

WICKLIFFE CITY COUNCIL MEETING
January 11, 2010 - 7:00 p.m.

A regular meeting of Wickliffe City Council was called to order by Council President David Krych at 7:00 p.m. on Monday, January 11, 2010. The following were present at roll call:

MAYOR: William Margalis
COUNCIL PRESIDENT: David Krych
COUNCIL: Bala, Ely, Iafelice, Koski, Levon, Matyja
LAW DIRECTOR: William C. Gargiulo
FINANCE DIRECTOR: Martin Germ
SERVICE DIRECTOR: Donald Kerniskey
ENGINEER: Peter J. Formica
BUILDING COMMISSIONER: Raymond F. Sack
RECREATION DIRECTOR: Timothy E. Stopp
POLICE CHIEF: Randy E. Ice
FIRE CHIEF: James G. Powers
ECONOMIC DEVELOPMENT: Jason Laver

APPROVAL OF MINUTES:

Moved by Mr. Krych seconded by Mr. Matyja that the newly elected council members, Bala, Ely, Levon and Iafelice be permitted to abstain from voting on approval of the minutes of the council meeting held on December 21, 2009

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried.

Moved by Mr. Krych seconded by Mr. Matyja that the minutes of the council meeting of December 21, 2009 be approved as presented.

ROLL CALL: Yes: Koski, Krych, Matyja
No: None Abstain: Bala, Ely, Iafelice, Levon

Motion carried.

Mr. Krych referred to some discrepancies in the minutes of the organizational meeting held on January 4, 2010, those being the name of the Mayor and the members of the Utilities Committee. The Mayor referred to page 5 under the Mayor's Appointment to the Board of Zoning Appeals which should read term to expire December 31, 2014.

Moved by Mr. Iafelice seconded by Mr. Bala that the minutes of the organizational meeting held on January 4, 2010 be approved as amended.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried.

REPORTS AND COMMUNICATIONS FROM MAYOR/SAFETY DIRECTOR - Mayor Margalis reviewed the following items: The question which came up at the organizational meeting regarding the Mayor's appointment to the Planning Commission. Mr. Chuck Grasser's term whose term we thought does not expire until 2010, a letter from the Law Director explains the issue of his seat on that board. His seat is really called the deputy of the Mayor, the Mayor sits on the Planning Commission Board but the Mayor can appoint a deputy to serve in that seat in the Mayor's absence. That appointment was not made last Monday for Mr. Grasser. A Planning Commission meeting was held last

Thursday and the Mayor asked A. J. Stempuzis in order to let Mr. Grasser sit on the chair that evening the appointment was made by the Mayor that evening so it is in the record of the minutes of that meeting. He asked for council to affirm the appointment of Mr. Grasser as the Mayor's deputy to the Planning Commission. This was placed on the agenda as item (a) under New Business.

The Mayor further reported that he received a letter from the Lake County Telecommunications Department giving a breakdown of the new radio system for which we have been looking for funding for. The radio system for the County will need to be replaced and the estimated cost for everything for the City will be close to \$800,000. He explained the system and to date they have received that amount to 75% of the total cost, so the total cost right now through all the grants received by the County is about \$2,577,000 which means our cost will probably come down to about a \$300,000 range. Money has been set aside for the past three years to cover this. We probably will not need this money until probably 2011 or 2012, so we are on the right track.

The Mayor also stated that he has met with employees, administrators, residents and business owners. He would like to sit down with all the new council people to see what their goals are for the city and their ideas.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo reported on three items: 1) he sent out two letters, one to ODOT concerning their claim that the City owes them \$250,000 from 1998, basically that letter denies that. 2) Another letter was sent to the Wickliffe Board of Education concerning the gasoline and diesel dispensing depot, that went out in December and with the re-organization of the Board, we have not heard from them. 3) He also requested that he be permitted to comment on Ordinance No. 2010-05 and Resolution 2010-01 when they come up on the agenda. The Law Director further reported that the insurance attorney on behalf of the City of Wickliffe Renee Williams vs. Twentieth Century Insurance, filed an Answer to that Claim basically denying everything, included in that answer were affirmative defenses, those being that the City of Wickliffe is entitled to absolute and/or qualified immunity and another one of the eight affirmative defenses was the City of Wickliffe is immune with respect to the operation of police vehicles in response to emergency calls, so all the bases are covered.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Krych referred to a letter from NOCA, Northeast Ohio City Council Association which we have never joined, so this item was tabled. He scheduled the following training sessions for council: Monday, January 18th with the Finance Department at 7:00 p.m.; after Parks and Recreation meeting on Thursday, January 14th at 8:00 p.m.; on January 20th if there is a Sign Review Board meeting he requested a training session to start at 8:00 p.m. and to meet with that committee; on Thursday, January 21st if there is no Board of Zoning Appeals meeting that night he tentatively scheduled a session for 7:00 p.m. with the Police Department and at 7:30 with the Fire Department, 8:00 with the Service Department and 8:30 with the Building Department.

Mr. Krych placed two items into committee: into the Legislation and Welfare Committee to review Section 1307.30, the conditional use for the senior 55 adult living areas; and into the Euclid Avenue Development Committee to re address the issue of the Euclid Avenue Streetscape.

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Margalis added under executive session to discuss real estate and also add labor negotiations. Mr. Krych stated under New Business we have (a) Mayor appointment to the Planning Commission and added item (b) Twenty-Seventh pay period.

ADMINISTRATORS:

A. Police Chief - Chief Ice had nothing to add to his report which is attached.

B. Fire Chief - Chief Powers had nothing to add to his report which is attached but updated council regarding the H1N1 flu shot for which Mr. Iafelice asked about the overtime worked. He further reported that he is working with the State Fire Marshal's office regarding the Ramada Inn.

C. Finance Director - Report attached. Mr. Germ commented on the 2009 budget. On the revenue side we reached our budget mark by about \$100,000 which was due to a shortfall in income tax. We missed the revenue number by \$217,000. On the expense side of the equation we were about \$430,000 under budget. All things considered it was a pretty good scenario for the city. He thanked the administrators for holding up their expenses.

Mr. Germ referred to his memo dated January 7th regarding the property and casualty insurance renewal and explained it in detail.

D. Engineer - Report attached. Mr. Formica added that he met with Mr. Sack twice last week with the developers of the Ponderosa property and they were brought up to date on what the requirements are for the city. Mr. Krych asked about the punch list for the Senior Center to which Mr. Formica reported on some items still to be worked on. Mr. Matyja referred to the Engineer's report regarding the E. 290th and Larchmont time period and if he expects the bid date of February 19th to be correct to which Mr. Formica replied that it was. The contract does not start until June but we want this to be done earlier, plans are 85% complete, the funding was received in July.

E. Service Director - Mr. Kerniskey had nothing to add to his report which is attached.

F. Building Commissioner - Mr. Sack had nothing to add to his report which is attached.

G. Recreation Director - Mr. Stopp had nothing to add to his report which is attached. He invited council members to attend the Winter Fest which will be held on January 23rd at the Green Ridge golf course from 1:00 p.m. to 4:00 p.m. Mr. Ely asked Mr. Stopp about the distribution of prizes to children who are residents of Wickliffe only and asked that this be changed to include children from other areas.

H. Economic Development Coordinator - Report attached. Mr. Laver reported on the Recovery Zone Bonds which will expire on December 31st and stated that the State has issued a letter to all communities advising of the expiration date and if they are not used they will go back to the state. Mr. Krych placed Mr. Laver's report into the Economic/Euclid Avenue Development Committee.

AUDIENCE PARTICIPATION OPENED

Resident, 28964 Sherbrook Road, commented on the bad condition of E. 290th Street and also Larchmont and he asked council to work on the streets.

William Kirsch, 2182 Buena Vista, referred to an article in the News Herald regarding Knox boxes. These are a security that people put on their homes so in case of an emergency the first responders don't have to go in and tear a door down to get inside. Wickliffe has a large amount of seniors, shut-ins and handicaps, this could be a campaign for the city to look into. Perhaps a survey can be taken of the residents. Mr. Krych placed this into the SAFETY COMMITTEE.

AUDIENCE PARTICIPATION CLOSED

THERE WERE NO COMMITTEE REPORTS

THERE WERE NO COMMISSION REPORTS

THERE WAS NO OLD BUSINESS

NEW BUSINESS

a) Mayor's appointment of Chuck Grasser to be the Mayor's deputy to the Planning Commission.

Moved by Mr. Iafelice seconded by Ms. Koski that the Mayor's appointment of Chuck Grasser to be the Mayor's Deputy to the Planning Commission be affirmed.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried.

b) Twenty-Seventh pay period - Mr. Krych stated that a few years ago we ran into a situation where the city paid on a 26 pay period year and about every nine or ten years we end up having a twenty-seven day period. A few years ago we ran into a short fall for that extra pay period which we did not plan for. He placed this into the FINANCE COMMITTEE to look into setting aside \$25,000 to \$30,000 a year as a set-aside fund for that.

ORDINANCES

ORDINANCE NO. 2010-01 AN ORDINANCE AMENDING CHAPTER 121-COUNCIL, SECTION 121.01 - RULE 7, ORDER OF BUSINESS OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO. Read by title.

Ordinance No. 2010-01 placed on first reading.

ORDINANCE NO. 2010-02 AN ORDINANCE CONFIRMING THE APPOINTMENT OF DONALD KERNISKEY AS DIRECTOR OF PUBLIC SERVICE OF THE CITY OF WICKLIFFE, OHIO, AUTHORIZING COMPENSATION THEREFORE, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Levon seconded by Ms. Koski that the rules of council be suspended and that Ordinance No. 2010-02 be placed on third and final reading.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried.

Moved by Mr. Levon seconded by Ms. Koski that Ordinance No. 2010-02 be adopted as presented.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: No

Motion carried. Ordinance No. 2010-02 adopted.

ORDINANCE NO. 2010-03 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO, TO ENTER INTO A CONTRACT WITH LAKE COUNTY SEWER COMPANY FOR THE ELM STREET SANITARY SEWER LINE PROJECT, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Iafelice seconded by Mr. Levon that the rules of council be suspended and that Ordinance No. 2010-03 be placed on third and final reading.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried.

Moved by Mr. Iafelice seconded by Ms. Koski that Ordinance No. 2010-03 be adopted as presented.

Mr. Matyja referred to Section 2 regarding the funds to be disbursed from the Capital Improvement Fund, wasn't there a grant received for this. Mr. Formica said it was about 2% of the forgivable loan. The Mayor replied that when that money comes back in it will go back into the Capital Improvement Fund. Discussion followed. Mr. Germ explained the OPWC program and the money going into the Capital Improvement Fund. Mr. Matyja wants to make sure that this money will stay in the Capital Improvement Fund.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried. Ordinance No. 2010-03 adopted.

ORDINANCE NO. 2010-04 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO A CONTRACT WITH THE OHIO PLAN AGENT LOVE INSURANCE AGENCY, FOR THE PROVISION OF LIABILITY INSURANCE COVERAGE FOR THE CITY, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Iafelice seconded by Ms. Koski that the rules of council be suspended and that Ordinance No. 2010-04 be placed on third and final reading.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried.

Moved by Mr. Levon seconded by Ms. Koski that Ordinance No. 2010-04 be adopted as presented.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried. Ordinance No. 2010-04 adopted.

ORDINANCE NO. 2010-05 AN ORDINANCE ENACTING A 2010-MODIFIED CHAPTER 1115 OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, TITLED 'FLOOD DAMAGE PREVENTION REGULATIONS' AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Mr. Levon that the rules of council be suspended and that Ordinance No. 2010-05 be placed on third and final reading.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried.

Moved by Mr. Krych seconded by Ms. Koski that Ordinance No. 2010-05 be adopted as presented.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried. Ordinance No. 2010-05 adopted.

RESOLUTIONS

RESOLUTION NO. 2010-01 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 AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Ely seconded by Mr. Iafelice that the rules of council be suspended and that Resolution No. 2010-01 be placed on third and final reading.

Mr. Matyja commented that this Resolution should be placed into committee so everyone can look into it, this authorizes the Auditor to collect taxes and levies and we do not collect all the taxes we could on our inside millage. A deficit will not affect the taxpayers but would affect the city and some of this goes to the school system. Mr. Germ replied that there are two issues, 1) this process begins with the tax budget which we passed for this year, this resolution accepts the auditor's estimate of what that millage will generate, 2) Our millage is all spelled out in our charter and it might take a charter amendment to change that. Mr. Krych placed this into the FINANCE COMMITTEE for discussion.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried.

Moved by Mr. Levon seconded by Mr. Iafelice that Resolution No. 2010-01 be adopted as presented.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried. Resolution No. 2010-01 adopted.

Moved by Mr. Levon seconded by Ms. Koski that council recess into executive session to discuss real estate and labor negotiations.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried. Council recessed into executive session at 8:05 p.m.

Council reconvened from executive session at 8:35 p.m.

PRESENT: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja

There being no further business, it was moved by Mr. Levon seconded by Mr. Bala that the council meeting of January 11, 2010 be adjourned.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried. Meeting adjourned at 8:36 p.m.

Council Clerk

Council President and Presiding Officer