

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, September 14, 2009

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, Otero

READING AND DISPOSAL OF MINUTES:

Moved by Clmn SUSTER to accept the minutes of the Regular Meeting of City Council of August 10, 2009 as submitted. The minutes were adopted with seven YES votes.

Moved by Clmn SUSTER to accept the minutes of the Special Meeting of City Council of August 25, 2009 as submitted. The minutes were adopted 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. Back on September 1st I attended the Ward 4 Block Watch. It was déjà vu for me. A conversation we had regarding Candidate Frank Wagner's hijacking the program for his own political platform. The reason we have Block Watch meetings.

PRESIDENT WAGNER: Mayor, can I ask you a question?

MAYOR THOMAS LONGO: No. The reason we have Block Watch meetings is to find the solution to the safety concerns of residents. Politicizing Block Watch meetings is not only dangerous to the political process in our town, but also to the safety of its residents. By politicizing the meeting and throwing political candidates into the mix does absolutely nothing to help solve those safety concerns. As I said, it started with Mr. Wagner and it's gone over to Ward 4 and Councilwoman Sarnowski. I am very upset with what is happening.

Let me go on. I have a package of information for the Members of Council regarding the Garfield Heights Municipal Court. Both Judges have received this information except for the information on parking tickets and building code violations and they will be presented this information in the next couple of days. Because our fiscal recovery plan requires the Court to balance its budget, City Council must become educated and involved. This Council and Council President Frank Wagner approved the plan. You do not have to take notes. As I said I have a full set of documents for each of you and I'm going to read parts of the letters and the proceedings from them. Then we'll pass them out.

This is dated September 9th to Paul Marshall, Financial Planning and Supervision Commission. The enclosed package is being presented for your review, along with a request for the Financial Planning and Supervision Commission's assistance in trying to bring the Garfield Heights Municipal Court's budget in line. This is all part of the Financial Recovery Plan for our City.

There are exhibits. Exhibit 1 is a Municipal Court Activity Analysis 1990, that shows two Judges and 16 full-time employees and it ran a deficit of \$5,900.00. Exhibit 2, Municipal Court General Fund Revenue/Expense Analysis from 1996 through 2008 shows 22 full-time employees along with 12 part-time employees. The yearly deficits have resulted in \$3,479,028.74 accumulative, or \$276,000.00 a year. Exhibit 3 Criminal Case Counts from 2004 to 2008. Based on averages. We'll come back to this. Exhibit 4 is a Civil Case Count from 2004 to 2008. The criminal cases--Garfield Heights decreased 7% in criminal cases. Other communities had a decrease of 14% in criminal cases. For civil cases Garfield Heights had an increase of 194% while other communities had 152%. Exhibit 5 is Municipal Court Building Violations. In Garfield Heights we had an increase of (this is from 2001 to 2008 and we'll come back to that again later). Parking tickets from 1977 to 2008. I'll summarize that in a few minutes. Exhibit 7 is Criminal and Civil Cases. Case counts increased for Garfield Heights from 1998 to 2008 1.2%. Cases increased for all other communities 35%. Overall case counts increased 12.3%. Fines and Court Costs. Exhibit 8. Court Costs from 1998 to 2008. Court costs increased 154%. Fines for Garfield Heights increased 1.7%. Fines for everyone else increased 296%. Fines and Court Costs graphic. That's Exhibit 9. Exhibit 10 is a breakdown of Special Funds controlled by the Municipal Court. Exhibit 11 shows Court Employees and others assigned to the various funds for payroll. Exhibit 12 a memo from our Law Director David E. Mack on the allocation of hospitalization costs for budgetary purposes of the Court. Exhibit 13 a letter from Ed Licht, Bailiff to Judge Nicastro placing certain demands on the City Law Director. Exhibit 14 is the Law Director's Response to Mr. Licht.

In comparing the employees and associated expenses from 1990 to the present operation of the Garfield Heights Municipal Court it becomes apparent as to why there are such huge deficits being generated by the Court. This is paralleled by the performance audit which shows that our Court employees are processing fewer cases than their counterparts in other Municipal Courts and recommends a reduction of three full-time employees. With an overall increase in case count of 12.3% from 1998 to 2008 which includes an increase of 1.2% for the City of Garfield Heights versus 35% for other communities, it begs to compare the overall fines and Court costs being generated by the Municipal Court. How can the Court justify Court costs increasing 154% from 1998 to 2008 paralleled with consistent and decreasing deficit while fines for Garfield Heights (which comes back to our General Fund) increased 1.7% versus 296% for all other communities. These differences are impossible to justify. When comparing the dollar amounts in the Special Funds that are generated by the Court and the employees who are charged to each fund, and in reviewing the demands that Mr. Licht placed upon Law Director Mack on August 24, 2009, it is easy to deduce why personnel costs for the Court constantly escalate. The bottom line shows a requirement that only one Judge is needed for that operation of the Civil Court. We are paying a steep financial price for the present operation of this Court. In trying to bring the Court costs in line we need the help of all and we need all the help that we can get to bring some fiscal and budgetary control to the Garfield Municipal Court.

There's just one other item I want to cover in this package before I pass them out--Mr. Ed Licht's letter to Dave Mack, Law Director.

"Dear Mr. Mack: (and this is dated August 24, 2009)

Please accept this letter as a formal complaint of retaliation and harassment. In June 2008 a settlement was reached in the age discrimination and civil rights case I filed against the City and Judge Weiler. Since that time I have been continually harassed in retaliation for the filing of that lawsuit, exercising my rights and have suffered from new acts of discrimination as follows:

1. My compensation was cut by 32%;

2. One 18-year-old male was hired despite my pay reduction and during a citywide hiring freeze and who has less experience and qualifications than me;
3. Other younger part-time bailiffs with less seniority, experience, training and qualifications than me were given more hours of work than me;
4. Denied continuing firearms training although I am only one of two Court bailiffs certified by the Ohio Peace Officer Training Academy.
5. My job duties have been changed twice and drastically within less than six months and in such a manner as to make my work environment antagonizing;
6. My report of stolen personal property has not been investigated;
7. The Mayor has repeatedly ridiculed and berated me at public meetings of City Council specifically about the lawsuit, my exercise of my important rights--one Councilman rudely commented on my compensation and a Director has threatened me in that context;
8. I have been rudely treated and falsely accused by Court staff and Judge Weiler for following orders;
9. My desk drawers are repeatedly searched and tampered with;
10. Judge Weiler has undermined me in the community, complained to Clerk Rita Johnson, in an attempt to put me in a bad light that I was not qualified to be the LEADS TAC Officer when she knew from a previous investigation she instigated and which was conducted by the previous Clerk, Jeff Rose, that I was qualified.

Considerable conflicts and problems have arisen since Judge Weiler became the Presiding Judge in January of 2009. She has made life difficult for me and retaliated against me for bringing the lawsuit. Moreover, she elevates personal, discriminatory and inappropriate concerns in the workplace. For example, none of the security bailiffs have to wear a uniform except William Morrison, the only African-American bailiff in the Court.

At the same time Judge Weiler does not require Bailiff John Matson to wear a uniform, can leave early whenever he wants, gets to take every Friday off, can talk on his cell phone any time he wants about personal business but other employees are expressly prohibited from using their cell phones during working hours, is allowed to use his personal vehicle to transport mail while the other bailiff, William Morrison, is prohibited from doing so.

I am requesting that you take action to ensure equality and non-retaliatory treatment for all employees; that I receive back pay to May 15, 2009 equivalent to the 32% pay reduction imposed on me; that I be returned to my previous job duties; that an investigation be initiated into the theft of my personal property; that I receive continuing firearms training; that all ridicule and threats by City officials and employees cease immediately; compensation for the mental and emotional distress; and request that Mayor Longo refrain from his retaliatory conduct and remarks.”

I am available if you have any questions or concerns with this.

So Mack sent him a letter.

“In response to your letter, please be advised of the following.

The greatest number of your complaints being numbers 1,2,3,4,5,8 and 10, have to deal with your pay, duties, and training as an employee for our Courts. My office does not have the authority to tell the Judges what actions to take regarding employees in their department. I suggest that you bring your grievances to the attention of both Judge Weiler and Judge Nicastro. I believe that between the two of them they will be able to resolve any conflicts.

In regard to items 6 and 9, I spoke with Chief Murphy and he has indicated that you did not make any police reports regarding stolen property. If you wish to do so I am sure the Chief and his department will be glad to assist you.

If you find my response to be insufficient for any reason after you have met with the Judges and the Police Chief, please let me know and I will discuss with the appropriate people the possible conflicts that I may have in dealing with your issues as an employee.”

There are copies for everybody. And the comment that was made in this thing about myself. When you come into these chambers and you get involved in the political process you are part of this bastion of free speech. If you can't stand the heat in the kitchen, get out. So let's start passing them.

Let me go to tonight's agenda. Ordinance 52 is required to collect \$63,000.00 in grass cutting costs. I would like some feedback from the Council. Look over the figures. If they're correct, that's fine and if there's something that we should do, please let us know. Ordinances 53 and 54 are rollover notes. The interest rates are moving downward and Dick can give you all the technical why this has to be done.

Resolution 37-2009. We miss Tim McLaughlin. Temporarily filling in for him of course is Brian Mahoney, to my left. We wish Tim good health in his retirement. He said once he's gone, he's gone. So he's gone. Resolution 34. With the passing of Anne Matousek a unique part of our community's, a finest part of our history, has come to an end. Anne was, along with her husband Tony, a classy combination that put our children first and deepest sympathy to the family. Resolution 39-2009 is our third try for one of these events. Hopefully we get some money to do some of these projects through the Issue 1 or 2 or whatever they call that now. Last but not least, Captain Michael Brasdovich has retired from the Garfield Heights Fire Department. He kept records in detail on everything that happened over there. He did it extremely well. I know he has some health problems but we wish him good health and peace in his retirement. This concludes my report.

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

CLWN SARNOWSKI: I just have a response as the Mayor criticized and has some accusations about Ward 4 Block Watch. Ward 4 Block Watch is to give information to the residents. After our Block Watch we did have the candidates come. The candidates spoke very well. There was no problems until the Mayor came in and he was out of control; coming in swearing and cursing. I had lots of calls after the meeting. He came up and started insulting some candidates. I asked him to sit down. I asked the residents if they wanted him to speak and I think three of them said yes so he went over there and spoke loudly. I kept on asking him to please sit down, because this was an informative meeting where we were getting information from the candidates. And that's what Block Watches are for. To get the information to the residents and that's what they have been and that's what Ward 4 was. I thanked the candidates for coming and being respectful to each other and giving the information out.

PRESIDENT WAGNER: Any other questions of the Mayor? There being none, we'll move on to the Law Director.

LAW DIRECTOR DAVID MACK: No report.

PRESIDENT WAGNER: Any questions of the Law Director? There being none, we'll move on to our Interim Service Director who we'd like to welcome to the Council Chambers and his first Council Meeting.

INTERIM SERVICE DIRECTOR BRIAN MAHONEY: Thank you very much. First I'd like to thank the Mayor for giving me the opportunity to hold this position of Interim Service Director. I'd also like to say good luck to Tim McLaughlin in his retirement and Mike Brasdovich. I'd also like Council to know that the Service Department will continue to provide the best service it can for the residents in the city and if there is

anything you need of us feel free to call us and we'll take care of it. Right now we are getting ready for tree-planting season. If you have residents that need to have trees replaced contact us at the Service Garage or Service Department--Chris Piazza. Our Hazardous Waste Material collection went very well. (*inaudible*) We got about 16 pallets of goods. Other than that we're getting ready for snow plowing season and leaf season which will begin in about a month or so. (*Inaudible*) We have crews out still patching the streets. Feel free to call us. We'll do any patching, etc. That's the end of my report. Thank you.

PRESIDENT WAGNER: Any questions of the Service Director?

CLWN MARINCIC: Brian, so the leaf pickup will take place this year just as usual in the years past? Rake them to the tree lawn; not into the street?

INTERIM SERVICE DIRECTOR BRIAN MAHONEY: Correct. Out of the sewers.

CLWN MARINCIC: Thank you.

PRESIDENT WAGNER: Any other questions?

CLMN DUDLEY: When did you say you would start coming around collecting the leaves?

INTERIM SERVICE DIRECTOR BRIAN MAHONEY: Usually we start in the middle of October once the leaves start to let go. (*inaudible*) Normally Ward 3 loses their leaves first so we start there.

PRESIDENT WAGNER: Any other questions? There being none we'll move on to Parks and Recreation.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: Thank you, Mr. Wagner, tomorrow we will be concluding our signups for soccer. If there is anybody you know that wants to sign up they got to get in tomorrow because we start putting the teams together tomorrow night and practices start Saturday. We have our compressor on. We are making ice right now. We should be open for our programs like nckey and figure skating beginning Saturday. First public sessions will be about three weeks after that. That concludes my report.

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

CLWN MARINCIC: How is the sign up for soccer going?

PARKS AND RECREATION DIRECTOR JAMES BUKAC: About 250.

CLWN MARINCIC: OK. Thank you.

PRESIDENT WAGNER: Any other questions? There being none we'll go to the Building Department.

BUILDING COMMISSIONER WILLIAM WERVEY: Good evening, Mr. President. Foreclosures and vacancies hold pretty steady. We have about 560 for foreclosures and about 870 for vacant homes. I would urge passage of Ordinance 52 which will let us recoup some of our funding for grass cutting. I think it's some \$60,000.00. That will go on the tax duplicates. We'll start getting that money next year. That's really about all I've got tonight.

PRESIDENT WAGNER: Any questions of the Building Commissioner? There being none we'll move on to Economic Development.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Thank you, Mr. President. Briefly, I had sent out notice to you about entering into agreement with the new Cuyahoga County Land Bank. We won't have the MOU obviously prepared for today. I'd like to have that ready for the next Council meeting so that City Council could review it and that will enable us to enter into transactions with the County to resolve vacant property or property in poor condition to resolve those conditions.

Also, just a reminder that on September 27th we're having our Foreclosure Fair upstairs in the dining room from 10 to 4 o'clock. It's open to anyone in the city. We'll have a couple agencies offering foreclosure counseling. Also the Cuyahoga County Common Pleas Court will have their mediation department there to answer questions so if we have residents who need assistance, urge them to come to the fair on the 27th.

Also we have entered into partnership with Housing Advocates, Inc. They are a non-profit law firm. I used to work for them back in my youth. They are going to be providing foreclosure counseling and they will have offices in City Hall every Friday from 10 a.m. to 2 p.m. They receive HUD funding to do a lot of foreclosure counseling and they have lawyers overseeing the program. I have some flyers to pass out. That will be starting this Friday the 18th and then I have flyers for all of Council, but there's also a fact sheet about what services they provide under a contract. They get funding from OHFA which is Ohio Housing Finance Agency. Another agency will also be working with us. They don't have the funding in place yet to see if we can open another day so that residents could come to Garfield Heights. They don't have to go downtown to the agencies. We'll also have available Xeroxing because you know we have to take care of Xeroxing loan documents.

And a reminder on October 8th we're having our next meeting for the Mill Creek Connector Trail between the MetroParks and Warner Road going down the Boulevard. We had several residents attend the last meeting. The engineer and architectural planning firms will be making some presentations again. Probably in this room. I know one meeting we held at the MetroParks office but I'll firm up that location with you in the future. I'll pass out the information about the housing advocates. There's about 10 flyers in each package with the program information. That concludes my report.

PRESIDENT WAGNER: Any questions of Economic Development?

CLWN MARINCIC: Ms. Kuban, could you please explain what the County Land Bank is going to be able to do for us in regards to the old theater building on Turney Road?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Yes. Clwn Marincic and I talked about this. What we would like to be able to do utilizing the County Land Bank is the Land Bank will take title to the theater building. We currently do not own it. They are in arrears on taxes of about \$45,000.00. They will take title to it. They will demolish the structure, clean it out and then they don't intend to be long-term owners of property so they would like to transfer the property back to us after the demolition and then the city would be able to control the land and we could use it for. I know the County Department of Development has a grant program for playgrounds. We had talked about doing housing there. The lot is very small. It's only a half acre. It looks like a large lot because the building is large but it really isn't that large so basically they'll be able to demolish this structure and it won't be at any cost to the city.

CLWN MARINCIC: We'll get the land back?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: We'll get the land back because they won't be the long-term owner.

CLWN MARINCIC: Good job. Thank you very much.

PRESIDENT WAGNER: Ms. Kuban could you send another one of those packets down? Because I don't think Clmn Otero received one.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: I'm sorry. Yes.

PRESIDENT WAGNER: Any other questions? There being none we'll move on to the City Engineer.

CITY ENGINEER DAVID NEUMEYER: No report.

PRESIDENT WAGNER: Any questions of the City Engineer?

CLWN SARNOWSKI: We've got the flyers from Wade-Trim about Energy Efficiency and Conservation Block Grants. I was wondering if you would look into it or Noreen looks into it or who handles our grants so we could look into changing our lighting system maybe to a lower voltage and maybe getting like automatic turn on and turn off. That would save a lot of money for electricity, etc. Is that something that you would look into to apply for these grants?

CITY ENGINEER DAVID NEUMEYER: Yeah, me and Noreen can discuss it between us but there's tons of grants available from the Department of Energy in regards to energy efficiency.

CLWN SARNOWSKI: Is that something that they would go with? The voltage of the light bulbs like walking into areas where they would turn on and off?

CITY ENGINEER DAVID NEUMEYER: Yeah, I guess it all depends. There's numerous ways you can save on energy. Changing out light fixtures, automatic timers, etc. But I know there are grants available from the DOE to retrofit existing buildings to make them more energy efficient. Whether it be heating and cooling, insulation, electric fixtures, etc.

CLWN SARNOWSKI: Is that something that you and Noreen could look into so that we could start saving money?

CITY ENGINEER DAVID NEUMEYER: Yes. Absolutely.

CLWN SARNOWSKI: Since the money's out there to be used?

CITY ENGINEER DAVID NEUMEYER: Yes. I don't know how much is left, but I know there are some stimulus grants available from the DOE just for that purpose.

CLWN SARNOWSKI: Thank you.

PRESIDENT WAGNER: Any other questions of the City Engineer? There being none we'll move on to the Finance Director.

FINANCE DIRECTOR RICHARD OBERT: I really have no report other than this being a comment that our Financial Supervisor, Trish, was in. She will be at Thursday night's meeting. And we had to give her a report and it was a very good one. We saved \$600,000.00 this month. We had to get back \$500,000.00 from the city for Workmen's Comp and \$100,000.00 on filling that old hole that only took us five years to get it. We got it. So she was very happy with our report today. That's all I have.

PRESIDENT WAGNER: Mr. Obert, could you just touch base on Ordinance 53 and 54 so that everyone has a good understanding that we are not out borrowing additional money or anything like that?

FINANCE DIRECTOR RICHARD OBERT: We are not borrowing additional money. Right now our whole and I don't want to cast any stones, our Federal regulators in these banks, they're looking. If you read the papers or Bloomberg, there's a lot of closings. I guess Key was told that they cannot take on a \$9 million issue. That they are going to have to split it. The legislation that we did three months ago was not on a split. It was written explicitly for Key. It will be changed at the next Council meeting and I won't exactly say it was buying up. I hope the County is going to participate and buy the one note and the bonds will be sold. They gave us a six-month window to sell and what we have to report to Paul is at what interest rates. I believe the Local Government is going to come in at about 3.5 to 4 which is way lower than they had in the report. I think it was 8.5 in there. So he should be very happy about that. With these times you know, you just have no choice in this so we said if you are going to roll them this time make it a three-month window because the sale was supposed to close July 29th and it did not do that. I guess the Federal Government kind of got blamed for it but we are just victims, you know. So we just went along with it. That's it.

PRESIDENT WAGNER: OK. I have a question for you in either Ordinance 53 or 54, there is no fees in there for the attorneys that we discussed?

FINANCE DIRECTOR RICHARD OBERT: Like I said in Caucus, there isn't a time that I've ever called or contacted a lawyer where I didn't get a bill and I'm expecting at least.

PRESIDENT WAGNER: No, I'm talking about the Squires' fee for Bridgeview.

FINANCE DIRECTOR RICHARD OBERT: That has nothing to do with \$5.5 million. No. Nothing to do with that.

PRESIDENT WAGNER: OK. I just wanted clarification. Thank you. Any other questions? We'll start with Clwn Sarnowski.

CLWN SARNOWSKI: I have a question. When we're borrowing the money to alleviate all the accounts we have in the red. Then in our Blue Book will it be operating in the black? We won't have no more minuses once we borrow that?

FINANCE DIRECTOR RICHARD OBERT: You'll have no minuses. None. Absolutely.

CLWN SARNOWSKI: But now it's not borrowed yet?

FINANCE DIRECTOR RICHARD OBERT: No.

CLWN SARNOWSKI: So we still have the minuses?

FINANCE DIRECTOR RICHARD OBERT: Yes and we checked with the supervisor today. That balance is actually lower than when we started at the beginning of the year. So we did something right in getting them down. I called the County today. Don't be surprised. They are forewarning us. You know that appraisal stuff—everyone's tax bill is coming out in January? They are going to be down. Taxes are actually going down. But the revenues to the schools and to the County and to us is going down, too, so I got kind of a warning. They are talking between 8% or 9%. It's a lot of money if you look at \$10 million. School is the biggest piece of that of course. That's why they are asking for that levy, right?

CLWN SARNOWSKI: When do you expect that we could see that in the Blue Book? That probably won't be until next year?

FINANCE DIRECTOR RICHARD OBERT: If they told me what I was told today they said the funds would be deposited around the 29th. It would be in this coming month's book. It will be in there. The 29th of this month.

PRESIDENT WAGNER: Moving on to Clwn Marincic.

CLWN MARINCIC: Actually he just answered my question because my question was when are we going to receive the money from the State, so, OK. Thank you.

PRESIDENT WAGNER: Are there any more questions for the Finance Director? There being none, we'll move on to the City Architect.

CITY ARCHITECT DAVID SPEHAR: Thank you, Mr. President, I don't have anything to report, but to respond a little bit more to Clwn Sarnowski about the grant funding available for energy efficiency, etc. In the stimulus package that had come out there had been several different grants for just what you are talking about and actually we had worked with the Fire Chief recently and he had submitted some grants to possibly look at upgrading some equipment in the fire stations. I don't think he's heard back on it, but we have gone after some of that.

COMMENTS BY CITIZENS:

PRESIDENT WAGNER: Very good. Any other questions or comments? There being none. That concludes the reports of the Mayor and the Directors. We'll move on to Comments By Citizens on tonight's Agenda. Comments shall be strictly limited to a brief statement not to exceed five minutes with comments limited to legislation on the current evening's Council agenda and no citizen shall speak more than once. Is there anyone wishing to address Council on tonight's agenda? Anyone wishing to address Council on tonight's agenda? There being none we shall move on to committee reports. Do we have any Committee Reports?

COMMITTEE REPORTS: None.

ORDINANCES AND RESOLUTIONS

PRESIDENT WAGNER: There being none, we'll move on to Ordinances and Resolutions. Under old legislation we have Ordinance 43-2009 which has already been considered by title. It's been passed on a First and Second Reading and it's up for tonight on a Third Reading. Will the Clerk please read the title for the Council?

ORDINANCE NO. 43-2009: AN ORDINANCE ACCEPTING THE DEDICATION OF VISTA WAY AND A PORTION OF TRANSPORTATION BOULEVARD BEING PART OF THE HERITAGE/BOYAS SUBDIVISIONS NO. 1 AND NO. 2.

VOTE ON THIRD READING:

AYES: 7

PRESIDENT WAGNER: Ordinance 43-2009 stands adopted with seven Yes votes. Moving on to Ordinance 52-2009, will the Clerk please read the title?

ORDINANCE NO. 52-2009

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

PRESIDENT WAGNER: Ordinance 52-2009 stands adopted with seven Yes votes. Mr. Obert, how much is the city going to collect on that? About \$63,000.00?

FINANCE DIRECTOR RICHARD OBERT: \$63,000.00.

PRESIDENT WAGNER: So everyone knows that's from Mr. Bukac's department going out and cutting the tall weeds and grass within the city of those homes that people don't take care of them. So moving on to 53-2009. Will the Clerk please read the title and then the Fiscal Officer's Certificate?

ORDINANCE NO. 53-2009

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$4,408,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF (1) RENOVATING, IMPROVING AND EQUIPPING THE RECREATION CENTER, (2) ACQUIRING AND EQUIPPING MOTOR VEHICLES, INCLUDING POLICE CARS, AN AERIAL PLATFORM TRUCK AND OTHER TRUCKS, AND RELATED EQUIPMENT FOR USE BY THE DEPARTMENTS OF THE CITY, (3) IMPROVING BROADWAY AVENUE BY CONSTRUCTING, WIDENING, GRADING, CURBING, PAVING, RESURFACING AND OTHERWISE IMPROVING THE SAME, (4) CONSTRUCTING, INSTALLING AND EQUIPPING TRAFFIC SIGNALS IN TURNEY ROAD, BROADWAY AVENUE, GARFIELD PARK BOULEVARD AND OTHER STREETS AND LOCATIONS IN THE CITY, IN COOPERATION WITH THE STATE OF OHIO

DEPARTMENT OF TRANSPORTATION, (5) IMPROVING STREETS WITHIN THE CITY INCLUDING BUT NOT LIMITED TO RECONSTRUCTION AND REHABILITATION OF TRANSPORTATION BOULEVARD AND ANTENUCCI BOULEVARD, WIDENING, UPGRADING AND IMPROVING BROADWAY, INSTALLATION OF TRAFFIC SIGNALIZATION, AND INCLUDING PREPARATION OF PLANS, SPECIFICATIONS AND ESTIMATES, AND OTHERWISE IMPROVING STREETS OF THE CITY IN ACCORDANCE WITH PLANS OF THE CITY ENGINEER, (6) IMPROVING EAST 131ST STREET BY CONSTRUCTING SIDEWALKS, CURBS, RAMPS, INSTALLING SIGNALIZATION AND SIGNS, LANDSCAPING AND OTHERWISE IMPROVING, AND (7) IMPROVING AND EQUIPPING HATHAWAY PARK INCLUDING DESIGN, ENGINEERING AND SITE IMPROVEMENTS, EACH ALL TOGETHER WITH THE NECESSARY APPURTENANCES AND EQUIPMENT, AS APPLICABLE, 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:

CLWN MARINCIC: Before I vote, so Mr. Obert, we're going to see these again in six months?

FINANCE DIRECTOR RICHARD OBERT: Hopefully we won't ever see them.

CLWN MARINCIC: We'll, when it goes into bonds?

FINANCE DIRECTOR RICHARD OBERT: The bonds has already been passed. We're just waiting.

CLWN MARINCIC: OK. Hopefully this is the last time I'll ever vote on this?

FINANCE DIRECTOR RICHARD OBERT: You'll never see this again, I hope.

CLWN MARINCIC: OK. I vote Yes.

CLWN SARNOWSKI: I have a question, too. How long can you keep something in notes before you have to turn it into bonds?

FINANCE DIRECTOR RICHARD OBERT: Actually, six full years.

CLWN SARNOWSKI: Six years?

FINANCE DIRECTOR RICHARD OBERT: Five years with a note paid out with the sixth year at 20% paid off.

CLWN SARNOWSKI: So we're in the sixth year, right?

FINANCE DIRECTOR RICHARD OBERT: Oh, no. These are in 2011 I believe.

CLWN SARNOWSKI: I vote Yes.

AYES: 7

ORDINANCE NO. 54-2009

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, GRANIS ROAD, EAST 90TH STREET, EAST 117TH STREET, EAST 134TH STREET AND CERTAIN OTHER STREETS DESIGNATED BY THE CITY, BY 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

RESOLUTION NO. 37-2009

A RESOLUTION HONORING TIMOTHY P. MCLAUGHLIN FOR OVER 30 YEARS OF DEDICATED PUBLIC SERVICE TO THE CITY OF GARFIELD HEIGHTS.

Moved by MAHONEY to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MARINCIC: I guess you'd have to meet Tim McLaughlin to truly appreciate him because you like him immediately. He has a heart as big as this room and hard work is his middle name. It's a loss that he's decided to retire so young and I am going to miss him horribly. I definitely vote Yes.

AYES: 7

RESOLUTION NO. 38-2009

A RESOLUTION HONORING AND REMEMBERING GARFIELD HEIGHTS RESIDENT ANNE MATOUSEK.

Moved by SARNOWSKI to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN SARNOWSKI: Anne Matousek was a very good friend. I probably know her longer than anybody else in this room and I will truly miss her. Yes.

CLWN MARINCIC: This was a great lady. She's like a matriarch in Garfield Heights. Almost everybody here had contact with her in some way, shape or form at some point or another. Fourteen years ago I had a baby late in life and Anne Matousek showed up at my door and said, "Here's a little gift and here's a dollar. Every time I see you I'm going to give you a dollar and you put it in that child's college fund." I would venture to say in the last 14 years I've gotten 50 dollars from Anne Matousek. That's just what kind of a person she was. She put education first, not only for her children but for everybody else's. And I will surely miss her. I vote Yes.

AYES: 7

RESOLUTION NO. 39-2009

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 CONTRACTS AS REQUIRED.

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

RESOLUTION NO. 40-2009

A RESOLUTION HONORING MICHAEL D. BRASDOVICH FOR 34 YEARS OF DEDICATED PUBLIC SERVICE TO THE CITY OF GARFIELD HEIGHTS.

CLMN SUSTER: Mr. Chairman, before we consider Resolution 40-2009 for the title I'd like to make an amendment, please.

PRESIDENT WAGNER: You have to consider it first.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 7

CLMN SUSTER: Mr. Chairman, I'd like to make an amendment to the title. At the end of where it says "service to the city of Garfield Heights" I'd like to add to that "and Garfield Heights Fire Department".

PRESIDENT WAGNER: Would the Clerk please read the amendment back?

CLERK: A RESOLUTION HONORING MICHAEL D. BRASDOVICH FOR 34 YEARS OF DEDICATED PUBLIC SERVICE TO THE CITY OF GARFIELD HEIGHTS AND GARFIELD HEIGHTS FIRE DEPARTMENT.

VOTE ON THE AMENDMENT:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLMN SUSTER: Before I vote, I'd just like to say that I had a conversation with Captain Brasdovich this afternoon. He wanted to extend his thanks to everybody. He couldn't be here this evening because he had a prior commitment. Last Thursday night Councilperson Mahoney and myself were able to attend his retirement dinner which turned out very nice. It was a room full of his peers—people that he'd worked with in the past; everybody that was there that he worked with now. I'll tell you what. It was a real tribute to Mike and I know he's going to be missed by the Fire Department and I vote Yes.

CLWN MARINCIC: Before I vote, I learned something tonight. I have been working with Captain Bras, which is what I called him and I'm sure just about everybody else here did, for over 20 years and I never knew his first name. So from now on it will be Mike when I see him. He is a tremendous man and worked so hard and was a dedicated member of our Fire Department and I wish him well in his retirement and I vote Yes.

AYES: 7

COMMENTS BY CITIZENS:

PRESIDENT WAGNER: That concludes the legislation before the Council. Next we'll move on to Comments by Citizens, comments shall be restricted to any problem a citizen has which has previously been submitted to his or her Councilperson or to the City Hall department directly involved. If the submission of a problem to a City Hall department or a Councilperson is made and there is a lack of service rendered in this regard, the problem may then be presented during Comments by Citizens at a future meeting. It is the intention of this rule that no request of a first nature is presented on the floor at this time. Comments shall be limited to five minutes and no citizen shall be heard more than once. Is there anyone wishing to address Council this evening?

Ronald Finnerty, 8205 Garfield Blvd. py comments are concerned with things that I've heard tonight and at the Ward 4 Block Watch. I am appalled that we currently are under suffrage of a Mayor that has taken things so far to heart and so far out of control that since he does the hiring and firing in the city and since the Law Director is sitting next to him, somebody should have made him aware that the letter that Mr. Licht gave to the Law Director fell under confidentiality and when you passed it out to everybody you just violated that and you have now placed the city in the possibility of being sued for that. Just to let you know that. Thank you.

The other issue is your huff and puff and storming in red-faced and almost falling twice as you were cussing your way through the Ward 4 Block Watch that was for the purpose of current candidates using a couple minutes to introduce themselves to the people and you decided to make it your own personal throttling grounds for whoever you decided to take on, whether or not people wanted to hear you. You need to address the fact that that is a citizens' meeting and those kind of behaviors by you claiming to be Mayor and right to speak are out of order. You are saying here that you have a right to personally attack anyone that gets up to speak is unbelievable. That is unbelievable that you would say that. Mayor, I don't know what to say. You've done some great things in this city but in the last couple years things have gone sour for you and you just seem hell-bent on making sure the city goes down. I hate to see it happen, because you could be going out back on top if you would just straighten up on a couple things and quit attacking people.

Let's see what else? On another issue. If you're so concerned with the behavior of somebody why as part of your duties listed in the Charter hasn't something been done with somebody on this Council that violated decency standards and sent a pornographic e-mail on this Council? Why isn't anything done? They have not

been formally censored. They still sit. But you're concerned about Mr. Licht. Thanks. No, I really don't want to hear what you have to say.

MAYOR THOMAS LONGO: That's OK. You can sit down. He can sit down. That's fine. I'm glad you're my legal advice on what is public information and what is not public information. That's fine. Your comments that you've had in the past have always been interesting and off base. A couple of things that happened at that Ward 4 Block Watch and what happened in reference to the activities of the Wagner Campaign Committee with the using of the Democratic Club, County Democratic Party, etc., etc. which is plain fraud. Now, as the Mayor of this city, when I came to that Council meeting nobody knew about this stuff and I was bringing it up. And guess where the catcalls came from? Guess how it started? Mr. Finnerty, Mr. Lamalfa in the back and the other crews that were back there with Mr. Wagner and all of a sudden I'm starting to get nettled and beaten up and browbeaten and it starts to turn into a bully. Let's see who can bully the most? Let me be blunt. I will not be bullied. I will not have this passive sneak attack stuff. I will not have this confrontational stuff right up front. What's happened to these Block Watches is a crime. And with the stunt that was pulled over the last couple of weeks, was absolutely horrendous. Horrendous. That's what wants to lead our city? Unimaginable. For your information, I attended an event and you were at it, that was sponsored by Mayoral candidate Collova. You sat there. You're in the other camp. There's rules against being a mole or a spy in another camp.

MR. FINNERTY: For your information I was invited (*inaudible*).

MAYOR THOMAS LONGO: That's fine. I'm just telling you.

PRESIDENT WAGNER: I think you would better serve the people of Garfield Heights if you would stick to the issues of the city and not bring the political campaign into these Council chambers.

MAYOR THOMAS LONGO: I am sticking to the issues.

PRESIDENT WAGNER: You should not bring the political campaigns into these Council Chambers. I personally have not done that. OK. If you want to sit here and do that I think you're creating a circus here at the Council Meetings. We need to address the issues of the people here in Garfield Heights.

MAYOR THOMAS LONGO: We are here to address the issues.

PRESIDENT WAGNER: We're not here to address political campaigns and that's the bottom line, Mayor.

MAYOR THOMAS LONGO: Mr. Wagner, when the circus act comes to town.

PRESIDENT WAGNER: You'll head it up. I understand, Mayor.

MAYOR THOMAS LONGO: And it starts to take over what's happening in the town, and it paralyzes the activity of the city, I will speak up. If it has to be done here, in the street, at Block Watch meetings, I will do that. I was very emphatic at that meeting several meetings ago when you started on that stuff with the Block Watches and how they were hijacked.

PRESIDENT WAGNER: I haven't hijacked anything, Mayor. The Block Watches are being run by the residents of those Wards.

CLWN MARINCIC: Mr. Chairman, I make a motion we take a five minute recess and you two could go out there and argue this out so we can get on with our meeting.

MAYOR THOMAS LONGO: No, we're going to argue it right here.

PRESIDENT WAGNER: I think we should continue with the meeting. Leave the Mayor campaign outside these doors and I think that's what you need to do, Mayor.

CLWN MARINCIC: I made a motion to take a five minute break.

PRESIDENT WAGNER: On the motion to recess for five minutes. Please call the roll.

CLMN DUDLEY: No. Let's move on.

AYES: 2

NAYS: 5

PRESIDENT WAGNER: OK. The motion fails.

MAYOR THOMAS LONGO: Anyways, getting back to the comments that were brought up before, as I said, I do have a passion. I have 26 years tied up in this. No one has spent that much time involved in this city and it really, I find it completely disheartening, when I have to do things like that. But when you deal in a certain environment and you do what needs to be done, I will do that. I will completely straightforward do it and that's probably been one of my greatest strengths and one of my biggest weaknesses, because I'll take a problem straight on. I don't hide it. I won't keep it from anybody, but every time I get involved in an election we start getting these kinds of antics. This is the third one and I'm not even on the ballot. The whole city grinds to a halt over issues that mean nothing. The whole city grinds to a halt and it has nothing to do with how you run the city. If I were sitting in your chair--I'm not out there actively campaigning. I'm not going door to door. My mind is changing. I got to do some things now. If I were you I'd say wait a minute, You shouldn't be doing this. There's things to discuss about this city. I can give you a whole litany on this stuff. What's not being done?

PRESIDENT WAGNER: OK.

MAYOR THOMAS LONGO: You're not listening.

PRESIDENT WAGNER: All right. That's enough. Thank you. Is there anyone else wishing to address Council this evening?

Mary Ryan, 5014 East 114th Street. In response to whatever. I was at that Block Watch meeting and, in defense of the Mayor, he was invited to speak because somebody was late. So when you ask somebody to speak and he is the Mayor I think you should give him the respect that he's due and not attack him or anything. That's what the people were trying to do. He was trying to inform us of something that was going to be in the paper the next day, which was very interesting and I think it was extremely rude of them to do what they did. I just thought it was awful and since, I hate to say it, you invited him to speak, you shouldn't have done what you did to him. I'm sorry.

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

Joe Lamalfa, 13205 Silver Road. I'm glad you voted No to take that recess. First, I got a question for Noreen. Explain that Land Bank that you said that you were going to take the.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Yes, the County has started a Land Bank or Land Reutilization Program. They will take title to vacant, abandoned, dilapidated properties that are tax delinquent and they will renovate or demolish them.

MR. LAMALFA: Now why didn't you take that property on Broadway that we paid \$34,000.00 for? That should have been done that way instead of paying the \$34,000.00.

BUILDING COMMISSIONER WILLIAM WERVEY: If I might respond to that? The negotiations in buying that property started long before the Land Bank was in existence. There were contractual obligations on the part of the city and.

MR. LAMALFA: Did Council approve that?

BUILDING COMMISSIONER WILLIAM WERVEY: And at the time that property was not in tax foreclosures.

MR. LAMALFA: At the time you bought it, though, there was.

BUILDING COMMISSIONER WILLIAM WERVEY: At the time we bought it because the negotiations and the sale, the time on that extended out so long at the time we bought it, yes, there were some outstanding tax obligations.

MR. LAMALFA: Who approved the contract on it? To buy it?

BUILDING COMMISSIONER WILLIAM WERVEY: Council.

MR. LAMALFA: Council approved that?

BUILDING COMMISSIONER WILLIAM WERVEY: Asked and answered.

MR. LAMALFA: OK. Did Council approve that?

PRESIDENT WAGNER: Yes, they did.

MR. LAMALFA: Afterwards? Or before?

PRESIDENT WAGNER: They approved it a couple meetings ago.

MR. LAMALFA: OK. So they didn't have to do it because at that point the taxes were delinquent when they approved that?

BUILDING COMMISSIONER WILLIAM WERVEY: The taxes became delinquent because the process was delayed so long.

MR. LAMALFA: Before they approved it?

PRESIDENT WAGNER: Mr. Lamalfa, if you want a response, Mr. Wervey will respond, but you both can't talk at the same time. Let him continue if you want an answer.

BUILDING COMMISSIONER WILLIAM WERVEY: I'm answering the question you asked.

MR. LAMALFA: Well then there was no taxes delinquent at the time they approved on?

BUILDING COMMISSIONER WILLIAM WERVEY: When we first entered into negotiations to buy that property I'm not positive that the taxes were current, but they were not very delinquent.

MR. LAMALFA: Mr. Mayor, you know you keep on talking. You're going around town telling everybody that Frank Wagner's telling me what to do. I'm in his campaign. That's false. I know you don't understand that because I don't dance to anybody's music but my own, unlike a lot of people in this room and I see two more crawled out of the rock today of your puppets.

PRESIDENT WAGNER: Mr. Lamalfa, you need to keep your comments proper.

MR. LAMALFA: I don't appreciate you going around saying that I'm being told what to do and what I do is perfectly legal and you know it and you said it at the Ward 4 Block Watch. You admitted it. What I did was perfectly legal. Now because Jennifer Froner circumvented the law, that doesn't mean anything right now because it ain't over with. We're going to take this on and we will get it back because what they did at that meeting was the most disgusting.

PRESIDENT WAGNER: Mr. Lamalfa, again, I don't think this is the time and place for that discussion.

MR. LAMALFA: He brought it up, though.

MAYOR THOMAS LONGO: Let him go.

MR. LAMALFA: It was the most disgusting thing I ever saw. There was no discussion of qualifications of candidates, there was no listening to candidates, there was nothing. I walked into that meeting. Wham, bam thank you ma'am. We voted and we were out the door. That was the most disgusting. You're talking about misleading the public? By them doing that they're thinking they took the time legitimately to say yeah this is the proper candidate, but they didn't do anything. This was a foregone conclusion when we walked into it.

PRESIDENT WAGNER: Again, Mr. Lamalfa, we're going to discuss issues that are relevant to the city here. That's a different issue.

MR. LAMALFA: OK. Thank you.

MAYOR THOMAS LONGO: When the ad for the endorsed candidates of Mr. Lamalfa and company was. Who voted on that? The whole thing is when you look at it when it was done in retrospect so the vote is 14 to 1. Mr. Lamalfa doesn't like the way things were done and he goes and he takes over the Democratic Party and the whole thing gets hijacked. Signs go up on the headquarters of Mr. Wagner, ads go in the newspaper. This is transparency? Give me a break. And I'm getting a lecture over here on things like this that I shouldn't be bringing this stuff up or being going out public. Who in their right mind does that? For an organization that has been in existence for 60-70 years. God knows how many years the Garfield Heights Democratic Club and the Cuyahoga County Democratic Party have been in existence? Take it. Kill this. You can't do that. You can't do this. I didn't send the letters out. I wasn't quoted in the newspapers, but oh, what you did. I didn't like what you were doing, but I'm going to put this ad in. God only knows how was this decision made? This is good for our community? You want to know why I got worked up? It's because of these machinations. This manipulation. In my opinion, it's total fraud being wrought upon the people of Garfield Heights. I won't stand for that.

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

Eric Kaegi, 12105 Valley Lane Drive. Tonight I came here just to ask for assistance from the Council. As everybody knows, the RTA bus cuts are going to be coming up here next week. Right now the 802 is going to be shut down permanently. The 88 is going to be shut down on the weekends. The 76 is going to have reduced hours from 6 in the morning till 7 p.m. at night. From what I've been hearing from drivers and some RTA Union members and Union reps, they are saying that next year they are planning additional cuts which include the 76 weekends and the 35 altogether. Right now I know about 30 people including myself that are not planning to renew their leases at the Rockside Place Apartments and other places because we cannot get to and from work. We're going to have to take our tax dollars and go somewhere else. We have no other choices. I know another lady I met a couple weeks ago has told me that this past Labor Day weekend she was moving from Bedford to Tremont where she works because she could not afford \$35.00 cab rides from Cleveland or to Cleveland. I can't do that either. I took a \$4.00/hour pay cut. It's just getting worse. Effectively what I'd like to see Council do is get a hold of their counterparts from other cities and possibly

join in either a class action lawsuit or stand up to RTA's Executive Board and ask for the removal of Joe Calabrese, their CEO. Their CEO is the former CEO of New York's version of RTA and he ran it into bankruptcy and it looks like he's doing the same thing here in Cleveland. Thank you.

PRESIDENT WAGNER: Thank you. These are the issues we need to be discussing, not political campaigns. Anyone else wishing to address Council?

Vic Collova, 5252 Evelyn Drive. I agree with you that these aren't the issues that should be in front of Council and I sit back there and I listen to everybody speak and I really don't want to get up and talk about politics, but when I'm brought up or an issue that involves me is brought up, I think I have a right to respond. The issue was brought up by Mr. Lamalfa that the endorsement that came down for me was done some way illegal. I totally disagree with him because I understand it was done that way forever, but I would like to ask the question. Mr. Wagner, you, on Mr. Lamalfa's endorsement, along with some other people, that was in the Neighborhood News. Can you explain to us how that endorsement was done?

PRESIDENT WAGNER: No, because I had had no part in that. I do know that the Democratic Club or Executive Board when they made their endorsement, I wasn't even invited to the meeting.

MR. COLLOVA: Are you an Executive Committee person?

PRESIDENT WAGNER: No, but as a candidate you would think that. But then again. To answer your question, Vic, I had no idea how that endorsement was made, I'm not a part of it, so that's my answer to your question.

MR. COLLOVA: I understand. I appreciate it and I'm taking you at your word. Can you explain to me how the Garfield Heights Democratic Club sign appeared on your headquart Tf?

PRESIDENT WAGNER: If you want to talk to me after the meeting? Or at the Democratic Club tomorrow, I will.

MR. COLLOVA: I just.

PRESIDENT WAGNER: Vic, this is a meeting of the business of the people of Garfield Heights. I'm not going to debate the Democratic Club with you or Democratic politics here. I will debate the issues of foreclosed homes in the city, I'll debate the issues of that gentleman that's going to lose his job because he can't get back and forth to work. That's what we need to do here. Not talk politics. Let's get back to the business of the people. Thank you. And that's my answer to you, Sir.

MR. COLLOVA: That is very impressive. Do I still have the floor?

PRESIDENT WAGNER: You do.

MR. COLLOVA: OK. That's very impressive. I enjoyed it very much. The question I have, when everybody else gets up and talks about the politics in the city, why don't you get quite that passionate?

PRESIDENT WAGNER: I asked Mr. Lamalfa to sit down--that this wasn't the place to discuss those issues. You were just here.

MR. COLLOVA: OK, so you're willing to discuss the issue after the meeting with me?

PRESIDENT WAGNER: I'll discuss it with you after the meeting. Definitely.

MR. COLLOVA: See you later. Thank you.

PRESIDENT WAGNER: Thank you. Anyone else wishing to address the Council regarding the business of the people?

Tom Vaughn, 12910 Carpenter Road. Yes, I am a candidate for Ward 7's Council seat. And, yes, my name appeared in the paper and I don't know how it appeared and I'd like to publicly say that. Elving, I don't want to get involved in this crap and that's basically what it is. I want us to discuss the issues. Let's have an honest discussion about the future of our city. City View. Bridgeview. Let's form a game plan that will allow city leaders, County and State people to get together and complete that road to Rockside. Let's formulate a development plan that's going to work for the betterment of our city and let's truly market Garfield Heights as the best location in Cuyahoga County and most of all let's balance the books. People, we can't wait till December till we have our new Mayor, whether it be Mr. Collova or Mr. Wagner. We must gather today and start working. We're all in trouble whether it's with foreclosures, properties not being taken care of. These are the true issues. Let's get the roads paved. Let's make sure that the garbage is picked up. Let's make sure that the neighborhoods are safe and that people can raise their families and live safely in Garfield Heights. Thank you.

Paul Varatti, 5531 Briarcliff. Mr. Wagner, since you're solving problems—issues. Someone on my street called you not once, but twice--that's what got me involved in this--to solve a problem. You never called him back. I thank you for not calling him back.

PRESIDENT WAGNER: Who is the person?

MR. VARATTI: That's not.

PRESIDENT WAGNER: I'm sure as a candidate supporter, Mr. Varatti, you have your right to speak. That's fine.

MR. VARATTI: He has a problem on the street. He called you twice. This has nothing to do with a candidate and nothing to do with politics. He called you to settle a problem on the street. I would do the same thing. Go somewhere else. Second call. No. You proved my point, where I stand. Two calls.

PRESIDENT WAGNER: I log every call that comes into my house and I'll go over every call with you if you'd like? Is there anyone else wishing to address Council this evening? There being none. We'll move on to Miscellaneous Business beginning with Ward 7. Clmn Otero.

MISCELLANEOUS BUSINESS:

CLMN OTERO: I can't help but to say that in the last 10 months that I've been here I've watched a lot of ups and downs. It's unfortunate that we are moving in this direction. It's unfortunate that we've seen so many situations come up the way they have. Most importantly, I just can't believe that we have people attending these meetings which I believe don't belong. This body is a law making body, really, and it should have the dignity and respect of anybody coming here and the Chairman of the Council should be able to adhere to all the regulations. I see a little improvement tonight. However, when somebody comes here who uses abusive with gutter language like Mr. Lamalfa is used to doing, he shouldn't be permitted to be attending these meetings. He should be suspended from coming to these sessions and my colleagues sit up here and they don't say anything about it. I'm not happy with that. Nobody should come up here intoxicated, using drugs, or using gutter language and we shouldn't be supporting that. I hope we can stop doing that in the future. That's all I got to say.

PRESIDENT WAGNER: Mr. Otero, as you know, when he used that language he was called out of order by the Chair and he's been directed not to use such language. This is a democratic society. People have the right to be part of their government. I'm not going to stop anyone from coming into this Council chamber in a democratic society. This isn't a communistic society. Moving on to Ward 6.

CLMN OTERO: Mr. Chairman, I'd like to respond to that.

PRESIDENT WAGNER: You sure can.

CLMN OTERO: I don't think that you know, you're saying, communistic society or any of that nature language is appropriate by you or anybody else.

PRESIDENT WAGNER: When you tell a citizen they can't come into a government meeting, it is.

CLMN OTERO: I believe, again, that this is a body that should be conducted with some respect and the rules of morality and ethics and nobody should come in here using gutter language or any intoxication or anything of that nature be given that microphone. They should be suspended from doing that.

PRESIDENT WAGNER: You have the right at any meeting to make a motion to not allow a citizen to speak. That's your right as a Council member. Moving on to Ward 6.

CLMN SUSTER: I just want to ask Mr. Wervey a question. Mr. Wervey, you had that problem over at 98th and Plymouth that I called you about yesterday that I was receiving the phone calls about? How can we avoid that from happening again on a weekend?

BUILDING COMMISSIONER WILLIAM WERVEY: I'm not sure there is a solution. We could have the police perhaps try to ticket whoever put the debris out there and hope that word gets around that you're not allowed to do it. I know that in the Quality of Life Booklet we specifically say when trash can be put out and it can't be put out. To be truthful, I'm not sure there is a cure for it.

CLMN SUSTER: Because even the person that was the occupant of the house was out there when people were looking for books, he was telling them which bags to tear open. He was telling them where the silverware was. He was directing the people. There had to be eight to ten people there at a time. They had the whole street jammed up.

BUILDING COMMISSIONER WILLIAM WERVEY: It was a service working for the bank that put the debris out there. We've repeatedly told the servicing companies that, you know, there are limits as to when things can be put out and if they're putting out that much debris they need to have dumpsters. It's a tough one.

CLMN SUSTER: But that was left out there all weekend.

BUILDING COMMISSIONER WILLIAM WERVEY: Right.

CLMN SUSTER: Which means if they put it out Friday. I don't know what time they did it Friday or Saturday, that they knew it was going to stay there all weekend.

BUILDING COMMISSIONER WILLIAM WERVEY: It's my understanding that the company that put it out they knew they were. Evidently they had employees that they could get to work on the weekend to take it out but they didn't have anybody to cart it away on the weekend. I mean that's the limit of my knowledge on it. When we got here this morning we immediately contacted them and they had actually contacted us and left a message for us that they were going to get it out of there today. I think the only thing that will do anything to curtail that is somebody has to be there right then to write them a ticket and stop them from doing it. When it happens at nighttime when there's not employees from the Service Department or from the Building Department there, perhaps the police can write a ticket or stop them from doing it?

CLMN SUSTER: Yeah, but the ticket's not really going to do any good. It has to be where you either tell them to go ahead whether it's a Saturday or what and they are going to have to pay extra for it to get a dumpster there. I mean.

BUILDING COMMISSIONER WILLIAM WERVEY: Or they have to take it back in.

CLMN SUSTER: Yeah, but you take 98th Street. That's pretty well-traveled. You have people that are coming into the city to look to buy homes or rent a home and they see all that on that tree lawn, I mean, that's terrible.

BUILDING COMMISSIONER WILLIAM WERVEY: Well, as I said, frankly, I don't have an answer.

PRESIDENT WAGNER: OK. Right now there's no discussion right now between the residents. Right now we're under Miscellaneous Business and Mr. Wervey has the floor. We're not going to get in for a free for all.

CLMN SUSTER: The only thing I'm looking for, Bill, is that so that this doesn't happen again because you know probably somebody else had seen it and if we keep having things like this happen it's the same thing you see a lot more kids playing in the street, you see a lot more kids riding these 50 cc bikes on the street. If we're not calling the police and we're not letting people know that these things. Like I called you at home yesterday and I appreciate you taking my call. If we don't let these people do this or if we don't stop these people from doing the things that they think they can do here then we're going to have a real problem down the road. We don't want that to happen. We don't want to become a Cleveland.

BUILDING COMMISSIONER WILLIAM WERVEY: I agree with that. I can't tell the other departments how to operate, but when something like that happens on a Saturday or Sunday perhaps somebody ought to intervene. The police department perhaps?

PRESIDENT WAGNER: Mayor, how can we address that issue on the weekends? Police department intervene?

MAYOR THOMAS LONGO: You're the one that has the answers. What would you recommend?

PRESIDENT WAGNER: Police department intervene.

MAYOR THOMAS LONGO: That's fine.

LAW DIRECTOR DAVID MACK: Mr. Wagner, it's very difficult. We've tried. I think Bill has been involved in this. I think to a certain degree Tim was involved in this. We had the Court involved in this. People putting large amounts of trash out before they're due and the best we could come up with was writing tickets. The police, especially on weekends, have a lot of things to do. Not that this is unimportant. It's very important, but I don't know if there's an easy solution to this because I think we wanted to deputize either Service workers or Building workers. But Building guys don't work on Saturday and Sunday and most Service guys don't either unless there's snow to be plowed or an emergency. It's only the police that are working and if they're busy chasing somebody they're not going to stop and go check out a trash situation so I think what Mr. Suster is saying is probably the best. You have to be vigilant and report it. Maybe the police won't get there right away, but they will get there. If they issue a ticket or a warning and the person disobeys it they can charge them with disobeying a lawful order and actually make an arrest. But that's something we have to get the police involved in because we tried to get Building and Service involved but the problem is they are not here. We can't authorize several thousand hours of over time.

PRESIDENT WAGNER: Your suggestion makes sense.

CLWN MAHONEY: Mr. Mack, I've called the police in regard to garbage going out early in my particular Ward and they have been quite responsive.

MAYOR THOMAS LONGO: You got to understand. This wasn't just putting out rubbish. This was an eviction. They came and they moved everything out of the house and they put it. And the house sits on a corner. They put it across the lawn and down the side and it was this high. It was from this desk to the wall deep. They just moved everything out. Who knew that was going to happen?

LAW DIRECTOR DAVID MACK: Yeah, it was an unusual situation.

MAYOR THOMAS LONGO: And all of a sudden there it was and it's Sunday. There it is Sunday morning. You got to get that stuff out of there as soon as you can. That doesn't happen that often. Usually you get an eviction or somebody's evicting somebody in a double house and there isn't that much stuff there and they move them out and then the family starts taking their belongings and they have family members and they pack them up and they go. In this case, it was just unreal. All of a sudden, here's all this stuff. What do you do with it? Is it going to happen again? It could.

BUILDING COMMISSIONER WILLIAM WERVEY: As soon as we had a chance to react to it, it was removed, but as the Mayor says it's going to happen from time to time. We could conceivably prosecute whoever did this but it doesn't create an immediate solution. It gets them fined a month and a half from now.

PRESIDENT WAGNER: But if we did that it would send notice to other people when they do foreclosures that Garfield Heights doesn't allow you to come out and dump someone's personal belongings on the street lawn so someone can just rummage through it and take it. So that may not be a bad idea. Are you done, Councilman?

CLMN SUSTER: Yes.

CLWN MARINCIC: Mr. Liotta, could you try to hang on to your leaves this year? So your Ward isn't the first one picked up? Other than that I have nothing else.

PRESIDENT WAGNER: Moving on to Ward 1 and a motion to adjourn.

CLMN DUDLEY: Saving the best for last, we'll just take a minute to get everybody out of here so we can watch Monday Night Football or something. I wanted to say to the gentleman on RTA I really feel bad and I can understand sometimes not having adequate transportation and you're depending on that bus and they cut the routes like they're doing. I have a gentleman in my neighborhood—he's an RTA worker who got laid off. God Bless them, ODOT is picking him up for winter season. I sent him over there and he will be getting a job over there with them. So on that part I hope they do something for you all because I don't want to see you all out there possibly moving because you have to maintain your employment in order to pay your bills. So my heart goes out and I hope something can be worked out for you.

I wanted to mention something about the property right quick on Broadway that the gentleman had mentioned why we would get it. First of all I'm glad that we did because I didn't want somebody to come and be a predator on it and snatch up that property knowing that we needed it in order to expand Broadway so that was a real concern. Second of all, when I got elected I said two things, you know, the city is a priority to me and also the residents and I don't like to screw no resident in a time of hardship, first of all. So I think that it was a fair price we paid for the property and I fully thought we made a good decision in getting that so that the expansion can go forward. That's my opinion on that.

Second of all, I wanted to mention something, too, and it's just so sad how everything has got so political this year and boy, I tell you, it's rough. You know, it is in fact, rough. Like I say I love to do these things. I

love to do them. We had a little thing this weekend. We do an annual event for the Seniors in Ward 1. I've been doing it for them for three to four years. We do an annual dinner for them. For some reason some people thought it was political and they attempted to turn it into political, but we feed approximately 60 to 80 individuals annual at St. Timothy and we pay up and have what we call a Community Meal once a year. Yes, we do. We do it annually. This is my third year we have been doing that. They tried to turn it political and that was sad, you know, when you roll it over for doing good deeds in the community and that's all.

I was slightly disappointed and I'm not shifting no blame or pointing no fingers at what I read in the newspaper concerning the Democratic Party. A lot of people was disappointed. I don't think that one individual should share the whole blame in that, but you know they got to be careful on that because that wasn't right. We have to respect the Party. And in 2005 I didn't get the Party vote. In 2007 I didn't get the Party vote. God blessed me this year that I did get the Party vote, but at no time did I allow myself to get upset, did I allow myself to run to the newspaper and cry and complain about it. I just marched on and said hey, I'm going to do what I have to do. And that's what I done. So I think other people have to learn you have to be big enough, you have to move on and don't try to take what's not yours to steal. What's not yours to take from anybody else. With that I would like to motion that we adjourn.

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

AYES: 7

MEETING ADJOURNED AT 8:33 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Frank J. Wagner
President of Council

Barbara Molin
Clerk of Council