

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, September 8, 2008

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

INVOCATION BY: Councilwoman Nancy Marincic

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

PRESIDENT WAGNER: Before I move on to the official roll call, we have a small housekeeping matter we have to take care of. Our normal Clerk's not here.

CLMN SUSTER: For tonight's meeting, with the absence of Barb, I'd like to appoint Sharon Overturf as Clerk of Council for tonight's meeting.

PRESIDENT WAGNER: On the motion by Clmn Suster to appoint the temporary Clerk.
AYES: 7

PRESIDENT WAGNER: Before I move on to the Minutes, the Mayor has requested that the Ohio Vietnam Veterans' Memorial Park organization is here. Mayor, do you want to introduce them and we'll have them give a presentation before we continue with the rest of the meeting? If there's no objection?

MAYOR THOMAS LONGO: They called and asked for a few minutes to make a presentation so why don't you make the motion? Who's going to make the presentation? Frank? You'll have to make your own introductions then.

PRESIDENT WAGNER: OK. Would someone like to make the motion to allow them to do so?

CLMN SUSTER: Mr. Chairman, I'd like to make a motion that we allow the Veterans to make their presentation at this time.
AYES: 7

Frank Sasz: My name is Frank Sasz. I'm the President of the Ohio Vietnam Veterans Memorial Park. I live down in Portage Lakes. Our Vice President is Chell Rossi, from Canal Fulton and our Treasurer is Joe Paonessa who is from New Franklin. He'll be running our DVD tonight. We'll be making a few little changes because I see you're going to have a full slate tonight. We're going to start off with our DVD to show you what the virtual tour of the park is. It will take approximately seven minutes. If you've seen the movie, "We Are Soldiers" with Hal Moore? Hal Moore is the person that's doing the DVD for us. (*The DVD was played.*)

MR. SASZ: I'll give you a quick breakdown on when we started and what we have accomplished basically in the past year. There are a few changes on that wall that you see up there. Instead of starting with World War I we are actually going back to the French and Indian War on the reverse side and putting in all those statistics. We won't have the names back there but we'll have all the statistics for all the wars all the way up to present. Our idea there is when a school bus is in they will be able to get the total history of what has happened in the State of Ohio. On February 2007 about 200 people gathered to dedicate the land in the

village of Clinton for a memorial park, a home for all Ohio military heroes. The land was donated by the Clinton Cemetery Commission. Our biggest problem was finding the land. We started approximately four years ago and we have now got the land and we're doing something in the park almost every week. On Memorial Day 2007 we constructed a 125 foot wooden wall so people could go in and sign their loved ones' names on this wooden wall and it would give them an idea how long 125 foot was. By July on our first run we had over 500 names on that wall. In August 2007 1,000 people came out for the groundbreaking ceremony. Dick Goddard sang the National Anthem, Eric Mansfield who is also a Guardsman, was the MC, chief speaker was retired Colonel Dennis Tomsic who is the third highest decorated personnel from Vietnam in the State of Ohio. Congressmen, State Representatives, Mayors, the Wooster College with their bag pipes and drums, local high schools, the Gold Star Mothers, the Blue Star Mothers and their families, Veterans from all branches of service and from all over the State were at our groundbreaking. A big surprise came when Betty Sutton, Congresswoman, and Congressman Ralph Raglar presented a proclamation from the U.S. House of Representatives. Veterans' Day 2007 as you can see everything comes up as soon as we get money we spend it. We don't put it in an account and leave it set there.

On Veterans' Day 2007 the Gold Star Mothers read all the names of the people from Ohio that had died and made the supreme sacrifice in Iraq and Afghanistan. As a bell was rung we placed a flag in the ground for each one of the Ohioans that had died. After this ceremony was over we actually excavated for the 125 foot wall and poured the foundation for it. During the winter months that foundation has cleared out and on Memorial Day this year we poured a four foot sidewalk all the way around the wall and had our logo engraved into it. In June 2008 we actually placed the order for the 125 foot black granite wall. That wall is supposed to take six months to get here and I've been told now that it will probably arrive within four months instead of six. At that time we'll start putting all the names on the wall in alphabetical order and then start doing the engraving on the back side. About a week ago we actually ordered the model to be made for the Gold Star Mother. Once that model comes in and we approve it they will start making the Gold Star Mother out of granite. Our goal is to go ahead and unveil the wall and hopefully the mother at the same time. That will be a week before Memorial Day. That way everybody can have their Memorial Day and we'll have our ceremony a week ahead of time. One of the things we wanted to do is we wanted to honor all the mothers whose arms will never hold their child again. The children who have to grow up without a mom or dad and the young wife that will never see her husband again. Now even our daughters are giving up their lives so we may hold close the freedoms that we have been blessed with. We want to honor all the Veterans and let them know that we have not forgotten the cost of freedom. I'm going to have Chell come up now and she's going to tell you who's behind the wall, who's supporting it and how we're raising our money.

Ms. Chell Rossi: Good evening. This \$1.7 million project has been 45% funded in one short year without any State or Federal dollars. Major donors are the G.A.R. Foundation, the Dominion Foundation, First Energy Foundation, P.P.G., Corbin Foundation, Akron Community Foundation, Welty Family Foundation, Belden Brick Charitable Trust, Fidelity Charitable Trust, Samuel Reese Willis Foundation, Wal-Mart Foundation, Counties of Summit, Athens and Clermont, Lawrence Township, Cities of Akron, Wooster, Fairlawn, Stow, Barberton, Strongsville, Hartsville, Ravenna, Norton, Green, Canal Fulton, Doylestown, Bedford, Kent, Orrville, New Franklin, Ravenna and Tallmadge. Many high school class reunions and historical societies have also been major donors. Some of our corroborating partners are the Ohio & Erie Canalway, Metro Parks serving Summit County, Gold and Blue Star Mothers of Ohio, Masonic Lodge of Ohio, military organizations from all over the State.

Where do you come in? We're inviting you to join us in this long overdue mission and there are several ways that you could participate. For a donation of \$3,500.00 in gratitude we will place a black granite bench in Garfield Heights' name in our park showing your city's support. There are only 32 benches in the park and at this point over two-thirds are spoken for. For a donation of \$2,500.00 in appreciation we will place a granite monument in Garfield Heights' name in the park showing your city's support. For a donation of \$1,500.00 in gratitude we will place a Bradford pear tree with a granite marker beneath it in Garfield Heights' name in our park showing your support. As Frank told you we are now soliciting donations of \$500.00 or more to

complete the Gold Star mother's statue which stands before the Veterans Memorial Wall. Gold Star designation is given to those who have lost a child in the war. The Corbin Foundation has begun this funding with a donation of \$15,000.00. That will defray half the cost. We will dedicate this statue on Memorial Day weekend next year at the same time as we dedicate the Ohio Vietnam Veterans Memorial Wall. We've just recently been going city to city. We want our neighboring towns and villages to have the first opportunity to honor their Veterans. When all the benches, etc. are spoken for the opportunity for your City to be represented will no longer exist. We are here to ask you that you give our memorial very serious consideration in the near future and lend your support. We've only given you a very brief synopsis. We know you have a lot of business to conduct this evening and at this time Joe, Frank and I would be very happy to answer any questions that anyone might have.

PRESIDENT WAGNER: Does any Member of Council or the Administration have any questions? (*none*)

MAYOR THOMAS LONGO: We'll get back to you.

MS. ROSSI: OK? Thank you for the opportunity to share our mission with you.

PRESIDENT WAGNER: Thank you.

MR. SASZ: One thing I wanted to tell Mayor Longo. This is not just Vietnam. It covers all wars, all services, the whole State of Ohio. This is located down where Stark, Summit and Wayne County meet.

PRESIDENT WAGNER: Thanks for the presentation.

READING AND DISPOSAL OF MINUTES:

Moved by Clmn SUSTER to accept the minutes of the regular meeting of City Council of August 11, 2008 as submitted. The minutes were accepted with seven YES votes.

WRITTEN COMMUNICATIONS TO COUNCIL: None.

LEGISLATION OUT OF COMMITTEE: None.

REPORTS OF THE MAYOR AND DIRECTORS:

MAYOR THOMAS LONGO: Good evening, Mr. Wagner and Members of Council. As a follow up to our meetings with City Council regarding the City's budget constraints for the 2009 fiscal year, let me offer some general updates. We have been meeting with the various department heads. We're still in the process of doing that and how their budgets for next year can be trimmed and brought into line. We've taken steps to put a substantial dent in overtime. There is to be no hiring of new employees. The use of City vehicles has been severely limited. Discussions concerning personnel and reductions in service are also being had. A meeting is being scheduled with Union leadership to discuss various issues that will be coming up through the negotiation cycles that will impact every employee with the City, including the Administration. We're going to have a review of part-time employees as to the expenses that are incurred there and there are some cutbacks in services we are also discussing. Of course equipment purchases from different types of squad cars to others are also being scrutinized very deeply. Again, this is very general but we will keep you up to date. Things will start to move fast once we've had the meeting with the heads of the Unions.

In referring to tonight's agenda, Ordinance 31 is the final purchase of the property at 14107 Broadway which was approved by City Council when you approved the note. This is the actual price and so to complete the purchase we need Council's approval and of course that's for the expansion of Broadway. Ordinance 32 is our annual auction of unneeded municipal equipment. Dick Obert can bring you up to speed as to what, when and how that's going to entail. Ordinance 33 is a rollover of our street resurfacing from last year which was just completed this year. Again, Dick Obert can address your questions on that. Ordinance 34 (in fact there's

been some substitution legislation) for the Village of Highland Hills. They're the ones with that shopping center that's going out of business. I used to go up there all the time. Not Severance.

CLWN MAHONEY: By Mayfield.

MAYOR THOMAS LONGO: No, Randall Mall. That shopping center's going out of business so it's just about going to take away all their tax revenues and they may wind up merging with another community. But they wanted to buy an old van which we were going to auction off for \$3,500.00. It needs a whole new transmission and they're willing to take this on and purchase the transmission, so we urge your support in one way or another. Instead of putting it through the auction we could sell it directly to them.

Resolution 31. Extra dollars have been made available through the Issue 1 Program and we feel confident that we will be able to obtain some extra dollars for our various projects, specifically at this site, Granger and Transportation Blvd. Resolution 29. Stephanie Tubbs Jones is already being missed. I don't know how this is going to come to fruition but there will be a meeting to pick someone to go on the ballot and they have already turned it into a very larger than life adventure. Stephanie was larger than life and her smile lit up a room. She was always very supportive of the City of Garfield Heights and the things that we were trying to do in this community. Resolution 30 has to do with the Dominion request for additional revenues. I believe that Dominion, after we had that meeting upstairs in the big dining room, have already feathered back their rate increase so we've had an impact. However they should put it on hold because people are really stretched out, the economy isn't turning around and this is the time to try and hold the line and to make things more palatable for residents throughout Northeast Ohio. This concludes my report on tonight's agenda.

LAW DIRECTOR DAVID MACK: No report.

PRESIDENT WAGNER: Any questions of Mr. Mack?

CLWN SARNOWSKI: It was requested to have a meeting with the insurance lawyers. Have you done anything about that?

LAW DIRECTOR DAVID MACK: Yes, I spoke to them shortly after I spoke with Ms. Marincic. Mr. O'Neill indicated to me that he would certainly be willing to meet with City Council. He was unavailable to do so this week. He said that no response was required yet as to the taxpayer action and that negotiations were going on on a daily basis in the EPA lawsuit and he asked me to get back to him later this week or the beginning of the following week to schedule a meeting with City Council, which I will do. So I did discuss that shortly after the last time Ms. Marincic mentioned it.

CLWN SARNOWSKI: Also, another question. Since we are engaged with the EPA in that lawsuit can we talk to the EPA about the situation going on?

LAW DIRECTOR DAVID MACK: The EPA is holding meetings that do not include the City of Garfield Heights because again, the City of Garfield Heights is not primarily liable. The EPA is conducting meetings with the McGill Group and with the group that owns City View at this point. Garfield Heights is not even participating in that and they are anticipating a settlement to come out of that very shortly. By very shortly, they think end of September or mid-October or so. Negotiations are going on literally on a daily basis. I've talked to the attorneys. I've talked to the engineers.

CLWN SARNOWSKI: As a Councilperson can we talk to someone on the EPA?

LAW DIRECTOR DAVID MACK: Sure. Absolutely.

CLWN SARNOWSKI: Thank you.

SERVICE DIRECTOR TIMOTHY McLAUGHLIN: Absent.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: We are currently in the process of making ice down at the municipal skating rink. We will open on September 20th for our in-house programs, figure

skating, etc. The first public skating session will be Friday night, October 3rd. We're also taking sign-ups right now for all of our fall and winter programs. That concludes my report.

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

CLWN MARINCIC: Mr. Bukac, is there going to be any Christmas lighting ceremony?

PARKS AND RECREATION DIRECTOR JAMES BUKAC: I think that question you should ask the Mayor because ultimately that's going to be his decision to make, but I think in view of the budget, etc. as the Mayor had said before that would be one of the things that we will address.

MAYOR THOMAS LONGO: The answer is Yes.

CLWN MARINCIC: Thank you.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: He seized that a lot quicker than I did.

BUILDING COMMISSIONER WILLIAM WERVEY: No report.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: I just want to announce that the next CDBG public hearing will be tomorrow night at 6:30 p.m. in this room. If you have any ideas for projects please forward them to me. You can attend the meeting. You can also e-mail me. Also at the last meeting we discussed the Federal money coming down for emergency housing programs. The rules will be (and Congress set the date) that the rules will be put out by the end of September. We've discussed what the rules were and we don't have them yet. I attended a meeting last week. It seems like the funding will be allocated similar to the way CDBG program funds are going to be allocated. When I have any more information I will forward that to you. That concludes my report.

CITY ENGINEER DAVID NEUMEYER: No report.

FINANCE DIRECTOR RICHARD OBERT: I would just like to mention that on September 27th and that's a Saturday, at our service complex down there on McCracken and Broadway, we'll have the auction and we have about nine vehicles going up. It will start at 10 a.m. That's all I have. Thank you.

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's agenda and no citizen shall speak more than once. Is there anyone wishing to address Council on tonight's agenda?

Joe Turk, 5119 East 131st Street. Before I get into this, what was the final decision, Mr. Chairman, of the Dominion East? To lower their request?

MAYOR THOMAS LONGO: Dominion lowered their request. We have not had a ruling from the Public Utilities Commission on what they are going to grant.

MR. TURK: They have not given any kind of a statement? So we don't know where he stands?

MAYOR THOMAS LONGO: Not that I know of.

MR. TURK: The auditor recommends no raise at all. He ought to recommend that Dominion have a cut. They are not looking after our affairs in Garfield. He was appointed by Governor Taft? Is that correct?

MAYOR THOMAS LONGO: That's correct.

MR. TURK: And then re-appointed by the new Governor?

MAYOR THOMAS LONGO: I don't think he has been re-appointed at all by the new Governor. Their terms are staggered so as time goes by one comes off the appointment and you don't have all members of the Public Utilities Commission being replaced at once.

MR. TURK: I kind of got an impression that he's supposed to be the keeper of our affairs, looking out for the affairs of the people that pay the Dominion gas bill. I got the impression he wasn't really on our side and I'm wondering if maybe the Governor shouldn't take another look at if his appointment should continue to be as it is or if he should find himself another job. That's my thinking. It's up to you gentlemen because it doesn't seem to me that with all the people that were there in that room two weeks ago. I don't know where you guys were. I didn't see you. Some of you might have been there. I never heard so many poverty stories. People talking about they can't pay their Dominion bill. There were guys in wheelchairs having a rough time financially. One guy said there was a thousand houses in foreclosure in Garfield and they want to raise the rates. The PUCO looks like they were diving it up on us. This doesn't look like he's looking after the good of the people of Garfield Heights. I think we ought to entertain the thought of getting a hold of Ted Strickland and see if we can't get somebody that's more on our side because, someone that will look after the affairs of citizens that pay the gas bill. I got a distinct impression that he really wasn't on our side. That's about as far as I'd better go.

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

Henry Warren, 4512 East 131st Street. I'm going to make my comments and ask my questions in reference to Resolution 31-2008. Evidently the City is going out to request a grant from the Public Works Commission. My question is what's the total amount of the grant that the City is requesting, Mr. Obert?

FINANCE DIRECTOR RICHARD OBERT: We discussed that in the Caucus with the engineer. We don't have the full amount yet, right?

CITY ENGINEER DAVID NEUMEYER: Right, we don't get the grant until we apply. This is just for the OBWC to apply for the grants.

MR. WARREN: If you do get the grant isn't there a portion of money that the City has to pledge also?

CITY ENGINEER DAVID NEUMEYER: Could be.

MR. WARREN: Could be? Or is that the case?

CITY ENGINEER DAVID NEUMEYER: If the grants are received, then yes.

MR. WARREN: The City pledges part of the money?

CITY ENGINEER DAVID NEUMEYER: Yes.

MR. WARREN: You don't have an idea in terms of how much money you're going to request?

CITY ENGINEER DAVID NEUMEYER: We haven't gotten that far yet.

MR. WARREN: I read in the newspaper, I'm assuming as the Mayor indicated that this money was for Granger Road or for East 98th Street Road. I think the cost was something like \$7 million, according to the news article that I read. So you don't have a clue as to whether it's five or seven million? The point that I'm trying to get at is then how much is the City committed to pick up too? By going out for this grant? That's the real question I want answered.

CITY ENGINEER DAVID NEUMEYER: That is at present in the agreement with the developer. This is all for the development of Granger and Transportation at Bridge View Crossings.

MR. WARREN: For the road, right?

CITY ENGINEER DAVID NEUMEYER: Yes.

MR. WARREN: Then again, if the article was correct that I read, the road is going to cost approximately \$7 million and when you are about three or four million up to almost double which would be \$7 million so what I'm trying to discern is if you get the grant, again, if they pass this, we're going to commit the City to x amount of dollars. In other words they are going to pass a piece of legislation, they don't know the dollar amount of the grant that you're going to request, secondly they are going to be asked to pass a piece of legislation that they don't know how much the City is going to have to commit to this grant that you're requesting.

CITY ENGINEER DAVID NEUMEYER: The Granger/Transportation grant is for \$2.3 million. This is going after additional funds for that intersection. Anything over/in excess of the grants that we have would be paid by the developer.

PRESIDENT WAGNER: Hold on one second, Councilman.

MR. WARREN: Who me? I ran out of time?

PRESIDENT WAGNER: No. You're referencing Resolution 31 but Resolution 31 is ...

FINANCE DIRECTOR RICHARD OBERT: That's an application.

PRESIDENT WAGNER: That's an application. He's right. That's the right one.

MR. WARREN: You are making an application for a grant, aren't you?

CITY ENGINEER DAVID NEUMEYER: Yes.

MR. WARREN: I didn't know things had changed that much since I wasn't a Councilman anymore. But going back to the question that I'm trying to get answered is, you are applying for a grant, you don't know how much money you are going to ask it for and you don't know how much commitment the City is going to have to make if you do get the grant? Is that correct?

CITY ENGINEER DAVID NEUMEYER: My understanding is that the City won't make any commitment until the grant is received and then go back to Council for authorization to proceed. This is just an application to get the grant. Whatever we get, the Council has to approve for any work to be done on that grant and the expenditure money.

MR. WARREN: That part I understand. The part that that I'm not understanding is the fact that you are committing the City to put a portion of money with a grant when you don't know how much the grant is going to be.

CITY ENGINEER DAVID NEUMEYER: For Granger/Transportation anything that is over and beyond what we hope to receive from Issue I will be borne by the developer. That is the agreement.

FINANCE DIRECTOR RICHARD OBERT: That's the agreement.

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

ORDINANCE NO. 33-2008

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,100,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING CERTAIN STREETS AND PROPERTY IN THE CITY, INCLUDING MARTIN LUTHER KING DRIVE, PARKVIEW AVENUE, BLYTHIN ROAD, EAST 85TH STREET, SAXON ROAD, EAST 131ST STREET, MAPLE LEAF DRIVE, GRANNIS ROAD, EAST 90TH STREET, EAST 117TH STREET, EAST 134TH STREET AND CERTAIN OTHER STREETS, DESIGNATED BY THE CITY BY RECONSTRUCTING AND RESURFACING, RECONSTRUCTING CATCH BASINS AND OTHERWISE IMPROVING EACH ALL TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; 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. 34-2008

AN EMERGENCY ORDINANCE AUTHORIZING THE SALE OF A MUNICIPALLY OWNED BUS, PREVIOUS USED BY THE GARFIELD HEIGHTS SENIOR CENTER, FOR A SALE PRICE OF THREE THOUSAND, FIVE HUNDRED DOLLARS (\$3,500.00) TO THE VILLAGE OF HIGHLAND HILLS.

Moved by MAHONEY to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

RESOLUTION NO. 29-2008

A RESOLUTION BY THE MAYOR AND COUNCIL, ON BEHALF OF THE RESIDENTS OF THE CITY OF GARFIELD HEIGHTS, HONORING THE MEMORY OF CONGRESSWOMAN STEPHANIE TUBBS JONES.

Moved by DUDLEY to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLMN DUDLEY: Before I vote, I want to say one thing. I only had an opportunity to meet Congresswoman Stephanie Tubbs Jones twice in my life. When I met her the first time I was not an elected official, I was a regular resident and I went down with somebody. We had a complaint that we took to her. When you talked to her you would never think that she was a Congressional official because when she talked to you she talked to you just like anybody else in the street. When I ran into her the second time I was in fact an elected official but we had get into a conversation that I didn't get an opportunity to tell her that, but I tell you she was a great woman, a great Congressional official and she will be missed and will be hard to replace. With that I vote Yes.

CLWN MARINCIC: She was a woman of her word. If she told you she was going to do something, she did it and she did it with spirit. She will be dearly missed and probably close to impossible to replace. My condolences to her family. And I vote Yes.

AYES: 7

RESOLUTION NO. 30-2008

A RESOLUTION IN OPPOSITION TO A PROPOSED RATE HIKE BY THE PUBLIC UTILITIES COMMISSION OF OHIO, WHICH WOULD INCREASE THE DOMINION EAST OHIO GAS MONTHLY SERVICE CHARGE FROM \$5.70 TO \$12.50 PER MONTH NEXT YEAR AND \$15.40 PER MONTH THE FOLLOWING YEAR.

Moved by MARINCIC to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

RESOLUTION NO. 31-2008

A RESOLUTION AUTHORIZING THE CITY OF GARFIELD HEIGHTS TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM, AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM, AND TO EXECUTE DOCUMENTS AS REQUIRED.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 7

PRESIDENT WAGNER: Mr. Obert, on the waiver of rule 24 you said in Caucus we didn't need that because we're not spending?

FINANCE DIRECTOR RICHARD OBERT: We're not spending a penny.

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

PRESIDENT WAGNER: That concludes the legislation before tonight's 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

break I went to the garage and discovered that the noose was still there. I immediately contacted the Garfield Heights Police Department as well as Clmn Dudley. Contrary to a recently published newspaper article, that was the first time that I'd ever seen or heard of the noose was that day when I went there. Some statements were taken by the police, were taken from various employees of the service garage. Director Mack had gone on to state that the City had conducted an exhaustive investigation and during the investigation it came to light that ...

PRESIDENT WAGNER: Mr. Jamison, just as a courtesy, you have one minute left. I'll let you know when 30 seconds is up, knowing your time is up, If Council allows you more time, it will be their decision.

MR. JAMISON: OK. It came to the light that an employee had hung the wire there several years ago to support a net. However, in a statement to the police, when asked if there was any reason he would have removed the wire when it was not holding a net, he responded no. In another statement to police a supervisor is quoted as saying, months ago I did have an employee check the wire and he told me it was just a wire. When the police asked why did an employee check this wire several months ago he responded it could have been offensive.

PRESIDENT WAGNER: Thirty seconds.

MR. JAMISON: My hope is that when the employee who checked the wire when he checked the wire that it wasn't left in that shape. If an employee saw it hanging and it was anything at all like this and he was supposed to check if this was offensive then I have a problem and you can look at this and see if this is offensive or couldn't feel this isn't offensive. I hope it wasn't hanging like this?

PRESIDENT WAGNER: Mr. Jamison, your five minutes is up. Is there anyone on Council who would like to make a motion?

CLMN DUDLEY: I would like to make a motion to extend more time to Mr. Jamison.

PRESIDENT WAGNER: On the motion to extend more time to Mr. Jamison? Is there any objection? (*none*). Go ahead.

MR. JAMISON: I'll try to wrap this up. On June 3rd the City decided to give written reprimands to the employee that made the initial racial slur and to the supervisor that repeated it to me. Director Mack wrote in a response to the Federal EEOC, and I quote, "After I had been made aware of the incident involving the racial slur, I met with Mayor Thomas J. Longo to discuss the matter. Both of us agreed that we had to take quick and speedy action so that incidents such as this are not repeated in light of the fact that the City of Garfield Heights has a zero tolerance when it comes to racial issues." In all due respect the quick and speedy action that the City takes when an employee is one minute late for work is to be given a written reprimand before he leaves work that day. In order to have a zero tolerance policy you must have zero tolerance. The City of Garfield Heights did organize with the Cleveland Clinic Foundation and Marymount Hospital a diversity training class. I personally found many aspects to be very informative. Under discriminatory practices it states, and this is quoted, how it was presented to us, "it is illegal to discriminate in any aspect of employment including the following: retaliation against an individual for filing a charge or participating in an investigation or exposing discriminatory practices." It included conduct such as offensive jokes, slurs, epithets or name calling from a supervisor or any co-worker or non-employee. It ends with "a victim is anyone affected by an offensive act". The biggest disappointment of the training is that it did not give any information as to how a Garfield Heights employee should go about making such a complaint

On July 17th, nearly two months from the day that the racial comment was made, I felt compelled to file a claim with the Federal EEOC and the Ohio Civil Rights Commission. I also know that Director Mack had some personal time away from work to attend his daughter's wedding, which I congratulate you and I hope

she's doing well. So he was not available for a period of time when we were trying to make this meeting. On August 15th I finally had the opportunity to sit face to face with Director Mack and discuss the issues. I was a little late. That was the day we had to catch the sheep running on 480. As you know on August 18th four black employees had submitted a letter to City Council. During my discussion with Mr. Mack he told me to contact him directly if there were any more issues. A couple of issues had developed that I wished to discuss with him. I called the Law Department on Monday August 25th, then again, Tuesday, August 26th, then again Wednesday August 27th. On that day I told the person that answered the phone to please have Mr. Mack send me a memo if he was no longer going to speak with me. Then again on Friday August 25th. Today is now September 8th and I still have not received a phone call or a memo. I have a couple of issues I'd like to speak and I have nowhere to go. Once again I don't wish to be disrespectful, but I can't understand why it's so hard to talk to me? That's all I wanted from the beginning because there was a problem that I had that I felt was very serious and they refused to talk to me. I'd like to apologize to the minority workers at the garage. I do not define who I am by race and I can assume that because I'm bi-racial and I've never faced a racial situation while employed in the City of Garfield Heights but I never realized the way that you were looked at once you were looked at as Black and had wanted to make a complaint. I constantly have to remind myself that I have done nothing wrong. I did not make the racial remark The employee that made that comment made this racial. The supervisor that repeated it to me as opposed to disciplining the employee immediately, he made it racial by bringing it to me and I can only imagine the reason why he would come and say this to me is for same reason he felt comfortable enough to walk up and tell me that so and so said he's not going to work with that f-ing nigger. The fact that there's no system to file a complaint in this City helped make this racial and whether intentional or not allowed a wire to hang eight feet off the floor, shaped like a noose made this racial.

I fear coming to work every day, not as much for my physical health but for my mental health. I feel sick to my stomach going to the garage, knowing that a few short months ago I was considered a very good employee. Even though I'm not welcome in certain circles anymore I don't care. Once again I repeat that in order to have a zero tolerance policy you must have zero tolerance. Of all the non-minority Service Department employees that are here today, I don't believe that one—I take that back—Mark Sikon is the only Service Department employee who said that he did not agree with the usage of the word nigger and that he thought it was a serious situation. He's the only one who's even said I can't understand that and I can understand why you're upset, and I thank you, Mark, for agreeing that you feel that that word shouldn't be used. Up here I did see Director Bukac a couple months ago and he said to me that he doesn't agree with that word and I appreciate you saying that because not very many people seem to think that it's that big of a deal. I thank you for your time. I'm sorry that I went over. I simply wanted to make you aware. The situation is ongoing. I'm still two weeks and counting for my next discussion with Mr. Mack. Thank you.

CLMN DUDLEY: Excuse me, Mr. Chairman, I think before I read any statement I have, I'd like to be given an opportunity to ask him two or three questions, if I can?

PRESIDENT WAGNER: All right.

CLMN DUDLEY: I know that you've been saying this has been going on for quite a long time and I have worked in a job environment and I tell you even in the military, my wife is sitting over there and she knows I took it all the way up to the General back in the 7th Corp with a three-star General when I had an incident concerning her being cheated out of a job. Why you have not even made any attempt prior to this last incident I remember when you called me about the news. I remember I came right down. I was late going to work. I stayed around for the process and decision. I remember when we talked about the n word and you said I don't allow that word to be used in my house around my kids, but I met with you and I believe I talked with several other gentlemen. Why didn't you make any attempt whatsoever to file a complaint prior to the incident in the month of May?

MR. JAMISON: As I said in my statement, I never had an incident. Ed Jamison never had any problems. I loved my job. I came to work, I did my job, my bosses treated me good, I did my job. I had never had any incidents until the morning of May 20th when the supervisor walked out and repeated that statement to me. I had no reason to complain. I will admit now, looking back, that maybe I had blinders on because when things aren't bothering me, it's human nature not to look for something that's wrong. That is why I apologized to my three co-workers because they've said some things over the last 15 years or so. I feel terrible. I feel terrible that they didn't feel comfortable making complaints before because they knew that this would happen. We would be divided in the garage. We would be seen simply as Black and White and not right /wrong. As for me it never happened to me so I don't want to speak for them as to how come they have not had any complaints in the past.

CLMN DUDLEY: So until this incident everything was going along fine with you and you never had any issues whatsoever with the City?

MR. JAMISON: Correct. I never had a racial issue with the City before this.

CLMN DUDLEY: OK. Let me ask you another question and think real hard on this because this is something I want to know. First of all, like I tell people, I don't even say that word. When I say "n" that's the word I refer to when I use. People know that I'm really strong in the Christian world, etc. and what we do is considered to be sliding the color blinders on. I work basically on the facts. I don't care what color you are. We'll fight just as hard. There was an age in the Middle East when even a White person was being persecuted by some African-Americans or whatever the case may be. Have you ever—and I want you to think real good—have you ever used the n word yourself while you were actually on the clock working for the City? Have you ever? I want you to be honest.

MR. JAMISON: I think I can emphatically say no. I never have and never would call someone a bad word.

CLMN DUDLEY: No, I didn't say whether you'd called. I didn't say whether you had directed it to anybody personally. I'm going to ask the question once again, Mr. Jamison. Have you ever used that n word while you were on the clock for the City of Garfield? I want you to think real good.

MR. JAMISON: I cannot recall using that word. It's not an everyday word. I know that there has been I just can say bad joking situations that I've heard the word before, when there's been bad jokes. But I cannot recall that I ever have said that word. My answer's no.

CLMN DUDLEY: So you say you've never used that word?

MR. JAMISON: No.

CLMN DUDLEY: So you're going to say no, you've never used that word?

MR. JAMISON: No.

CLMN DUDLEY: You've never used it. I'm not just talking around any White employees or any African-American workers. I'm going to ask you just one more time. Have you ever used that word before? I need to know.

MR. JAMISON: I'm going to answer you one more time. I said no.

CLMN DUDLEY: OK, Mr. Jamison, that's all I have for you right now.

MR. JAMISON: Thank you.

LAW DIRECTOR DAVID MACK: Mr. Chairman?

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

CLMN DUDLEY: I am not finished.

LAW DIRECTOR DAVID MACK: Oh, I'm sorry Mr. Dudley. I thought you were done.

PRESIDENT WAGNER: Mr. Dudley, you still have the floor.

CLMN DUDLEY: I don't really have to read through all of this statement. What I want to say is I was first made aware of the situation when it came up and I had received a call which was approximately May 20th from Mr. Jamison and he seemed to be hysterical about a Mr. Kristof repeating to a Mr. Labuda. He had referred to Mr. Labuda that Mr. Kristof said he would not work with that "n" for the next five years and that's the reason why he had chosen to go into the dog warden job. I was a little concerned at the beginning part because the thing to me was really the dog warden issue initially. I got an opportunity to talk to Mr. Kline, Mr. Jackson and Mr. Shawndale. Then I knew that those individual gentlemen was going through some issues down there. Some things had to change. When I first got involved in this I didn't give them no excuses. I went straight. I contacted the Mayor. I actually addressed a letter to the Mayor with my concerns on the issue and I felt at that time, Mayor, that we should not have had an employee such as Mr. Kristof with his time and service, especially, have used that word and it was wrong. I did allow an investigation to be conducted because you can't just jump some times when the issues are brought toward you like that. People go running in to it and they look at their race or whatever you're dealing with and they say hey, I got to correct this. So when I got involved in this once again, like I say, when I had talked to them and I was really concerned mostly about Mr. Kline because the comment was more directed towards him than anybody else. I had talked to Mr. Naval Jackson and some of the issues he brought up to me they have problems that have to be addressed in this City. I pointed out one to the Mayor and I told him we have to do something, we have to work on something, but prior to that we had already discussed about the month of March so I believe I had a couple of grievances that I wanted to see things change properly. Possibly to have more diversity within the City of Garfield Heights.

Now I'm going back to the reason I asked him that question because somebody had commented that he had possibly used the n word before and I had to actually ask him that question. You all wonder why I was so fixed on it? Because I needed to know. Me. Myself I would never use the word such as the n word around African-Americans or any other race of individual people. As we go on in every subject when I look at the complaints, I'm going to get back to those three gentlemen but the first thing to the complaint of charge of discrimination; it clearly states that the first thing you talk about is the driver's position. The driver's position we have to drop that. That was based on seniority. That's not an issue for a discrimination charge. I was part of a Union. We all know how a Union works. As far as what was going on when we mentioned the fact of a Buckwheat text message being sent to Mr. Naval Jackson. That's really deeply disturbing. There's something seriously wrong with that. Because whoever sent that message I wish they would find that individual and that person needs to be terminated immediately. When we look at Mr. Kline who was passed over for a job promotion. I can really feel what Mr. Kline went through, because at a prior job I had filed complaints for seven years, but I actually wrote my complaints to the headquarters. Nobody else supported me on that job. Out of 150 people they allowed it to be tolerated. But I did send them letters. For seven years I wrote a total of 14 letters. I didn't care if nobody didn't send no letter. If you're wrong, you're wrong and you have to step up. You don't have to depend on the next person to do it. That is sad. If that is going on, something has to be done about it. Whether it's in a Union or whatever. Something has to be addressed. When we look at the last individual, Ray Shawndale, he had voiced his opinion on several issues too and I could understand the truck issue because I worked that old dock and I had an issue about a truck but I found out later in my case, the fellows couldn't drop a stick so there had to be an excuse for that. But honestly, if he had the seniority and

we know about the bargaining agreement or whatever the case may be, the Union holds in its contract, seniority rules and he should have been placed in the truck that he decided to pick before any four, five employees or 10 employees less than him was able to choose their vehicle.

The only thing I'd like to say is no matter what I read here or what I go into (and that's why I don't have to read my whole statement here and get into it) every statement I have had and every piece of complaint I have had we always go back and I think that honestly, partially that the job and the driver position kind of upset Mr. Jamison also. I think that really upset him also. I'm not saying that Mr. Jamison is not going through any racially motivated things down there. Because we got things in this City that clearly have to be changed and have to be addressed. I honestly know after this fact here that I will get an opportunity and I will meet with the Mayor very soon and I believe we'll go over what we started before the month of May came. We had some stuff we were in the process of doing. He assured me during that time frame before the month of May even came up like I say back in the month of April he had stated that there was going to be a shake-up in that garage because I did have some concerns about the service garage prior to this incident even happening. But I'm going to end it with this. I will say honestly, Mr. Jackson, I just feel bad for what you had to go through and what you probably still go through sometimes down there. Even though, like I said, whether you're White or whether you're Black, you know we had the fellow in here from the Veterans Administration, we all are the same regardless. We all bleed the same. We all cry the same. We all feel losses and color should never play a part of any decision somebody makes. When you are placed in a position of authority I was slightly disappointed when Mr. Labuda received a comment from Mr. ...

PRESIDENT WAGNER: Not to interrupt you, because this is an important conversation. As you know we have to take a recess to have a new tape put in and I don't want any of this lost on this tape.

CLMN DUDLEY: I don't mind if you want to take a recess but I do want to finish this.

PRESIDENT WAGNER: That's fine. I just want to make sure your remarks are on the tape.

CLMN DUDLEY: OK.

PRESIDENT WAGNER: I don't think you'd want it to be missed?

CLMN DUDLEY: No.

CLWN MAHONEY: Mr. Wagner, I would like to make a motion to have a 10 minute recess so that the tape ...

PRESIDENT WAGNER: On the motion by Clwn Mahoney for a 10 minute recess. That's because the meeting is taped in the back so everyone knows and we were informed that prior to 8:30 to recess so a new tape could be put in.

AYES: 7

(Council recessed for 10 minutes and reconvened at 8:40 p.m.)

PRESIDENT WAGNER: This Council is reconvened at the point of recess. Clmn Dudley had the floor and the Chair recognizes Clmn Dudley.

CLMN DUDLEY: Thank you. I want to mention, like I said, and I hope these individuals, the three that I mentioned, the gentlemen here. I'm going to sum this up in a minute. That I support them for the problems that they have and I don't care who it is if something is wrong, I'm there for you if somebody's doing you wrong. I always tell people one thing. You have to be honest with me. You have to be up front with me. The reason why, like I said, I had asked that question several times is because I was told something differently That is not to say that he has not been treated wrong. I'm not saying that. I'm not saying that Mr. Jamison

hasn't went through some changes since he's been working in the City of Garfield, but I asked him that because it has been noted to me by several individuals that he had use the n word. I don't care if he used it directly or indirectly. Some people use that word I've been around and they say oh don't use that word. Some people use it indirectly. I'm going to tell you I spent a lot of hours looking into this thing. My wife knows for a fact when I'm on the evening shift I've spent a lot of mornings going to different places; talking to different people and if he used it I can't say because I wasn't there. But I asked him that for the simple purpose because there was several individuals and there was more than three individuals that said that they had heard that word being used. It's not my part to prove it but I asked him the question and if he had used it indirectly then fine, you used it indirectly. Some people do. I was just asking for clarification on that

In the case of the gentleman right there, like I said, I hate that Buckwheat text message. That is troubling to me. It's real troubling to me. I would like to find out from Mr. Kline when I talk to him has he filed his grievances for the job promotion issue and if so maybe he can check with the Union and see if anything came back. I am going to tell you honestly, I don't tolerate racism. When I tell people I say I don't care what side like said once before I don't care which side it comes from, I don't like it. I'm quite sure that we need to come up with some type of program. I was just disappointed in Mr. Labuda that he went to Mr. Jamison when he should have gone to his superintendent and told him, hey this gentleman just came to me and he said he ain't going to work with this n for the next five years. He was wrong the way he done that. That wasn't the proper procedure he should have taken. I commend the individual that he spoke up here that I have in front of me that actually brought to the superintendent by telling him what Jamison had said to the proper authorities or whatever the case may be and that's what should have been done in the beginning and maybe some of this would not be existing today. We have to come up with something. When you work together you just got to learn. I know it's easy for me to say here, but I am going to tell you I can't even count on my fingers how many times I went through discrimination, but one thing about me, I always documented. Some people don't document. Some people worry over retaliation. Retaliation do happen. Trust me. It do happen. But going back, not to dwell on them, but I'm going to give my statement now.

Marcus Kline was unable to make it tonight but honestly when I talked with Marcus Kline, he's a strong Christian fellow and I tell you don't take Christianity for a weakness. Some people seem to take it as a weakness some times but when you find out difgerently your feelings will get hurt. He would really like to see this situation taken care of. Nobody is pushing for that man's job and I'm going to tell you initially I would have probably loved to have taken that man's job and (*inaudible*). I do think that this man needs to be suspended and he should be suspended for using the n word by saying that he don't want to work with this n for the next five years. He should receive a suspension. I don't think there is going to be a Union in the world that will protect him. I would actually suggest to him if he's in here, take the suspension and go home with your wife. I don't think that he should replace any leadership role where he gets to tell for some time; maybe he could go to counseling or something and be able to tell Mr. Naval Jackson or Marcus Kline or Shawndale Ray or Ed Jamison anything to do. Because he already showed that he had some serious issues to take care of. So my suggestion is, and I hope that the City takes that recommendation, that Mr. Mike Kristof serve a period of at least one to two weeks suspension and nothing less. I prefer that he serve a two-week suspension. When he comes back and I think that's how I'm going to close it. If those three gentlemen ever come to me and they have an issue and I tell you while you're standing there, and that goes for you, Mr. Jamison, too, I just had to ask you that question. If you have an issue you come to me and I will in fact do the same process and I'm not through looking into what's going on with you all. It hasn't ended for me and it won't end until we have some changes I hope and I'm quite sure the Mayor is going to deliver on that word that he gave me that there is going to be some shake ups in some places.

So I thank everybody who attended here tonight and I also thank nny fellow Council Members because truthfully nobody hassled me about this and I did not receive no calls about this that somebody thought it was so touchy that they couldn't open their mouth but it's not. It's an everyday issue. It's something that happens. It's something that's not going to change overnight. While we can't change what happened yesterday we can sit here and say from this point on it's not going to happen. Last year before I sat in this

seat there was issues going on. I had an issue in 2004. I couldn't get nobody to speak on my behalf in 2004 and I'm not going to go into details but I ended up having to work my issue and I did get it worked finally through Mr. Mack who solved my issue because I came to the floor and it dragged on for a few minutes. But I couldn't get nobody to actually step in and speak the way I'm speaking now. I was left up there to fend for myself and I tell you I fended for myself until I solved my problem. So anybody who sits out there and they give me suggestions, etc., it's not easy being in this seat, but I tell you what. I had the heart. I had the guts to address it head-on. I didn't cut nobody short and I would do the same thing. Like I said just like when it came time to own up I'm a man of my word. I took a \$22,000.00 pay cut to sit in this seat. It wasn't a promotion to me. Any comment that you may have you feel free to say it. That's why you're sitting there and I'm sitting here. I'm not going to address you. I'll just leave it alone.

PRESIDENT WAGNER: Clmn Dudley has the floor, please.

CLMN DUDLEY: Are we still on the Comments from Citizens?

PRESIDENT WAGNER: Yes.

CLMN DUDLEY: After I'm finished he can comment, but like I say I honestly think and I would hope the Mayor supports me on this that we do actually give the gentleman a suspension for two weeks period of time. That's all I have to say.

PRESIDENT WAGNER: Mr. Mack

LAW DIRECTOR DAVID MACK: I'd like to make some comments on this. Especially in regard to Mr. Jamison's comments to this Council in letters and in the news media that the Administration did absolutely nothing when this incident occurred. Let me tell you what the Administration did do. Immediately upon finding out about the initial racial slur I met with Director McLaughlin to discuss the matter, I had a discussion with Mayor Longo, decided that both of the employees were to be disciplined. Since all service workers are covered by a Union contract we needed to review the disciplinary records of both employees. Both employees are long time employees with the City and had no disciplinary record whatsoever. Discipline was imposed on both employees.

I did not meet with Mr. Jamison at that time because I heard from people sitting on this Council and Union representatives that Mr. Jamison had continuously said he was represented by an attorney. When someone is represented by an attorney I cannot talk to that person. Then I received a call from Clmn Dudley relative to the noose incident. I told Clmn Dudley that I would immediately hang up and call the police. Mr. Jamison had already done that and they were on their way. I then contacted Prosecutor Je'Nine Nickerson and asked her to oversee the investigation and hold it under her jurisdiction. She did do that and kept in touch with me and the police. Mr. Dudley asked me to meet with the three other African-American employees in Service because they were not represented by counsel and as Mr. Jamison pointed out, that was when I had planned to take a vacation but I did send a memo to all three indicating that as soon as I got back that I would meet with them right after their shift ended. One of the employees indicated that he couldn't meet after the shift ended because he had other things so I rescheduled the appointments and there was a miscommunication and only Mr. Jackson showed up. Mr. Jackson and I had a conversation. I followed that up with two memos to the two African-American employees and met with Mr. Shawndale but the third employee has never responded so I made myself available to them. Then, I was assured through people that Mr. Jamison did not have a lawyer.

In the meantime grievances were filed by Mr. Jamison and by Mr. Kristof. A grievance hearing was conducted under the terms of the collective bargaining agreement and Mr. Jamison asked to address the grievance procedure and he was allowed to do so even though the usual procedure is for the attorney for the Union and the union reps to address the issue. Mr. Jamison came in and was allowed ample time to discuss

the matter. Mr. Kristof did not attend his grievance hearing. Both of those grievances were denied by the City. Mr. Jamison's grievance was that he did not receive the dog warden's job, but even in his complaint to EEOC he indicated that he understood why he didn't get it because under the collective bargaining agreement it was based on seniority and experience. During this period of time I had also had several discussions with the Mayor on how to address the issue so we would not be here on a night like tonight. And we have not ever had in my 25 years as Law Director an issue such as this between employees. So the Mayor and I discussed this matter. We decided to contact the Cleveland Clinic through the Concern Program that is offered to the employees and asked them for assistance. They thought they could design a program for the employees that would help them understand diversity and a respect for each other. And we thought that was a good idea. If it was a bad idea, I'll take responsibility for it. I then met with the director who is going to put on the seminar and all the Directors from City Hall. We talked about how this seminar was to be conducted and who would attend. All employees had to attend the seminar. I believe all have done so and this was done at City expense.

Then I received several additional calls through my office from Mr. Jamison who assured me that he did not have an attorney and I met with him even though later I learned in articles and a letter that he had consulted lawyers. I don't know what the difference is but he consulted lawyers. At any rate I met with Mr. Jamison. I thought we had a meaningful conversation; we had an intelligent conversation probably of all the service workers I knew Mr. Jamison probably better than I know most because I remember when he ran for School Board. I supported him. I remember being at functions with him, having dinner with him at functions, sitting with his wife and he and my wife, sharing drinks with him and I thought I had a good relationship with Mr. Jamison and I hope that I still do. Literally, within days of having the conversation with Mr. Jamison and I told him that my door is open and if it's not, the Mayor's door is and of course Mr. Dudley is always available. So within a matter of days the City was served with papers that Mr. Jamison had filed with the EEOC. To me that's a lawsuit. The City responded to the EEOC complaint. I had a discussion with the investigator I explained to the investigator in writing what had happened and what the City had done. As a matter of fact I submitted all the police statements. It wasn't a haphazard investigation by the police or by my prosecutor, Je'Nine Nickerson, who I asked to be here today in case anyone had questions. After I was served with the EEOC complaint I was not going to call Mr. Jamison back because we were adversaries at that time but again I say to you that the Mayor's door has always been open and I'm sure that any complaints that will be registered Mr. Dudley would bring to our attention. I feel confident of that. He asked me to talk to people. I talked to them. Whenever Mr. Dudley or any Member of Council asks me to do something I would like to think that I do it. The Administration and certainly this Law Director have never tolerated any form of discrimination based on race, sex, national origin, religion, in the past, not now and not in the future. However every case, whether it's a racial discrimination, a sexual discrimination, a religious discrimination whether it be jokes, whether it be racial slurs, has to be looked at in the context of a case by case basis.

I did not want this to come to this and I said that to every employee I could. I don't want the Service Department or the City employees to be us and them. We all work for the same City. We all work for the same taxpayers and we should all work for the same goals and if Mr. McLaughlin was here tonight he would indicate to you that Mr. Jamison's quote is not 100% correct and I did submit a copy of Mr. McLaughlin's affidavit as to his conversation to the EEOC. So it's a difficult situation. I feel very badly about this situation. In 25 years I've never had anything like it. If doing what I just described to you is doing nothing about the situation, then I am guilty of doing nothing, but I resent the fact that I was told that I was doing nothing in the media, in front of Council, in letters to Council because this is a very serious matter, it always has been. I've dealt with other issues but nothing like this before and this will be resolved. I almost hope the EEOC tells us how to resolve it because I'm not denying all the charges in front of the EEOC. I can assure you of that I'm not going to go into the specifics but I will tell you that the investigation conducted by the police and by Prosecutor Nickerson was thorough and if there was any violation of a Federal or a State statute or of any ordinance there were specific instructions: don't even come to me. I want it prosecuted. And after the investigation had ended there was nothing to prosecute under State, Federal or municipal law. So with that I will yield to the Mayor.

MAYOR THOMAS LONGO: Garfield Heights is, as you all know, a proud and diverse community and what has come up with the four Service employees who have accused the department of racism and the City of neglectful behavior in stamping out such activities. Let me make this very, very clear on the subject. I will not permit intolerance of any nature by one employee to another or any supervisor in this City to any employee or fellow supervisor. In this great country citizens are allowed to make their complaints known. However wrapping misrepresentations around a germ of truth does not make such allegations true. I think many of you received a three page diatribe filled with half-truths and unsubstantiated innuendoes. I want to take a few moments to respond to these allegations. None of those letters were delivered to me. They were given to me indirectly.

In May of this year it was reported to the Service Department management that a long-time employee used inappropriate and offensive language regarding another employee. It appears that this offensive language was then explicitly repeated by a supervisor to another employee. Because of the serious nature of this allegation, after a thorough investigation by the Law Director I mandated a Citywide diversity training program. All employees were spoken to and coached regarding interpersonal relationships and diversity. While I do not know what each employee thinks he or she heard, one thing was crystal clear in these meetings. And that is that Garfield Heights will not allow intolerance for race or any other reason to fester in the workplace. Further, two employees received written reprimands and we're going to be discussing other things in the next few days and all members of the Service Department were told that any substantiated intolerance would be strictly dealt with including suspension if need be or appropriate termination of employment with the City.

However the Law Director's investigation found virtually no merit to the remainder of the claims. The employee alleges that a noose was hanging in the service garage. That is not true. What was hanging in the garage was a hook used to support netting. The employee alleged that a senior employee was awarded a job instead of a junior minority candidate. In fact that is true for two reasons: the senior employee had for the past five years performed the work on a part-time basis and more importantly, pursuant to the labor contract the senior employee was entitled to the job. In fact the junior employee acknowledged these facts at his grievance hearing. Thereafter the Union agreed to drop the grievance. Finally, it appears after a thorough investigation that this politically motivated attack on the Service Department is way off the mark. I'll repeat that, too. The real facts do not support the allegations of these employees. Nevertheless we will continue to work with appropriate minority advocates to make sure that even the hint of discrimination is eliminated from this community. I pledge to make sure that all our employees' differences are respected. All we ask in return is their best effort and cooperation in these tough economic times.

As a personal comment, I have a very difficult time dealing with the following: when Mr. Jamison needed a job he knew where to find me. When he decided to go into the service, he came and saw me. Everybody supported him. Everyone supported him. There were problems with his house. People helped fix it We backed the Building Department off. When he came home from the service and even when he was going for training he calls me one time and asked if I could relay a message to his wife, which I did. When he came back, his job was waiting for him. All he had to do was tell us when he was coming back. Then he ran for school board. Came and saw me. We supported him wholeheartedly. So I'm having trouble balancing all this off as to what's happening here tonight. But I wanted to put all this on the record and I can't emphasize this strongly enough that we will not allow this to be carried on and we will act accordingly. Thank you.

PRESIDENT WAGNER: Thank you, Mayor. Does Council have any questions of the Mayor or the Law Director? There being none, we'll resume with Comments By Citizens. Again, these are problems that a citizen has which have previously been submitted to his/her Councilperson. Is there anyone else wishing to address Council this evening?

Shawn Ray, 18311 Highland Drive. I also, too, work with Ed Jamison at the Garfield Heights Service Department and I just have a quick general statement. I know it's getting late. Today I come to you as not

being angry, but hoping to seek solutions on the perceptions that have been plaguing this City for quite some time. I believe that as Blacks, Latinos, White Americans that all races should be treated equally as individuals first. Personally I am optimistic and hopeful that fences can be mended among co-workers, supervisors, Union officials and City officials alike. This is not about personal gain, personalities or retaliation, but about principles. Principles that everyone is reassured that the same punishment for one person is the same punishment for another. The same opportunities for one person are the same opportunities for all employees. This is not about Black or White, but more so about right and wrong. The fact that none of our supervisors showed compassion to even speak to us to resolve this matter in regard to the alleged slur was frankly appalling to me. None of us are perfect and we all make our share of mistakes. There are times at work when we all have fun. There are occasional jokes. But let's at least admit that if at least one person is offended then that's one person too many. In this open forum I'm hopeful that we can at least begin a dialogue and perhaps come up with ideas or visions that would unite us as a society in the foreseeable future. Thank you.

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

Naval Jackson, 16316 Walnut Avenue. First, I'd like to thank everybody for allowing me to speak here. I've worked in the Service Department since June of 1993. I was hired by then Service Director Chuck Godecki. One of the first things he warned me about was racism. Not from my fellow employees or the Administration but by the residents. That was the first thing he informed me of. What I would like to do is to apologize to my co-workers for not bringing this up earlier. Things that I had problems with before or I might have problems with now. I'm just going to go on and read my statement and then I'll get out of here.

I won't mention anybody else's name because that's unnecessary. I'll just say an individual. I would like to apologize to my co-workers Black or White for what has come to light or for not dealing with this early in my career at this City, because I have seen this exact same thing once before when I was in the United States Air Force and you could see it now. Our White employees are here. Our Black employees are there. That's not what it should be like. This is not a shot at any individual. Some of them I consider to be my friends or I used to consider them my friends. When they stopped speaking to me I had problems. This is always the way it turns out. It polarizes, not the way it should be, people against inequity and unfairness, but Black against White. The very people whom I thought were my friends, OK, are referring to me as a trouble making nigger. Now 15 years prior to this I wasn't a troublemaker. And I'm not saying who said it, but it was referred to me. Now that person is known as a snitch, a mole, whatever. It's only when you stand up against a wrong—racism—that I'm labeled a troublemaker. So be it. I will not try and discuss every incident in which I feel that discrimination took place. I will only mention a few. A certain Union steward, an African-American employee, was skipped over for a driving job. Not consistent with the City's past practice the job was given to an employee who should not even have been considered because he was still on probation. That wasn't his fault that he applied for it and got it. That should have been taken care of by the Administration. But after the subsequent grievances and through arbitration that this individual was given the job. But to throw salt into the wound, what started out as one job suddenly became more because they also promoted at least one other individual. This process took a couple years to finally settle.

In October 2007, and Clmn Dudley spoke on this before, I received a text message from a co-worker. A very offensive text message. It was the Buckwheat text message he spoke of. I confronted the individual and we kind of ironed it out. It was supposed to be a joke but some things at some times is not a joke and I took it offensively. But we ironed that out but also I later told the director my concerns about this matter for future reference so if some thing like this had come to happen we could talk about it again. In February 2008 I was putting the salt truck away when something caught my attention. As the Mayor said when he referred to it but it looked like a noose to me and if it offends me, then I have a problem with it. And I took offense. Didn't nobody else took offense by it.

PRESIDENT WAGNER: Mr. Jackson, you have one minute. I'll let you know when you have 30 seconds.

MR. JACKSON: OK. It was found in Building 3. I was very offended but again, I did not report it because this is what happens. You have the polarization of people. Our service garage has never been divided since I've been there. Never. And again, I consider the majority of these guys my friends. What happened is this actually was something that the comment brought all this to a head. For one individual to believe he could walk in and make a comment to that effect and his punishment (and I don't want to see anybody be punished. That's up to the City and to the Administration) I don't have much more than that. I'll be finished. It's not my job to hand out punishment or discipline, but to make this as light as just me coming in late for work, that's when I get an oral reprimand or written reprimand for that. I think this is a lot more than that.

PRESIDENT WAGNER: Mr. Jackson, your time is up. If there's no objection from Council?

CLMN DUDLEY: No objection. I move to give him more time.

MR. JACKSON: Whether that person be Black or White and find that not offensive it makes me feel sad that our children will have to one day grow up in a society and a community that allows such insensitive acts to take place. So I appreciate your time.

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

Je'Nine Nickerson, Assistant Prosecutor for the City of Garfield Heights: On May 30, 2008 it was brought to my attention about the noose that was hanging in the Service garage and I do have to say, as a black female, I was initially very appalled and still appalled by the situation. However I was not called upon by the City in my individual capacity to say what my personal opinion of the situation was. I was called on by the City as a prosecutor in an official capacity to do an investigation as to whether a crime had been committed. Upon notification, the Garfield Heights Police Department did immediately respond to the situation. They were dispatched. Reports were made. There were pictures taken as well as many statements taken by Officer Piasecki as well as Detective Bigacki who spent a majority of their shift investigating into the situation. I won't go into all of the details of the investigation as the police report and statements are of public record so if anyone is interested they can issue a public record request through the Law Department to my attention and I will be more than happy to forward them to you. However what was clear from my investigation is although we knew something was going on there was no identifiable suspect who in fact changed what was an innocuous line that was held/hung in the service garage to something that became an offensive symbol in the service garage. In addition, although there were several statements made and inferences that they were offended by it (I myself in a personal capacity was offended by it as well) there wasn't an identifiable victim that could come forth to say that that symbol was directed at them or that they were the victim of a threat or any other nature that would cause it to rise to the level of a crime such as ethnic intimidation or aggravated menacing or something of that nature. Once the detective bureau forwarded the packet over to me for my review I took a hard look at all the information that was had. All the persons that were interviewed who were believed to have personal knowledge as to the situation in the Service Department were forthcoming with information and all were compliant with our investigation. And at the following conclusion of that investigation it was my determination as the prosecutor that however inexcusable from a moral standpoint this was, that there was no crime that had been committed so it was my determination that there was insufficient evidence. At the close of that however, I did pass on the information that I had over to Mr. Mack who has already spoken as to his steps that he had taken to remedy the civil portion of it as well as the moral portion of this infraction. Thank you.

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

Marcus Kline, 13623 Alvin. I don't have no prepared statement, but I just want to say that I been with the City for 13 years and I thought sure we had a zero tolerance policy in place. The statement that was made it was made towards me (*inaudible*). I've been working with these guys for years. I thought we had a good relationship. All I want and I ask is that we just resolve this and move on. That's it. Thank you.

Jesse Johnson, 12507 Thornhurst Avenue. I'm giving a little history. I had the unique position of having been the one who organized the bargaining Union within the City of Garfield some years ago and therefore have a little Union background. Some of the issues and questions that have been raised to the level of it should have been taken care of within the confines of the Union's contract. However, most Union contracts, unless they have been changed, do deal with the discrimination clause and I'm certain the City of Garfield's contracts contain the same thing. The problem, in framing the issues, started out initially talking about what Mr. Jamison had complained about, but the thing that bothers me is the fact that when you get into personal things that you may have done for Mr. Jamison, or what he may have filed through the Union procedure and may have been resolved become collective under the so-called discrimination by the Union contract also used to call for equal treatments therefore in looking at an employer's record you also look at the element of infraction. Certainly some infraction may warrant a reprimand but if an employee is caught stealing a truck from the City garage, based on whatever his record may have, it would not be a written reprimand. You have to look at the gravement of the offense to make the determination as to whether or not this discipline as seen in Clmn Dudley's statement the fact that this person may have gotten a written reprimand does not raise to the level of what we feel the offense may be. I hope that the City looks at this language of any kind of this sort and find it appropriate to do what you're doing it looks as though you've become sharp talk, something that we would not tolerate or should not tolerate. There is emotion out here but the City has to be careful that it don't intertwine itself through its officers to project that this is not something that they're concerned with. This situation has to be resolved. It seems to me somebody of responsibility should have called the groups together and tried to work this situation out and not let it get to this level. For here we are making the City look like we're in the middle of the Mason-Dixon Line. This is a problem that has to be addressed and it will not go away. It has gotten into the newspaper, it's embarrassing to the Union, and it's embarrassing to this Administration. The issue about what the personal life and what you've done for your employee is not the issue here. The issue here is did the employee commit this infraction? And if so, what should be not the penalty but the corrective action? Corrective action. That's what discipline's all about.

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

Warren, 4512 East 131st going to change the tenor of this meeting. I don't know who to address this too? But the City spent somewhere between two to three hundred thousand dollars on streetscapes along 131st Is that an accurate figure, Mayor? Or Mr. Obert? Noreen? We spent two to three hundred grand on that?

MAYOR THOMAS LONGO: About \$130,000.00.

MR. WARREN: \$130,000.00.and that streetscape looks terrible. The guys came up and they weed whack it though the flowers that were planted out of the flower pots except for the one in front of my house and in front of Mr. Harwell's and the ones along the rest of 131st Gilmore across the street. She planted some nice kinds of flowers in the space in front of her property. But it really looks deplorable. Some of the bushes are dead. You know what I mean. It looks like the forgotten triangle with those flowers. I thought it was such a beautiful thing when it was first done and now it really looks bad.

ents that are on 131st Saturday night a nd I thought about it Sunday morning. Mr. Harwell, at the barbershop next to me at 4518, he was robbed at gunpoint as he walked out of his establishment on Saturday night and you know that's next door to me. When you create a look or an environment I got to admit that there are people coming onto the community that I've never seen before and I have to keep a strong vigilance where I live at in 4512 in the event somebody gets stupid. And to see whether or not I got PTSD.

way the other thing I have to address is I have to concur with Mr. Johnson in regards to the personal attacks levered at Mr. Jamison or for that matter those gentlemen because that n word that was used that we're talking about here it was also used regarding me to the extent that a death threat was made against my

life to the extent that I had to get the FBI involved to protect me regarding death threats. Mayor, I don't know if you recall this, but you were asked whether or not you actually used that word at a meeting held at St. Tim's and you said yes, but you were talking about a White man. Do you recall saying that? The Plain Dealer, unless they lied has printed in numerous editions and that blew my mind that you got elected for next year, but the apples don't fall too far from the tree and if the top apple you know, permits or even utilizes that same type of language again you don't expect the apples to fall too far from the tree. Am I lying there?

MAYOR THOMAS LONGO: I don't know what you're talking about.

MR. WARREN: I wouldn't imagine you to. I complimented you the last time that I was here at the podium and I will continue that compliment in saying that you think that you're an excellent spin doctor. OK? Thank you.

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

John Berdysz, 5552 Briarcliff Drive. I'm sitting here. I'm also an employee of the garage. I think we are servants of the City of Garfield Heights. That's what we're supposed to be here for. All this name calling, I totally agree with the Black and the White. Absolutely. But you're hearing one side. I talked to Mr. Dudley. Racism goes on both sides. I have two sons that are police officers. It doesn't matter what color you are to protect and serve and they do their job but constantly also at the workplace I hear about po-po, pig, all that, very offensive to a father. Another thing is it's a White man's law. That's a racist comment. Mr. Dudley said the same thing. So all we are hearing is he said, she said. I totally agree something should be done. But you want me to bring charges also. I think we're wasting a lot of time here. He said, she said we have I totally agree but it's not all one sided. You don't want to hear the n word? I put in a thing and I don't even want my sons in it. Fast and furious. A tape from the movie. All that was said on was the n word. I'll play it for you if the Council wants to hear it?

MAYOR THOMAS LONGO: Never mind.

MR. BERDYSZ: I'm just saying. You don't want to hear it, we shouldn't use it. But society's got to change. Rap artists, everything. Would everybody agree with that? I've heard White trailer trash live in Garfield. Very offensive to a White person. Do I bring this to Council? We could say he said, she said here all day. That's all I'm saying. I think that has a lot of employees upset. I did go to the Mayor. I told him how I felt. But like I say, hey I got the answer. I think everybody's been treated great down at the service garage. It's just my opinion. I think this is about a job. It's about a job. That's what it is. About a person's job. Thank you.

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

Helen Collier, 13500 Cranwood Park Blvd. I just want to make a comment real quick. Because I live here. All of you know me here. You in the service garage. When I first moved into Garfield you people moved into Garfield. You people this. You people that. So I got the idea to use the same term. When I wanted to talk about White people oh, I said what are you people? Do you know what my White friends said to me? Oh, Helen you shouldn't say that. There's a lot of terms we all use that we do not like. My handicapped child is not deaf and dumb. My handicapped child is deaf. She cannot speak

PRESIDENT WAGNER: Mrs. Collier, please face the microphone because the Clerk will need to transcribe this.

MRS. COLLIER: She has not heard the human voice so you can't say she's deaf and dumb. You can say that she's deaf. Keep that in mind. Be careful on what you say and how you say it. Thank you very much.

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

MISCELLANEOUS BUSINESS:

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

CLMN DUDLEY: The only thing I have to say is we have to pray for our community. We're going to have to find a way to get everybody on the same sheet of music because we are just literally destroying the City in the eyes of the newspaper. I tell you the newspaper's just killing us. At the rate we're going nobody's even going to want to move into our City pretty soon. If we're not in City View, we're in some other issue. I honestly say I'm going to keep it in my prayers and I hope you all keep it in your prayers too and that's going to be the key—that's going to be the answer to this. I like what the gentleman said and I think our hearts can be mended and I hope that they will be able to mend it and be able to just get back and get along and move on with their lives the way they were before the situation broke loose. We know little changes have to be done or some changes. I just ask you to keep the community in your prayers. Thank you.

CLWN MARINCIC: All I have to say is, Helen, you have a way with words. You always have. That's all I have tonight.

CLMN SUSTER: I'd just like to thank Sharon for taking her time out to fill in for Barb tonight. That's all I have.

CLWN MAHONEY: I too was going to thank Sharon for doing her civic duty. And I have nothing else.

CLMN ABELLA: I have one very important thing this evening. I'd like to make a motion that we adjourn.

PRESIDENT WAGNER: On the motion by Clmn Abella?

AYES: 7

MEETING ADJOURNED AT 9:40 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Frank J. Wagner
President of Council

Barbara Molin
Clerk of Council