

CITY OF WICKLIFFE CHARTER REVIEW COMMISSION

TUESDAY, MARCH 11, 2008

Meeting Minutes

The Wickliffe Charter Review Commission held its meeting on Tuesday, March 11, 2008 in Council Chambers. The meeting was called to order at 7:08 p.m. by Chairperson Cindy Marino.

Commission Members present: Cindy Marino, James Schall, Nancy Cole, Don Contenza, Ron Ely and Joe Oboczky. William Gargiulo was also in attendance. Cookie LoSchiavo, Mary Ann Surtz and Judy Powers were not in attendance.

The Commission was given a memo from Mayor Ruffner (attached) regarding his opinion on staggered term limits for Council and his opinion on raising the limit for Public Bids. Also a copy of the Ohio Revised Code for spending limits for public bidding in Ohio was handed out to the Commission members (also attached).

Cindy Marino asked if there were any additions or corrections to the minutes from the February 26 meeting. Joe Oboczky made a motion to accept the minutes as published; seconded by Nancy Cole. All in attendance were in favor.

Reading of the Charter began on Page 20 Article IX Taxation.

Article IX. Taxation.

Article IX. Section 2. Levies Within the Ten-Mill Limitation. Discussion began to understand where this money is listed on the property tax bill.

Article IX. Section 3. Income Tax Levies. The Commission is interested, for their own curiosity, how much the residents of Wickliffe are paying now in regard to these taxes. It was determined by this group and Mr. Gargiulo that they ask Mr. Germ any questions regarding this Article when he comes to a meeting. Mr. Gargiulo said that he would put together a package of all of the forms, etc. that went to the Board of Elections in order to put the Green Ridge Golf Course tax levy on the ballot.

Article X. Procedure for Nominations and Elections.

Article X. Section 1. Qualifications of Electors. Short discussion began to understand this section regarding the actual age to vote. There are some residents who can vote in the Primary at 17 years old.

Article XI. Initiative, Referendum and Recall

Article XI. Section 3. Mandatory Zoning Referendum. If they understand this section, it means that zoning changes cannot be passed as an emergency measure and must have three (3) readings. Also, if any part of a contract is held invalid for any reason, it will not affect the rest of the contract. Mr. Gargiulo confirmed that this is seen pretty regularly with contracts.

Article XII. Franchises. Joe Oboczky asked if this section includes cable television. According to Mr. Gargiulo this franchise section does include cable. Currently, we have Time Warner Cable. The State of Ohio requires that cities have to have competition and that opened the door for AT&T to provide cable television in the city. Our Charter already prohibited franchises from being non-competitive. There are 2 or 3 chapters in the Codified Ordinances that deal with franchises. There are utilities franchises and sometimes we forget when the word utilities is used it often means cable, but also means water, gas and electric. Joe Oboczky asked how Council could have issued an exclusive franchise to Time Warner, or whoever they were back then, when the Charter says that they can't do that. Bill Gargiulo noted that Time Warner had the best deal at the time. Joe Oboczky asked if the city gets money from Time Warner. Mr. Gargiulo stated that the City gets 2.5% on the advertising and so on. The residents are actually paying that 2.5% through AT&T and Time Warner. So when you send a check into Time Warner 2.5% comes back to the City. All the cities (Mentor, Eastlake), whose ordinances Mr. Gargiulo looked at were getting the maximum allowed, which is 5%. Bill Gargiulo asked Bill Margalis and the Mayor and they are emphatic that they are not going to take 5%. At one time, he was told that it was 5% and they cut it back to 2.5% and that's where it is going to stay.

Article XIII. Amendments to Charter

Article XIII. Section 1. Voting Procedure. In other words, Council can make changes to the Charter at any time with a 2/3 majority vote of Council and a petition signed by at least 10% of qualified electors.

At this point, Bill Gargiulo handed out copies of the Civil Service Rules of the City of Wickliffe (attached). Mr. Gargiulo spoke about the Civil Service Commission's duties. The Civil Service Commission deals only with the Police and Fire Departments. The Law Director, the Service Director, etc., and the women who work in the secretarial office are not covered by Civil Service. They do not take any tests, it is an appointed position; they have to fill out an application and are then chosen for the job. Board members, Commission members or heads of departments do not have to take Civil Service tests. His hand out explains what the Wickliffe Civil Service Commission does. If there is an issue that is not covered under Wickliffe's Civil Service Rules, the commission has to go by the Laws of the State of Ohio. The second handout is a Chapter from the State of

Ohio's Civil Service Commission (attached). Some cities have everyone that is hired take the Civil Service test.

Joe asked Bill Gargiulo to confirm that when asking for public bids they must be published in the newspaper three (3) times. Mr. Gargiulo stated that Bill Margalis has the figures regarding this. Legally, can this commission change that posting system in the Charter? It was agreed by all that this Commission can ask to change anything. Much discussion ensued regarding other modern, newer means of publicizing requests for bids. Mr. Oboczky feels that with the new technology out there, an option is for example, to flood the market one (1) time through the City of Wickliffe website, the newspapers, e-mail, etc. which could reduce the cost of advertising. This Commission can make it easier for the city to function, cut the length of time it takes to get the bids in, and reduce the temptation to abuse the dollar limit. Cindy Marino noted that they definitely should discuss that option further. This Commission does agree that the groups of people 'running' Wickliffe are fiscally responsible. Joe Oboczky likes the 'visibility' of keeping the \$10,000 and lowering the cost of advertising. He wonders if bids come in higher than what the City has estimated, do they go back to the contractors and ask for lower bids or do they just take the lowest bid regardless. Most on this Commission believe that the City would go back and ask for rebids.

Don Contenzo stated that the City may want to raise the cap primarily to make it easier for the City to function. Joe said that if the Commission can minimize the process and make it easier, that is an option other than raising the cap. It would accomplish the same thing. He believes that the reason for the cap is to prevent some type of favoritism or less temptation to have an abuse happen. The Commission wonders if other cities use the internet to collect bids. If not, Wickliffe could be the first one.

The Commission will ask Service Director Dan Paschke and Finance Director Martin Germ to attend the next meeting, or a meeting that is most convenient for them. They would like to hear the pros and cons of raising the limit from each of them. For example, what would raising the limit do for the City or Departments; what are the advantages and disadvantages of raising the limit; what is the 'reason' for having this cap, if it really is to make things run efficiently then it should stay that way. They will send questions for Mr. Germ and Mr. Paschke to Maria prior to the meeting so that she can forward them on the them prior to the March 25 meeting. Once the Commission has heard from Mr. Germ and Mr. Paschke, they would like Mayor Ruffner to come to speak with them.

Cindy asked members to compile lists of questions for Mr. Germ and Mr. Paschke for the next meeting. Also, have top priority of sections in the Charter that they would like to discuss further.

The meeting that was scheduled for April 22 will be changed to April 29. Maria will let everyone know.

Joe Oboczky motioned to adjourn at 8:45 p.m.; Nancy Cole seconded. All were in favor.

Maria Matiyasic, Secretary

Cindy Marino, Chairperson

Next Meeting: March 25, 2008