ALL NECESSARY APPURTENANCES; AND DECLARING AN EMERGENCY.

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

Moved by DUDLEY to CONSIDER BY TITLE:

AYES: 7

Motion to WAIVE RULE 24:

CLWN MARINCIC: Mr. Chairman, weren't we supposed to have an amendment regarding this ordinance?

LAW DIRECTOR DAVID MACK: No, that's Resolution 17.

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MARINCIC: Before I vote, I am totally in favor of this. I just think it's a shame that we have to borrow \$33,000.00 to pay for it and we don't have it in our coffers, but I'm voting Yes.

AYES: 7

ORDINANCE NO. 18-2008

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$600,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF CONSTRUCTING PARKING FACILITIES INCLUDING THE ACQUISITION OF REAL PROPERTY AND INTERESTS THEREIN AND THE PREPARATION OF THE SITS THEREFOR, 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 PLACE IN FINANCE COMMITTEE:

AYES: 7

PRESIDENT WAGNER: The Finance Committee is comprised of all Members of Council with the exception of Ward 2 Councilperson Marincic.

ORDINANCE NO. 19-2008

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,070,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF 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. 20-2008

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,160,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF 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; 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:

CLWN MARINCIC: Before I vote, I would just like to say I spoke with Mr. Obert today to clarify what this all included in this ordinance. It's all equipment that was approved last year and the City's received all of it and we do have to pay for it even though it wasn't approved this year. It's police cars, the new aerial fire truck, a clipper, a Vac-Haul, several copiers and a dump truck, right?

FINANCE DIRECTOR RICHARD OBERT: Yes.

CLWN MARINCIC: I vote Yes.

AYES: 7

ORDINANCE NO. 21-2008

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$345,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF 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:

CLWN MARINCIC: Before I vote, once again, Mr. Obert, this is for traffic signals up on Turney Road how many years ago?

FINANCE DIRECTOR RICHARD OBERT: Well, like the Mayor stated it started in 1992 and we had to fight like hell to get them. Maple had them two years before we did and this was the amount that we signed in the original agreement that we would have to pay.

CLWN MARINCIC: It's over and above what we were told that it would be?

FINANCE DIRECTOR RICHARD OBERT: Yes.

CLWN MARINCIC: Now we have to pay or they'll take it out of our taxes?

FINANCE DIRECTOR RICHARD OBERT: That is correct.

CLWN MARINCIC: OK. I vote Yes.

AYES: 7

ORDINANCE NO. 22-2008

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A PURCHASING PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION, FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT), FOR THE 2008-2009 SEASON.

Moved by MAHONEY 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

RESOLUTION NO. 16-2008

A RESOLUTION HONORING THE GARFIELD HEIGHTS HIGH SCHOOL ACADEMIC TEAM FOR ITS RECENT ACCOMPLISHMENTS.

Moved by MAHONEY to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MARINCIC: Congratulations to the team and I vote Yes.

AYES: 7

RESOLUTION NO. 17-2008

A RESOLUTION URGING CLEVELAND MAYOR FRANK JACKSON TO CONSIDER IN SOME WAY THE OPINION OF THE RESIDENTS OF THE CITY OF GARFIELD HEIGHTS WHO LIVE IN THE PORTION OF WARD ONE THAT IS WITHIN THE CLEVELAND METROPOLITAN SCHOOL DISTRICT WHEN APPOINTING SCHOOL BOARD MEMBERS.

Moved by DUDLEY to CONSIDER BY TITLE:

AYES: 7

Moved by DUDLEY to AMEND as follows:

CLERK: Section 1. The Mayor and Council hereby officially urge Cleveland Mayor Frank Jackson to take into consideration the opinions of the residents of Ward 1 who send their children to schools within the Cleveland Metropolitan School District, *in particular as to the filling of the ninth seat on the school board recently vacated by the resignation of Flor Gomez.*

MAYOR THOMAS LONGO: Could I make a suggestion? Where it says in the last Whereas, residents of Ward 1 couldn't that also be amended to residents of *Ward 1 and 3*? People up in the north section belong to the Cleveland School District.

PRESIDENT WAGNER: You want to vote on the first amendment and that will be the second amendment? Let's vote on the first amendment offered.

AYES: 7

CLWN MARINCIC: Mr. Chairman, I would like to offer an amendment to include the residents of Ward 3.

PRESIDENT WAGNER: In the fourth Whereas clause, the residents of Ward 1 and Ward 3 and in sub-section 1.

CLERK: In the fourth Whereas the residents of Ward 1 *and Ward 3* who send their children to schools within the Cleveland Metropolitan District wish to have their opinions considered when the Mayor appoints the school board members. In Section 1. The Mayor and Council hereby officially urge Cleveland Mayor Frank Jackson to take into consideration the opinions of the residents of Ward 1 *and Ward 3* who send their children to schools within the Cleveland Metropolitan School District.

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLMN DUDLEY: Before I vote, and I am going to vote Yes. The reason why it was important for this to come about was we have a school called Cranwood Elementary School and when Mayor White took over the Cleveland School Board it took away our right to negotiate anything. The way I found out what goes on in reference to the Cranwood Elementary School, I happened to read it in the newspaper. I don't get a phone call, I don't get an E-mail, I receive nothing. If we are able to place a person on that board it would keep us up to date to know that it became a swing school, that it became a storage point and that's why it was important for the resolution to pass and I appreciate the support of my colleagues and with that I vote Yes.

CLWN MAHONEY: Before I vote I'd like to commend Clmn Dudley for putting up this legislation. I also feel that it's a very strong legislation and well needed. I vote Yes.

AYES: 7

RESOLUTION NO. 18-2008

A RESOLUTION BY THE MAYOR AND COUNCIL, ON BEHALF OF THE RESIDENTS OF THE CITY OF GARFIELD HEIGHTS, RECOGNIZING THE CONTRIBUTIONS THAT REVEREND NORMAN GAJDZINSKI HAS PROVIDED IN HIS FORTY-FIVE YEARS OF SERVICE AS AN ORDAINED PRIEST.

Moved by SARNOWSKI to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN SARNOWSKI: Before I vote I just want to say that I've been a member of St. Therese for over 30 years and we're going to miss Father Norman at St. Therese. I vote Yes.

CLMN SUSTER: Before I vote, I'd like to say that years ago I used to bowl with Father Norman in the Knights of Columbus Bowling League. I also had the opportunity to work with him as a Eucharistic Minister and also as a Senior Server of the Church. I got to know Father Norm probably a lot better in the last several years and found out he was a lot more fun and he wasn't as serious as everybody thought he was. He's going to be greatly missed at St. Therese and I just hope he has the opportunity to enjoy his retirement and have good health. I vote Yes.

CLWN MAHONEY: I would also like to congratulate Father Norman on his retirement. It's been a pleasure in the dealings I've had with him and I vote Yes.

AYES: 7

RESOLUTION NO. 20-2008

AN EMERGENCY RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR GRANTS FOR THE GARFIELD HEIGHTS POLICE DEPARTMENT FOR THE PURPOSE OF PROVIDING FUNDS FOR THE SALARY OF THE CERTIFIED D.A.R.E. OFFICER, TEACHING OR PLANNING TO TEACH THE APPROVED D.A.R.E. CURRICULUM IN LOCAL SCHOOLS.

Moved by MARINCIC to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MARINCIC: Before I vote, I would just like to take this opportunity to give kudos to our D.A.R.E. Officer Beth Lisuch. She has the trust of every child that goes through her program and what she does is tremendous work and I think she's such a wonderful asset to this community. Children come out of that program respecting her, knowledgeable and they care more about our community and the crime and obeying the law. She does wonderful work and I think the City is blessed to have her and I vote Yes.

AYES: 7

RESOLUTION NO. 21-2008

A RESOLUTION IN SUPPORT OF THE CLEAN OHIO AIR FUND.

Moved by SARNOWSKI to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

RESOLUTION NO. 22-2008

A RESOLUTION HONORING AND COMMENDING THE GARFIELD HEIGHTS MUSIC EXPRESS ON ITS MANY ACCOMPLISHMENTS AND AWARDS DURING THE 2008 COMPETITION SEASON.

Moved by MAHONEY to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MAHONEY: Before I vote, I'd like to say that this is another great group of kids in our community who do a great job and a high example and I vote Yes.

AYES: 7

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

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 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?

Jack Moore, 4929 East 106th Street, Garfield Heights. I'd like to address three issues. The first one is first off I'd like to commend the police department. I think they do a really good job to patrol the City and with these kids, but I am still seeing kids in the streets. I'm not sure we're ever going to get back to five/six years ago where for 30 years I never saw a kid in the street in my life. Why it's still going on, I'm not sure. Hopefully we're not giving out warnings still? I know the police. I talk to them. They got their hands full. Hopefully 90% of it is under control but there's still that 10% that just don't want to obey the law so hopefully that'll calm down. Number 2, the loud music. I mean I'm not sure how your streets are. You can sit on your porch without every other –third- car going by blasting that music. It's rap music. I've yet to hear loud country music come down my street or even rock n'roll. They look at you. They got that FU mentality. What are you going to do about it? Call the police? Once again you call the police they do a great job. They come out. But they see the police and they turn down the music. You know we got those speed traps for speeders. Do you have any setup for loud music, Mr. Suster?

CLMN SUSTER: We do have an ordinance against loud music.

MR. MOORE: I understand that we have it. But do we? I see the police and I know today it was 95 degrees, but they got their windows up. I don't know if that's because they have to listen to their police radio? Why don't they have their windows down so they can listen? You could spot these cars 100 feet away. I can sit on my porch and watch this car coming down from Turney Road and say that's the car. Do they set up any kind of traps?

CLWN SARNOWSKI: Yes I've seen the police in my area set up with two unmarked cars that sit at the end of the street and they will catch them. So they do it.

MR. MOORE: Does anybody know the fines?

LAW DIRECTOR DAVID MACK: I believe that the ordinance was passed so that at the first offense it's a minor misdemeanor with a fine of \$100 or \$150. For every second offense it moves up.

MR. MOORE: OK. One city is confiscating the stereo. Is this just my street?

MAYOR THOMAS LONGO: We'll have the police accord you special attention. If you'll give us the times or a range we'll have the police give that special attention. They can be very very effective. Like with the kids in the street. You should see real dramatic improvement with that.

MR. MOORE: They know the cops. They turn the stereo down when they see police. They're not stupid. I talked to Councilwoman Marincic today. Fireworks are upon us. I'm not anti-fireworks, but I don't need three weeks before, at 11 o'clock at night, one in the morning. Once again I know the police come by. It's hard to pinpoint. Sometimes I call up and they say where is it coming from? I say somewhere around East 106th. They get out there. I understand that. We all know what happened last year in Cleveland. With that fireman. I don't condone that but I'll tell you I went out to my street and good thing I didn't have a gun. I snapped. One in the morning. You got to believe most of them have been drinking all day and that's the reason they're doing this. If they start citing these people it'll slow down if not stop. That's what I believe. Thank you.

MISCELLANEOUS BUSINESS:

PRESIDENT WAGNER: Anyone else wishing to address Council this evening? There being none, we'll move on to Miscellaneous Business.

CLMN DUDLEY: I wanted to mention something sad because the music is getting a little disturbing but when I call they do come. Sometimes they get there pretty quick, but sometimes they're gone. It's hard to point to a vehicle and say that's the vehicle. Some of them are just dressed for style. Just call them. Once they see them up in the area they're kind of forewarned.

CLWN MARINCIC: I totally agree about the loud music. I'm a corner house and people stop at the stop sign right outside my window and they decide to adjust their radio. It's always at the most important part of a TV show. I've missed many good TV shows because of it and I've had the police on several occasions in Ward 2. When there's a problem they'll come out and they'll watch the area, but the people are usually gone and they can't be in the same place all the time. We have a minimal amount of cars out on the streets at all times. We can't have them only stay in Ward 2. As for the fireworks I think they're so much better since Home Days isn't in Garfield Park anymore. It has alleviated the problem probably down to 10% of what it was before in our Ward. But I too, the other night heard them going off in the middle of the night and I'll keep a watchful eye out for them.

CLWN SARNOWSKI: How much money did we authorize to borrow today?

FINANCE DIRECTOR RICHARD OBERT: Fifty two million. We can pay it back.

CLWN SARNOWSKI: No, today.

FINANCE DIRECTOR RICHARD OBERT: No, today we didn't spend anything by putting the one in committee. Actually a couple weeks ago I just paid down another million dollars so our debt's going down.

CLWN SARNOWSKI: Didn't we just authorize?

FINANCE DIRECTOR RICHARD OBERT: These are just rollovers. So maybe \$30,000.00.

CLWN SARNOWSKI: So we're up to 52?

FINANCE DIRECTOR RICHARD OBERT: We got 32.

CLMN SUSTER: I was really glad to see that we have three resolutions honoring youngsters. Like I've always said, you always hear about the 10% but you never hear about the 90%. I commend the Mayor and everybody who sponsored the legislation for Derek Racicki, the Garfield Heights Academic Team and the Music Express. Their families ought to be very proud of them because these are the kids that you don't hear a lot about. They are not the ones that are causing the problems.

CLWN MAHONEY: Mr. Moore, I also would like to see the police work a little harder on citations, the kids in the streets, the loud music, the fireworks.

CLMN ABELLA: This is one of the longest meetings we've had in a while. There's no better way to spend a nice long, hot Monday evening than with all of my colleagues. With that I'd like to make a motion that we adjourn.

PRESIDENT WAGNER: On the motion to adjourn?

AYES: 7

MEETING ADJOURNED AT 8:31 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Frank J. Wagner
President of Council

Barbara Molin
Clerk of Council