

WICKLIFFE CITY COUNCIL MEETING
January 14, 2008 - 7:00 p.m.

A regular meeting of Wickliffe City Council was called to order by Council President William Margalis at 7:00 p.m. on Monday, January 14, 2008. The following were present at roll call:

MAYOR: Thomas W. Ruffner
COUNCIL PRESIDENT: William Margalis
COUNCIL: Jaworski, Koski, Krych, Levar, Luther, Matyja
LAW DIRECTOR: William C. Gargiulo
FINANCE DIRECTOR: Martin Germ
SERVICE DIRECTOR: Daniel C. Paschke
ENGINEER: Pete Formica
BUILDING COMMISSIONER: Raymond F. Sack
RECREATION DIRECTOR: Timothy E. Stopp
POLICE CHIEF: Randy E. Ice
FIRE CHIEF: Daniel L. Helsel

APPROVAL OF MINUTES:

Moved by Mr. Krych seconded by Mr. Levar that Ms. Koski and Ms. Luther be permitted to abstain from approval of the council meeting minutes of December 18, 2007.

ROLL CALL: Ayes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
Nays: None

Motion carried.

Moved by Mr. Margalis seconded by Mr. Krych that the minutes of the council meeting of December 18, 2007 be approved as presented.

ROLL CALL: Ayes: Jaworski, Krych, Levar, Margalis, Matyja
Nays: None Abstain: Koski, Luther

Motion carried.

Moved by Ms. Luther seconded by Mr. Jaworski that the minutes of the organizational meeting of January 7, 2008 be approved as presented.

ROLL CALL: Ayes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
Nays: None

Motion carried.

REPORTS AND COMMUNICATIONS FROM MAYOR/SAFETY DIRECTOR - Mayor Ruffner read a letter from Mrs. Donna DiCicco thanking council for the resolution recognizing her husband, Richard DiCicco. He referred to a memo from the Law Director dated January 10, 2008 regarding garbage and refuse collection and disposal for multi-family and condominium structures and asked that this be placed into committee. Mr. Margalis placed this into the LEGISLATION AND WELFARE COMMITTEE.

The Mayor also referred to complaints received from Valley View residents concerning the deer population in the city and stated that this issue is in the Environmental Commission. He recommends that the Commission research this and see what can be done. He further referred to the grand opening of the Senior/Community Center which will be held on February 2nd at noon. The public is invited as are mayors of different cities and various senior centers.

Former Mayor and council president Bill Reid had asked about the possibility of placing a plaque in City Hall recognizing all council persons. The information was received from the Board of Elections and a plaque is designed for city hall and we are looking for a sponsor for this for which the amount would be under \$1,000.00. This is a good idea and perhaps a ceremony could be held before installing the plaque at one of the upcoming council meetings.

Lastly, Friday is the deadline to give ideas for a Natureworks Grant for the City. The Law Director will advise us about passing a resolution tonight but we are holding off on the decision on what that Natureworks grant would be until we get all the ideas from council and compare them with the Parks and Recreation Commission and then make the best decision for the City. We can apply for that grant on February 1st 2008.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Garguilo reported the following: In reference to the memo concerning refuse collection of multi-families, there are some ideas at the end of that memo for an ordinance. He also referred to a memo distributed to council that the Mayor is requesting to add a new member to the Sign Review Board and also a member to the Environmental Commission. He also commented on the Eleventh District Court of Appeals has ruled on the Foster case and ruled favorably for the City but unfortunately this evening Lou Turi has filed a Motion to Reconsider and the Law Director will be filing a response to this.

He further commented on Resolution No. 2008-02 which is on the agenda and is an emergency so that the information can be forwarded by February 1st and a legislative decision can be made at that time.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Margalis had no communications.

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Garguilo added two Board appointments by the Mayor under New Business: Items (a) and (b)

ADMINISTRATORS:

A. Police Chief - Report attached. Chief Ice reported on a car involved in an accident on Route 2.

B. Fire Chief - Report attached. Chief Helsel reported that he will be beginning the procedure to sell the old squad on govdeals.com and the minimum bid would be between \$6,000 to \$7,000. He further referred to a notification about the Ethics Law Seminar which will be conducted by the city.

C. Finance Director - Final financial statement for 2007 attached. Mr. Germ said he is pleased with the way the year ended. It was the first year since 2002 that we did not experience an operating loss. He thanked council for their part in raising fees and also the income tax allocation changes for balancing the budget. The administrators worked hard to keep within budget. Our cash basis at the end of the year is 5.4 million in the General Fund which is better than anticipated. This can be discussed further in the budget talks for which he requested a meeting to be held for this. A date will be set in the near future.

Mr. Margalis reiterated what Mr. Germ reported. This is the first time that our city income tax collections were up \$421,000 over the budgeted number, the inheritance tax was up \$188,000 and our interest on investments was up \$262,000 over budget, these are big numbers and on the expense side every department came in under budget, some by some very large amounts, the police department \$105,000 under budget, the Fire Department \$90,000, dispatch \$26,000, everyone did a good job holding down expenses, this is a good sign.

D. Engineer - Report attached. Mr. Formica added a couple of traffic items to his report, one concern is the Bishop Road bridge lane assignments. He is working with ODOT on this and designating signs will be placed. A question regarding how long the signals would be out has come up, as of today they have told us those signals will be up and running in about three weeks. Another traffic issue which the Mayor asked them to look into was the traffic signal at the senior/community center and a study reveals that this is not warranted, however, they want to improve the safety of that intersection by moving the crosswalk and putting up a flashing yellow light. The Mayor pointed out this is presently in the Safety Committee.

Mr. Matyja commented about his major concerns regarding traffic on the bridge. There has to be better signage. Mr. Formica replied that they did not anticipate this problem but are working to alleviate it.

E. Service Director - Mr. Paschke had nothing to add to his report which is attached. Mr. Levar followed up on the bridge and the assistance of Patty Leovec in working with ODOT.

Mr. Jaworski had a question about the disposal of Christmas trees and how should these be handled. Mr. Paschke replied that there is a special pick-up for these.

F. Building Commissioner - Annual Report attached. Monthly report also attached. Mr. Sack reported on the parking lot at the condominiums and they have come to an agreement that they will repair their parking lot in the Spring. He requested a meeting be scheduled by the Legislation and Welfare Committee regarding the gas wells ordinance and also for the signage for Euclid Avenue. He also requested that rental house inspections be placed into committee and discussed. Mr. Margalis stated that a Committee of the Whole meeting is scheduled for January 23rd to discuss the TCLI Grant and after that we can hold a Legislation and Welfare Committee meeting to discuss that.

G. Recreation Director - Mr. Stopp had nothing to add to his report which is attached. He referred to the bid for the pole barn addition at Green Ridge and asked council to consider the alternate bid for the front patio awning.

AUDIENCE PARTICIPATION OPENED

Tom Delivuk, 29539 Woodway, expressed his pleasure with the new senior/community center and thanked council and the department heads.

AUDIENCE PARTICIPATION CLOSED

COMMITTEE REPORTS

Mr. Margalis scheduled the following meetings: Committee of the Whole January 23rd to discuss TLCI Grant and also a Legislation and Welfare Committee meeting to follow.

THERE WERE NO COMMISSION REPORTS

OLD BUSINESS

a) Bid Opening - Green Ridge Golf Course Pole Barn Addition - Mr. Formica reported that bids were received on January 4th and the base bids ranged from a low bid of \$24,000 to a high bid of \$34,080 as compared to the Opinion Probable Construction Cost of \$30,000. The completion date for this project is 60 days from date of Notice to Proceed. He reported that an alternate bid was also placed in this to put a canopy over the entrance way. The low bidder for this was Advanced Construction and Maintenance, LLC of Medina for \$24,000 including their alternate bid of \$12,200 which combines the bid to \$36,200, this was reviewed and they have the lowest and best bid.

Moved by Mr. Levar seconded Ms. Luther that the bid from Advanced Construction and Maintenance, 7019 Smith Road, Medina, Ohio 44256 be accepted for the Green Ridge Golf Course pole barn addition with a base bid price of \$24,000 and also the alternate entrance canopy for \$12,200 for a total bid of \$36,200 as being the lowest and best bid and that all other bids be rejected.

ROLL CALL: Ayes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
Nays: None

Motion carried.

NEW BUSINESS

a) Mayor's appointment of Mark Iafelice to the Sign Review Board - Moved by Mr. Krych seconded by Mr. Margalis that the Mayor's appointment of Mark Iafelice to the Sign Review Board for a term to expire December 31, 2010, be affirmed.

ROLL CALL: Ayes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
Nays: None

Motion carried.

b) Mayor's appointment of Loretta Dakes to the Environmental Commission - Moved by Mr. Levar seconded by Ms. Luther that the Mayor's appointment of Loretta Dakes to the Environmental Commission for a term to expire on December 31, 2010, be affirmed.

ROLL CALL: Ayes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
Nays: None

Motion carried.

ORDINANCES

ORDINANCE NO. 2007-68 AN ORDINANCE RENUMBERING, AMENDING, AND REPEALING VARIOUS SECTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO ENTITLED "CHAPTER 171, EMPLOYMENT PROVISIONS" Read by title. **THIRD READING**

Moved by Mr. Margalis seconded by Mr. Levar that Ordinance No. 2007-68 be adopted as presented.

Mr. Matyja feels very strongly on this that he does not feel it is right to pay public employees vacations when they are already separated from service and also extra vacations after separation, this is a bonus and does not happen in any other community, it is wrong, he has no problem in paying a bonus but this ordinance should be changed, it is a bad ordinance and to allow this to continue is wrong. Mr. Margalis pointed out that only employees presently employed will benefit, any new employees would

not. Mr. Jaworski echoed Mr. Matyja's comments. He also does not support this ordinance.

ROLL CALL: Ayes: Koski, Krych, Levar, Luther, Margalis
Nays: Jaworski, Matyja

Motion carried. Ordinance No. 2007-68 adopted.

ORDINANCE NO. 2007-86 AN ORDINANCE AMENDING SECTION 963.01 OF CHAPTER 963 ENTITLED "CEMETERY" OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO AND DECLARING AN EMERGENCY. Read by title. **THIRD READING.**

Moved by Ms. Luther seconded by Mr. Krych that Ordinance No. 2007-86 be adopted as presented.

The Mayor pointed out that once the Cemetery Board assembles, the council representative would now have the right to vote and also to make sure of that we will be adding another member to the Cemetery Board so it will be similar to all the other commissions.

ROLL CALL: Ayes: Jaworski, Koski, Krych, Luther, Margalis, Matyja
Nays: Levar

Motion carried. Ordinance No. 2007-86 adopted.

ORDINANCE NO. 2007-90 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO A CONTRACT WITH ECONOMIC DEVELOPMENT SOLUTIONS, LLC FOR THE PROVISION OF ECONOMIC DEVELOPMENT SERVICES, AND DECLARING AN EMERGENCY. **SECOND READING.** Read by title.

Moved by Mr. Margalis seconded by Ms. Luther that the rules of council be suspended and that Ordinance No. 2007-90 be placed on third and final reading.

ROLL CALL: Ayes: Jaworski, Koski, Krych, Luther, Margalis, Matyja
Nays: Levar

Motion carried.

Moved by Mr. Margalis seconded by Ms. Luther that Ordinance No. 2007-90 be adopted as presented.

Ms. Koski commented that we do need an economic development director but it should be someone closer to our area and for someone devoting one day a week for \$800 pay is a little much, we will not get our money's worth. The Mayor responded that the person to receive this job would not be working one day a week they would be on call for the city at any time. Mr. Levar referred to a letter written regarding economic development which everyone has a copy of. Mr. Matyja stated that he has voted against every economic development director the Mayor has put on and this is the first time we have a plan and he will support the Mayor on this. We do

not need a full time economic development director. This is a good price for six months and a good proposal. He is willing to give it a try.

ROLL CALL: Ayes: Jaworski, Krych, Luther, Margalis, Matyja
Nays: Koski, Levar

Motion carried. Ordinance No. 2007-90 adopted.

ORDINANCE NO. 2008-01 AN ORDINANCE CONFIRMING THE APPOINTMENT OF MARIA MATIYASIC AS SECRETARY TO THE CHARTER REVIEW COMMISSION OF THE CITY OF WICKLIFFE, OHIO, AUTHORIZING COMPENSATION THEREFORE, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Levar seconded by Ms. Luther that the rules of council be suspended and that Ordinance No. 2008-01 be placed on third and final reading.

ROLL CALL: Ayes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
Nays: None

Motion carried.

Moved by Mr. Levar seconded by Ms. Luther that Ordinance No. 2008-01 be adopted as presented.

ROLL CALL: Ayes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
Nays: None

Motion carried. Ordinance No. 2008-01 adopted.

ORDINANCE NO. 2008-02 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. Levar seconded by Ms. Luther that the rules of council be suspended and that Ordinance No. 2008-02 be placed on third and final reading.

ROLL CALL: Ayes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
Nays: None

Motion carried.

Moved by Mr. Krych seconded by Ms. Luther that Ordinance No. 2008-02 be adopted as presented.

ROLL CALL: Ayes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
Nays: None

Motion carried. Ordinance No. 2008-02 adopted.

RESOLUTIONS

RESOLUTION NO. 2008-01 A RESOLUTION ESTABLISHING A CHARTER REVIEW COMMISSION, SETTING FORTH THE COMPOSITION AND DUTIES OF SAID COMMISSION, AND ESTABLISHING PROCEDURES FOR REVIEW OF THE CHARTER OF THE CITY OF WICKLIFFE, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Mr. Margalis that the rules of council be suspended and that Resolution No. 2008-01 be placed on third and final reading.

ROLL CALL: Ayes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
Nays: None

Motion carried.

Moved by Mr. Margalis seconded by Mr. Jaworski that Resolution No. 2008-01 be adopted as presented.

ROLL CALL: Ayes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
Nays: None

Motion carried. Resolution No. 2008-01 adopted.

RESOLUTION NO. 2008-02 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO FILE APPLICATION FOR FINANCIAL ASSISTANCE THROUGH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE NATUREWORKS PROGRAM, AND DECLARING AN EMERGENCY. Read by title.

Moved by Ms. Luther seconded by Ms. Koski that the rules of council be suspended and that Resolution No. 2008-02 be placed on third and final reading.

ROLL CALL: Ayes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
Nays: None

Motion carried.

Moved by Mr. Margalis seconded by Mr. Jaworski that Resolution No. 2008-02 be adopted as presented.

ROLL CALL: Ayes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
Nays: None

Motion carried. Resolution No. 2008-02 adopted.

RESOLUTION NO. 2008-03 A RESOLUTION STATING THAT THE CITY OF WICKLIFFE, OHIO IS IN COMPLIANCE WITH OHIO REVISED CODE CHAPTER 149, ENTITLED "DOCUMENTS, REPORTS, AND RECORDS" COMMONLY KNOWN AS "THE PUBLIC ACT"
Read by title.

Moved by Mr. Margalis seconded by Ms. Luther that Resolution No. 2008-03 be adopted as presented.

ROLL CALL: Ayes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
Nays: None

Motion carried. Resolution No. 2008-03 adopted.

There being no further business, it was moved by Mr. Margalis seconded by Ms. Luther that the meeting of January 14, 2008 be adjourned.

ROLL CALL: Ayes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
Nays: None

Motion carried. Meeting adjourned at 7:55 p.m.

Clerk of Council

Council President and
Presiding Officer