

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, September 28, 2009

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

INVOCATION BY: Councilman Elving Otero

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

EXCUSED: Sarnowski

CLWN MARINCIC: I make a motion we excuse Clwn Sarnowski.

PRESIDENT WAGNER: On the motion by Clwn Marincic.

AYES: 6

ABSENT: 1

READING AND DISPOSAL OF MINUTES:

Moved by Clmn SUSTER to accept the minutes of the Regular Meeting of City Council of September 14, 2009 as submitted. The minutes were adopted with six 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. This is really a momentous occasion. We have the School Superintendent, Mr. Michael Beck, in the audience and all five members of the School Board. It's just. My heart skipped a beat when I saw this. Mr. Frank Geraci and Ms. Kitson, Joe Deboise and where's Frank Geraci too? There he is. Welcome to Shangri-la.

I'd like to start off by addressing the most critical issue in Garfield Heights and that is in the interest of fair and honest government. I want to present the following: City View lawsuit. As you're all aware there was a taxpayer's lawsuit against the city and the Ohio EPA by lawyer Ken Fisher who also happens to be the lawyer for the Cuyahoga County Democratic Party and Mr. Ray Kozelka. Both are personal friends of Mr. Wagner. They processed a lawsuit against the City and the OHIO EPA because the 2005 orders of the Ohio EPA for City View were invalid. Their action was filed on August 15, 2008. On December 2, 2008 the taxpayer suit was dismissed by the trial Court. Ken Fisher then filed an appeal to the Court of Appeals to keep the issue alive for Mr. Wagner's campaign for Mayor. There was much hoop-la on "Mayor Longo costing the City of Garfield Heights millions of dollars by being involved with the OHIO EPA orders on City View". This past Thursday, September 24th a Court of Appeals totally dismissed this suit. Every statement that we've made concerning City View has been true and is true. The City was never in jeopardy. Despite Mr. Wagner's chicken little crusade that brought nothing but bad publicity to City View and hurt our city financially. We lost Wal-Mart. Oh, yes. In the interest of fair and honest government how do I know Ken

Fisher is a friend of Mr. Wagner? When I referred the name game scam that's on the name of the Democratic Party, to the Cuyahoga County Democratic leadership, they were incensed that Judge Nicaastro's bailiff, Ed Licht and Joe Lamalfa would try to steal the Democratic Party's name. They immediately discussed this situation with the County Democrats' lawyer, Ken Fisher. He was very pensive about the situation and said that Frank Wagner was a friend of his. The Cuyahoga County Democratic Party turned the issue over to the State Democratic Party out of Columbus and they are following up on whatever they're going to do. Of course, the word on the street is that Mr. Wagner promised Ken Fisher a position in our Law Department.

PRESIDENT WAGNER: That's a lie, Mayor. So I'll tell you right now in front of these people. That's a lie.

MAYOR THOMAS LONGO: OK. This is all of course, in the interest of fair and honest government. Let's continue with the Wagner theme--fair and honest government--on tonight's agenda. Ordinance 55-2009. Rockside Road Project. The city of Maple Heights has offered to do the designing and engineering of Rockside Road. In return the County Engineer will pay for all construction costs. We will pay only for our portion which is about 40% of the engineering costs. This is really a nice savings for our community. Also if this ordinance is adopted, once it's adopted, Mayor Lansky from Maple Heights, the city of Bedford and Garfield Heights will apply for stimulus dollars to offset the engineering costs, reducing our costs even more. Now, we get back to this fair and honest government. When Frank Wagner was campaigning on Rockside Road and was told that the road needed repair and it's obvious if you go down there and talk to the residents, or just take a ride down it, not knowing what to do and as soon as Elving Otero was appointed Councilman in Ward 7, he turned the problem over to Mr. Otero, informed Elving that the road needs repair, nothing could be done and tell the residents you are working on it. Elving checked into all of this and of course it's obvious as I said earlier that the road needed repair. Major repairs, as a matter of fact. Needed to be rebuilt. I advised him how to proceed and he made some phone calls to the County Engineer's office and found that they concurred and were willing to proceed with the repairs. Legislation was sent to us and introduced by Elving and myself. And fair and honest government took over again. Mr. Wagner, with support from Marincic and Sarnowski, placed silly and unnecessary road blocks in the legislation's path. Let's put those machinations behind us and help Elving Otero get something badly needed for his constituents. Let's not create another bogus political issue just to help the Wagner/Council slate of candidates.

Ordinance 56 is an amendment for the money that we wish to borrow by State law, that we can, against our Local Government Fund. There's been all kinds of corrections, etc. going back and forth (we don't even write this. They do) on our Fiscal recovery plan and if you have questions on that Council's already approved this. Dick Obert can address your questions or concerns.

Resolution 57 allows us to participate in the Cuyahoga County Land Bank. Noreen Kuban and Mr. Wervey (I believe he's off tonight) can address your concerns and of course this allows us to have first right to obtaining any property that is obtained by the County or any property where the buildings are torn down. It's really a neat little set up that Jim Rokakis, our Treasurer, has put together. Resolution 41. The school levy. Schools are the heart and soul of our community. They, like us, are being financially strapped except now we have the kids involved. They need our support to get the message out regarding their needs for new dollars. I urge Council to support Resolution 41. I mentioned this earlier. I think you've all met the new superintendent, Michael Beck? Mike, why don't you raise your hand because some of my staff hasn't. Let's welcome him to the Council Meeting. This concludes my report.

PRESIDENT WAGNER: In regards to the Mayor's report, I think it's important that I make a statement in regards to it and I apologize to the residents here because you are not here to listen about the Mayor's campaign in a Council Meeting. The Mayor continues meeting and meeting again to bring up the Mayoral campaign because he can't let go. He wants to make sure he supports the Longo-Collova team as things go forward. The fact is Mr. Fisher's name appears on Mayor Longo's finance report numerous times giving him money. He's more of a friend of the Mayor's than he is of mine. At the last Council Meeting. Right now I

have the floor, Mayor. At the last Council Meeting I suggested that the Mayoral campaign be kept out of these Council Chambers. This is the business of the people. This is the business of government. We're here to take care of the needs of the residents of Garfield Heights. We're here to talk about the foreclosed homes. The fact that this Administration has put our city into fiscal emergency. The State Auditors have come in and taken over the city's finances. OK. Those are the real issues we should be talking about. Not the Democratic Club. Not the Mayoral campaign here. This is not where that's to take place. I mentioned it at the last meeting. I'll mention it again.

CLMN DUDLEY: Mr. Chairman, I got a question for the Mayor. When is the last time that a school levy was passed in this city?

CLMAYOR THOMAS LONGO: was back in the '90s. Early '94? 1992.

CLMN DUDLEY: Which one was it? 1992? The last time a levy was passed.

PRESIDENT WAGNER: Can we go on with the Council Meeting?

PRESIDENT WAGNER: That's the reason we need a police officer. Because you yell and scream. We had to take a police officer off the street. Instead of protecting residents of Garfield Heights he's here because of you, but continue.

PRESIDENT WAGNER: Are you done so we can continue with the business of the city? Any questions of the Mayor? For the record, Mr. Dobies, it's Mr. Dobies—not Mr. Deboise. Moving on to the Law Director.

LAW DIRECTOR DAVID MACK: Thank you, Mr. President, I just wanted to follow up a little bit on the lawsuit the Mayor talked about. Raymond Kozelka versus the City of Garfield Heights. I had a special interest in this because to start a lawsuit like this, as I mentioned to City Council, there has to be a demand made upon the Law Director—that's me. I told this City Council as I told the Plaintiff in the case, this is a frivolous matter. It has no basis in law. I remember sitting here and telling this Council that. The case was thrown out by the Common Pleas Court, which should have been a victory. The City was told they didn't owe any money and they wouldn't owe any money. Why the case was ever appealed is beyond me. I also just received the Court of Appeals' decision on September 25th and I'm going to be meeting with the Mayor and with the insurance lawyer, Mr. John O'Neill, to discuss remedies in which we will seek reimbursement for fees and expenses from the parties that brought the suit as a frivolous lawsuit. So with that I end my report. Thank you.

INTERIM SERVICE DIRECTOR BRYAN MAHONEY: No report.

PRESIDENT WAGNER: Any questions of the Service Director?

CLMN DUDLEY: When is the last time for patching? How far in October do we go?

INTERIM SERVICE DIRECTOR BRYAN MAHONEY: We'll probably stop patch once they stop making patch. Usually about the middle of November. Hot patch.

CLMN DUDLEY: Hot patch.

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. President. As we speak our soccer program is under way for another year. We have about 275 boys and girls participating. It remains an extremely popular program. Since our Board of Education is here, we'd like to thank them as we continue our cooperation. We play soccer on their fields using their lights. It's another reason that we'd like to support their levy and what they do over there for our kids. Thank you to our Board Members for your continued support for all of our programs, softball as well. Mr. Hartman is here. He and I work together all the time to keep things rolling for the community and recreation and sport activities.

Our ice rink is now open. Hockey teams are practicing. Figure skaters are getting rolling. It's all kind of starting now. I'd also like to mention that our Hockey Booster Club this year on their own time came up to the rink on a couple of nights and painted the surface of the concrete white. What that does is typically when we make ice we have to paint the ice white. It's a cumbersome, expensive job and when the ice is white you put the lines down for the hockey, etc. They painted that 185 foot by 90 foot area pure white so all we had to do was flood it with water, lay the lines down, put more water over the top and we have ice. It saves us about a week and it will save a week every year now whenever they make ice. We used to have to rent a machine for about \$700.00 to scrape all that white up and deposit it into the sanitary sewers. We don't have to do that anymore. Shut the compressor off. It will melt, evaporate and it's a done deal. So our Hockey Booster Club, I don't know if any of the members are here, but they paid for the paint, etc. about \$1,500.00 worth of paint.

PRESIDENT WAGNER: Let's give them a round of applause because that's really something.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: That concludes my report.

BUILDING COMMISSIONER WILLIAM WERVEY: Absent.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Thank you, Mr. Chairman. Briefly, I'd like to discuss the County Land Bank legislation that is up tonight. Ordinance 57-2009. The County has created this entity in which cities can transfer property so that it can be sold. We're looking at transferring giving the theater building on Turney Road transferred to the Land Bank so it could be demolished. The Land Bank will then transfer it back to us after the demolition. So I urge Council to support this piece of legislation. Also the legislation gives us the right of first refusal. If there are any properties going in to the County Land Bank that we are interested in acquiring for whatever reason we have 30 days to voice our interest.

Also I just wanted to give an update. We had a foreclosure clinic yesterday at the dining room. We were open from 10 till 4. We ended up staying till 5. We had about 41 residents come through. We had five agencies here doing foreclosure counseling. I moved a Xerox machine down the hall so that we could help copy people's paper work but it was a successful event. I also got a lot of phone calls. I have a lot of voice mail messages, but I just wanted to take the time to mention that there is assistance available through HUD-certified counseling agencies. It's free. I urge residents not to go to a company that charges a fee for foreclosure or mortgage counseling. I made a table of agencies that I recommend and I'll pass these down for Council and Council I can give you more copies, but since we have a large crowd here I made copies. I'll leave them up here. You can pick them up after the meeting.

And let's see we have another public meeting on October 8th. That's the meeting that we're holding with MetroParks to look at expanding a trail from Garfield MetroParks to Warner Road to go down Warner Road to the towpath. That's for biking and walking trails, jogging. I see a lot of young people in the audience today and it would be nice to get input from young people who are bikers, want to jog, etc. That's on October 8th at

6:30 p.m. We haven't decided on a location, whether it will be here or at the MetroParks. I'll be announcing that shortly.

Also we're going to be holding our CDBG public hearings. I'd like to have the meetings on October 14th, which is a Wednesday evening and Monday, October 19th, which is a Monday. Both at 6:30 p.m. This is to solicit ideas for CDBG applications which will be due in November of this year. That concludes my report.

PRESIDENT WAGNER: Any questions of Economic Development?

CLWN MARINCIC: Noreen, with the Land Bank, if this is passed tonight and I'm assuming that it will could you give me a timeline or anything? How long before the property is put in the County's name and titled when?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Are you referring to the theater building?

CLWN MARINCIC: Of course.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: We, the Building Commissioner and I, met with the Land Bank probably three weeks ago. They had not even taken title to a property yet anywhere in the County so we'd like one of our properties to be the first. We gave them all the paperwork that we had and they are doing a title search now to make sure everything's in order and working with the property owners. They contacted the property owner's attorney to do the transaction so if there's nothing that we don't know about or anything unusual that could happen it could probably be done, I don't know, maybe in eight weeks.

CLWN MARINCIC: OK, so if the title's clear within eight weeks.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Then they can become the owners of record and they can go on to bid and do a demolition and when that's complete they can transfer it back to us.

CLWN MARINCIC: Any idea once they acquire the property how long till they demolish?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Actually they aren't a government entity. They are a non-profit corporation so they don't have to go through all the bid specifications that we do so it would be quicker than we could do.

CLWN MARINCIC: Maybe the beginning of next year? They might even do it in the wintertime even?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Sure. They do demolitions all year round.

CLWN MARINCIC: OK. That's good news.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Yes. So cross our fingers but unless they uncover something that I don't know about in the title search it seems like we know who the owners are and they've already agreed to a conveyance in lieu of foreclosure so.

CLWN MARINCIC: When they do take title who pays the old taxes?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Well they have financing capabilities that we don't so they will be dealing with the tax and monetary issues. They are issuing the bonds, I understand, to deal with financial issues.

CLWN MARINCIC: Excellent. Thank you very much.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: You're welcome.

MAYOR THOMAS LONGO: Mr. Chairman, I had a meeting with Mr. Rokakis about six weeks ago. Myself and a gentleman by the name of Ken Motlock who is the Assistant Mayor or Vice Mayor of Cleveland Heights and we had that meeting to discuss opportunities for the Land Bank for the First Suburbs.

That was our main thrust of that meeting. Jim just has his staff that just moved into a quarters. They are putting this all together. They have not done anything. Their major thrust once they get the part going on the residential side of the equation that should start to turn to turn out to be pretty normal where they would take it over and then clean the properties up or wipe out the taxes, turn it over to the communities, whatever. Their real thrust is on commercial property. That's what they're really interested in. Years ago with the Mayors' and Managers' Association we tried to create a fund so that communities could borrow against this fund, take old dilapidated properties whether it was asbestos, etc. like General Chemical, get them cleaned up, put them back on the market and when the property becomes profitable and the city starts collecting income tax we would then pay back the monies. So Jim can do this and there's no reciprocal agreement where we'd have to pay back anything. So you have to understand this process is unfolding. He has a very competent staff. He's very sensitive to the needs that especially communities like ours, Maple Heights, Lakewood, all these first ring suburbs, city of Cleveland, have just been hammered by this stuff and this is really almost like a silver bullet--a light--that we can get out of that tunnel and make some headway and so we're keeping our fingers crossed, but don't expect miracles because I think what you're going to find there may be four, five, six weeks, maybe eight weeks and then all of a sudden things will happen.

CLWN MARINCIC: I could live with six, eight weeks. Even a few months if it means we're going to finally get rid of this old eyesore in Garfield Heights.

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? Moving on to the Finance Director.

FINANCE DIRECTOR RICHARD OBERT: No report.

PRESIDENT WAGNER: Mr. Obert, could you go over the ordinance that you presented to the Council in Caucus? The changes? You don't have to go over the changes but explain to the general public what that is that we're going to be voting on?

FINANCE DIRECTOR RICHARD OBERT: A few months back, possibly even three months ago, we passed the ordinance to sell some bonds \$5.5 million and this \$3.5 million note. Well I guess they were told that they could not hold this kind of collateral by whoever's policing them (I won't get into who it was) so they proceeded then to sell it to the County. They asked the County if they could put it in their investment bank and keep it. We went through the process of passing our ordinance to sell the bonds. This is the amendment to sell it to the County at a rate of 4% for six months and then Key and its authority will repurchase the note and they will keep it for 4.5 years. That's for a five year duration.

PRESIDENT WAGNER: OK. Once these are sold what's the total amount of indebtedness of the city then?

FINANCE DIRECTOR RICHARD OBERT: It actually went down. Right now it's about \$31 million.

PRESIDENT WAGNER: \$31 million? All the debt will be combined?

FINANCE DIRECTOR RICHARD OBERT: Yes. All combined.

PRESIDENT WAGNER: Any more questions of the Finance Director?

CLWN MARINCIC: Mr. Obert, at this time how many people have said that they were going to take advantage of the buyout?

FINANCE DIRECTOR RICHARD OBERT: We have 23.

CLWN MARINCIC: 23?

FINANCE DIRECTOR RICHARD OBERT: We have 23 who have signed up with Columbus and they are leaving. We have I think six leaving this Wednesday.

CLWN MARINCIC: I was going to say when do they start to go?

FINANCE DIRECTOR RICHARD OBERT: They've started.

CLWN MARINCIC: OK. So some have left already?

FINANCE DIRECTOR RICHARD OBERT: Yes.

CLWN MARINCIC: How many have left already?

FINANCE DIRECTOR RICHARD OBERT: Five.

CLWN MARINCIC: And there's six going?

FINANCE DIRECTOR RICHARD OBERT: This Wednesday.

CLWN MARINCIC: Can you say who they are? Or?

FINANCE DIRECTOR RICHARD OBERT: You have the Director's staff upstairs. Chris and Jeanne. They're leaving. Jerry Stachewicz in the Law Department. That's three and then we have two in the garage that are leaving. Mr. Jurina.

CLWN MARINCIC: Don.

FINANCE DIRECTOR RICHARD OBERT: And Mr. Russell the bus driver. I still got one upstairs. I have them written down.

CLWN MARINCIC: And then you're going to get about 10 more. But they could still take advantage of the buyout for a year and a half, can't they?

FINANCE DIRECTOR RICHARD OBERT: No, we only made it for one year. It stops next October of 2010 so you subtract the difference you probably got about 11 people then who will make that decision, I'm sure.

CLWN MARINCIC: So when I call the Service Department someone will be there to answer the phone, won't they?

FINANCE DIRECTOR RICHARD OBERT: We have two people that are assigned. Vi is coming up from Rec; it's kind of a struggle you know, scrounging. I believe Kathy from your department's going up there too. Not Kathy—Teresa.

CLWN MARINCIC: Thank you. That's all I have.

PRESIDENT WAGNER: Are there any more questions?

CITY ARCHITECT DAVID SPEHAR: Absent.

COMMENTS BY CITIZENS:

PRESIDENT WAGNER: 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?

Wendy Nixdorf, 10810 Penfield Avenue. Good evening. I want to thank you for the opportunity to speak tonight. I'm here to speak to you because tonight Council will be discussing Issue 106, an operating levy for the Garfield Heights schools. I am one of the three chair people for the Levy Committee, but more importantly I'm a parent of a child in Garfield schools. I'm here to ask you for your endorsement. Amidst much bad news in our city and country the Garfield Heights city schools is one place where there are successes and achievements to be celebrated. Our test scores are rising. Three out of five of our schools received effective ratings. The district has met 15 out of 30 statewide indicators and we're close to another four. As an involved parent who spends many hours at my child's school I see every day the dedication and commitment of our teachers and staff who work very hard to make sure that every child has the best chance to learn all they can. Yes, there are many things to be celebrated. Now many people will question if this levy is needed. If the district is being financially responsible. In fact, \$2.3 million were cut from the budget in the past year. If we don't pass the levy another \$1.5 million will be cut and what would those cuts mean? Most

likely larger class sizes, larger student to teacher ratios. One only need to look at some of our surrounding communities to see what our schools might look like if we don't support Issue 106. In the past two weeks over 200 volunteers have rallied together to lend a hand in support of Issue 106, some of which are here tonight. This Friday at 5:30 we'll be holding a rally at the high school. I invite all of you to attend to see the enthusiasm, pride and support that our parents, teachers and staff have for our schools. Just like me they want the best for their kids and know that having strong schools is vital to having a strong community. I hope you will join us in our effort and officially endorse Issue 106 tonight because your endorsement does matter. Our citizens look to Garfield's leaders for what to do. We hope that you will stand with us in support of our community, our schools and our children. Thank you.

PRESIDENT WAGNER: Anyone else wishing to address Council on tonight's agenda?

Bob Dobies, 4923 Clearview Avenue. City Council, thank you for having me. I also serve as the Vice President of the School Board here in Garfield Heights. On Resolution 41-2009, I just wanted to take the time to thank you for bringing it forward and hopefully tonight you will pass this unanimously. As a Board Member and working with my other Board Members we adamantly always said we would not go out and ask for new monies unless they were absolutely needed and we would only ask for what was needed. We believe in our administrators. We believe in our teaching staff. We believe in our classified staff. They have made sacrifices. But most of all we believe in our children and I wouldn't stand before you and ask you for your support if it wasn't needed. I want to thank Mayor Longo, Mr. Bukac for speaking up in a positive manner this evening and asking for support also. It's very much appreciated. Thank you for your time.

PRESIDENT WAGNER: Anyone else wishing to address Council on tonight's agenda?

Ronald Finnerty, 8205 Garfield Blvd. I'm in favor of the school's getting more money. I just have a problem with who put together these numbers that are on the resolution because there are about how many homes in Garfield Heights? 12,000?

FINANCE DIRECTOR RICHARD OBERT: 10,600.

MR. FINNERTY: 10,600? Well, that changes my numbers a lot. When I take the \$3.5 million and I divide that into how much each home will be I can't get anywhere near this \$17.25 per month, let alone the \$183.00 per year that that works out to per home. As a matter of fact, I would not really have such a big problem except the Treasurer for the School Board went to the Ward 3 Block Watch and quoted \$275.00 per year for the residents. Not \$183.00. So I'm not getting how these numbers came about. I just want somebody to put the right numbers on here before you guys vote to it, because they're wrong. So what is it really going to cost each resident?

MR. DOBIES: All right. There was some confusion on it when it first came out. It was issued that the language states 75 cents per \$100.00 of value, but you have to remember that your property value is only assessed. Real estate tax is on 35% of the fair market value. That's where the discrepancy comes in. OK. If you figure it on 75 cents per 100 that's \$750.00 per year and I can understand that 's confusing. We are doing our best effort to try to convey that to the people by putting different things on the Website, on GH TV, of course in flyer form so people will understand that so they can figure out their own. On average we took the figures on a \$90,000.00 average home and that came out to \$206.00 I believe and some odd cents, which broke down to \$17.26 a month and basically 50 cents a day. This is what the levy would cost you. I think if you entered the 35% figure and that is not figuring in the Homestead Act on top of that and the rollback which some people are entitled to so that would even lessen that figure and take it down even lower. I hope that answers your question, Mr. Finnerty?

PRESIDENT WAGNER: You have three minutes left.

MR. FINNERTY: OK. Now, if there's 10,000 homes in the city and it's \$3.5 million every mathematician out here can come up with \$350.00 per home. I don't know how you don't come up with \$350.00 per home. That's all I want to see. I want to see on here \$350.00 per home. That's if those homes are actually occupied. We're going to make up for the ones that aren't occupied because the school is getting \$3.5 million even if half of those homes are empty the other half will make up that amount. I have no problem giving the school an amount of money to help them pay bills. We all know everybody's hurting. I just want actual real numbers before you guys vote on something.

PRESIDENT WAGNER: Anyone else wishing to address Council on tonight's agenda? There being none, we'll move on to Committee Reports.

COMMITTEE REPORTS: None.

ORDINANCES AND RESOLUTIONS

PRESIDENT WAGNER: There being none, we'll move on to legislation before the Council.

ORDINANCE NO. 55-2009

AN EMERGENCY ORDINANCE ENACTED BY THE CITY OF GARFIELD HEIGHTS, CUYAHOGA COUNTY, OHIO HEREINAFTER REFERRED TO AS THE MUNICIPALITY, IN THE MATTER OF THE HEREINAFTER DESCRIBED IMPROVEMENT AND REQUESTS THE COOPERATION OF THE COUNTY OF CUYAHOGA BY ITS BOARD OF COUNTY COMMISSIONERS, HEREINAFTER REFERRED TO AS THE COUNTY.

Moved by OTERO to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to WAIVE RULE 24:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

AYES: 6

ABSENT: 1

ORDINANCE NO. 56-2009

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 44-2009 RELATIVE TO THE ISSUANCE OF LOCAL GOVERNMENT FUND NOTES IN THE AMOUNT NOT TO EXCEED \$3,600,000 BY THE CITY OF GARFIELD HEIGHTS, OHIO AND DECLARING AN EMERGENCY.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to WAIVE RULE 24:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

AYES: 6

ABSENT: 1

ORDINANCE NO. 57-2009

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A MASTER COOPERATIVE LAND REUTILIZATION AGREEMENT WITH THE CUYAHOGA COUNTY LAND REUTILIZATION.

Moved by MARINCIC to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

AYES: 6

ABSENT: 1

PRESIDENT WAGNER: Moving on to the ordinance everyone's waiting for, Resolution 41-2009, will the Clerk please read the title?

RESOLUTION NO. 41-2009

A RESOLUTION SUPPORTING ISSUE 106 REGARDING THE GARFIELD HEIGHTS CITY SCHOOLS PROPOSED EMERGENCY LEVY AND DECLARING AN EMERGENCY.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 6

ABSENT: 1

Motion to SUSPEND THREE READING RULE:

AYES: 6

ABSENT: 1

VOTE ON ADOPTION:

CLMN SUSTER: Before I vote, I'd just like to say that the reason I'm going to vote the way I did is because to me this is investing in the city. I have had four children that have gone through the Garfield Heights school system and I'm proud of every one of them, for every endeavor that they've taken. They all four have been very successful and I attributed that to the Garfield Heights school system. If we don't help our kids by passing this resolution we're going to be in a lot of trouble like a lot of other schools are and I feel that the school does need this money and I myself being on a fixed income I can give up something else. I don't smoke anymore but something else I can give up but I'm willing to invest in the kids. I had a meeting with Mr. Beck the other day and I told him I get disturbed only because of the fact and I've said this many times about, you know, school kids. There's a 90/10 fluctuation. 90% of the kids are good and 10% we have problems with. But what do we always hear about? We always hear about the 10%. And I would like to see

us hear more about the 90% and forget about the 10%. I know I see a lot of kids coming home from school and I understand periodically there are problems but there again that's the 10%. With that I honestly have to say I vote Yes.

CLWN MAHONEY: Before I vote, I'd like to say a few things as well. I have two children. Both of them have gone through Garfield Heights city schools. They were active in sports and academic things. My son is now a grad student and my daughter just started her first year of college. I don't think that they could have done that without attending Garfield Heights city schools. They have good teachers. It's never easy to ask people to put money out for anything and in this very trying and difficult times raising taxes is not what people want to hear. But I have full faith in that our superintendent and that our School Board would not have done this unless it was a necessity. With that I support the issue and I vote Yes.

CLMN DUDLEY: My turn already, huh? Before I vote, I do want to say one thing. Everywhere I go and have conversations whether it's down at meetings with some of the Council people I know in Cleveland and elsewhere, when the topic comes up about Garfield you know we hear about the same city part and everything and some of the bad issues but about the school you always hear good things. When I think my people wanted to move out to Solon they said they moving out to Solon for the educational program they didn't say they moving out to see the deers or see the sights, the woods, etc., whether some people realize it or not Garfield city is kind of based on the structure of how the school is. It brings good people and good families in the community looking forward to attending our school system itself. I do want to make sure that the schools stay strong. I don't mean that because my opinion today would change the opinion for some one who chooses not to vote for it but I say if you choose not to you want to give it a real careful thought. If you decide to move and sell your home a couple years down the road if your school system is good it will help you sell that home. If the school system is bad you're not going to sell that home as quickly. And with that I think they do a great job over there. I had a chance to meet Mr. Beck and I know the members of the school board and I wish them the best of luck and I am supportive. It's for the kids and that's what I depend on and am looking out for the children as well as the residents as well as our property value and maintaining our school structure and with that I vote Yes.

CLWN MARINCIC: Absolutely. Yes.

CLMN LIOTTA: Not much I can say after my colleagues got done. I do believe in a strong school system. That makes a strong community. I vote Yes.

PRESIDENT WAGNER: Before I announce the vote, I'd just like to add that my daughters went through the Garfield Heights school system. I'm a product of the school system. I served on the school board for eight years; six of those years as Board President. I understand the importance of the schools to the community. I'm pleased to announce that today Resolution 41-2009 stands adopted with six Yes votes.

AYES: 6

ABSENT: 1

COMMENTS BY CITIZENS:

PRESIDENT WAGNER: That concludes the ordinances and resolutions 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?

Gladys Smith, 11206 Briarcliff Drive. Good evening to everyone. I'm a grandparent. I have a grandson here that goes to Garfield schools. Not because he's a minority. I'm speaking and feeling this way. I resent the

way you brought out about the 10% that you hear about. Hear more about the 90%. I have something to say to you. You're my Councilman and we should be concerned about all children like your four did well I would like for those 10% to do well because we never know what the problem is because those children are not doing as well. We cannot take the A and run with it because it might be the B that is going to be in this same neighborhood that is going to help when we are not for the levy 100%. I'm willing to give up something to help the school. When we get so we can't support our schools, the police department, the fire department, we are in some deep trouble. So we have to give up something just like somebody said they gave up smoking. I never smoked but I would like to see every child--black, white, blue, green what have you excel, not say about the 10% that 10% of the problem might be so minute you could go down to the school and talk to that child. I am Miss 9-1-1 in Garfield Heights. If I see something going on that's wrong with a child, black or white, I pay taxes to call the police department. I want something done. That's why I feel that way. I lived in the inner city for 36 years. I was Miss 9-1-1 then and I would go to the school if I saw a child in trouble. That's how we was raised. That's why you sitting on the bench with your education now. Because somebody loved you enough to say, young man, you don't do that. This is where we got to go back some time to the old ways and get through. You know? So always be careful when you make those kind of statements because they burn my blood. I don't like that because all children are children. Ms. Clinton said it takes a village to raise kids. I saw kids walk to school without shoes. My heart hurt because we don't know what's inside of the closed doors of nobody's place. I don't know how you got yours through. Garfield Heights is a good school. If a child don't learn down there it's their own fault and ours. Because we got to say to them I been on the ground and heard the young girls talking real what you talking about? Why are you talking that way? You don't know no other way to get your point across to the next child because they don't teach that in English down in Garfield Heights schools. So just be careful when you make those kinds of statements. Thank you.

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

Michael Beck, 5940 Briarcliff Drive. That's pretty much where I reside most of the time. I'd like to thank you very much on behalf of the school district. I know this is a tough decision to make when you're facing the financial issues that we are in this community. I have had the luxury of meeting with everybody up here pretty much. I think the only one I have not met with is you, Mr. Liotta. On behalf of the school district we thank you for this endorsement. We thank you for your support. It's going to be a tough battle and anybody that's met me I've used a common line, challenge me. We're going to go to war. I do want to thank all the people that are here tonight, my staff, the administrative team, my levy committee. This is a great community. I've been here a short period of time. I'm very proud to be here. I'm very proud to try to do what I can as a leader of the district to put us back on the map in terms of academics, social economic and more importantly to bring back that Bulldog pride. We are the Bulldogs and I'm proud to be here. Again I want to thank you for your support and I look forward to working with you. Thank you.

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

Ronald Finnerty, 8205 Garfield Blvd. First, I want to give a thank you to whoever wants to take credit for actually putting that this meeting was going to happen on the sign out front. That hasn't happened in I don't know how long? It's so nice to see it finally happen again. Thanks for letting residents know we have meetings. Apparently the schools have a good lobby. I just have one other thing to say. Since the schools you guys are endorsing the school's money, I'm in favor of the schools getting money. I would just like to speak for a group that I don't think is represented maybe and that is Ward 1 that feels like they've been sidelined by not being part of the Garfield school system and they have overwhelmingly said they want to be. I'd like to say since we have a new superintendent maybe he can work to try and get them reintegrated into our school system? That would be so nice since they are going to have more money to do it with. That's it. Thanks.

CLMN DUDLEY: Mr. Chairman, might I make a statement right quick?

PRESIDENT WAGNER: Do you want to do it now? Or under Miscellaneous Business?

CLMN DUDLEY: I can get it out now, so that the gentleman leaving would know. I can say honestly whether or not you're aware of it, I did meet with Garfield's superintendent Dr. Strnad. I have met with Mr. Beck and we have talked about that. I'm not going to turn it into a political thing and tell everything that was discussed but I tell you what. I have faith in the system that these kids are going to get to go, but I'm not going to put it as a piece of leverage right now. As I'd rather not. I will support a levy. I know when the time comes and I know where we sit right now, but like I say, as far as just Ward 1. You got kids in Ward 3 that don't go, so when you're talking about the kids, you're talking about all the kids that don't go, not a particular Ward because you don't want to turn it into a back and forth issue right here. That day is coming. It will probably come sooner than some people may think, but I got faith the right thing is going to come when the time comes so we are going to be taken care of and I thank you for your concern.

PRESIDENT WAGNER: 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 just want to thank everyone for voting in a positive way for Ordinance 55-2009. Thank you.

CLWN MAHONEY: I just wanted everyone to know that Mr. Otero did put an awful lot of time and effort into trying to reduce the cost to get Rockside Road repaving done and he was new and wasn't quite sure how to go about doing that but as we sit here tonight he was able to do that and he worked hard and I think he deserves some kudos for that. I have nothing else.

CLMN SUSTER: A week ago Thursday we had a meeting with Paul Marshall and the auditors and Mr. Marshall had pointed out to us that as everybody knows, Garfield Heights is in the state of fiscal emergency but since we have gone into that, 20 more cities have joined us, which is not good and he said by this time next year there's going to be many, many more. It's not an excuse but it looks like it's a sign of the times. Everybody knows that people are getting laid off, businesses are closing up and this is the way it's going to go. One other thing I have is tomorrow night Ward 5 has its Block Watch meeting at the fire station at 7 o'clock. Anybody from Ward 5 or anybody that wants to join us, you're more than welcome to come. That's all I have this evening.

CLWN MARINCIC: Mr. Beck, I think that you should meet with Mr. Liotta too because he's feeling a little left out here. I have something kind of off the beaten path. My daughter goes to the middle school and she was told this last week she can't wear hoodies anymore during school. Does anybody know why that is? (*Inaudible*) Is that brand new? (*Inaudible*) Because she's been wearing them for years and now she can't. So it isn't new? They're enforcing it now? OK. Thank you. That's all I have.

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

CLMN DUDLEY: All right I'm just saying one thing. I'm happy in Ward 1 we got a Subway on 131st and they're doing a great business. It's open and we're doing all right. I thank you all for coming out and supporting your school system and as it was stated also that it's not just for the school but for other departments--police, service, fire department--and it all comes to be one entity and I wish you all the very best in that levy. Thank you. I motion to adjourn.

PRESIDENT WAGNER: I would like to thank everyone for your attendance at tonight's meeting. It's great to see a packed house in support of the community. On the motion to adjourn?

AYES: 6

ABSENT: 1

MEETING ADJOURNED AT 8:00 p.m.

APPROVED:

Frank J. Wagner
President of Council

RESPECTFULLY SUBMITTED:

Barbara Molin
Clerk of Council