

MINUTES OF A REGULAR MEETING OF COUNCIL

CITY OF GARFIELD HEIGHTS, OHIO

Monday, October 12, 2009

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

INVOCATION BY: Councilman Michael Dudley, Sr.

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

READING AND DISPOSAL OF MINUTES:

Moved by Cimm SUSTER to accept the minutes of the Regular Meeting of City Council of September 28, 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: Absent.

LAW DIRECTOR DAVID MACK: First of all, I would urge Council to pass Ordinance 58-2009. This is the billing for the ambulance. If there are any questions Chief Nemetz is here. He worked very hard on putting this together. He went over it. I went over it. People from my department went over it. Like I said if there is any questions he is here. I would strongly urge Council to pass Resolution 44-2009 honoring Jerry Stachewicz. Jerry has been with the Law Department for almost 26 years. The first 10 he was a Prosecutor before we had two Prosecutors. And any of you that know anything about the Courts know how busy the Prosecutors are. After that 10 years in the Courts he became the Assistant Law Director with me. He has served with distinction. He is one of the most loyal people I know and a distinguished attorney. We were lucky to have him for all these years. Aside from his public service with Garfield Heights, he worked for the Cuyahoga County Public Defender's Office early in his legal career. His entire family has been involved in public service. His dad, as you all know, was Mayor for 10 years and I believe a Councilman before that. His mother has always been and still is involved in community activities and now, especially, Senior activities. As a matter of fact, the Justice Center is named after Jerry's dad, Raymond J. Stachewicz. Both Tom and I feel very lucky to have worked with him for all of these years. To me, Jerry is more than an associate; more than a friend; he's more like a brother to me.

That will lead me into the Law Department as it is today. As most of you know we've always had two Prosecutors or we've had two Prosecutors for quite some time, one Assistant Law Director, the Law Director, three part-time clerks and a full-time secretary. I think you know that Bea Zelasko has become ill and has not worked for many months and will not be back. When one of my Law Clerks left this past summer because of the budget crunch we did not hire a third Law Clerk. Jerry retired last month and I was just informed last week that our most experienced Law Clerk, Melanie's last day is Friday. So we now have Je'nine, Tim, Dave and Emily is the law Department so please if you call the Law Department and do not get a response I think all of you have all of my numbers. But if you do not, please let me know and I will be

delighted to give you every number I'm available at. I will get back to you. We're trying to work some things out to move some people around, but that's very difficult at this point. So once again that will end my report and I would just again urge you to pass Resolution 44 honoring Jerry for his great years of service with the city. Thank you.

PRESIDENT WAGNER: Thank you, Mr. Mack. Is the Mayor going to be here?

LAW DIRECTOR DAVID MACK: No.

PRESIDENT WAGNER: OK. Service Director?

LAW DIRECTOR DAVID MACK: No.

PRESIDENT WAGNER: Any questions of the Law Director?

CLWN MARINCIC: Mr. Mack, would you just explain why Ordinance 58-2009 does not have to go out to public bid?

LAW DIRECTOR DAVID MACK: It's a specialized service—a medical billing service—and it's a specialized contract. If you recall the ambulance is billed the ambulance service bills people in Garfield Heights. If you do not have insurance that covers it then you do not get a bill. Where people from outside we made a decision to bill those people from the outside and if they do not have insurance to still bill them but put them on a sliding scale depending upon their income so this is something that had to be worked out on a one-on-one basis with Chief Nemetz who spent a great deal of time working on it along with other Directors from this city.

CLWN MARINCIC: But in your legal opinion this does not have to go out to bid?

LAW DIRECTOR DAVID MACK: It's a specialized service, correct.

CLWN MARINCIC: OK. Thank you very much.

INTERIM SERVICE DIRECTOR BRYAN MAHONEY: Absent.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: No report.

BUILDING COMMISSIONER WILLIAM WERVEY: No report.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Absent.

CITY ENGINEER DAVID NEUMEYER: Absent.

FINANCE DIRECTOR RICHARD OBERT: No report.

CITY ARCHITECT DAVID SPEHAR: No report.

PRESIDENT WAGNER: That must be a record for the Mayor's and the Directors' reports. OK. Next we'll move on to Comments By Citizens on tonight's Agenda.

CLMN SUSTER: Mr. Chairman, didn't we want to let?

PRESIDENT WAGNER: Yes. Do you want to make that motion?

CLMN SUSTER: I'd like to make a motion that we have Bob Dobies come up. He has a statement to read in regards to the levy for the schools which will clarify some of the questions that came up at last week's Council Meeting.

PRESIDENT WAGNER: A motion has been made.

AYES: 7

PRESIDENT WAGNER: Go ahead. Motion carries with 7 YES votes.

Bob Dobies, 4923 Clearview Avenue. I'd like to thank the Council this evening for indulging me early on the agenda. This evening, because there was some great concern at the last Council Meeting, I have brought our

Treasurer, Mr. Sluka, to give a quick overview of what I tried to explain last week and of course if any residents have any questions please be assured that Mr. Sluka will answer anything you want and of course he's always available at his own office. I also brought a few hand me outs. This is on our Website www.garfieldheightscityschools.com. You can pull these off but you can enter your own numbers. So it kind of simplifies things as to what you're looking at from the comparison of the \$90,000.00 value to what your actual appraised market value is and you can enter your own numbers and work it out at your own leisure. So, if you'll allow me without further ado, to introduce Mr. Sluka and maybe he can explain a little bit further than I do. Mr. Sluka? I'll leave these copies on the table over there. Thank you.

Mr. Sluka: Thank you Council for letting me speak today. I guess a question came up at the last Council Meeting about how the levy is calculated and what those numbers are so I'd like to just briefly run through it with you if that's OK, and with the public here and I'll answer any questions that you might have. It is a 7.5 mill levy. What that means is for every \$100.00 worth of valuation it's 75 cents. We put a cost calculator together on the Website and if you go to www.garfieldheightscityschools.com you're going to see a link there to the Citizens for Garfield Heights Webpage. Click on that link and it's right there in a PDF file. What else we have on there is hopefully pretty soon where you just plug in your dollar amount and the calculated tax will come up for you. I think there's some issue on how to calculate the taxes. On there I used a \$90,000.00 value average home value for Garfield Heights city schools and that's what you see for the calculation there. Granted, if your house is worth more then there's going to be a higher tax. If your house is worth less there's going to be a lower tax.

The question comes up what value do I use? Go to your recent tax bill. If you're a citizen, go to your recent tax bill that came out in July. You'll take your market value but please keep in mind it's not the market value that is your tax. It's 35% of the market value is what you're actually taxed on. The 7.5 mills is calculated against that and you also have one further calculation as I remember that 12.5 % is picked up by the State of Ohio. That's the rollback. That's only the rollback. It's 10% and then 2.5% if you're further a homeowner. That's not to say even for a Senior Citizen since it's further reduced if you qualify for the Homestead Exemption. I can't calculate that because I'm not sure how much and who gets that Homestead Exemption but if you qualify for your Homestead Exemption and you go to that calculator then that's an even lower tax bill so that's really in a nutshell how you calculate it. The calculator that's on the Website is based on the ballot language so that's why you're seeing the 75 cents for every \$100.00. That's where the calculator comes from. Seven and a half mills. Yes, is that a high millage but it generates you know due to the valuation is based on really the valuation of the community is how we're generating the \$3.5 million that's needed. That in a nutshell is really how you calculate your tax and go through and when you look at the numbers everybody has a chance to put in their own value and just work the numbers down. If you go to the County Auditor you're going to see the same thing. I used to be an auditor for the State of Ohio and I did the County Audit so I know how the County works and I also know how they based their calculator and it's really under the same premise as what the County Auditor will show on your bill. Keep in mind it's only for the levy amount. It's not for your total tax. That's how we calculate that. And just also keep one more thing in mind. When you see your total tax bill around 50% comes to the school and the rest goes out to other public entities so only 50% of your total tax bill comes to the schools. If you're skeptic, just keep that in mind too. Yes, questions?

CLWN SARNOWSKI: Usually when the tax levy is passed it takes effect immediately after the voting date.

MR. SLUKA: This one will take effect January 1, 2010 if it's passed in November.

CLWN SARNOWSKI: That would answer the other question because our tax years are a year behind so it takes effect January 1st.

MR. SLUKA: Yes.

CLWN SARNOWSKI: Thank you.

MR. SLUKA: Just keep in mind too, if our levy does not pass in November and it passes the next year the schools have to wait a whole year worth of collections to January 1, 2011, so it's not if we were on a fiscal— this is the difference from schools and the city. We run on a fiscal year of July 1 through June 30th so we have to have our budget in place July 1 so we lose actually a whole year of collections and that's the reason why the urgency is now for November to get that collection right away because, you know, we need that now and I thank Clmn Dudley for the kind words and yes, I shouldn't have to, I know that you know the city's in this same way and we're all struggling in this economy. So.

PRESIDENT WAGNER: Any other questions?

MR. SLUKA: Any other questions? Hopefully it's pretty clear? I think Mr. Dobies said it best. If there are citizens you hear out there and they have some issues with the calculator or they want to calculate their tax, have them call me. I'll talk them through it. They can even come in and meet with me and I'll even work through it with them so they know exactly what the tax burden would be for them. My door's always open. and the phone and they can e-mail me and we'll just work it together.

PRESIDENT WAGNER: Your phone number is 475-8100.

MR. SLUKA: 475-8100 extension 8115 is mine. So feel free also to call me with any other questions. Thank you very much for your time.

COMMENTS BY CITIZENS:

PRESIDENT WAGNER: Thank you for your clarification. Next we'll move on to Comments By Citizens. Comments shall be strictly limited to a brief statement not to exceed five minutes with comments limited to legislation on the current evening Council agenda and no citizen shall speak more than once. Is there anyone wishing to address Council on tonight's agenda? There being none, We'll continue. Any Committee Reports?

COMMITTEE REPORTS: None.

ORDINANCES AND RESOLUTIONS

PRESIDENT WAGNER: There being no Committee Reports, we'll move in to legislation ordinances and resolutions before the Council.

ORDINANCE NO. 58-2009

AN EMERGENCY ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 22-1990 OF THE CITY OF GARFIELD HEIGHTS BY ENTERING INTO A BILLING SERVICES AGREEMENT WITH GREAT LAKES BILLING ASSOCIATES, INC. FOR THIRD PARTY AMBULANCE AND EMS BILLING.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 7

Motion to WAIVE RULE 24:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:
AYES: 7

ORDINANCE NO. 59-2009

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOCAL GOVERNMENT SERVICES DIVISION OF THE STATE AUDITOR'S OFFICE TO PROVIDE THE CITY OF GARFIELD HEIGHTS, OHIO, WITH "BASIC FINANCIAL STATEMENTS – AND MANAGEMENT'S DISCUSSION AND ANALYSIS " FOR THE YEARS ENDING DECEMBER 31, 2009 AND 2010, PER THE ATTACHED LETTER OF AGREEMENT.

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

PRESIDENT WAGNER: Moving on to resolutions before the Council, we have Resolution 42 and 43, which, for those members in the audience that have come to Council Meetings regularly, normally there's a consider by title then we suspend rules requiring three readings. These two resolutions are going to be done a little differently because the County requires an actual motion and a second. So that's the reason why these are going to be done a little differently at this meeting. We'll begin with Resolution 42-2009. Will the Clerk please read the title?

RESOLUTION NO. 42-2009

AN EMERGENCY RESOLUTION REQUESTING ADVANCE IN TAX SETTLEMENT.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 7

CLMN SUSTER: Mr. Chairman, I'd like to make a motion.

CLWN SARNOWSKI: I second that motion.

PRESIDENT WAGNER: A motion has been made by Clmn Suster. A motion has been seconded by Clwn Sarnowski that Council vote on Resolution 42-2009.

AYES: 7

PRESIDENT WAGNER: That motion carries with seven YES votes.

Motion to SUSPEND THREE READING RULE:
AYES: 7

VOTE ON ADOPTION:
AYES: 7

RESOLUTION NO. 43-2009

AN EMERGENCY RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 7

CLMN SUSTER: Mr. Chairman, I'd like to make a motion.

CLWN SARNOWSKI: I second that motion.

PRESIDENT WAGNER: A motion has been made by Clmn Suster; seconded by Clwn Sarnowski that the Council vote on Resolution 43-2009.

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MARINCIC: Before I vote, Mr. Obert, would you just explain to those in the audience what this is all about and how it's not raising taxes.

FINANCE DIRECTOR RICHARD OBERT: Actually it's lowering taxes. Years ago, maybe three years ago, we used to get these preliminary appraisals out and they'd come in October and the finals would be sometimes quite late, but it was usually by December and we used to be able to look at the variances between what the real deal was going to be certified by the State and the preliminary. They eliminated the preliminaries because of this devaluation. What I was going to say earlier when the Treasurer was speaking, this is the first hand information I've had. You see, you have so many people filing tax complaints downtown that (and they're very valid. You have my house appraised at this amount of money. I can't sell it for this) they have review boards down there. There's ways of getting it actually reduced but that has been happening and the same thing happened but this way you're looking at tens of millions of dollars. For a side comment, the Wall Street Journal had in it today that the second wave of foreclosure crisis are going to be with our commercial real estate and the banks don't have enough funding and there will be another crisis coming and it is the same thing. You have to look at people that are buying buildings or shopping centers for \$80 million. You can't sell them for \$80 million today. So in regards what this does we had to set the millage about maybe 18% lower because they're saying that it's going to be non-payment. It's going to be around 10%. That's the ball park guess right now. Simply will not be able to pay these and there will be a delinquency factor. Plus Garfield was told (I think it was in The Plain Dealer) we are getting an 8% reduction on everyone's taxes this year from the County. So this is about \$582,000.00 in real dollars short from what we got last year and that's our best guess at it and we can't get the final till December. We'll know the answer in December after all those revisions are changed downtown. Thank you.

CLWN MARINCIC: Thank you. I vote Yes.

AYES: 7

PRESIDENT WAGNER: Moving on to Resolution 44-2009, if the Council will indulge me, I'll ask the Clerk to read Resolution 44-2009 in its entirety since Mr. Stachewicz is with us this evening.

RESOLUTION NO. 44-2009

A RESOLUTION HONORING GERALD R. STACHEWICZ FOR OVER 25 YEARS OF SERVICE TO THE CITY OF GARFIELD HEIGHTS LAW DEPARTMENT.

CLWN MAHONEY: Mr. President, we've already considered it. Do we need to consider this in its entirety?

PRESIDENT WAGNER: I've asked the Clerk to read it.

CLWN MAHONEY: Do we need a motion to do that?

PRESIDENT WAGNER: Not to read it in its entirety.

CLWN MAHONEY: OK.

(The Clerk read Resolution 44-2009 in its entirety.)

Moved by MAHONEY to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MAHONEY: Before I speak, I would like to say that I've known Jerry for about 10 years and his wife Chris. Both are very nice people and I'm proud to call them my friends. Congratulations on Cameron. I know you will be missed and thank you for the knowledge you have bestowed on me. With that I vote Yes.

CLMN DUDLEY: I only got to know Jerry for about two years, but I got to say it was a good two years. If you had a question and you called him he always called you back quickly and he didn't make you wait. I wish him the very best in his retirement and with that I vote Yes.

CLMN SUSTER: Before I vote, I'd just like to say that I not only considered Jerry Stachewicz as the Assistant Prosecutor, but also a good friend and we've always considered ourselves sometimes almost like family. I met Jerry before he even got involved with the city through his dad. I knew at any time when he was the Assistant Prosecutor if Dave wasn't around that if I had called him, and I've called him many times, which we've spent a lot of hours on the phone, that I would get the same answer from him that I would get from Dave and I knew it would be the right advice. On that I would just like to wish Jerry a lot of luck in the future, good health, enjoy yourself and I vote Yes.

PRESIDENT WAGNER: I'm proud to announce that Resolution 44-2009 stands adopted with seven Yes votes. Mr. Stachewicz, would you like to stand up and be recognized? Would you like to say any words? Being that you're not a man of short words, would you like to say anything?

Mr. Stachewicz: Thank you.

PRESIDENT WAGNER: You're welcome. I remember Jerry when we worked on the Jaycees together in your dad's office with Scott. That's a long time ago. Those are years ago.

AYES: 7

RESOLUTION NO. 45-2009

A RESOLUTION COMMEMORATING NATIONAL BREAST CANCER AWARENESS MONTH.

Moved by MAHONEY to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MAHONEY: Before I vote, I would like to say that cancer affects many different people and probably has affected everybody in this room at one way or another. To support a cause like this from this Council is nice and touching but I would like to urge everybody to please do what they can to help fight this terrible disease. And with that I vote Yes.

AYES: 7

COMMENTS BY CITIZENS:

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

Michael K. Campbell, 4733 Horton Road. I have a rental property there. I'm having some trouble with the tenant. The law states that you are required to give a 24-hour notice to an inspection and they are to let you in. The tenants are declining my going in to the apartment. They're breaking rules and some stuff's going on that is not right. They're running a lot of water. Things like that. There could be a leak or a problem. I can't come in to check it. I've consulted the Law Department, the Councilman and the Police Department and they all say it's a civil issue. It can't be addressed. If it's a law I've given them a 24-hour notice. They don't let me in--they're breaking the law. That's a crime. Not a civil issue. That's a crime. How can we not uphold the law?

PRESIDENT WAGNER: Mr. Mack, could you address that for him?

LAW DIRECTOR DAVID MACK: Yes, the landlord-tenant laws are much different than any other law, but because something's a law and it is broken does not mean it's a crime. The police investigate crime. The fact that someone may or may not have violated the landlord-tenant law or the terms of any lease that may be in place are not something that the police or the Law Department would get involved in. If that were the case, if people get credit cards and don't pay their balance the police would be called and come to your house and try to collect it. The gentleman got correct information that it is a civil matter and there are several reputable attorneys in the city of Garfield Heights that do eviction work. It's not terribly complicated, but if you don't follow all the steps you can mess up. I would strongly suggest that he contact a local attorney.

MR. CAMPBELL: I never said the word eviction. I want an inspection of the apartment.

PRESIDENT WAGNER: Mr. Mack, if he wants to go in. Do you have keys to get inside the building?

MR. CAMPBELL: Yes.

PRESIDENT WAGNER: If he wanted the police to escort him into the building?

LAW DIRECTOR DAVID MACK: The police won't do it. Absolutely not. The police will not do that. The only way to do it is by way of an eviction. Normally if you start that the tenant will either get out or the tenant will comply. One or the other. And you can always stop the eviction.

MR. CAMPBELL: Am I correct in stating that the law is you must give 24-hour notice prior to an eviction and they are by law obligated to let you in?

LAW DIRECTOR DAVID MACK: I don't remember the exact wording, but I wouldn't dispute that with you, Sir, no.

MR. CAMPBELL: OK. I just can't believe that it can't be upheld. It's a law.

LAW DIRECTOR DAVID MACK: It's a commercial law.

MR. CAMPBELL: Commercial law?

LAW DIRECTOR DAVID MACK: It's a business law. It's a business that you're running.

PRESIDENT WAGNER: Mr. Mack's the Law Director for the city, so.

MR. CAMPBELL: I understand.

LAW DIRECTOR DAVID MACK: I wish I could give you a different answer, but he did talk to his Councilman and he did talk to the Police Department and if we had the Police Department trying to enforce these things throughout the city that's all they'd do. So they do not get involved in that at all.

PRESIDENT WAGNER: Thank you, Sir. Anyone else wishing to address Council this evening? There being none. We'll move on to Miscellaneous Business beginning with Ward 1. Clmn Dudley.

MISCELLANEOUS BUSINESS:

CLMN DUDLEY: I'd like to say I just wish everybody the very best and keep the city in your prayers and other than that everything is going to be all right.

PRESIDENT WAGNER: Moving on to Ward 7 and a motion to adjourn.

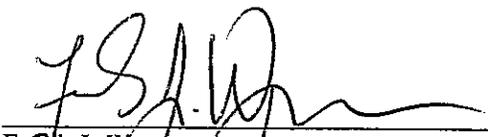
CLMN OTERO: I have nothing, but I do ask for an adjournment.

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

AYES: 7

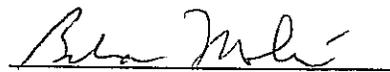
MEETING ADJOURNED AT 7:35 p.m.

APPROVED:



Frank J. Wagner
President of Council

RESPECTFULLY SUBMITTED:



Barbara Molin
Clerk of Council

COUNCIL CAUCUS MEETING MINUTES
CITY OF GARFIELD HEIGHTS, OHIO

Monday, October 26, 2009

Frank J. Wagner, President of Council, called the meeting to order at 6:30 p.m.

All Members of Council were present.

Clmn Suster moved to accept the Caucus Meeting Minutes of 10/12/2009 as submitted. Council approved the minutes with seven Yes votes.

President Wagner asked Clwn Mahoney to give the invocation and lead the Pledge of Allegiance.

Clmn Suster said he would move to accept the Regular Council Meeting Minutes of 10/12/2009 as presented.

There was no correspondence.

There was no legislation out of committee.

Ordinance 60-2009: Clwn Marincic advised that she would move to consider by title.

Ordinance 61-2009: Clmn Otero advised that he would move to consider by title.

Ordinance 62-2009: Clwn Sarnowski advised that she would move to consider by title.

Resolution 46-2009: Clmn Dudley advised that he would move to consider by title.

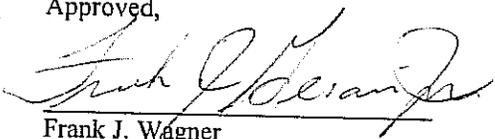
Resolution 47-2009: Clwn Mahoney advised that she would move to consider by title.

Resolution 48-2009: Clmn Suster advised that he would move to consider by title.

Resolution 49-2009: Clmn Suster advised that he would move to consider by title.

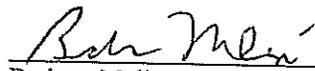
Clmn Suster moved to adjourn Caucus and all were in favor. President Wagner adjourned the meeting at 6:35 p.m.

Approved,



Frank J. Wagner
Council President

Respectfully submitted,



Barbara Molin
Council Clerk