

# **MINUTES OF A SPECIAL MEETING OF COUNCIL**

## **CITY OF GARFIELD HEIGHTS, OHIO**

Wednesday, October 29, 2008

**MEETING CALLED TO ORDER AT 7:00 P.M.** by Council President Frank J. Wagner

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

**PRESIDENT WAGNER:** Will the Clerk please read the call of the meeting?

**CLERK:** The purpose of the meeting will be to consider the following legislation: Ordinance Numbers 35-2008, 36-2008, 37-2008, 38-2008, 39-2008, 40-2008, 41-2008, 43-2008, 45-2008 and Resolution Number 33-2008.

**CLMN SUSTER:** Mr. Chairman, I'd like to make a motion that we take the Ordinances and Resolution out of the Finance Committee.

**PRESIDENT WAGNER:** Let's do a quick roll call.

**CLWN SARNOWSKI:** Mr. Chairman, I move to excuse Clwn Mahoney.

**PRESIDENT WAGNER:** On the motion to excuse Clwn Mahoney from the Special Council Meeting.

**CLMN SUSTER:** She might be here.

**PRESIDENT WAGNER:** If she shows up she can take her seat if Council has no objections.

**AYES:** 5

**ABSENT:** 1

**PRESIDENT WAGNER:** I'm going to ask the Clerk to read the Ordinance numbers and we'll vote on each individual Ordinance or Resolution as it comes out of committee. I don't think we can take them all at one time. Dave, do we need to do it individually or can we do it all at one time?

**LAW DIRECTOR DAVID MACK:** No, I think that to take them out of committee, Mr. Suster can move to remove all of them from committee at one time. I don't think you need to do it individually, but you have to vote on each piece individually to pass it.

**PRESIDENT WAGNER:** Correct. There is a motion made by Clmn Suster to remove Ordinance Numbers 35-2008, 36-2008, 37-2008, 38-2008, 39-2008, 40-2008, 41-2008, 43-2008, 45-2008 and Resolution Number 33-2008 from the Finance Committee. Will the Clerk please call the roll?

**AYES:** 5

**ABSENT:** 1

**PRESIDENT WAGNER:** The aforesaid Ordinances and Resolution are before the Council. At this time I will entertain a motion by Clmn Suster on an amendment.

**CLMN SUSTER:** I have several amendments that I'd like to offer. On Ordinance 35-2008, that we take out Section 4 entirely and replace it with the amendment that was given to us by Barry Keefe.

**CLWN SARNOWSKI:** There is no amendment.

**CLMN SUSTER:** Not on that one, OK. That we delete Section 4 and Section 5.

**CLWN SARNOWSKI:** No.

**LAW DIRECTOR DAVID MACK:** No, just 4 on that one I think.

**CLWN SARNOWSKI:** And re-number.

**CLMN SUSTER:** He told us 5 too.

**CLWN SARNOWSKI:** No.

**LAW DIRECTOR DAVID MACK:** No.

**CLMN SUSTER:** OK.

**LAW DIRECTOR DAVID MACK:** No, 5 is on 36 through 41 but then the new language (*inaudible*).

**PRESIDENT WAGNER:** That's my understanding.

**CLMN SUSTER:** OK. We'll delete Section 4 and replace it with.

**CLWN SARNOWSKI:** Just re-number them.

**CLMN SUSTER:** OK.

**PRESIDENT WAGNER:** Ok, Joe, your motion is to remove Section 4 and to re-number the following Sections? Is that correct?

**LAW DIRECTOR DAVID MACK:** Correct.

**CLMN SUSTER:** Right.

**PRESIDENT WAGNER:** Will the Clerk please read the amendment?

**CLERK:** The amendment is to remove Section 4 from Ordinance Number 35-2208 and

**PRESIDENT WAGNER:** Section 5 becomes Section 4.

**CLERK:** Section 5 then becomes Section 4. Section 6 will become Section 5; Section 7 will become Section 6.

**PRESIDENT WAGNER:** Correct. Would the Clerk please call the roll on the amendment?

AYES: 5

ABSENT: 1

**PRESIDENT WAGNER:** The amendment carries.

**CLMN SUSTER:** OK, and then in Ordinance 36-2008, 37-2008, 38-2008, 39-2008, 40-2008, 41-2008 we change Section 5 to read with the amendment that Barry Keefe had given us, which, you want me to read it?

**PRESIDENT WAGNER:** The Clerk can read it for you. I'll ask the Clerk to read the amendment please for Ordinances 36-2008, 37-2008, 38-2008, 39-2008, 40-2008 and 41-2008.

**CLERK:** The amendment is "Section 5. That all costs relating to the appropriation of the property and interests therein as stated in Section 1 of this Ordinance, including the deposit, or advances of that deposit from grants or other non-City Funds, with the Probate Court as set forth in Section 2 of this Ordinance, shall be paid or

reimbursed from proceeds of bonds issued by the Cleveland-Cuyahoga County Port Authority for such improvements, in accordance with the documents relating to those bonds.”

**PRESIDENT WAGNER:** Did everyone understand the amendments? Are there any questions on the amendments? There being none will the Clerk please call the roll? Before we do, Mr. Mack, it’s your understanding or it’s your opinion that we can vote on all these amendments grouped together? Correct?

**LAW DIRECTOR DAVID MACK:** Yes, Sir.

**PRESIDENT WAGNER:** Thank you. Call the roll please on the amendments.

AYES: 5

ABSENT: 1

**PRESIDENT WAGNER:** The amendments pass with five Yes votes.

**CLMN SUSTER:** I’d like to offer one more amendment and it would deal with Ordinance 37-2008. From the title delete Parcel Number 542-19-036, 542-19-039, 542-19-040. In the third Whereas, to strike the same Parcel Numbers, which would be 542-19-036, 542-19-039, 542-19-040. To also strike them from Section 1 of Ordinance 37-2008 to delete 542-19-036, 542-19-039, 542-19-040 and also at this time I’d like to entertain a motion to let Clwn

**PRESIDENT WAGNER:** You can only do one motion at a time.

**CLMN SUSTER:** She’s sitting down.

**PRESIDENT WAGNER:** You have to stand up, Tracy. I’m just kidding. OK. Would the Clerk please read the amendments as offered by Clmn Suster?

**CLERK:** Should I read the whole title as amended?

**PRESIDENT WAGNER:** No, just what we’re amending.

**CLERK:** All right. In the title of Ordinance Number 37-2008 the following Parcel Numbers are deleted: 542-19-036, 542-19-039 and 542-19-040. Also, in the third Whereas of Ordinance Number 37 we are deleting Parcel Numbers 542-19-036, 542-19-039 and 542-19-040. Lastly, in Section 1 of Ordinance 37-2008 we are deleting Parcel Numbers 542-19-036, 542-19-039 and 542-19-040.

**PRESIDENT WAGNER:** Did everyone understand those amendments? Are there any questions on the amendments? Or discussion? There being none will the Clerk call the roll?

AYES: 5

ABSENT: 1

**PRESIDENT WAGNER:** The amendments pass with five Yes votes.

**CLMN SUSTER:** I’d like to make a motion we let Mrs. Mahoney take her seat.

**PRESIDENT WAGNER:** Motion by Clmn Suster to allow Clwn Mahoney to have her seat. Roll call please.

AYES: 5

ABSENT: 1

**PRESIDENT WAGNER:** Motion carries with five Yes votes. Welcome to the meeting, Clwn Mahoney.

**CLWN MAHONEY:** I apologize for my tardiness.

**PRESIDENT WAGNER:** Apology is accepted. No apologies needed. Any other amendments, Councilman?

**CLMN SUSTER:** No, that's it.

**PRESIDENT WAGNER:** What about the?

**CLMN SUSTER:** OK. I forgot. One more. Ordinance 45-2008, in Section 2, I would like it to read as the following: "the Finance Director be and is hereby authorized and directed to reissue his vouchers for the City and to charge only from the proceeds of the grant for the purposes set in Section 1 hereof."

**PRESIDENT WAGNER:** Mme. Clerk, would you like to repeat the amendment?

**CLERK:** All right. The amendment is in Ordinance 45-2008, in Section 2, it should read as follows: "the Finance Director be and is hereby authorized and directed to issue his vouchers for the City to be charged only from the proceeds of the grant for the purposes set forth in Section 1 hereof."

**PRESIDENT WAGNER:** Did everybody understand the amendment? Are there any questions? Or discussion? The amendment comes from the fact that the Council in its previous meetings said they didn't want to use any City funds. They only want to use monies from the grant. Roll call, please.

AYES: 6

**PRESIDENT WAGNER:** The amendment carries with six Yes votes. Are there any other amendments for this legislation? Mr. Mack, do you feel any other amendments are needed?

**LAW DIRECTOR DAVID MACK:** No, Sir.

**PRESIDENT WAGNER:** Then let's proceed with the vote. We'll begin with Ordinance 35-2008. It's been already considered by title and has been placed in the Finance Committee so the waiver of rule 24 has already been taken care of so we're going to move on to the waiver of rule requiring three readings. Will the Clerk please call the roll?

**ORDINANCE NO. 35-2008**

**AN ORDINANCE AUTHORIZING AND APPROVING A COOPERATIVE AGREEMENT BY AND AMONG THE CITY, THE CLEVELAND-CUYAHOGA COUNTY PORT AUTHORITY, BRIDGEVIEW CROSSING LLC AND U.S. BANK NATIONAL ASSOCIATION PROVIDING FOR THE CONSTRUCTION AND FINANCING OF PUBLIC IMPROVEMENTS IN THE GRANGER/I-480 AREA AND RELATED IMPROVEMENTS AND AUTHORIZING AND APPROVING RELATED AGREEMENTS; REPEALING ORDINANCE NO. 26-2008; AND DECLARING AN EMERGENCY. (Not read)**

Motion to SUSPEND THREE READING RULE:

AYES: 6

VOTE ON ADOPTION:

**CLWN MAHONEY:** Before I vote, I just want to say that I put a lot of time and things into this particular project. A lot of research. The way that things currently stand it will not cost the City of Garfield Heights or its residents any money and because of that I will vote Yes.

**CLMN DUDLEY:** Before I vote I just want to say the same thing that Clwn Mahoney said the fact that it's not going to cost us no money and it's going to help contribute to bring in jobs and revenue to our community, which is very badly needed. I vote Yes.

**CLWN MARINCIC:** Before I vote, I would also like to comment that based on conversations that I've had in the past few weeks and yesterday with the City's bond counsels, Barry and Pam, it's my belief that passing this legislation this evening will cost the City of Garfield Heights nothing—zero. I believe if what I have been told by the developers is true that this project will enhance this area and now that the City no longer has to contribute the \$2.8 million that Mr. Snider originally was requesting us to contribute toward the widening of Transportation, I feel much more comfortable about everything. Also yesterday Mr. Cannata stated that he expected the major

stores (Lowe's, JC Penney, Target) to open in October of 2009. I'm looking forward to seeing the project become a reality in a timely fashion and I vote Yes.

AYES: 6

**RESOLUTION NO. 33-2008**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE LAW FIRM OF WALTER & HAVERFIELD LLP TO RESOLVE THE ISSUES OF UTILITY RELOCATION IN CONNECTION WITH THE DEVELOPMENT OF BRIDGEVIEW CROSSING AT NO COST TO THE CITY. (Not read)**

**PRESIDENT WAGNER:** Moving on to Resolution 33-2008. It needs to go next from my understanding of the legalities of it. Everybody knows what the Resolution is. Does anybody want the Clerk to read the title or could we just go forward with the numbers? Mr. Mack, do you have problems?

**LAW DIRECTOR DAVID MACK:** It's already been considered by title.

**PRESIDENT WAGNER:** It's been considered by title and it has been in the Finance Committee. We're going to move with the suspension of rules requiring three readings.

Motion to SUSPEND THREE READING RULE:

AYES: 6

VOTE ON ADOPTION:

AYES: 6

**PRESIDENT WAGNER:** Moving on to Ordinance 36-2008, it's been considered by title, it's been in the Finance Committee. It's up for the suspension of rules requiring three readings. Will the Clerk please call the roll?

**ORDINANCE NO. 36-2008**

**AN EMERGENCY ORDINANCE TO APPROPRIATE FOR PUBLIC STREET PURPOSES A CERTAIN EASEMENT AND FEE SIMPLE INTEREST IN AND TO PART OF PERMANENT PARCEL NOS. 542-33-002 AND 542-23-003 IN THE CITY OF GARFIELD HEIGHTS, OHIO PURSUANT TO OHIO REVISED CODE CHAPTER 163 FOR THE PURPOSE OF PROVIDING FOR THE EXPEDITED ACQUISITION OF THIS PROPERTY FOR THE MUNICIPAL PURPOSE OF MAKING OR REPAIRING ROADS WHICH SHALL BE OPEN TO THE PUBLIC WITHOUT CHARGE AND DECLARING AN EMERGENCY (Part of 5350 Transportation Boulevard). (Not read)**

Motion to SUSPEND THREE READING RULE:

AYES: 6

VOTE ON ADOPTION

AYES: 6

**PRESIDENT WAGNER:** Ordinance 36-2008 stands adopted with six Yes votes. Moving on to Ordinance 37-2008, it's been considered by title, it's been in the Finance Committee. It's up for the suspension of rules requiring three readings. Will the Clerk please call the roll?

**ORDINANCE NO. 37-2008**

**AN EMERGENCY ORDINANCE TO APPROPRIATE FOR PUBLIC STREET PURPOSES A CERTAIN EASEMENT AND FEE SIMPLE INTEREST IN AND TO A PART OF PERMANENT PARCEL NOS. 542-18-023, 542-19-036, 542-19-039 AND 542-19-040 IN THE CITY OF GARFIELD HEIGHTS, OHIO PURSUANT TO OHIO REVISED CODE CHAPTER 163 FOR THE PURPOSE OF PROVIDING FOR THE EXPEDITED ACQUISITION OF THIS PROPERTY FOR THE MUNICIPAL PURPOSE OF MAKING OR REPAIRING ROADS WHICH SHALL BE OPEN TO THE PUBLIC WITHOUT CHARGE AND DECLARING AN EMERGENCY. (Part of 5309 Transportation Boulevard). (Not read)**

Motion to SUSPEND THREE READING RULE:

AYES: 6

VOTE ON ADOPTION:

AYES: 6

**PRESIDENT WAGNER:** Ordinance 37-2008 stands adopted with six Yes votes. Moving on to Ordinance 38-2008, it's been considered by title, it's been in the Finance Committee. It's before the Council on a suspension of rules requiring three readings. Will the Clerk please call the roll?

**ORDINANCE NO. 38-2008**

**AN EMERGENCY ORDINANCE TO APPROPRIATE FOR PUBLIC STREET PURPOSES A CERTAIN EASEMENT AND FEE SIMPLE INTEREST IN AND TO A PART OF PERMANENT PARCEL NOS. 542-18-010 AND 542-18-011 IN THE CITY OF GARFIELD HEIGHTS, OHIO PURSUANT TO OHIO REVISED CODE CHAPTER 163 FOR THE PURPOSE OF PROVIDING FOR THE EXPEDITED ACQUISITION OF THE PROPERTY FOR THE MUNICIPAL PURPOSE OF MAKING OR REPAIRING ROADS WHICH SHALL BE OPEN TO THE PUBLIC WITHOUT CHARGE AND DECLARING AN EMERGENCY. (Part of 9729 Granger Road). (Not read)**

Motion to SUSPEND THREE READING RULE:

AYES: 6

VOTE ON ADOPTION:

AYES: 6

**PRESIDENT WAGNER:** Ordinance 38-2008 stands adopted with six Yes votes. Moving on to Ordinance 39-2008, it's been considered by title, placed in the Finance Committee. It's up for a suspension of rules requiring three readings. Will the Clerk please call the roll?

**ORDINANCE NO. 39-2008**

**AN EMERGENCY ORDINANCE TO APPROPRIATE FOR PUBLIC STREET PURPOSES A FEE SIMPLE INTEREST IN AND TO PART OF PERMANENT PARCEL NO. 542-18-022 IN THE CITY OF GARFIELD HEIGHTS, OHIO PURSUANT TO OHIO REVISED CODE CHAPTER 163 FOR THE PURPOSE OF PROVIDING FOR THE EXPEDITED ACQUISITION OF THIS PROPERTY FOR THE MUNICIPAL PURPOSE OF MAKING OR REPAIRING ROADS WHICH SHALL BE OPEN TO THE PUBLIC WITHOUT CHARGE AND DECLARING AN EMERGENCY. (Part of 5276 East 98<sup>th</sup> Street).**

*(Not read)*

Motion to SUSPEND THREE READING RULE:

AYES: 6

VOTE ON ADOPTION:

AYES: 6

**PRESIDENT WAGNER:** Ordinance 39-2008 stands adopted with six Yes votes. Moving on to Ordinance 40-2008, it's been considered by title, it's been in the Finance Committee. It's before the Council on a suspension of rules requiring three readings. Will the Clerk please call the roll?

**ORDINANCE NO. 40-2008**

**AN EMERGENCY ORDINANCE TO APPROPRIATE FOR PUBLIC STREET PURPOSES A CERTAIN EASEMENT AND FEE SIMPLE INTEREST IN AND TO A PART OF PERMANENT PARCEL NOS. 542-19-123, 542-19-124 AND 542-19-128 IN THE CITY OF GARFIELD HEIGHTS, OHIO PURSUANT TO OHIO REVISED CODE CHAPTER 163 FOR THE PURPOSE OF PROVIDING FOR THE EXPEDITED ACQUISITION OF THIS PROPERTY FOR THE MUNICIPAL PURPOSE OF MAKING OR REPAIRING ROADS WHICH SHALL BE OPEN TO THE PUBLIC WITHOUT CHARGE AND DECLARING AN EMERGENCY. (Part of 10013 Granger Road). (Not read)**

Motion to SUSPEND THREE READING RULE:

AYES: 6

VOTE ON ADOPTION:

AYES: 6

**PRESIDENT WAGNER:** Ordinance 40-2008 stands adopted with six Yes votes. Moving on to Ordinance 41-2008, it's been considered by title, it's been in the Finance Committee. It's before the Council on a suspension of rules requiring three readings. Will the Clerk please call the roll?

**ORDINANCE NO. 41-2008**

**AN EMERGENCY ORDINANCE TO APPROPRIATE FOR PUBLIC STREET PURPOSES A CERTAIN EASEMENT IN AND TO PART OF PERMANENT PARCEL NO. 542-17-010 IN THE CITY OF GARFIELD HEIGHTS, OHIO PURSUANT TO OHIO REVISED CODE CHAPTER 163 FOR THE**

**CLMN SUSTER:** Mr. Chairman, I'd like to make a motion to adjourn the meeting.

**PRESIDENT WAGNER:** On the motion by Clmn Suster to adjourn the meeting.

AYES: 6

**MEETING ADJOURNED AT 7:20 p.m.**

**APPROVED:**

**RESPECTFULLY SUBMITTED:**

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Frank J. Wagner  
President of Council

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Barbara Molin  
Clerk of Council