

WICKLIFFE CITY COUNCIL MEETING
January 26, 2009 - 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 26, 2009. 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: Peter J. Formica
BUILDING COMMISSIONER: Raymond F. Sack
RECREATION DIRECTOR: Timothy E. Stopp
POLICE CHIEF: Randy E. Ice
FIRE CHIEF: Daniel L. Helsel
ECONOMIC DEVELOPMENT: Jason Laver

APPROVAL OF MINUTES:

Moved by Ms. Luther, seconded by Mr. Krych that the minutes of the council meeting of January 12, 2009 be approved as presented.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
No: None

Motion carried.

REPORTS AND COMMUNICATIONS FROM MAYOR/SAFETY DIRECTOR - Mayor Ruffner reported that he and Mr. Margalis attended a Lake County Mayors and City Managers meeting today. The federal stimulus package was discussed and explained. Plans are not accurate to date as to how these funds will be disbursed but there is a sum of one billion dollars to be spent in Ohio for infrastructure projects. The Mayors and Managers Association is putting together a committee to prioritize Lake County's needs. These will be presented as a group rather than each town or city. The projects will be basically 100% paid if accepted, including the engineering and would have to be completed within a two year cycle. The Mayor referred to the Finance Committee meeting to be held this Wednesday where we would like to compile "shovel ready" projects to be shown to the committee with council's approval. Along with that will be all capital improvement projects for 2009 and beyond with numbers.

He further read a letter from Mr. Anthony Russo of Robert Street, commending the Service Department for the excellent services provided with regard to plowing the roads and the sidewalks. The Mayor further reported that the Senior High School has scheduled Student Government Day to be held on April 27th.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo thanked Chief Ice for providing him with copies of peddler and solicitation chapters from various cities. It is his intention to put together a package for the committee to review with changes and updates. Our peddler solicitor's chapter was written in 1971 and in 1980 and the only change after that was in 1990 to raise the price for a license. Since 1980 through the 1990's

there have been Supreme Court changes that make our present chapter 739 obsolete. Mr. Gargiulo further referred to the last meeting where there was a comment about the sewer rate reduction and which was placed in the Improvement Committee. He reviewed Chapter 935, 935.03 in particular, which allows the City Engineer and the company, Hall Chemical, to meet the criteria of the city and if they do then they will be allowed to get the reduction.

He further reported that the city was served with a mechanic's lien from Collinwood Shale and Brick concerning the cement work phase 3 of the Rockefeller Road improvement and he will be working with Mr. Formica to resolve this problem.

He stated that there was an article in the Plain Dealer regarding the issue of state-wide concerns vs city charters home rules, Akron, Lima and the City of Cleveland presented their oral arguments. This is the home rule vs. the Ohio Revised Code.

Mr. Garguilo then presented an update on the Vitantonio property, known as Ponderosa. Chicago Title has indicated that the consolidation survey is complete and approved, however, there was a minor problem, that being that the acreage is in three names. The Lake County Engineer Department suggested that they all be put into one entity and the deeds are being prepared to do so. This was confirmed with Attorney Klammer.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Margalis referred to a letter from Matt Zone, Cleveland councilman, and president of the Northeast Ohio City Council Association. They are requesting communities in northeastern Ohio to pass and adopt a city-wide idle reduction ordinance, this would require all vehicles traveling in the city to obey idle reduction regulations. Every city in northeast Ohio can and should consider a city-wide idle ordinance which targets non-essential idling. Mr. Margalis placed this item into the ENVIRONMENTAL COMMITTEE.

He also stated that he received a letter regarding membership dues from the Northeast Ohio City Council Association. The dues are \$400.00. There is a web site if anyone is interested, we looked into this last year and decided not to participate. Another letter was received from Service Director Paschke regarding the capital improvement list for the Service Department for 2009. This letter was placed into the SERVICE AND SPECIAL EQUIPMENT COMMITTEE.

Mr. Margalis further reported that a Finance Committee is scheduled for Wednesday, January 28th at 7:00 p.m. to talk about capital improvements for 2009. He also scheduled another Finance Committee meeting for Wednesday, February 4th at 7:30 p.m. to discuss the general fund budget.

Mr. Krych scheduled a Safety Committee meeting at 7:00 p.m. on the same evening to discuss capital improvements for police and fire, the golf course safety problem and the pool drain issue.

THERE WERE NO ADDITIONS OR AMENDMENTS TO THE AGENDAADMINISTRATORS:

A. Police Chief - Chief Ice had no report.

B. Fire Chief - Chief Helsel had no report.

C. Finance Director - Mr. Germ had no report.

D. Engineer - Report attached. Mr. Formica stated that the Empire Road plans are 95-98% complete and have been sent out to utilities for their review and will be ready to be put out to bid. The 290th survey was just finished and they are about 40% ready to go out for bids.

E. Service Director - Report attached. Mr. Paschke added that there was some investigating done regarding smoke testing and some repairs on catch basins and they also started waxing the floors at the senior center which is important to keep that building in good shape. He noted that World Resources is bailing out of Lake County and a company called Metro will be buying their contract, the commissioners will be approving this on Thursday. He reported that Metro is very reliable and they do a nice job, there should be no changes in service. World Resources is leaving Ohio to concentrate on Pennsylvania.

Mr. Paschke further reported on the rock salt situation and stated that there is salt available. He discussed the situation further adding that the city is in good condition and salt will not run out.

Mr. Krych referred to a "Transportation Times" edition where they are asking if we want to be part of ODOT's contract and we have to let them know by February 28th. He asked if Mr. Paschke is considering joining the ODOT bid program to which Mr. Paschke replied that he has considered it along with some others but it limits to even stricter amounts, but he is looking into it.

Mr. Matyja referred to Mr. Pashcke's report regarding the clearing of sidewalks and stated that he is a proponent to this, there are too many kids walking and for safety reasons we have to do that program. Mr. Paschke replied that the complaints are 50 times more than our compliments. These were discussed in more detail regarding blocking of driveways, registration of contractors, etc.

Mr. Jaworski referred to the catch basins and asked what percentage has been fixed, to which Mr. Paschke replied that at least 12 have been fixed which were directly connected to the sanitary sewers. He is also investigating some joint repairs and televising those. All from last year have been repaired and up to 15 will be repaired by the time winter is over.

F. Building Commissioner - Mr. Sack had no report. Mr. Levar referred to the letter regarding the Denny's property and the violations listed. He thinks that we need to work with the residents and make sure that the work is done.

G. Recreation Director - Mr. Stopp reported on the Winter Fest which took place this weekend and was a great success.

H. Economic Development Coordinator - Report attached. Mr. Laver expanded on the Denny's property and the Ponderosa sale. He also mentioned that he is beginning to work with Brother McElroy regarding economic development and the use of his services. Mr. Levar referred to predatory lending practices and foreclosures, there was a meeting with the Economic Development Committee and he had a handout to be placed into the Wickliffe Connection.

THERE WAS NO AUDIENCE PARTICIPATION

COMMITTEE REPORTS

Mr. Levar read the report of the Economic Development Committee meeting held on January 21st which is attached.

Ms. Koski read the report of the Environmental Committee meeting held on January 21st which is also attached.

THERE WERE NO COMMISSION REPORTS

THERE WAS NO OLD BUSINESS

THERE WAS NO NEW BUSINESS

ORDINANCES

ORDINANCE NO. 2009-02 AN ORDINANCE DEDICATING LLOYD COURT DRIVE AS A PUBLIC THOROUGHFARE IN THE CITY OF WICKLIFFE, OHIO. Read by title.

Ordinance No. 2009-02 placed on first reading.

ORDINANCE NO. 2009-03 AN ORDINANCE AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH EASTON LEASING, INC. FOR THE DEMOLITION OF THE STRUCTURE LOCATED AT 28707 EUCLID AVE. IN THE CITY OF WICKLIFFE, AND DECLARING AN EMERGENCY. Read by title.

Mr. Formica stated that at the last council meeting council authorized Contract A, the asbestos removal and Contract B, demolition of the building. The next day he notified the contractors to start work. The Contract A asbestos removal contractor said he did not want to do the job anymore and he has the right to do so. Instead of going to the next contractor, which Mr. Formica has discussed with the Law Director, the next highest bidder was at \$9,500.00. He talked to the Contract B

contractor and asked for a price to do the Contract A work. He came in at \$6,000.00 so this was a wash. That is why a change order was prepared in order to give Easton Leasing the whole job. Mr. Levar asked if this is a moot ordinance in view of the rental of the property. Mr. Gargiulo said that passing this as an emergency there will still be some slack. He would really like to see the lease agreement between Wickliffe Floral and the owner of that property and would like to know how it is being financed because if the financing falls apart then we have to start all over again. His recommendation is to place this on first reading to see what happens. Mr. Formica added that we did get an extension with Easton Leasing for the extension of the execution period and that ends on February 5th. He may be able to get another extension from them.

Mr. Matyja asked is this person leasing the property or purchasing it. Mr. Gargiulo replied that Wickliffe Floral entered into a lease agreement. Mr. Matyja added that the owner of that building has let it deteriorate and it is the owner's responsibility to fix the building. Mr. Gargiulo stated that in the lease the Lessee is taking that property as is and is going to take the responsibility for making the repairs, it is an as-is lease agreement, this is why he wants to see the lease agreement. Mr. Margalis agrees because this is unusual that the lessee will take over the property, usually the owner of the property makes these type of repairs. The facts that the Mayor received from the real estate company is saying the lessee is taking possession of the premises Monday, January 26th.

Mr. Laver added that they structured a deal like this because what needs to happen is for the Ponderosa to close and he would assume that if this does not close that this will not go forward. Mr. Margalis interjected that we have gone through this whole issue and carrying it on and extending it and then we get this letter from the real estate, he would gladly like to see this person take ownership of this property and fix it up. We need to get something more than a letter from the real estate agency that they have struck a deal. We still have nothing solid and he would like to see this stay on first reading to see how it progresses.

Mr. Levar added that in thirty years he has never heard anybody ask to see a lease agreement, that should be between the real estate company and the purchaser. Mr. Margalis replied that this is a very unusual situation and the first time we have followed through on a blight, we are being cautious. Mr. Levar said someone told him months ago to have faith about the Ponderosa property and we should have faith that this will go through the right way. Mr. Margalis agrees but again we have nothing solid that's why it's suggested to place this on first reading. Mr. Matyja also agreed and stated he does not want another Wine Barrel because this is a commercial building, they have to also deal with the County to get their permits. Mr. Jaworski asked if we do not go through with this can Easton file against the city. Mr. Gargiulo replied that the only person who could have a cause of action would be the contractor who made the bid, this is what makes Mr. Formica nervous because the cut-off date is February 6th. He will try to get another 30 day extension and let them know the situation.

Ordinance No. 2009-03 placed on first reading.

RESOLUTIONS

RESOLUTION NO. 2009-01 A 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.

Mr. Germ explained the need for this resolution per his memo of January 22nd which is attached.

Moved by Mr. Krych seconded by Ms. Luther that the rules of council be suspended and that Resolution No. 2009-01 be placed on third and final reading.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
No: None

Motion carried.

Moved by Mr. Margalis seconded by Mr. Krych that Resolution No. 2009-01 be adopted as presented.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
No: None

Motion carried. Resolution No. 2009-01 adopted.

There being no further business, it was moved by Mr. Krych seconded by Ms. Luther that the council meeting of January 26, 2009 be adjourned.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
No: None

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

Council Clerk

Council President and
Presiding Officer