

**MINUTES OF A REGULAR MEETING OF COUNCIL
CITY OF GARFIELD HEIGHTS, OHIO**

Monday, December 15, 2008

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

INVOCATION BY: Councilwoman Nancy Marincic

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

CLWN MAHONEY: Mr. Chairman, I would like to make a motion to take Resolution 48 out of order and place it on the floor at this time.

PRESIDENT WAGNER: On the motion by Clwn Mahoney to take Resolution 48-2008 out of order. For those of you that have attended other Council Meetings you'll see our Resolutions are in the beginning of the meeting for some reason on this agenda so we're going to go with the agenda the way it's printed. Will the Clerk please read the title?

RESOLUTION NO. 48-2008

A RESOLUTION HONORING THE HEROIC ACHIEVEMENT OF LIEUTENANT THOMAS LISY OF THE GARFIELD HEIGHTS FIRE DEPARTMENT.

Moved to TAKE OUT OF ORDER:

AYES: 7

PRESIDENT WAGNER: Motion carries. The Resolution is before the Council.

CLWN MAHONEY: Mr. Chairman, I would like to make a motion to have this piece read in its entirety.

PRESIDENT WAGNER: We'll just ask the Clerk to do it. We don't have to vote on it. Will the Clerk read the Resolution in its entirety, please?

(The Clerk read Resolution 48-2008 in its entirety.)

PRESIDENT WAGNER: Under the rules of Council this Resolution is before the body and before we vote on it under the Rules, we have Comments from Citizens or anyone wishing to speak on this particular Resolution. I know, Chief, you have some stuff you'd like to say and Mayor, I believe you have some stuff you'd like to say. So Chief, it's all yours.

Fire Chief Tom Nemetz. First of all I'd like to thank all of you for coming here tonight to recognize the efforts put forth by the Chagrin Southeast Hazmat Team to save the life of Paul Haas of Auburn Township. I'd also like to thank Mayor Longo and the Members of the Garfield Heights City Council for their support in this event. I'd like to start by explaining a little bit about our Hazmat Team. The Chagrin Southeast Regional Hazardous Materials Response Team was formed in 1990 and provides Hazmat emergency response and confined space rescue services to 30 communities. The Team is made up of members from 14 communities and is overseen by the Chagrin Southeast Council of Governments. It was created to be a cost-efficient means of serving the entire regionalized area. The Team is staffed with cross-trained fire fighter paramedics with an interest in hazardous materials and weapons of mass destruction. Each team member receives extensive training and participates in monthly drills. Most members also attend specialized schools throughout the country each year, a lot of which is funded through grant money. When a fire department needs the special skills and equipment of the Hazmat Team they contact the dispatch center and the Team is paged out. On May 30, 2008 the Chagrin Southeast Hazmat Team was requested to respond to a confined

space rescue in Auburn Township. Even though Auburn Township is not a part of the region our Hazmat Team still responded. The Team immediately went into rescue mode and was able to successfully extricate an unresponsive young male from a highly hazardous atmosphere inside a gasoline storage tank. Due to their professionalism, dedication and extensive training Paul Haas is alive and doing well. You can see by the picture on the screen behind me that it truly was a team effort by the Hazmat Team.

At this time I'd like to recognize members of the Hazmat Team in attendance and thank them for their dedication and participation with the Team. Please stand and remain standing when I call your name. From Bedford Heights Fire Department, Chief Ken Ledford, from Maple Heights Fire Department, Jim Castellucci, from the Orange Village Fire Department, Chief Bruce White and Captain Brious Hitt, from the Solon Fire Department, Battalion Chief Mark Vetter (Battalion Chief Vetter is the Hazmat Team leader and liaison between the Council of Governments and the Hazmat Team), from the Garfield Heights Fire Department, Lieutenant Patrick Nelson and Firefighter Dave Kost. Let's give them all a round of applause.

(Photos were taken at this time.)

CHIEF NEMETZ: Also in attendance tonight is one of the members who made entry into the gasoline tank and assisted in the rescue of the victim Paul Haas. She is a Lieutenant with the Warrensville Heights Fire Department and will be honored tomorrow at the Warrensville Heights Council meeting at 7 p.m. I'd like to introduce to you now Lt. Alita Vetter. And now I would like to call forward a member of the Garfield Heights Fire Department, our very own Lt. Thomas Lisy. Upon receiving the page for this incident Lt. Lisy was at home with his two sons. How ironic it was that the call he was responding to was to assist another man and his two sons. Shortly after he was on scene, Lt. Lisy, without hesitation, volunteered to enter the gasoline tank to perform this dangerous rescue. I was going to read the Resolution but. Without further ado I'd like to present this award of heroic achievement which was certified by Mayor Longo and signed by the President of the Council of Governments, Bob Reid, and it reads *(Chief Nemetz read Resolution 48-2008 at this time. Mayor Longo then invited Lt. Lisy's family to come forward.)*

Lt. Thomas Lisy: Chief Nemetz told me prior to this that I wasn't going to have to do any speaking, so fortunately for you guys I'll make this short. I'd just like to thank everyone for coming tonight. Your support means more than anything. Thank you, Mayor. Thank you, Council. This whole thing I find overwhelming. I did want to emphasize that we operate as a team under the leadership of Battalion Chief Mark Vetter. With his excellent training and leadership we were able to have a successful rescue. That's all I got to say.

CHIEF NEMETZ: In conclusion, Paul Haas could have been a member of any of our families. It's comforting to know we have this skilled team in place to respond should the need arise. I would like to thank the Hazmat Team, Lt. Vetter, and Lt. Lisy for their determined efforts in resolving this incident. Thank you all.

PRESIDENT WAGNER: Thank you, Chief. Moving on with Resolution 48-2008. Is there anyone in the audience that would like to address this Resolution? There being none we'll move on with the Resolution and the next item will be the suspension of rules requiring three readings. Will the Clerk please call the roll?

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MAHONEY: Before I vote. I'd like to say that Tom was a hero in this whole event but every day those guys sitting to our left put their lives on the line when they go to work. You guys and Jen are all my heroes and I vote Yes.

CLMN DUDLEY: Before I vote I would like to say one thing. Some people say it's doing your job. Well it's doing your job and putting your life on the line every day and not knowing whether you're going to go home to your family. I am proud of each and every one of you all and I am so glad that we have you all in

case of emergencies and I will definitely keep you in my prayers and my family's prayers and once again I thank each of you and you are all heroes and with that I vote Yes.

CLWN MARINCIC: What I find is amazing about all of this is how humble Lt. Lisy has stayed through all this and this was truly an heroic deed and I want to personally thank him and congratulate him and I vote Yes.

CLMN SUSTER: Before I vote I'd like to say that we are very fortunate to have Lt. Lisy and all of our firefighters because without these people a lot of people would not sleep at night or businesses would not be comfortable during the day and we know what it takes in order to do something like this. They are special people and with that I vote Yes.

PRESIDENT WAGNER: Before I announce the vote as Council President I would like to also congratulate the entire fire department for all the services and personally thank you for all the services that every fire officer performs and every police officer performs in our community. Without you it would be a total, total disarray within our communities. You do a great job and we're blessed to have men and women who are willing to join the safety forces. With that I announce the vote as seven Yes votes and Resolution 48-2008 stands adopted with 7 Yes votes.

AYES: 7

MAYOR THOMAS LONGO: I want to pass two items on. When I first read the results of all of this I couldn't get past the 18 inch opening. I said how could anyone get by that? It was amazing. And also I think we would all be remiss that the former chief for the Garfield Heights Fire Department who was extremely as a matter of fact I thought he was going to come back. Where's Chief Collova?

PRESIDENT WAGNER: He's here.

MAYOR THOMAS LONGO: Yes, I know. If things like this keep going on he'll want to come back and get back in the ambulance. Thank you for coming and thanks for supporting the guys. We have to thank them all for what they did. Job well done.

PRESIDENT WAGNER: We'll move on. We have a waiver for Rule 72 on Resolution 49-2008 so it can be placed on the agenda.

CLWN SARNOWSKI: Mr. Chairman, I move that we waive Rule 72 for Resolution 49.

PRESIDENT WAGNER: On the motion by Clwn Sarnowski that we waive Rule 72, roll call please?

AYES: 7

PRESIDENT WAGNER: The waiver of Rule 72 is passed with seven Yes votes. Will the Clerk please read the title of Resolution 49-2008 so everyone in the audience knows what resolution is going to be before Council?

RESOLUTION NO. 49-2008

AN EMERGENCY RESOLUTION SUPPORTING THE 2009 YEAR OF THE RIVER, PROMOTING STEWARDSHIP OF OUR WATERSHED AND ENCOURAGING RESIDENTS, INSTITUTIONS AND BUSINESSES TO BECOME PARTNERS IN CONSERVATION, RESTORATION AND PROTECTION OF OUR NATURAL RESOURCES.

READING AND DISPOSAL OF MINUTES:

Moved by Clmn SUSTER to accept the minutes of the Regular Meeting of City Council of December 8, 2008 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: Merry Christmas. Happy New Year. We won't see each other till after the first of the year. You all have been given a list of the contestants that won the Lighting Ceremonies. If anyone needs a list let us know. We'll make them available but we passed them out and we left some samples over there. One item has come up and I think I should bring it to everyone's attention. We had some inquiries about a bill from Squires Dempsey for close to half a million dollars and that the City's thing is that we have to pay this money. What it was is a request from Squires Dempsey on the TIF—the tax incremental financing legislation which has absolutely nothing to do with the City's treasury but this stuff starts going around and around. It's political gamesmanship. There's too much at stake and it's going to stop. So I want to put that on the table so that you all are aware of this so that all of a sudden you start getting calls from people that are anonymous and this stuff starts circulating. We don't need that today.

But it's the season of Christmas and let me get on with this report. Resolution 48 we've just been through and Ordinance 52 if you have any questions on this it's Dick Obert. He's been working with the auditors. They've been in his office all day today. The man hasn't had one second of rest. Information flowing back and forth. From this ordinance then we go into the final transfer ordinance at the end of the year and he can't do that until he gets all the figures and all the things in, not only with our bills but from the Courts and from the County, the State. The list just goes on and on. If you have any questions on Ordinance 52 Dick can address those for you. Ordinance 53. We're getting to a point where we have to really keep a lid on. Well you can't keep a lid on. It just keeps getting out of hand and it hasn't stopped yet. I mean with all the potufrng

CLWN SARNOWSKI: But you said you got the bill? Or you didn't get the bill?

MAYOR THOMAS LONGO: OK. Let me back up. We got the bill because that's the only way the lawyers could be paid. That's the same thing that happened when we bought the homes. It's in your ordinance. It's a transfer ordinance. There's money in there to purchase all those homes for Bridgeview. The bill has to come to us and then we pass it on for payment to the Port Authority. There is no obligation to the City. Now we get people starting this underground game, Oh the City's getting this bill. The City's getting that bill. There is no obligation to the City. The only way that bill could be paid is it has to come through the Finance Director, he certifies that it's a legitimate bill and then when the Port Authority gets around to freeing up the money the money then goes to the party.

PRESIDENT WAGNER: Any other questions of the Mayor? Mayor, I have a question. Mr. Mack you could probably answer this question. If the TIF bonds aren't going out for sale; if the project doesn't go forward and the bill that Squires submitted to the City of Garfield Heights for \$561,618.00 will the City be liable for this in any part if that project doesn't go forward since they did the legal work for the City of Garfield Heights?

LAW DIRECTOR DAVID MACK: No.

PRESIDENT WAGNER: OK.

LAW DIRECTOR DAVID MACK: No report.

SERVICE DIRECTOR TIMOTHY McLAUGHLIN: We are done with leaves. I saw a few piles out today. I'll try to get them picked up by the sweeper tomorrow but I think we've gotten most of them and I need to turn those trucks over into salt trucks in order to use them. The last week we've had some crews out with some cold patch trying to catch some of the bigger holes. In a week's time the change in the use of salt was very minimal. Compared to last year at this time we had 1,506 tons we used and now we've used 793 tons. We were out Friday. So far as we keep checking week by week now, the way that we're doing things seems to be working and there hasn't been any problems. With that that's the end of my report. I'd like to thank everybody for the cards and the little fun things and wish you all a Merry Christmas and Happy New years.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: We have a lot of activities coming up at the Rec Center this coming weekend so if anybody wants to get their fix of various ice activities here's a little bit of a run down of the schedule. On Thursday, Friday and Saturday we're going to be in conjunction with our Board of Education hosting a Varsity Hockey Tournament. Saturday we'll have games at 10:15 and 12:15. At 2:15 Saturday Brecksville Junior Varsity team will be playing over at the Rec Center. At 5:00 we'll have our annual Christmas show over there of municipal kids. So if you want to come up and hear some of the songs of the season and see some of the little ones perform it's a nice way to get into the Christmas spirit. Then at 8:00 Saturday night will be the championship game of the tournament so if you want to see bumping and grinding head over there at 8:00. Sunday at 2:15 will be Santa Claus making his annual visit to the Rec Center. We'll be having our Skate with Santa so we invite everybody to come on down. Other than that I'd like to wish everybody a Happy Holiday Season and best wishes for the New Year. That concludes my report.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: Absent.

BUILDING COMMISSIONER WILLIAM WERVEY: I do not have a report but I would urge passage of Ordinance 53 to try and help defray some of the costs that we incur by having to follow up and by tracking foreclosures. That's all I have.

PRESIDENT WAGNER: Mr. Wervey, I would like to publicly thank you for taking care of the tree at the foreclosed home there on Turney Road. You went to a lot of efforts to get that taken care of. Thank you very much for doing that.

BUILDING COMMISSIONER WILLIAM WERVEY: We could not have done that without help from Mr. McLaughlin's people from the Service Department.

PRESIDENT WAGNER: Wonderful. Thanks, Mr. McLaughlin also.

FINANCE DIRECTOR RICHARD OBERT: I want to thank everyone for, like Mr. Bukac said and Mr. McLaughlin, these wonderful little cards. They're very cute. I wish everyone a Merry Christmas and prosperous New Year. Do you want to ask any questions on that Ordinance 52, Frank?

PRESIDENT WAGNER: Could you see if you could kind of go over it briefly?

FINANCE DIRECTOR RICHARD OBERT: By law, and believe me I was reminded today of what that law is because I have four of them in there, even though we pass ordinances during the course of the year, these three items were not incorporated in the blue books that you got on Monday. The first one being Debt Amortization. I was told this by our auditors They were interested by this one. Credit. If you're watching television you're going to hear that these corporate credit lines with these car dealerships, factories, etc. they can't get the money till the banks come up with this policy to try to get the cash back in. I made a comment in the Caucus Room. Under normal five-year rules there is absolutely not one penny of principal paid down. Just the various interest rates. Last year in December we paid \$400,000.00 on one of our notes. This year we paid \$200,000.00 and on this one here was \$125,000.00. These are the terms of the bank. If you don't want to pay this money down we are not interested in renewing your note. And in April of this year we're going to be selling these bonds. We're hoping for it. So they will all be gone and we'll have no notes. The first one that we missed because of this pay down was going from \$107,000.00 to \$275,000.00 and that was for Key Bank. The second one was the Various Purpose Notes bond of 2008. The way Mr. Keefe structured those notes there's an amount here it was for the traffic signalization costs that we got billed by the State and \$33,000.00 for purchase of land on Broadway for the widening. That is the note that was never appropriated in the budget. It's there. In the Restricted Fund we had a real whopper on this one. We had \$100,000.00 set up and we got in \$2,969,073.00 from the TIF from Bridgeview. This money was to pay for these properties that were purchased through the City under our eminent domain. So the bank wired it in and the next day I turned around and wired it right back out (it was Huntingt Broank I wired it to) and basically that is the three changes that are required by law for me to make and I am presenting them tonight for you to approve them.

PRESIDENT WAGNER: Any questions of Mr. Obert? Mr. Obert, on that money that was wired in for the TIF did any of the bonds get sold or how did that money generate?

FINANCE DIRECTOR RICHARD OBERT: This was not from notes or bond sales. This was the actual the corporate their bank. It was all done with the development money. It had nothing to do with bonds or notes from the City. We had eminent domain. We took those properties. That's why we were involved. Am I correct, Dave, in saying it that way?

LAW DIRECTOR DAVID MACK: Yes.

PRESIDENT WAGNER: Dave, is this coming from part of the TIF or is this just money from the bank that they loaned? You mentioned TIF.

FINANCE DIRECTOR RICHARD OBERT: It's because if we weren't in this TIF we would not have this eminent domain and we would not have this transaction. It would be between Huntington and whoever they took the property from. It's like they didn't take it by domain. They were just paid for it, you know? We would not be involved at all.

MAYOR THOMAS LONGO: The property could not have been purchased without the use of eminent domain. That's all part of the development agreement so any costs were to be borne, if not by the Port Authority, by the developer. So in this case it's really the developer's money who borrowed the money from Huntington and to make the payment get it to come through into us and it turned right around out, went back out and they paid the property owners.

PRESIDENT WAGNER: So it came to us from the bank? And we paid it out to?

FINANCE DIRECTOR RICHARD OBERT: The trustee for another division of the bank to pay off these people.

PRESIDENT WAGNER: The trustee or Port Authority. OK. Very good. Any other questions? Did everybody get their questions answered on that particular piece? Mr. Obert, I have a quick question for you.

CLMN SUSTER: Point of order, Mr. Chairman. You're here to run a meeting. These are the types of questions that should be asked in the Caucus Room and not on the floor of Council. Your job here is to run a meeting, not to start shooting questions back and forth to everybody.

PRESIDENT WAGNER: I think I have a right to ask questions as Council President.

CLMN SUSTER: No, you don't. You're here to run a meeting. You are not here to interrogate.

PRESIDENT WAGNER: On the Councilman's point of order. We'll vote on it. You want to silence me from asking questions. That's his point of order.

CLMN SUSTER: You can ask all the questions you want in the Caucus like everybody else does.

PRESIDENT WAGNER: I'm asking it on the floor. Roll call please?

CLMN SUSTER: Yes.

CLWN MAHONEY: I have something I want to say. I thought that the roll was if someone wanted to ask a question like as a resident they had to go ask it from the floor? Mr. Mack?

LAW DIRECTOR DAVID MACK: I can't answer that off the top of my head.

CLWN MAHONEY: I don't know.

CLMN SUSTER: Mr. Chairman, when questions were asked like that in the past.

PRESIDENT WAGNER: We're in the middle of a vote. You can vote Yes or No.

CLWN MAHONEY: Can you restate the question please?

PRESIDENT WAGNER: There had been a point of order by Clmn Suster in regards to me asking questions as Council President on the floor. He wants them asked in Caucus. Apparently that is my understanding of his point of order.

CLWN MAHONEY: Then what's my vote? I'm not asking what you want me to vote. Yes, I want you to be allowed to ask questions?

PRESIDENT WAGNER: Yes, to his point of order.

CLWN MAHONEY: Yes.

CLMN OTERO: Yes.

CLMN DUDLEY: Before I vote, on this one here, I'm telling you some of this stuff has to be settled. You know this is not the place for it to come out and debate and argue between each other, etc. I think everybody has a right to ask questions. I have no problem with that but the bickering is not to be done on the floor. You know we got better stuff to take care of representing the people, not arguing between each other or bringing on demonstrations. So we ought to kind of work on that. With that I vote Yes.

CLWN MARINCIC: What am I voting for? To allow our Council President to be able to ask questions?

PRESIDENT WAGNER: That's the point. If you vote Yes, you're voting for the point of order which won't allow me.

CLWN MARINCIC: Which will allow you to speak?

PRESIDENT WAGNER: Which will not allow me to speak.

CLWN MARINCIC: Which will not allow you to speak?

PRESIDENT WAGNER: Correct.

CLWN MARINCIC: This is absolutely ridiculous.

PRESIDENT WAGNER: That's the point of order on the floor.

CLMN DUDLEY: Excuse me, I have to come back. I'm not getting a hold of this question. This question is not right. I think you all got to work this out some other way, honestly, because I'm not catching on. I'm saying I don't mind if you ask questions. I just don't want to go into a big stalemate about this. This is something you all have to work on in the back room. Don't bring the crap out on the floor right now. Excuse me there. I have no problem. But I did want to go into the point that a lot of the questions could have been asked and you got a couple that come out on the floor but not drag it into 10 or 12 questions and then have to turn it into an interrogation, but I have no problem with you asking your questions. I just don't want to go through 20 of them that we can get taken care of in the back room.

CLWN MARINCIC: It is my chance though, to speak, is it not?

PRESIDENT WAGNER: Is the Councilman changing his vote before you vote?

CLWN MARINCIC: Are you changing your vote?

CLMN DUDLEY: Yes. I'm saying that he should have a right to ask some questions. Just not as many as you're asking now. I'm saying you should ask in the back.

CLWN MARINCIC: I think you've got the right to ask as many question as you kike and so I'm going to vote No so that you can ask them. That's the right way to vote, I think.

PRESIDENT WAGNER: To my understanding.

CLMN LIOTTA: No.

CLWN SARNOWSKI: I think you should be able to ask questions and I vote No.

PRESIDENT WAGNER: Point of order fails with four No votes. My question that I was going to ask Mr. Obert was just from your perspective, Mr. Obert, the bill that we got from Squires. How are you going to like kind of categorize that bill. What do you do when you get it? Where is it kept? Do you have a special fund? Or account? Or?

FINANCE DIRECTOR RICHARD OBERT: No. Nothing.

PRESIDENT WAGNER: That's my question. I think the residents have a right to know.

FINANCE DIRECTOR RICHARD OBERT: It came in a beautiful envelope. I stuck it in my in box and I called them and I said I hope you realize we're not paying this? I said there is absolutely nowhere in these budgets that we appropriated this money and they said they just wanted to get it on record. Then I heard (I won't say who) I heard other people that have interests over there are doing the same thing. So I don't know

what. Like Dave said I don't know what the intent was. We were supposedly supposed to be held harmless?
Am I correct, Dave?

LAW DIRECTOR DAVID MACK: Yes.

PRESIDENT WAGNER: Doing the same thing means submitting additional bills? Is that what you're saying?

FINANCE DIRECTOR RICHARD OBERT: Right.

PRESIDENT WAGNER: OK. Thank you for answering my question.

CITY ENGINEER DAVID NEUMEYER: Absent.

CITY ARCHITECT DAVID SPEHAR: I have nothing to report other than wishing everyone a Merry

Moved by SUSTER to CONSIDER BY TITLE:

AYES: 7

PRESIDENT WAGNER: Mr. Obert do you need a suspension of Rule 24? OK. So I make it clear on that.

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

ORDINANCE NO. 53-2008

AN ORDINANCE AMENDING PART 13 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS BY ADDING CHAPTER 1314 NOTICE OF FORECLOSURE FILING.

Moved by SARNOWSKI to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

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?

Henry Warren, Jr. 4512 East 131st Street. Mr. Suster, since you're the Finance Chairman, now that it's the close of the year, how much money will the City be looking (*inaudible*).

FINANCE DIRECTOR RICHARD OBERT: I didn't hear the question.

CLMN SUSTER: How much are we going to be in a deficit at the end of the year?

MR. WARREN: No, I'm talking about as far as the City's budget is concerned.

CLMN SUSTER: What's our shortfall for the year?

FINANCE DIRECTOR RICHARD OBERT: About \$2.6. I believe I gave the same number at the last Council Meeting.

MR. WARREN: No, you gave me \$2.5.

FINANCE DIRECTOR RICHARD OBERT: Today it's \$2.8.

MR. WARREN: It jumped \$300,000.00?

FINANCE DIRECTOR RICHARD OBERT: Yes, it did.

MR. WARREN: I read an article in the Sun-Press about the Community Center having some issues over there. The City gave the Community Center that little fire station across from the Fire Station No. 2. My question's what is the fate of that fire station if or now that the Community Center might be in jeopardy over there? Presently there's a church meeting in there so I'm curious as to what's going to be the status of that building?

MAYOR THOMAS LONGO: It's up to the Center.

MR. WARREN: It's up to the Center?

MAYOR THOMAS LONGO: Sure. It's their building.

MR. WARREN: So if the Community Center goes defunct what happens to that building? Does the City take it back over or what?

MAYOR THOMAS LONGO: The schools do. It's not our building. It's like your building that you live in. If it went defunct. It was empty and everybody was gone. It's not our building. The only way we could take it over is we'd have to pick it up through the land bank or lack of taxes, etc. but that is their building.

MR. WARREN: My concern was if they go defunct, that would be another abandoned building there and in the Ward and that was my concern.

MAYOR THOMAS LONGO: The only thing that I know of, Councilman, is that

MR. WARREN: I'm not a councilman any more, Mayor.

MAYOR THOMAS LONGO: Former Councilman, that there is some interest from some non-profit groups that have interest in that, but that decision cannot be made by this body or this City so that's between the owners of the building and whatever they decide that. If they decide that they want to dispose of the building there's a process by State law that they have to go through, depending on their charter, etc. I can't answer that. Don't know.

MR. WARREN: OK. The last question is I wanted to ask Mrs. Kuban, but I see she's been absent for a couple meetings. I guess she's OK, right?

MAYOR THOMAS LONGO: She had surgery.

MR. WARREN: OK. I'm sorry to hear that. I hope she feels better? I was under the impression that the County had some foreclosure mitigation money and Garfield Heights ranked fourth on the list. Has the City inquired or know about any mitigation money? Or will the City be receiving any foreclosure mitigation money?

MAYOR THOMAS LONGO: We know that there's money that has been made available. They have not come up with the rules as to how they are going to distribute the money. It has to come through the County. Nothing has come down.

MR. WARREN: My impression was that Euclid had gotten \$3 million.

MAYOR THOMAS LONGO: Euclid is an entitlement community. They have a population of over 50,000. They apply directly for the Community Development Block Grant Funding and that's how they get their money. They have a different resource. Because we're under 25,000 we have got to go through the County and to date I know of no procedures that have come our way to say here's how you access the money. So the only thing that we're doing right now is we're putting our list together to determine which

homes that are vacant that need repair that maybe we should take down, etc. so that when the monies become available we can go after it.

PRESIDENT WAGNER: Mr. Warren, you have one minute.

MR. WARREN: I'm going to sit down before I get jammed up like you did. But for those four Council people that were man enough to allow for the Council President to speak I wish you all a Merry Christmas and all that other good stuff.

CLWN MAHONEY: May I respond to Mr. Warren, please? I believe everybody has a right to speak and have their questions answered at any time but this Council, this body has rules for a reason and it was my understanding that if any of us wanted to ask-- if Mr. Wagner wants to ask a question that he has every right to do so and I don't begrudge him the opportunity to do that but I thought our rule states that he needed to step down and do that from the podium. So I never have a problem anyone asking any questions whatsoever.

MR. WARREN: Can I respond?

PRESIDENT WAGNER: Actually your time is up unless the Council will allow you time to respond. Anybody have a problem?

CLWN MARINCIC: I make a motion to allow Mr. Warren another minute to respond.

PRESIDENT WAGNER: On the motion by Clwn Marincic. Roll call.

AYES: 7

MR. WARREN: I personally have felt the wrath of ignorance from the standpoint that when I had my kidney surgery in 1995 I was not allowed to leave the podium and to go to the bathroom so some things are just idiotic and stupid and I just thought that was stupid. That's my opinion.

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

David Mays, 8250 Green Drive. Last Monday night there was a statement made by the Mayor that the people that spoke up against him signing that document holding the City of Garfield responsible for any fines nothing came out of it. I was one of those people that spoke up against you, Mayor, for doing that. I still believe that you're wrong. I did not do it to embarrass the City of Garfield and I did not do it for any gain or anything else, like you said that people had done.

PRESIDENT WAGNER: Anyone else wishing to address Council?

MAYOR THOMAS LONGO: Yes, Mr. Chairman. Those comments weren't geared for you. I appreciate when people get up and express their opinions. There was political motives involved in reference to politically embarrass this City and it compounded the problem with the situation of the perception of safety at City View, which that shopping center is hanging by a thread right now. Now we have to change that all around. But there were people that those comments were geared for specifically who were on the other side of that equation for personal political gains who made these comments and did certain things. I was not referring to you whatsoever. If you got that impression I apologize to you because that is not what that was intended for but that political gamesmanship has got to stop, because if that was in existence from way in the beginning we would not have the chance to develop that Transportation Blvd. corridor, expand our tax base. Our tax base in the city isn't large enough to support the school systems, to support services in general. We have to expand our tax base because we are only 7.7 square miles; we're very, very limited. When you get on the other side of the equation and with what transpired with the EPA, etc. it was really extremely a distasteful and difficult situation to go through when the chance for this City to be fined or anything else wasn't even on

the table. It was not something I was ever concerned about it starts getting carried away and those who know what I'm speaking about they know exactly what I'm saying and I will not give up on that. But if you felt that way I apologize to you because those comments were not directed to you or any other private citizens.

MR. MAYS: That what I took it as and I was very offended by it. I had to let you know that. If everybody would have done what they should have done when that place was opened then it probably would not have had the embarrassment that there has been in the papers, etc. If the owners and the developers would have had the equipment there that they were supposed to have and operating with the people that they were supposed to have that would never have hit the paper and probably half of the places would still be open today.

MAYOR THOMAS LONGO: There's a whole different side to it, Mr. Mays. There was nothing that was done there that wasn't done where the public safety was ever in jeopardy. I've got documentation on that, but it all just spiraled out of control and a lot of that came from the culture of the EPA and a lot of that came from other people just trying to have a field day with it and that was really sad because when my own fire department and the records are all public all you got to do is go into the fire department and they will put all the records with all the rest through the years and you could see exactly every call. There's alarms in there that go off if something is wrong, they come right into our dispatch center and the fire department is out there immediately. They don't wait for the EPA. They don't wait for anybody. The EPA finds out about it five or six days later because we send them their reports. If there's a problem we would have evacuated the premises. As a matter of fact if right now if everybody would have left--the developer pulled out, the insurance companies pulled out, the bonding companies pulled out, and all the stores emptied out and something happened where there was a problem, guess who would have to handle that? The City would have. We'd have to go out there and do something. That's our charge. That's our responsibility. But no one wants to come to grips with the reality that when all those years that that garbage was put in there and those homes were down there and the gas was getting into the basements before the people sold their homes and moved out and they used to threaten us because we wanted to go in and test the basements for the gas readings. Everybody forgets about all of that stuff. You used to be able to go out there with a --you'd see a crevice in the ground and lit a match and the thing would light and burn. I lived through all of that.

MR. MAYS: So did I.

MAYOR THOMAS LONGO: No, you didn't. Not the way I did. Not the way I did. Being sued by residents, etc. Let's go back to the late '70s and mid-'70s. Being sued as a Councilman, etc. and then we get to a point where it's all manageable. The worst thing that could have happened was if you had been parked in a car over a catch basin and you had a cigarette and you had flipped it out. Before all the stuff was fixed and all this stuff was right at its height of what was going on there might have been a little bit of a flash down in there. That was the damage. That was put in there and it was embellished. To come very, very close to destroying the option that we have there because our options in this town are very limited with expanding the tax base and if that road would have gone through we wouldn't be sitting here talking about finances. There would have been businesses, office buildings, other stores in that area and it would have still been going. But now we have this economy, the bank squeeze, etc. and now we have to try to start all over from scratch and the biggest problem we have is getting people to get the perception out of their heads that it's unsafe there. It never was unsafe. The thing's been safe. That was our number one goal and the guys--the women too--in that fire department I had to keep a lid on them because they were beside themselves because they understood exactly what was going on over there because they lived it. And they have all the records to prove it. They have every record, every document they could dovetail that in back and forth and go through it. I've gone on enough.

MR. MAYS: What I don't understand is I go into that mall a couple times a week, sometimes three or four times a week. Before all this came to light through the EPA and the papers I very seldom ever saw anybody walking around checking any of the manholes. After that came out all of a sudden there's all kinds of

compressors down there. All kinds of people running around doing things that was never done before. Like I said before if this would have been done this way probably most of it would not have happened to start with.

PRESIDENT WAGNER: Thank you. Is there anyone else wishing to address Council this evening? There being none we'll move on to Miscellaneous Business beginning with Ward 1.

MISCELLANEOUS BUSINESS:

CLMN DUDLEY: I really have nothing to say. I would just like to wish everybody a Happy and Merry Christmas and a Happy New Year. Let's keep our community in our prayers. I'm thankful for the additional lights up at the fire station.

CLWN MARINCIC: I would like to wish every body a Merry Christmas, Happy Hanukkah, Happy Kwanzaa and most importantly, a Blessed, Safe and Prosperous New Year.

CLMN LIOTTA: I'd like to wish everyone a Happy Holiday and Prosperous New Year.

CLWN SARNOWSKI: I'd like to wish everyone also a Blessed Christmas and a Prosperous New Year, a Healthy one.

PRESIDENT WAGNER: Before we move on to Ward 5 I'd also, as Council President, like to wish everyone on behalf of myself and my family, the residents, the Administration, the Directors, the Mayor a very Blessed, Merry Christmas and a Happy, Healthy New Year.

CLMN SUSTER: I just have two things. This past Friday evening the Garfield Heights C.E.R.T. Team graduated 14 more people which brings us up to over 100 members. This is something that has been worked on for the last five years and Mr. Mays actually was one of the graduates Friday night. He and his wife both. So I'd just like to again congratulate those people. On behalf of my family I'd like to wish everybody a Merry Christmas and a Happy New Year. I know in the year 2009 that this Council is going to have some big decisions to make and I hope that everything that we'll be working towards as always which will be the betterment of the City of Garfield Heights that everything will go right.

CLWN MAHONEY: By the time it gets to me it's Happy Holidays and Merry Christmas and Happy Thanksgiving but it doesn't make mine any less genuine so I hope everybody has a wonderful Holiday Season and a Prosperous New Year.

CLMN OTERO: I just want to thank each and every one of you my colleagues here for recognizing the holiday spirit by providing a few little gifts, etc. I'm sorry I did not reciprocate. I didn't think about it. So I apologize for that but I want to wish everyone a Blessed Holiday Season and a Prosperous and Happy New Year. With that I move that we adjourn.

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

AYES: 7

MEETING ADJOURNED AT 8:10 p.m.

APPROVED:

RESPECTFULLY SUBMITTED:

Frank J. Wagner
President of Council

Barbara Molin
Clerk of Council