

**MINUTES OF A REGULAR MEETING OF COUNCIL
CITY OF GARFIELD HEIGHTS, OHIO
Monday, October 26, 2009**

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

INVOCATION BY: Councilwoman Tracy Mahoney

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

READING AND DISPOSAL OF MINUTES:

Moved by Clmn SUSTER to accept the minutes of the Regular Meeting of City Council of October 12, 2009 as submitted. The minutes were adopted with seven YES votes.

CLMN SUSTER: Mr. Chairman, I'd like to add two resolutions to tonight's agenda and waiver the 72-Hour Rule on both.

PRESIDENT WAGNER: OK. What is the first resolution?

CLMN SUSTER: It would be 48-2009.

PRESIDENT WAGNER: OK. Would the Clerk please read the title?

RESOLUTION NO. 48-2009

**AN EMERGENCY RESOLUTION RENAMING THE GARFIELD HEIGHTS CIVIC CENTER
THE THOMAS J. LONGO CIVIC CENTER.**

PRESIDENT WAGNER: On the waiver of 72-Hour Rule. Roll call please.

AYES: 5

NAYS: 2

PRESIDENT WAGNER: The waiver stands with five YES votes. Resolution 48-2009 will be on tonight's agenda.

MAYOR THOMAS LONGO: Mr. Chairman, I didn't know this was coming up. Please don't put this up tonight. Please.

PRESIDENT WAGNER: It's your call.

CLMN SUSTER: Go to 49.

PRESIDENT WAGNER: OK. We'll go on to Resolution 49-2009. You need to make a motion to waiver.

CLMN SUSTER: Mr. Chairman, I'll go ahead and make a motion to waiver the 72-Hour Rule on 49-2009.

PRESIDENT WAGNER: Would the Clerk please read the title?

RESOLUTION NO. 49-2009

AN EMERGENCY RESOLUTION RENAMING TRANSPORTATION BOULEVARD FROM ANTENUCCI TO ROCKSIDE ROAD THE THOMAS J. LONGO LANE.

PRESIDENT WAGNER: Roll call on the waiver.

CLWN MARINCIC: Thank you, Mayor, for being a gentleman and knowing the timing is off on this. I have to vote No on the waiver.

AYES: 5

NAYS: 2

PRESIDENT WAGNER: The waiver of the 72-hour notice is waived with five YES votes. Resolution 49-2009 will also be on tonight's agenda.

WRITTEN COMMUNICATIONS TO COUNCIL: None.

LEGISLATION OUT OF COMMITTEE: None.

REPORTS OF THE MAYOR AND DIRECTORS:

MAYOR THOMAS LONGO: I appreciate the thought, but this is just not the time to. Wait till I'm gone. If you want to do it after I'm gone then. You know, please. Either hold this in abeyance or withdraw it. It just isn't apropos at this time. I'm very uncomfortable with this. Thank you for the thought.

Good evening, Mr. Wagner and Members of City Council. Good luck with the coming election. In referring to tonight's agenda, Ordinance 60 is a final contract for the dispatchers and the jailers. This completes our negotiations and we can get on with the total implementation of hospitalization and all the other agreements that we've put in place. So we urge your approval. Ordinance 61. Back in August Council approved an agreement with the Cuyahoga County Sanitary Engineer which would allow 20% of the monies that are collected to be used for storm sewers. The Prosecutor asked that the agreements be amended because, as we've had in the past, the city would indemnify the County, the County would indemnify the City in case there was anything that was not appropriate. Well, the auditors would want money put aside, etc. so what's being done with this is the agreement is still the same except all indemnification is gone. So that's the proposal and because of that the County Prosecutors were not allowed to go before the Commissioners for approval. So it changes nothing except it takes the indemnification provisions out. Ordinance 62 is our city's contract for renewal of the city's 2010 health services with the Cuyahoga County Board of Health. Especially with all the pandemic flu activity that's going on it's absolutely important and there will be some more activities as soon as the vaccines become available. There's all kinds of plans in the works, but we have to wait till the vaccine comes to Garfield Heights.

Let me take Resolution 47 first. It's another try for some CDBG funding. We don't know if we'll be successful, but we're willing to try again. Then there's all this stuff that we still have out there that's still pending. If you have any specific questions, Ms. Kuban can address your questions. Resolution 46-2009. Pete Harwell's shop is a throwback to the good old days. For those of you that haven't been there, there is more scuttlebutt that goes on in that shop. All that's needed is an old-fashioned cracker barrel for everybody to sit around and gab. Harwell's a great guy and is a true community asset. If you want to know what's going on on 131st Street, stop in at Harwell's Barber Shop. This concludes my report.

PRESIDENT WAGNER: Any questions on the Mayor and his report? Is Mr. Harwell here tonight?

CLMN DUDLEY: No, Mr. Chairman.

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

CLWN MARINCIC: Is there any word on Transportation when they may start construction to go through?

MAYOR THOMAS LONGO: The only word is that the application has been submitted to the EPA. It's strictly up to the EPA. They have to approve it. The next question after that will be the funding.

CLWN MARINCIC: All right. Thank you.

PRESIDENT WAGNER: Clmn Dudley, did you have a question?

CLMN DUDLEY: No, Mr. Chairman, I wanted to let you know that he had said his wife was feeling a little ill so he probably wouldn't be able to make it tonight, but he sends his thank you.

LAW DIRECTOR DAVID MACK: I don't have a report but I would like to wish Clmn Liotta much success. He has not only been a great Councilman, but a great friend of mine and I wish you a lot of success, this being the last meeting. So good luck, my friend.

CLMN LIOTTA: Thank you.

INTERIM SERVICE DIRECTOR BRYAN MAHONEY: We started our leaf pickup this past Monday, October 19th, and we're currently working through the Wards. Tomorrow we'll be working in Ward 7. We just finished Ward 6. Some of you may have noticed that with the nice weekend a lot of people brought leaves out and they are raking them now in areas we've gone through already. We will be back through them areas. We're adding another truck on tomorrow to have three leaf trucks out and hoping to add a fourth later in the week. We have all our salt trucks ready to go for the 2009-2010 plow season. We have 950 tons of salt in our bin ready to start the year. Another thing we're going to continue to do this year is sensible salting, which we started last year. I'll give you papers on that next meeting. We saved 2,200 tons of salt last year by using this method and we want to continue to use it to save the city money. That's the end of my report.

PRESIDENT WAGNER: Any questions of the Service Director?

CLWN SARNOWSKI: Do you feel that that's enough salt for our winter or are we going to be ordering some more?

INTERIM SERVICE DIRECTOR BRYAN MAHONEY: We have enough salt, hopefully, to make it through January, depending on winter and then we could go into the new budget next year.

PARKS AND RECREATION DIRECTOR JAMES BUKAC: Tomorrow night at the recreation center, Marymount Hospital will be holding a Sports Injury Seminar for our hockey coaches and figure skating instructors and I just wanted to publicly make mention of that and thank Marymount for their constant support of all of our athletic programs here in Garfield Heights. Also tomorrow night our soccer season will come to a close. It was a very successful year with 276 kids and should all wrap up. I'd like to thank the Board of Education again for the use of their property so that we can continue that program. Public skating continues at the recreation center Friday nights, Sunday afternoons and various times throughout the week so anybody can call for times and get there and get some exercise. Finally, I'd also like to wish Clmn Liotta well. It's been a pleasure working with you. You were always on top of everything in your Ward and it's been a lot of fun. I'll see you at Mountaineer.

BUILDING COMMISSIONER WILLIAM WERVEY: No report.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: I'd like to urge Council to support the CDBG legislation by Resolution 47-2009. We had applied for OPWC grant funding for this project and other projects but that only covers 50% of the project cost. So, like the Mayor said, we hope we will get funded this year. That concludes my report.

CITY ENGINEER DAVID NEUMEYER: No report.

FINANCE DIRECTOR RICHARD OBERT: No report.

PRESIDENT WAGNER: Could you give us a little insight on Ordinance 60?

FINANCE DIRECTOR RICHARD OBERT: I was told by Mr. Block that the only difference in this contract was some limited raises--not this year, but next year and the year after, around the same percent--around 2% and there's a signing bonus of \$400.00 for this year. That was the only change.

CLWN MARINCIC: On Ordinance 62 with the health contract?

FINANCE DIRECTOR RICHARD OBERT: Same price.

CLWN MARINCIC: Same price? Thank you.

CITY ARCHITECT DAVID SPEHAR: Absent.

PRESIDENT WAGNER: Any other questions? There being none, that concludes the reports of the Mayor and Directors.

CLMN SUSTER: Mr. Chairman, I'd like to make a motion at this time to place Resolution 48-2009 in the Legislative Committee.

PRESIDENT WAGNER: There's a motion on the floor to place Resolution 48-2009 in the Legislative Committee. This is as we are going into Committee Reports. Or actually as we go into Comments From Citizens. The motion is made. Roll call please.

CLWN MARINCIC: Thank you, Councilman. Yes.

AYES: 7

PRESIDENT WAGNER: Resolution 48-2009 goes into the Legislative Committee with seven YES votes.

CLMN SUSTER: Mr. Chairman, I'd like to make a motion at this time to place Resolution 49-2009 in the Legislative Committee.

PRESIDENT WAGNER: On the motion to place Resolution 49-2009 in the Legislative Committee. Roll call please.

AYES: 7

PRESIDENT WAGNER: The resolution passes with seven YES votes. Resolution 49-2009 is placed in the Legislative Committee. Neither 48 nor 49 is on the agenda this evening. Both are in the Legislative Committee.

COMMENTS BY CITIZENS:

PRESIDENT WAGNER: Next we'll move on to Comments from 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 Council agenda and no citizen shall speak more than once

Bob Halen, 12416 Oak Park Blvd. I think this question is directed to the Finance Director. This resolution of improving an ordinance enacted by the city of Garfield Heights, Ohio amending an ordinance heretofore enacted authorizing the issuance and sale of local government funds, notes and approving related matters. Line 4 contains a figure. Is that \$36 million?

FINANCE DIRECTOR RICHARD OBERT: Actually the number is three million four hundred ninety-nine dollars and three hundred eighty three cents. It's been deposited in our treasury as of Friday.

MR. HALEN: Thank you.

COMMITTEE REPORTS: None.

ORDINANCES AND RESOLUTIONS:

PRESIDENT WAGNER: There being no Committee Reports, we'll move on to ordinances and resolutions.

ORDINANCE NO. 60-2009

AN ORDINANCE AUTHORIZING AND DIRECTING THE EXECUTION OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF GARFIELD HEIGHTS AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL (FULL-TIME DISPATCHERS/RECORD CLERKS, JAILERS, CHIEF DISPATCHER).

Moved by MARINCIC 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. 61-2009

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A REVISED AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF CUYAHOGA COUNTY FOR THE MAINTENANCE OF SANITARY AND STORM SEWERAGE SYSTEMS WITHIN THE CITY OF GARFIELD HEIGHTS.

Moved by OTERO 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. 62-2009

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ON BEHALF OF THE CITY OF GARFIELD HEIGHTS WITH THE CUYAHOGA COUNTY GENERAL HEALTH DISTRICT TO PROVIDE HEALTH SERVICES TO THIS CITY FOR THE YEAR 2010.

Moved by SARNOWSKI to CONSIDER BY TITLE:

AYES: 7

Motion to WAIVE RULE 24:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

AYES: 7

RESOLUTION NO. 46-2009

A RESOLUTION HONORING LOCAL BUSINESS OWNER AND LONGTIME RESIDENT PETE HARWELL FOR HIS CONTRIBUTIONS TO THE CITY OF GARFIELD HEIGHTS .

Moved by DUDLEY to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLMN DUDLEY: Before I vote, I'd like to say something right quick. For those of you all who didn't know Pete Harwell he wasn't able to make it tonight. He had informed me Saturday that his wife wasn't feeling too good and he probably wouldn't be here tonight. But just like the Mayor described him in so many words, when you think about him, he was like the peacemaker. If something happened on the street he knew of it. If you had a problem you'd go to him. He could solve it. You know chaos was never his philosophy. He believed in peaceful resolutions to all of the problems. He would have made a great Councilperson. Honestly, I love Pete. He's been a friend to me. He's cut my kids' hair ever since we been in the neighborhood for almost 15 years. He was just an extraordinary individual--period. I'm definitely going to miss him when he possibly may be retired from the community next year. I wish him and the family all the best. With that I vote Yes.

AYES: 7

RESOLUTION NO. 47-2009

A RESOLUTION AUTHORIZING THE CITY OF GARFIELD HEIGHTS TO SUBMIT AN APPLICATION WITH THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT TO PARTICIPATE IN THE COMMUNITY DEVELOPMENT BLOCK GRANT AND TO EXECUTE CONTRACTS AS REQUIRED.

Moved by MAHONEY to CONSIDER BY TITLE:

AYES: 7

Motion to SUSPEND THREE READING RULE:

AYES: 7

VOTE ON ADOPTION:

CLWN MARINCIC: Before I vote, Ms. Kuban, is this for next year? Because we already filed them for this year, right? The CDBG?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: The application we filed this summer was for CDBG which was part of the Recovery Act. This is our typical program. We would probably know early in spring and with the construction period in the summer. So it's for 2010.

CLWN MARINCIC: OK. We're filing it early this time?

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: It's always due in November.

CLWN MARINCIC: OK. Thank you.

ECONOMIC DEVELOPMENT DIRECTOR NOREEN KUBAN: October or November.

CLWN MARINCIC: 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?

Kim Sanducci, 4762 Rockwood Road. I want to thank Vince Liotta for helping us out and don't worry we will stay in contact. We know where you live. You can't change your number. You've been the best Councilman for Ward 3 that we could ever ask for so I rate you right up there with my uncle who was a Councilman here in Garfield, Charles Nestor, and I wish you the greatest in the future. Thank you, Vince.

CLMN LIOTTA: Thank you.

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

David Mays, 8250 Green Drive. Am I allowed to make a comment about Resolutions 48 and 49?

PRESIDENT WAGNER: Actually they're in committee.

MR. MAYS: I know.

PRESIDENT WAGNER: It's not on the agenda. So.

MR. MAYS: I cannot make a comment?

PRESIDENT WAGNER: Mr. Mack?

LAW DIRECTOR DAVID MACK: It was first brought up tonight so if it's not been brought up.

PRESIDENT WAGNER: It really wouldn't be appropriate to make a comment tonight.

MR. MAYS: OK. Thank you.

PRESIDENT WAGNER: Thank you. Anyone else wishing to address Council this evening? There being none. We'll go into Miscellaneous Business a little different. We're going to start with Ward 4. We're going to end with Ward 3.

MISCELLANEOUS BUSINESS:

CLMN SUSTER: I'd just like to mention that tomorrow night we have our Ward 5 Block Watch meeting at the fire station. We'll begin at 7 o'clock. Anybody that would like to come is welcome to come. I'd like to wish my good friend, Vince Liotta, a lot of luck. I know he's got more time than he knows what to do with now and I don't know what he's going to do after this. But good luck to Vince and that's all I have.

CLWN MAHONEY: I also would like to wish Vince the best of luck and I will miss not seeing you every other Monday and you've been a good friend and you've been a good mentor and I appreciate all you've done for me. I will miss you. That doesn't mean you don't have to take me to lunch anymore though.

CLMN OTERO: I also want to add my congratulations to Vince. It's been a short time that I've known you, but you have been very active and supportive and I really appreciate that. Thank you so much. I wish you the very best.

CLMN DUDLEY: What can we not say about this man? I'm definitely going to miss him. He was a fun individual to work with. You know he always had some good answers for you. I would think he'd be a great mentor to anybody because he was always truthful and up front. He never dodged any questions, any answers and he never went with that status quo. He was always straightforward. I know he's going to be pursuing that career in boxing now, but I want to say I love you and I'm going to miss you, Man. I'm going to miss you.

I wanted to mention one other thing before I go, too. I want people to be aware that they got various scams going out there in the community and recently I had one of my daughters who really thought she was selling a product on-line. It turned out to be a scam and she ended up getting caught with a bad money gram. So if you know family members tell them don't fall for that when they send you that money gram or a check and tell you that your products to be sold is in the mail and a day or two before they get there they ask you to send some of that change back because it's a scam and they are taking advantage of the fact that a lot of people are unemployed right now and they go on to the Internet where it says "start your own business, work from home" so do make your neighbors or any of the young people you have in your family be aware of that because it's out there and I'm very sorry that my daughter fell victim to that, you know. That's all I have for tonight.

CLWN MARINCIC: Don't go, Vince. I'm going to miss you horribly. You have been on this Council for almost as long as I have over the years. People will say to me what's it like to sit next to that little shrimp? And I always say this man is the tallest man I know. He's got the biggest heart I know and he's one of the kindest men I know. I'm going to miss you horribly, Mr. Liotta. You better come here. You promise?

CLMN LIOTTA: I will. I'll come and heckle you.

CLWN MARINCIC: By the way, Vince has five Hershey bars here. I think if you come up after the meeting, he might share.

PRESIDENT WAGNER: Moving on to Ward 3, Clmn Liotta.

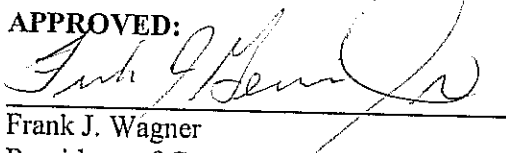
CLMN LIOTTA: She never said that in the 10 years that I've been here. I'd like to thank the residents of Garfield Heights and especially Ward 3 for their support. It's been a real honor and privilege to serve as Council representative in Ward 3. I sincerely thank each and every one of you for your support. I've been saying this as I've been going along, you know Kenny Rodgers said you got to know when to hold 'em and when to fold 'em and I think it's time to fold them and I thank you and with that I make a motion to adjourn.

PRESIDENT WAGNER: On his final motion within this body, I will entertain the motion of Clmn Liotta to adjourn.


AYES: 7

MEETING ADJOURNED AT 7:30 p.m.

APPROVED:


Frank J. Wagner
President of Council

RESPECTFULLY SUBMITTED:


Barbara Molin
Clerk of Council