

**MINUTES OF A REGULAR MEETING OF COUNCIL**

**CITY OF GARFIELD HEIGHTS, OHIO**

Monday, August 11, 2008

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

**INVOCATION BY:** Councilman Michael Dudley, Sr.

**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 July 14, 2008 as submitted. The minutes were accepted with seven YES votes.

Moved by Clmn SUSTER to accept the minutes of the special meeting of City Council of July 16, 2008 as submitted. The minutes were accepted with seven YES votes.

**WRITTEN COMMUNICATIONS TO COUNCIL:** None.

**LEGISLATION OUT OF COMMITTEE:** None.

**REPORTS OF THE MAYOR AND DIRECTORS:**

**MAYOR THOMAS LONGO:** Good evening, Mr. Wagner and Members of City Council. There have been several articles written about the Ohio EPA and City View lawsuit. Therefore I am going to ask our Law Director for his views and opinion concerning this litigation. Dave?

**LAW DIRECTOR DAVID MACK:** Thank you, Mayor. I'd like to talk about the lawsuit filed by the EPA against developer John McGill, several of his companies, the owners of the mall, other defendants and the City of Garfield Heights. Further I'd like to thank and compliment the seven Members of Council for having restraint in light of the information previously given to you by Mayor Longo and what you will hopefully hear this evening. The hot button issue seems to be whether the Mayor should have put legislation before Council before signing a settlement agreement with the EPA and the other parties to this action. This is an issue that will be determined once and for all in the current litigation and very soon. As you know our insurance carrier has provided a defense for the City at no cost to us. It has hired a very reputable, experienced firm to protect the interests of the City. The laws of the State of Ohio make the City primarily liable to deal with issues of this nature if and when a problem arises and there is absolutely no one else available to address the problem. It is our duty to protect the health and safety of all of our residents. Mayor Longo felt in 2005 and still does feel today, that he has not obligated the City to anything more than what we are currently obligated to do under the statutory law. Do you believe even for a second that the Fire Department, the Building Department, the Engineering Department began monitoring and being involved with that landfill because of some document signed in 2005? Absolutely not.

Let me give you an example of how this works. And I don't recall if any of you were in office at that time when these events unfolded? In the mid-to late 1980's a problem occurred with methane migration coming off the Conte side of the landfill near Rockside Road moving toward the apartment complex and condos up in Mr. Abella's Ward 7. There was no property owner to be found. The issue needed to be addressed and the

City was the first responder. Then Fire Chief Tony Collova investigated; determined that the situation was too large for the City to handle and the Mayor immediately contacted our Federal representatives including Senator Howard Metzenbaum and the Federal EPA stepped in to remedy the situation. This is a government responsibility and different segments of the government working together to accomplish a common goal is what we need to do. The law obligated the City, not some signed piece of paper. My point here is that the Mayor was not spending the City's funds, but was doing what he believed and I believe he was carrying out his statutory duty as Mayor in protecting the City.

You may or may not know this but approximately 30 to 45 days prior to this suit being filed, the developers and the EPA met and reached an agreement on approximately 90% of the issues that are currently involved in this lawsuit. Because of one or two items that had not been agreed upon, the lawsuit was filed. In addition, now that it has been filed, before any of the parties to this case filed meaningful pleadings, there have been several successful meetings aimed at resolving the entire issue. Actual work and further discussions are going on as we speak. Progress is being made right now toward working out a final solution at no cost to the City. Why would someone want to interfere with this progress is beyond me unless the ulterior motive was simply political. The attorneys that I have spoken with, both individuals involved in the case and others not involved in the case but who have EPA experience all agree that this matter will be satisfactorily concluded in a relatively short period of time and the City will then be able to continue on with its economic development.

There recently (whether you know this or not) has been a threat by a politically connected attorney representing a friend and political supporter of a local politician to file a taxpayer action. Every attorney involved in this matter agrees that such an action would interfere with our case and ongoing settlement negotiations. There is the further complication that such a taxpayer action would actually cost the City and the residents money. Why would anyone who knows what each of you know do such a thing except for political gain and headlines? Let's look at both sides. If Mr. Wagner's position is correct, the City would have the same statutory liability that I described earlier. If the Mayor's correct, then the City has the same statutory liability that I described before. It's exactly the same. The difference is if our attorneys are allowed to proceed uninhibited by political pettiness there will be no cost to the City. The landfill has been an eyesore and a liability for this City long before any of us were in office. Through the efforts of many it has been turned into a taxpaying asset. Further, even the EPA in the Plain Dealer admitted that the center is not a danger. If it was it would have been shut down by your Fire Department, your Building Department and our Engineering Department. We should all be working toward a solution and not more problems. This concludes my statement. I'm going to turn this back over to the Mayor and answer any questions during my report. Thank you. Mayor?

**MAYOR THOMAS LONGO:** Thank you, Mr. Mack. Now you all have my statement regarding why I signed that document. The bottom line is there is no increase in liability because I signed it. If any problems should arise at the site, the City would be liable in any event. So my signing did not in any way increase any liability. Therefore all this hand wringing by the Council President and other Member of Council is unwarranted. What this really amounts to is political opportunism at the expense of future development for Garfield Heights.

I have to ask Mr. Wagner. Did you talk to the Ohio EPA? Did you talk to the developer? Have you talked to the lawyers that represent the City and the others that have been involved? The City View owners? Or the property managers? The Garfield Heights Fire Department or our Law Director? Our Law Department? The answer is no. I know what the answer is. You have had conversations with Ken Fisher, your lawyer, who represents the Cuyahoga County Democratic Party and we've experienced things like this in the past in dealing with Mr. Wagner. Now, Council Members have told me they were never asked or contacted about any kind of special meeting or work session. What this whole episode has led to is the City being hurt in our economic development efforts. It's staggering what's happened. And with Council being ridiculed. Is it true, Mr. Wagner, that you claim that you were misquoted in the Plain Dealer? If so, how? What did you say?

What did you actually say? And how were you quoted? Now you are trying to make political hay out of matters that don't deserve it.

The fact of the matter is the problems at City View are being addressed and remedied. And the Ohio EPA has noted such. The fact of the matter is that the developer and owners are not going anywhere. The development will continue and the problems will be resolved with no liability to the City. The impact of the lawsuit only serves to stall further development of the project at this time. Playing politics will further delay the City's economic expansion. The Ohio EPA's approach has set this City back many years in our development. Their approach to dealing with issues has been devastating to our economic development efforts. Their delays have cost our community Home Depot, Dollar Tree, Jo-Ann Fabrics, and the development of over one million square feet of office space along with several smaller stores, restaurants and shopping and stopping the extension of Transportation Blvd. through to Rockside Road. The plan was in place to take our economic development to a level that no one could imagine or thought possible. That has been shattered and it's frustrating when our elected officials embellish these events for political gain. I must deal with this and try to overcome the negative impacts of our development efforts. Maybe I was naïve in thinking that when you work in today's environment to get anything done economically it's a partnership: the private sector, the public sector, and all agencies. I went into this development at City View to reclaim the landfill as a partnership with the EPA, the State, the County, County Engineer, etc. across the board. It's not the case. In 1997 this project started. We had meetings with Governor Voinovich's staff, County Engineers, health officials, EPA to discuss this. And then they gave us permission to move hundreds of thousands of cubic yards of rubbish around. The whole City suffered because of the stench that came out of it, but because our taxes are too high—that was the main complaint that we heard throughout the City-- everybody was reasonable about this.

When the mound slipped behind Mr. Snider's (who is sitting over here) building things came to another halt. I went down to Columbus on September 29, 2004, met with the director, Dan Jones (there's been two more directors since him) and we went through Governor Voinovich, Governor Taft and now Governor Strickland since then. We sat in a meeting with 19 people. Thirty months had gone by from the time the developer had presented the plans on how to build City View right after that he put in his application. Thirty months had gone by and there was no answer. No answer from the EPA, yes or no. The director of the EPA said that mound's going to take out that building. I was sitting there. Frank Immolina, our City Engineer at that time, was on my right and Gerry Stachewicz, Dave couldn't make it, our Assistant Law Director, was on my left. I said wait a minute. Just a second. If that mound of rubbish wouldn't have slipped (and I know you all remember that. It slipped and was going to jeopardize that building.) Mr. Immolina, would you have notified me? Yes. Is that building in jeopardy? No. If that building was in jeopardy you'd notify me? Yes, I would. I said if that was the case, that building would be immediately vacated. We wouldn't wait for the Ohio EPA. We would not wait for the Federal EPA. We'd vacate that building immediately. And then I'd come to City Council and ask for monies to remediate the problem and then we would turn everything over to the Law Department to get our money back. As it turned out the whole problem was taken care of by the developer and there were extenuating circumstances with them. It took almost 32 months to get approval for the project to go forward.

I can give you other examples of that whole scenario. People calling me complaining about the odors. That they're getting sick from it. We took samples of air for almost 30 months. I had seven locations around the City that the City paid for to take air samples to make sure there were no pathogens in the air and everything was safe. We went over and above and beyond. I have never committed the City to any expenditure of monies that I wasn't authorized to do so. That's Government 101. Same thing holds true with City View. Now I have to react to political slings and arrows. Respond to unrealistic what ifs while trying to restore our City's credibility to expand our tax base. Let me tell you something people, what has happened hurts. We should have been going right along. We should have been an anomaly in this county with our expansion, etc. but you got to deal with realities and I will not run and hide from the realities

Which takes me to another topic. I've asked David Snider here to bring you up to date on Bridge View and what he's faced with and I'd like to ask him to come up since we're discussing all of this stuff with economic development. Mr. Snider, would you please? That's with your permission, of course?

**PRESIDENT WAGNER:** It's part of the Mayor's report. That's fine.

David Snider, Managing Member of Snider/Cannata Interests in Garfield Heights. Thank you, Mayor. I appreciate Council letting me speak before you tonight. The purpose of my short presentation to you tonight is to introduce to you a proposal for the City to approve a plan that will raise funds for the improvement, widening and resurfacing of both Transportation Blvd. and Granger Road. This would allow the funds that are currently being raised through the tax incremental financing at Bridge View to be used for the public infrastructure within the confines of the Bridge View project. The improvements of the roads for Transportation Blvd are necessary with or without Bridge View.

The highlights of my proposal are as follows: when Bridge View is complete there will be about 1,500 jobs created immediately. That could happen as early as this time next year because the stores are expected to open around July of next year. Bridge View is expected to generate about \$1 million per year in payroll taxes to the City. Again, that money could begin coming into the City about this time next year. The 1,500 jobs would be immediate and move on up to 2,000 jobs when the second phase of the project is complete. Under Ohio Revised Code a municipality can set up an income tax revenue fund to finance public infrastructure improvements. We are requesting that the City create such a fund that would utilize about half of the new increment tax dollars that would come off of the Bridge View project. It would be specifically from the Bridge View project and not be part of any other payroll tax generation in the City. The bond can be structured in a way so as not to be counted against the City's debt limit and would pose no risk to the City. It would strictly be paid back by revenue from about half of the payroll taxes generated by Bridge View Crossing by Bridge View Crossing's 1,500 immediate jobs. As the payrolls go up in the future the City would continue to get all of that money. The improvements to Transportation and Granger are again required with or without Bridge View. With Bridge View moving forward this will allow a way for the City to pay for those funds. This would allow the City to raise those funds for the improvement of those roads.

My expectation is that I will be planning a presentation to the Finance Committee that would provide in greater detail the specifics of this plan but I did want to come to Council to give you a heads up that we would be presenting this and with Clmn Suster's permission we would like to come to the Council Finance Committee Meeting (your next meeting) to present the details of the plan. Do you have any questions?

**MAYOR THOMAS LONGO:** I don't think so.

**MR. SNIDER:** Thank you very much.

**MAYOR THOMAS LONGO:** I've had several conversations with Mr. Snider. I met with him once. He's had several meetings with Council President Wagner. What we're looking at here is taking about \$475,000 per year in income tax, throwing it into a 20-year bond and that money would go to generate about seven or eight million dollars and of course the schools would be asked to reduce their three million dollars to 1.5 million dollars. That's basically what I understand to be presented. So let's take this to another level. Since we were all talking about City finances, you can now begin to understand the impact and the frustration I have been dealing with because of our stalled economic development at both City View and Bridge View along with, of course, the loss from all the foreclosures, cuts from the State of Ohio over the last several years. That's \$720,000.00 per year. That's every year. We're talking every year. Increased cost of operation from petroleum, utilities, supplies, etc. go up. You all face that with your own homes. Continued cost overruns from the Garfield Height Municipal Court. This year it's going to be over \$350,000.00. And of course a poor economy.

I'm passing out a summary which goes back to 1985 through the current of our employment history here in the City of Garfield Heights. This summary will show that since 1985 the City has expanded our safety forces by 30%. We increased Senior Services and recreation options basically through the addition of seven employees. The rest of the operation of the City was reduced 30%, by 24 employees. The Garfield Heights Municipal Court increased their employees by 40%, seven employees, without any increase in the case count, but that's another story. For 2009 we must close a projected shortfall of over \$1 million. We must start the process now. So I have set up a Work Session for Council and I guess if you want to throw in having Mr. Snider come to it, that's fine, a week from today, August 18<sup>th</sup> at 7 p.m. We're going to get a room because at 6 o'clock in this room there's going to be a public meeting by the Public Utilities Commission of Ohio on Dominion's rate increase. You guys may all want to stop down and sink your teeth into that and let the P.U.C.O. hear your comments on that. That's next Monday six o'clock here. P.U.C.O. seven o'clock. We're going to have a Work Session.

**PRESIDENT WAGNER:** Mayor, do you have an extra copy of this for the Clerk?

**MAYOR THOMAS LONGO:** I have one copy left. In referring to tonight's agenda, Ordinance 29 asks the County Auditor to assess the cost of maintaining various properties. In other words the grass cuttings, the vacancies, etc. and support the 900 plus vacancies in our community. It's really sad. When I became Mayor we had 13 and basically most of those we had to do it because people had passed away, properties were in Estate. Now with what has happened with the foreclosures, our community, along with every community in the County, has just been hammered so there's about \$137,400.00 to be collected and if you have any questions as to what all this means, Bill Wervey, our Building Commissioner, can address your concerns. Ordinance 30-2008 updates our 1999 Master Plan to incorporate the General Chemical becoming part of the Metro Parks. It's going to bring in some new jobs because there is a partnership being created with the County and a recycling center which would also be an education center and possibly the County conservation group may come over too and the County and the Metro Parks want to apply for grant dollars and it's very important that we show that this is part of our planning process, especially with our Master Plan that was last officially approved by City Council.

Resolution 28-2008 coincided with the expansion of the trail coming up out of Cuyahoga Heights from Bocci Park up to the boulevard. We are requesting approval to go for a planning grant for the bike connector trail from Garfield Park to Warner Road. Again if you have any questions on either Ordinance 30 or Resolution 28, Ms. Kuban can answer those questions. This concludes my report.

**PRESIDENT WAGNER:** Any questions of the Mayor on his report?

**CLMN SUSTER:** Mayor, are you going to send out a notification for the meeting next Monday? To notify the news media? And also Mr. Snider?

**MAYOR THOMAS LONGO:** OK. If you want him there, fine.

**CLMN SUSTER:** OK.

**LAW DIRECTOR DAVID MACK:** I have no further report, Mr. Chairman.

**PRESIDENT WAGNER:** Any questions of the Law Director on his report?

**CLWN MARINCIC:** Mr. Mack, you had stated in your report earlier that the insurance company had been working already regarding the lawsuit? Is it possible for Council to have the opportunity to sit down and talk to the insurance company? And get an update of what's going on?

**LAW DIRECTOR DAVID MACK:** The insurance company is in California. If you'd like to go, that's fine. The law firm is in Cleveland.

**CLWN MARINCIC:** That's what I meant. The law firm that's representing our insurance company.

**LAW DIRECTOR DAVID MACK:** I could bring that up to the attorneys at Reminger & Reminger who represent the City and go from there. Absolutely.

**CLWN MARINCIC:** I'd appreciate that. Thank you.

**PRESIDENT WAGNER:** Any other questions of the Law Director?

**CLWN SARNOWSKI:** I just have one question. On June 4<sup>th</sup> you gave your legal opinion that all contracts and insurance to which the City is a party are subject to the approval of City Council. Is that still your belief?

**LAW DIRECTOR DAVID MACK:** Yes, when there is money to be expended. Absolutely

**CLWN SARNOWSKI:** Isn't it all contracts should be approved?

**LAW DIRECTOR DAVID MACK:** Any time that there's money to be expended. In this situation this is a statutory duty that the Mayor had and even assuming the worst case scenario we could not go in and spend any money without further legislation to come before you to spend that money.

**CLWN SARNOWSKI:** They would need approval to sign?

**LAW DIRECTOR DAVID MACK:** At this point, that's an issue that's being litigated in front of the Court and I'm not going to discuss it at this point since it's being handled very well by a whole team of lawyers up there. Mayor, would you like to say something on that?

**MAYOR THOMAS LONGO:** As I said in my report, I did not authorize any expenditure of City funds outside of what we're doing with our Fire Department, Engineers, etc. and if anything would have come out over the \$25,000.00 bid limit that would have been before Council. That holds true. I can't get away from it. That's the way I've always functioned and if anybody on the Council or anybody that's ever served here, can find an instance where I have violated that, let me know. I've been very zealous about that particular point in my career as Mayor of the City.

**SERVICE DIRECTOR TIMOTHY McLAUGHLIN:** Last Wednesday night's storm took down four trees in the City, blocking the streets a couple days picking up branches and various debris all over the City. We're still working on going through all the streets again with patch, taking a better look at all of them. We have eight street repairs left from water breaks and I think we had a total of 85—I'm not quite sure. We're getting those in so that the City of Cleveland can be billed for that. Our mechanics have changed over all the new police cars and the old police cars will be put in service for some of the City departments. Police cars are changed over. We did that in-house. The clock tower change over is now complete. You can see the new clocks up there. The old clocks were removed (And they're not old. They were new). They were moved over to the Rec Center and they fit in over there perfectly. This month is the Hazardous Waste Roundup at the Service Garage. It starts Monday August 25<sup>th</sup> till August 29<sup>th</sup> from 7:30 till 3:00 during the week. The second week from September 2<sup>nd</sup> to September 5<sup>th</sup> we'll do 7:30 to 3:00 and on September 6, 2008, Saturday, it will be from 8 a.m. till noon so the items will be taking will be oil-based paints, pesticides, batteries, antifreeze, household products and motor oil. Very seldom do we have something that they won't take but that's up for that.

The last thing is I want to apologize to Clwn Sarnowski. The Block Watch meeting that she set up. There was a miscommunication on my end with the animal warden and sorry that you had all those people there and the animal warden wasn't available, but I promise that he will be at your next meeting. That's all I have.

**PARKS AND RECREATION DIRECTOR JAMES BUKAC:** Absent.

**BUILDING COMMISSIONER WILLIAM WERVEY:** No report.

**PRESIDENT WAGNER:** Any questions of the Building Commissioner?

**CLWN MARINCIC:** I just have one thing I would like you to check into. I was told that at the vacant house at the corner of East 107<sup>th</sup> and Edgepark the doors are open and people are going in and out, including animals. Thank you.

**BUILDING COMMISSIONER WILLIAM WERVEY:** I'll take a look at that in the morning.

**CLWN MARINCIC:** Thank you.

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** I'd like to urge Council to support Ordinance 30-2008. As the Mayor indicated this is also a project that we had passed legislation for earlier for the application for the Clean Ohio Revitalization and Resolution 28-2008 is for the planning grant with NOACA for a Transportation for Livable Communities Grant. Finally our Senior Center is having their annual picnic next week which is August 20<sup>th</sup>. Seniors from the City of Garfield Heights are welcome to attend. You do need to RSVP and the number is 216- 475-3244. That concludes my report.

**CITY ENGINEER DAVID NEUMEYER:** Absent.

**FINANCE DIRECTOR RICHARD OBERT:** No report.

**CITY ARCHITECT DAVID SPEHAR:** Absent.

**COMMENTS BY CITIZENS:**

**PRESIDENT WAGNER:** That concludes the reports of the Mayor and the Directors. Next we'll move on to Comments by Citizens. Comments shall be strictly limited to a brief statement not to exceed five minutes with comments limited to the legislation on the current evening Council agenda and no citizen shall speak more than once. Is there anyone that wishes to address Council on tonight's agenda?

Anthony Richard, 4647 East 94<sup>th</sup> Street. What do you do to correct those people that don't want to take care of their houses?

**PRESIDENT WAGNER:** Mr. Richard, these comments that we're on right now are on tonight's agenda. You need to speak on the three topics that are on tonight's agenda. Otherwise you can address Council at the end of the meeting. There is another section for Comments by Citizens at the end of the meeting.

**MR. RICHARD:** What's the three agendas?

**PRESIDENT WAGNER:** The three agendas is Ordinance 29-2008 as posted in the back row, Ordinance 30-2008 and Resolution 28-2008.

**MR. RICHARD:** What is that?

**PRESIDENT WAGNER:** Resolution 28 is authorizing the Economic Development Director of the City of Garfield Heights to make a joint application with the Cleveland Metro Parks and NOACA for a Transportation for Livable Communities grant to plan a biking connection trail. So it's dealing with a biking connection trail.

**MR. RICHARD:** So it doesn't have anything to do with me. What's the next one?

**PRESIDENT WAGNER:** I think the issue you want to address is Comments by Citizens at the latter part of the meeting. So why don't you hold off on your comments until then? You'll have another opportunity towards the end of the meeting.

**MR. RICHARD:** Thank you.

**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 29-2008

**ORDINANCE NO. 29-2008**

**AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO LEVY SPECIAL ASSESSMENTS TO THE COUNTY AUDITOR, AS IDENTIFIED IN ATTACHMENT A, AND INCORPORATED HEREIN, TO BE ASSESSED AND COLLECTED ON THE NEXT TAX COLLECTION, PURSUANT TO THE REQUIREMENTS OF CODIFIED ORDINANCES CHAPTER 551: WEEDS (attached).**

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

**ORDINANCE NO. 30-2008**

**AN EMERGENCY ORDINANCE ADOPTING AN AMENDMENT TO CHAPTER 7 OF THE 1999 CITY OF GARFIELD HEIGHTS MASTER PLAN RELEVANT TO RECOMMENDATIONS FOR THE WARNER HILL LANDFILL AREA AND UNDERUTILIZED AND VACANT PARCELS ON WARNER ROAD BY REPLACING PAGE 7.19 WITH PAGES 7.19A, 7.19B AND 7.19C.**

Moved by LIOTTA to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

**RESOLUTION NO. 28-2008**

**AN EMERGENCY RESOLUTION AUTHORIZING THE ECONOMIC DEVELOPMENT DIRECTOR OF THE CITY OF GARFIELD HEIGHTS TO MAKE A JOINT APPLICATION WITH THE CLEVELAND METROPARKS TO NOACA FOR A TRANSPORTATION FOR LIVABLE COMMUNITIES (TLC) GRANT TO PLAN A BIKE/CONNECTOR TRAIL FROM GARFIELD PARK RESERVATION TO WARNER ROAD.**

Moved by MAHONEY to CONSIDER BY TITLE:

AYES: 7

Motion to WAIVE RULE 24:

**LAW DIRECTOR DAVID MACK:** Mr. Chairman, there's no need to waive Rule 24.

**PRESIDENT WAGNER:** The Finance Director instructed us in Caucus that we needed to do it because they are matching funds.

**LAW DIRECTOR DAVID MACK:** If that's what Dick said, that's fine.

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

**PRESIDENT WAGNER:** That concludes the ordinances and resolutions before Council.

**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. Mr. Richard, now would be the appropriate time. Please come forward.

Anthony Richard, 4647 East 94<sup>th</sup> Street. I did that last time with Vic Collova. He did the same thing.

**PRESIDENT WAGNER:** We do the same thing.

**MR. RICHARD:** I cannot understand. People buy a house and they let it deteriorate. They go into foreclosure. My house's value has dropped 25%. I feel the City ought to go after these people, fine them; there's money coming in. I'm making money for the City of Garfield Heights. What do you think? Do you live across the street from a foreclosed house not worth two cents? I went into the house and I walked out. That's how bad it is. 4642 East 94<sup>th</sup>. You walk in—it's a shame. You come to my house. I spent \$20,000.00 on my house to fix it up, nobody else does anything. The Mayor lets them do what they want. Ninety Eighth Street doesn't mean anything to me. Do what you gotta do. I live at 4747 East 94<sup>th</sup>. That's all I care about. Thank you. God Bless you.

**PRESIDENT WAGNER:** Thank you, Mr. Richard. Would anyone else like to come forward?

Henry Warren, Jr. 4512 East 131<sup>st</sup> Street. Mr. Mack, I sat there and listened to your report and I'm trying to decipher who authorized the Mayor to sign that document?

**LAW DIRECTOR DAVID MACK:** As I indicated in my report, at the time, and still today, the Mayor believed that the statutory law governing the position of Mayor in Ohio requires him to protect the citizens of Garfield Heights. We are the primary responders in any situation. In the situation this was no more. He felt then and now and I agree than exercising his right as Mayor to say of course we will stand behind this and do the job that is required of us by statute. Now I'll tell you what, Mr. Warren, I'd like to come to this Council and say let's pass an ordinance saying that we're not responsible for this thing, but that's not going to happen because the State law imposes the liability on us and I believe you were one of the elected officials back in the mid to late 80's when we experienced the problem with the Conte situation. If you remember we had the Federal EPA here along with Senator Metzenbaum himself and that matter got resolved. I cannot think of a scenario in which the City would be obligated whether the Mayor had signed this or whether the Mayor had not signed this.

**MR. WARREN:** OK. Now, based on my understanding of the City Charter, the Mayor has no authority to sign any documents as such as we're discussing here without the authority of Council. Am I correct?

**LAW DIRECTOR DAVID MACK:** The Mayor does not have authority to sign any document that would obligate the City for an excess of \$25,000.00. As I said before, this is statutory. It does not obligate the City

to any money other than what they are obligated to statutorily and as I pointed out we didn't just start sending the Fire Department out there in 2005. They've been out there since the day I took office. We didn't start sending the Building Department out there and the Engineers out there. We've been monitoring that landfill, which was a moonscape since way before any of us were around in office.

**MR. WARREN:** Well, I guess what I'm getting at is was it legal? What the Mayor did?

**LAW DIRECTOR DAVID MACK:** The Mayor believes it was legal. I believe it was legal. That's up for a Court to decide so we're going to find out real soon if like I said, if Mr. Wagner is correct, there is no liability other than the statutory liability which I have already described to you which is what we're obligated for. If the Mayor's right all we're obligated to is the statutory liability that the State's created for us. So we're in the same situation. The two are the same.

**MR. WARREN:** The Mayor is not a lawyer unless he got a law degree since I left Council? However you are a lawyer. Can you use the term "believe" for this body and these people here and myself, a citizen of the City of Garfield Heights? I don't understand "believe". I understand the legal terminology. But you used the term "believe". I don't think that's in the statutes?

**LAW DIRECTOR DAVID MACK:** I'm glad you understand the legal terminology and not the term "believe" because the Mayor, who has been the Mayor for quite some time, understands what the duties of his office encompass and as I said this isn't the first time that we've faced this problem... We've had landfill problems in this town for years. We had a building blow up back in the '70s because of methane migration. The City was the responder and had to mitigate the situation. You know the Mayor knows what his duties are. No, he's not a lawyer but he knows what his duties are under the State laws, so I think he's doing what he's obligated to do to protect the people of the City of Garfield Heights.

**MR. WARREN:** From my perspective the question was never answered in regards to the legality. 1) of the Mayor signing that document and 2) who gave him the authority for signing that document? And I guess I'll close by saying this. To deal with the possibilities of paying \$270 million or a part of that or even \$10,000.00 per day is quite a bit of money. I think it was stated that when it comes to that point that the City has to spend money then you or the Mayor would come to Council in regards to the authorization of spending that money? Isn't that letting the horse, or the cat or the dog or whatever out of the barn after it got loose?

**LAW DIRECTOR DAVID MACK:** No, no it's not, Mr. Warren, because first of all the agreement that was signed between the EPA on this issue was between the EPA and the developers. The City was being told that if something goes wrong in the future and there is no money left, then you're going to have to take responsibility. If in the future there is no money left it's the City's responsibility, then at that time, we close it down and it becomes a landfill again, so? That's the end of that.

**MR. WARREN:** So that could be the consequences of what's going on here?

**LAW DIRECTOR DAVID MACK:** No, of course it couldn't because you've got hundreds of millions of dollars invested by large developers. If you're going to walk away over a few dollars—to them a few dollars—to me a lot of money.

**MR. WARREN:** National companies are filing bankruptcy. Chevrolet Motors, GMC might file bankruptcy. Doesn't that make you think that those developers would not get out of Dodge because of responsibility over this landfill?

**LAW DIRECTOR DAVID MACK:** I think those developers are probably doing better than General Motors at this point.

**MR. WARREN:** I don't think that you answered the question satisfactorily and I think also that the Mayor he even stated in the Plain Dealer in one of those articles if he'd have known then what he knows now he never would have signed that document.

**MAYOR THOMAS LONGO:** Let me clarify that. I want to clarify that. That was not quite the full context of that. You have to understand going through all the stench with the movement of garbage. That went on

year after year through almost two election terms. Taking hundreds of phone calls from people complaining the kids were getting sick from the odors. Thirty-two months of waiting to get approvals. Thirty-two months. Everything that has gone on down there. You know the EPA has never asked me once nor anybody in our City to have a meeting to discuss problems there? Last week they finally had a meeting with our Fire Department who went out and took a reading. The gas levels are dropping now, dramatically. When I look back on what has happened. I get into a partnership with people. I keep my word. And I stand there with it and I force my Directors to do the same thing. But to get caught in this? There's nothing that's in that lawsuit that says that we did anything wrong. Nothing. We've been out there continuously. When Petsmart was spraying animals the gas set off one of the alarms. Our Fire Department was there. When AJ Wright had a problem with the heater in the building it set off one of the alarms. The Fire Department was there. When Wal-Mart had a problem because they didn't connect the drains properly and sewer gas came up. Alarms were set off. They were there. That's what we've been involved with. That's what we do. That's our business. The same thing that's happened. We've had collapsed sewers when you were Councilman, in your Ward. Meetings at the Council. Come and fix this thing. You don't want somebody getting killed with that? Streets collapsing. How many times did that come up? Broadway? East 131<sup>st</sup>? Everything undermined six feet below. What do we do? We addressed it. It's our responsibility. That's what we're in business for. That's what I got involved with. That was the partnership. That's what put the EPA at ease when I came forward. I could have sat there and done nothing. That thing would still not have been approved. I committed the City to do what the City's been doing.

The time when the hoes were down there. And there was gas in the basements and people were sent there to take the readings. I had to get a Court order. The Fire Department was threatened that somebody's going to shoot them if they try to come in and take a reading. We went and took a reading and we found that there was gas. They had it when we had it back in the '70s and early '80s when somebody said we'll take care of the gas—the property owners--and they put in a gas extraction system to pull the gas away from the homes. We got sued because they said it was residentially zoned and you can't run a commercial operation. That took almost a year for the Judge to come by and say what you're doing has to be done and it was done. That's the kind of stuff I've been through. Looking back on it in retrospect. And now we're standing here and the road hasn't been allowed to go through. The road has cost us all kinds of deals with offices that we can't sign. We need some extra revenue with all these foreclosures, etc.

**MR. WARREN:** I just wanted to compliment the Mayor. He does better spin doctoring than they do at the press conference in the White House. That's all I have.

David Mays, 8250 Green Drive. There was an article in the Garfield-Maple Sun that was made by the Mayor that he made an error. I think he made a huge mistake without getting approval from City Council or from the voting taxpayers of Garfield Heights to sign something and if he's any kind of a man if any charges come back to Garfield I think they should come out of his pocket and not my pocket as taxpayer.

Thomas Niger, 9013 N. Granger Road. Mrs. Sarnowski, we talked to you. Mayor, we've talked to you. We've called and we've called the Police Department. What's going on across the street at Bridge View? Mayor, you went out and talked to them I guess and it worked for a time. They start work at 6 o'clock in the morning. I wake up at 3 o'clock in the morning to go to work. At 11 o'clock at night I'm still up because they're still working across the street. Banging stuff, making noise. We can't sleep. We can't open our windows. There isn't even a road put through there and yet they're going to town on this building. I thank you Mayor, for actually going over there and talking to them.

We got cited by the Building Department for our house being dirty or needed to be painted. We painted our house two years ago. Seven thousand dollars I spent on having our house painted. It's filthy. We can't open our windows. It's unacceptable what we're living in. Now you're talking about expanding the road? Our road is one lane. Have you guys been down North Granger? You take any more roadway away we don't have a road. We can't get to our house. These are all concerns that nobody has come and looked at what we're living in over there. I mean are we going to get fined again for our house being dirty? It's ridiculous.

**MAYOR THOMAS LONGO:** Mr. Niger, I remember talking to your wife a couple of times. We'll check with the developer through the Building Department. The contractor. That's a separate part of Bridge View. You mentioned about the road being widened, etc. There is no plan to widen the road where you're at.

**MR. NIGER:** He said he wanted to widen Granger Road.

**MAYOR THOMAS LONGO:** Widen Granger Road from Transportation Blvd down to about 96<sup>th</sup> where Nordlie's at, which is on the other side.

**MR. NIGER:** He made it sound like the hill was getting widened, because if they widen that, we're done.

**MAYOR THOMAS LONGO:** Even if it's widened by there because there was an Old Granger Road just south of you that used to go through there so there's all that. So technically you have two sides coming and one lane going down. Technically there is room but it would take a lot of work.

**MR. NIGER:** They dug through that hill. There's rock and debris falling down that hill.

**MAYOR THOMAS LONGO:** We know on Bridge View but I'm talking about your side.

**MR. NIGER:** Still got the issue with them working early in the morning plus all the dirt.

**MAYOR THOMAS LONGO:** That we will address. Yes, Mr. Wervey?

**BUILDING COMMISSIONER WILLIAM WERVEY:** If you would like to contact me in the morning I went to the contractor and spoke to him about starting early and then when I did not hear anything more I presumed that the problem had not occurred again. Give me a call in the morning so that I know who you are now and can get in touch with you. I'll go back and speak with them.

**MAYOR THOMAS LONGO:** See him after the meeting.

**MR. NIGER:** Yes, because the inspectors are coming around again and they're going to look at our house. If I keep power washing it there isn't going to be anything left. Thank you.

Greg Suter, 12101 Tonsing Drive. What I wanted to talk about tonight, Congress recently passed a bill where people in foreclosure, people in danger of losing their homes, people that have been foreclosed on already. In that bill there are grants available for foreclosed homes that have been vacated already. Ms. Kuban, what has Garfield Heights done in order to pursue looking into getting some of these grants for these foreclosed homes?

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Mr. President, may I respond?

**PRESIDENT WAGNER:** You sure can.

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** Yes. We're a member of the First Suburbs Consortium of which there is a subsidiary group called First Suburbs Development Council. We are addressing that right now as a County and our inner-ring suburbs of which there are 17 members to work on a policy statement so that we can secure funding for the inner-ring suburbs. Cleveland has their effort going but we want to secure funding for ourselves as well. I just had a conversation this afternoon with a member of the County Administration. I asked to be on that committee but apparently they aren't inviting any more people to be on it. I am following it and I know Mr. Wervey has a staff member who attends the Housing Committee. So we are working together as a group to try to get funding.

**MR. SUTER:** How much money are we looking at?

**ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN:** I don't know at this point in time.

**PRESIDENT WAGNER:** I think the Mayor wants to address your question.

**MAYOR THOMAS LONGO:** The law that you're talking about. I don't believe that is signed by the President yet.

**MR. SUTER:** I believe it has been.

**MAYOR THOMAS LONGO:** If it has been, the funding has not become available. Usually there is a protocol, they send out notification and we get it through the Congressional offices, how to go about it, what we qualify to do, and a schedule. We have received none of that.

**PRESIDENT WAGNER:** Actually, I think Mayor, there has been an allocation of funds for the Counties in Northeast Ohio and Cuyahoga County has been allocated \$26 million?

**MR. SUTER:** Right.

**MAYOR THOMAS LONGO:** But we have not received how to tap in to that so the allocation may be made for the County but how that is going to filter down and the process, etc. that we don't know.

**MR. SUTER:** I think one of the main jobs, and I think you have addressed this, is to get these foreclosed homes occupied by good families again and get the tax base built up again. The other issue that I have on my street, Tonsing. Last week there was an incident where a group of thugs threw a rock through somebody's front window and it seems that there's a problem with the skate park and gangs in Garfield Heights. I'd like to know what you as Council are willing to do or going to do to take the next step in addressing this problem? The increasing problems?

**MAYOR THOMAS LONGO:** We'll give your street special attention. I just need to know your address and the times that that happened but we put up security cameras at the Recreation Center. It has been very successful and we made some arrests. You know, kids stealing bikes, etc, I was not aware that this situation had overflowed to Tonsing. You gave your address as 123?

**MR. SUTER:** 12101.

**MAYOR THOMAS LONGO:** 12101 Tonsing. We'll have our police contact you. They're very responsive.

**MR. SUTER:** You as a Council and you Mr. Mayor what additional steps can you take?

**MAYOR THOMAS LONGO:** We'll give you special attention.

**MR. SUTER:** No, I'm talking about the gang problem that is starting to develop here in Garfield Heights.

**MAYOR THOMAS LONGO:** We've been working on that and it's an ongoing process and it goes from one extreme to the other and it depends on the situation because it's different in different parts of the community. For example in Ward 3 they have a very involved, successful Block Watch. Ward 4 is trying to get one established. Ward 2 is working on theirs. But where the Block Watches come in is they start watching out for each other. It's proven to be very successful because they work hand in hand with the police and the Building Department and other agencies that we have with the County, etc. So that is really the key because we could have thousands of police and if the community does not support their efforts it's all for naught.

**MR. SUTER:** Do we have a special gang unit?

**MAYOR THOMAS LONGO:** No. We give special attention and we have the Juvenile Unit and perhaps that is who you should talk to. There's 7.7 square miles. This isn't Cleveland. We have 88 miles of roads, we have 62 cops and 28,000 people so that's what we're dealing with and that's how we've been addressing it. You should talk to one of our juvenile officers. He'd probably fire you a litany of how things left and right go and who's involved, etc. There is even a program. Right now it's at St. John's Lutheran across the street where they let the kids come in and play basketball. It's very, very well run. They're concerned that when the kids leave there they don't cause problems elsewhere. They can go from St. John's right through the back here on Tonsing so we're trying to tie in with them and in a few weeks school starts.

**MR. SUTER:** Could I have clarification? Is there an ordinance prohibiting three or more juveniles from walking together as a group?

**LAW DIRECTOR DAVID MACK:** I'm pretty sure that that is not on the books nor am I too sure that that would be Constitutional. Part of the problem that we deal with is that if these are juveniles we don't get to handle it. If the police arrest a juvenile on your street it does not go before the Garfield Court. It is not handled by the two prosecutors that work for me. It goes downtown and we lose touch with it. The Mayor has made many efforts on cases to say I would like to be there at the hearings and sometimes they notify us and sometimes they don't, but it's something hard to get your hands around because it's not our Court and it's not our prosecutors. Once the police make an arrest it's out of our hands and we seldom are asked for our input even though the Mayor has tried, as has the Police Chief.

**CLMN DUDLEY:** I realize in Ward 1 we have some trouble with some juveniles and mainly some of the young gentlemen, etc. and sometimes people get a little fearful when they see them traveling in a little bigger than a normal size individual, you know, three, four, five sometimes, or sometimes we got a concept that when they got their pants hanging down low that they say they terrible kids and some are and some isn't. What I've been working on lately, and actually it's coming to light and I hope to have them sign up by the end of this month. I got with a pastor who is a trainer of boxing in the City of Cleveland. He's coming over to the City of Garfield. We've been working on the final details and we should be able to publicize sign-up by the end of this month. It isn't going to be a Ward 1 issue. It won't matter where the kids are from. What were doing is not targeting the bad kids and we're going after the good kids. We want to provide some activities and boxing, I'm telling you, is a great thing for juveniles, you know, kids, etc. all the way up from 9, 10, 11; it keeps them busy. I didn't really want to say nothing because it isn't in the works and everything is basically completed. We got somebody dedicated to give them the ring, etc. We're hoping to have the ring, etc. in place by the beginning of October. Sign up will definitely be by the end of this month.

I also was working on getting some volunteers from some of the churches that I have associated myself with like Calvary Hill Baptist and my church. I have a little prejudice that the church is not just for collecting money on Sunday or giving worship on Sundays. You owe it to give back to the local community. I haven't had a hard time finding volunteers and we are going to be able to provide by mid-September a couple of days of after-school activities like basketball within a gymnasium to arts and crafts for some of the young kids hoping down the road that we can create possibly a Ward sports program, not just in the City here but with other cities where you can have basketball, indoor soccer, volleyball and get all the kids involved and they could play from the different Wards. I think that would get a lot of people involved. Those are some of the things I'm quite sure the Council Members are thinking the same thing as on that park there. I am actually going to bring the boxing program and all the kids will be welcome and I'm telling you by giving them pastors we'll be able to set some time for these troubled youth. You're going to see a change in the streets. That's almost a promise.

**MR. SUTER:** Yeah. Mr. Mayor, you mentioned the Lutheran Church and the basketball program. Is there anything in the works to extend this to the Garfield High schools?

**MAYOR THOMAS LONGO:** There is, but they just had a defeat of their new revenue strain and we are looking at putting together this fall or through the winter a basketball clinic open to all kids and the school, especially the high school, have excellent facilities for such a program and of course the men's basketball coach at the high school, Sonny Johnson, he's always interested in promoting basketball, etc. Yes, that's part of that and we have to wait and see how this shakes out with the school system. We have our money problems and they wanted that one percent income tax and I don't know what's going to happen there, but it's like anything else. We have to live within our means. Thank you

**CLWN MARINCIC:** Mr. Chairman, I would like to make a motion for a five minute recess.

**PRESIDENT WAGNER:** Roll call on the motion for a five minute recess.

AYES: 7

*(Council recessed for five minutes and reconvened at 8:15 p.m.)*

**PRESIDENT WAGNER:** Is there anyone else wishing to address Council this evening?

Paul Ryan, 5531 Briarcliff Drive. The last gentleman in front of you, Council President, I'm surprised you didn't address his grievance, being in your campaign literature you were going to do something about the gang violence in the City? I'm shocked and disappointed you didn't say something to that gentleman. Have you forgot? I said I'm surprised and disappointed you didn't say anything to that last gentleman about gang violence. That was your campaign literature. You were going to stop it. You were going to be the Jim Brown of Garfield Heights. And I'm still waiting for the newsletter.

**PRESIDENT WAGNER:** OK, and you'll get one within the month. Anyone else wishing to address Council this evening?

Jesse Johnson, 12507 Thornhurst Avenue. Just raising a question. There were some allegations that were raised by the Mayor in his report and the Law Director, too, about you and I don't see any place on the agenda where you are permitted to respond to that. So I'm wondering. Are you going to respond to some of the allegations that were blurted at you?

**PRESIDENT WAGNER:** That would be under Miscellaneous Business on the agenda.

**MR. JOHNSON:** OK.

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

Al Crawford, 12607 Thornhurst Avenue. I have a problem and I would like to direct it to the Service Director. I need some traps around my house—skunks, coons and everything around there. It's about the stink.

**SERVICE DIRECTOR TIMOTHY McLAUGHLIN:** Mr. President, can I respond? Mr. Crawford, I just had a discussion with Mr. Johnson during the break and he will take care of it tomorrow morning with my foreman who takes care of the animal warden.

**MR. CRAWFORD:** Can I depend on that?

**SERVICE DIRECTOR TIMOTHY McLAUGHLIN:** Mr. Johnson will be calling for you. He told me that he has the problem. You have the problem.

**MR. CRAWFORD:** That's not his job. It's yours.

**SERVICE DIRECTOR TIMOTHY McLAUGHLIN:** I told him what to do tomorrow. We put out over 50 – 60 traps per day and this is the first time that I've heard about it. I addressed it with Mr. Johnson during the break and he'll tell you what's going to happen.

**MR. CRAWFORD:** I want to know because I'm tired of being afraid to go in my yard.

**SERVICE DIRECTOR TIMOTHY McLAUGHLIN:** I understand. We have a lot of problems with skunks and raccoons right now.

**MR. CRAWFORD:** Thank you.

**PRESIDENT WAGNER:** Anyone else wishing to address Council?

Shar Racicki, 6025 Andover Blvd. We have bunch of kids playing basketball on the street continuously and they're over on Havana, they're over on Valley Lane and on my street. They keep hitting my house and they keep hitting the gas meter. So I was told by the gas company that they keep hitting my gas meter with their basketball hoop and their basketball, I'm going to have damage and I'll probably have gas leaks into the house. I want a cop in the area. I want somebody to monitor the area, because I also have kids laying on the sidewalks and acting like they're having sexual positions.

**PRESIDENT WAGNER:** What is the exact address?

**MS. RACICKI:** 6021 is next door to me where they're playing basketball in the street. My address is 6025.

**PRESIDENT WAGNER:** Mayor, can we give that area some special attention?

**MAYOR THOMAS LONGO:** Whenever that happens just call our police.

**MS. RACICKI:** I have. I've been in the past. I've talked to McGrath and McGrath has told me that he wanted me to start taping them.

**MAYOR THOMAS LONGO:** No, just call 475-6607. It will take you right into the police desk and they will send a unit down immediately.

**MS. RACICKI:** OK, but I've had the cops out there before. They turn the basketball hoop around on the apron of the sidewalk and next thing I know the basketball is hitting my house. And then I'm laying down on the couch and watching TV and all I see is kids going past my front door and my window.

**MAYOR THOMAS LONGO:** We'll give it special attention. They should not be allowed to do that.

**PRESIDENT WAGNER:** Anyone else wishing to address Council?

**MISCELLANEOUS BUSINESS:**

**PRESIDENT WAGNER:** There being none, we'll move on to Miscellaneous Business starting with Ward 1.

**CLMN DUDLEY:** I would like to mention a couple things. Like I said, keep Councilwoman Lewis and her family in your prayers. I would like to mention another thing because I have had some calls and a lot of things have been written in the newspapers. I just shut them off because if you don't pay attention half the time they disappear, but this one here I've received several calls this morning referring to an article in the Plan Dealer saying "cowardly council". I have mentioned that I never knew anything about a meeting. Nobody had contacted me about a meeting. I got a call from a Mike O'Malley last week and he said hey do you know your Council President is trying to get a couple members to come with him to bring the Mayor before you all so you all could talk to him? I said no, I haven't received a call. I would have to hear from the Council President himself, but I didn't receive a call. I received a call from the Council President on Saturday. I didn't get a chance to re-address it back to him because I had some stuff I'd been working on in the community. I've been keeping pretty busy. So I said I probably would talk to him on Monday. But to say that nobody would do anything--I think honestly before you—it's all about being a man and usually cowards don't want to address things heads up and I'm not referring to him. I'm saying you have to have an opportunity to address something to be notified that something is going on if somebody has a question to ask you but in the case of the person not making a call to me and referring to us as "cowardly council" I think that wasn't good. I think it was just a bunch of political stuff that was being thrown out there, but in all honesty stuff like this is really not called for. You got a question on somebody you need to contact them before you go to the media. He said he probably didn't know too much of why it was put out of context. I don't know. But in the case of nobody hearing for something you wake up and I say hey, that's part of the political life. But in the case of this I think the Mayor or anybody else if we had an issue with him, I know personally I can call him; I can call any Council Member if I have a problem with them or I have a question for them they always return the call and answer my question. But in the case of being referred to once again as "cowardly council" I think that was a major low blow. I think it was disrespect, or uncalled for because he never notified any Member of Council that he was seeking to bring the Mayor in for a meeting. With that that's all I have to say in Ward 1.

**CLWN MARINCIC:** I would just like to thank the Service Director for the quick clean up after the storm this past week and that's all I have.

**CLMN SUSTER:** What I'd like to say is that I wholeheartedly agree with Mr. Dudley on what he said. I was appalled when I read this morning in the Plain Dealer about Mr. Wagner trying to get a meeting together. As far as I know he only called one person. It requires two people in order to have a meeting and I think the information that this report was given was a big blow to the City where they are saying basically that City Council does nothing. I worked with Council President Nowicki, Mr. Abella, Sr., and Mr. Collova. These people were here to promote the City of Garfield Heights and help us to get where we are today and to take these kinds of things out of context for personal gain I really think it's wrong because I've always said at Finance Meetings when I've had them that I'm always glad to work with all the Council Members because they have the City at their best interest. You know, the Mayor gave his explanation to us a couple days after this all started. I was satisfied with it. I had no problem with it. I know that the Mayor himself would never, ever jeopardize the City of Garfield Heights. He's worked hard here for the last 22 years to get this City to where it is. We have more things going on for us than we ever could have. You know one article said that one person said no one in their right mind would have signed it. All you have to do is consider the source of who said it and you'd know that it's not a true statement. As I said the Mayor himself has done a lot for this City and he would never, ever hurt it. That's all I have this evening.

**CLWN MAHONEY:** I, too, would like to comment on the articles recently in the paper regarding this Council. I did contact each and every Member of Council to see if Mr. Wagner did indeed, contact them and ask them specifically to call a special meeting in regards to what he spoke to the media regarding. Only one Member of Council told me that Mr. Wagner did ask her to do that. Mr. Wagner, at the very least your comments to the media were misleading and a falsification of the facts. One might even say a lie. I don't know why you would do that? On the surface your interest may seem valid; however some people have the idea that they are self-serving. That they are politically motivated. Please stop using this Council to make your political aspirations. The article in the Plain Dealer on Friday the 8<sup>th</sup> was very derogatory towards us and it resulted in a derogatory editorial as well. It is not fair to take this Council and try to make us unjustifiably look bad and you yourself as a city savior in the media. If you want to be the next mayor of this town, please do so on your merits, not by mistruths, innuendos and lies about this Council. You stated to me that you were misquoted. I intend to write a letter to the editor and state the facts of what I'm stating now and I would behoove if you were truly misquoted that you will also sign that letter and I will ask my colleagues to do the same. That's all I have.

**CLMN ABELLA:** I have something in my Ward and maybe, Mayor, you can be a help with this? I contacted the Fire Department three weeks ago concerning fire hydrants between 130<sup>th</sup> and 135<sup>th</sup> on the street of Havana. We have no working fire hydrants on that block. I have one fire hydrant that was smashed.

**MAYOR THOMAS LONGO:** This is on Havana?

**CLMN ABELLA:** Yes, on Havana. It's leaning over on its side and one down the street further has been tagged but it's not any use. I know Cleveland Water is always kind of a thorn in our side with these types of situations and this one is safety and if we're the City that is on top of things with safety we got to pressure Cleveland Water to step it up and whatever you could do on top of what I've done, what the Fire Chief has done, that would be great. I have one more thing. I'd like to make a motion that we adjourn.

**PRESIDENT WAGNER:** Mr. Abella, would you allow me the opportunity to address the Council or, no, will you continue the motion?

**CLMN ABELLA:** You'd have to ask the others.

**PRESIDENT WAGNER:** You made the motion. The motion's on the floor.

**CLMN ABELLA:** You want me to withdraw the motion?

**PRESIDENT WAGNER:** It's up to you.

**CLMN ABELLA:** I'll withdraw it.

**PRESIDENT WAGNER:** OK. First of all before we get into that, I'd like to pas out an announcement August 28<sup>th</sup> there will be a Foreclosure Prevention Clinic at St. Monica's School cafeteria. If you'd share that with your residents within your Ward I would truly appreciate it. It's August 28, 2008. Registration's at six to six-thirty. The Foreclosure Clinic begins at 6:30 p.m. it's at the St Monica's School cafeteria at 13336 Rockside Road. So there will be plenty of information again available through the fourth clinic we're holding within the City of Garfield Heights.

For the record, I'd like to state that I never spoke with Brent Larkin in regards to the editorial in today's paper. If you have an issue with his editorial I suggest you contact him directly, OK? I think we do not need to reflect from the real issue and the question still remains within the community and for me to ask the Mayor questions on behalf of the taxpayers I don't think is political. That's what we're elected to do. I feel, as Council President, the residents of Garfield Heights expect tough questions asked of the Mayor and the Administration when the time comes. I don't have a problem asking those questions and I'm not sorry I sent the letter to the Mayor and a follow up letter to the Mayor requesting for him to explain to not only I and the Council but the residents of the community why he signed an environmental agreement with the EPA. Also I'd like to know, did the Mayor also say that Mr. Mack says the Mayor believed he had the authority to sign it. In a letter to the City Council on June 4, 2008 after the period in the sentence there's a new sentence that states "all contracts and instruments to which the City is a party are subject to the approval of City Council". To my knowledge no one on City Council had approved the Mayor to sign that agreement. Mr. Mack, I guess you're right, that's an issue that you guys are addressing in Court.

For you to sit here and say that I have some type of a personal interest or tie with an attorney Mr. Fisher, you are absolutely wrong. And you want to talk about political statements, those aren't political statements. The issue today that needs to be addressed and the residents in this community have a right to know is why did the Mayor sign that agreement and why did he sign it without Council's approval or knowledge? And what recourse does the City have when a Mayor acts contrary to the Charter? It's over a month. This body and residents still have no answers as to those questions. I feel it is my duty as Council President to ask those questions and I'll continue to ask those questions. Thank you. And there's nothing political about watching out for the taxpayers' dollars in this community. You have obligated the City to an environmental covenant that could potentially cost these taxpayers millions of dollars. You can't tell me that there is any landfill in any other community that the City would be responsible for the mitigation of any problems in those landfills.

**MAYOR THOMAS LONGO:** Mr. Wagner, you are so off-base with that last statement. You are just way off-base and that is sad because it puts us in a very difficult position. We did something in this City with an old, beat up landfill where you could walk on it and take a match and just throw it. If there was a crack in the ground it would light. We addressed it and things are happening over there to adjust the problems to ensure the safety of it. To turn around and make a self-serving statement ...

**PRESIDENT WAGNER:** Not self-serving, Mayor.

**MAYOR THOMAS LONGO...** that I committed the City to millions and millions of dollars is absolutely ludicrous. Why don't I just take myself and tomorrow go up here on the Bedford Auto Mile and walk into a dealership and order a dozen new cars for the City and sign as Mayor? I can't do that. I can't do that. If anything comes in for any monies you go to that Finance Director, he can't pay anything. That's a total violation. Did I sign? I did it as an agreement--it was not a contract. It was an agreement. But fine, you do what you want to do. You still haven't addressed the concerns that I just heard that you were misquoted in the paper. And that bothers me.

**PRESIDENT WAGNER:** It's like I said, Mayor. I just answered your question. I never spoke with Mr. Larkin at the Plain Dealer. With that I'll entertain a motion to adjourn.

**MAYOR THOMAS LONGO:** Somebody else wrote that. Larkin didn't write that.

**CLMN SUSTER:** I'm making a motion to adjourn.

**PRESIDENT WAGNER:** On the motion by Clmn Suster?

AYES: 7

**MEETING ADJOURNED AT 8:33 p.m.**

**APPROVED:**

**RESPECTFULLY SUBMITTED:**

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Frank J. Wagner  
President of Council

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Barbara Molin  
Clerk of Council