

WICKLIFFE CITY COUNCIL MEETING
October 12, 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, October 12, 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
ACTING SVS. 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, excused

APPROVAL OF MINUTES:

Moved by Ms. Luther seconded by Mr. Krych that the minutes of the council meeting held on September 28, 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 the following: 1) Jindra park plans for the drainage system and the Green Ridge Clubhouse bathrooms plans are ready for review and he requested a committee meeting be called when appropriate; 2) announced that the Town Meeting is this Wednesday, October 14 at 7:00 p.m. where there is also a "meet the candidates" social before the town hall meeting at the Community Center.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo reported that a public records request was received from the attorney representing Suede Nightclub. This consisted of many pages of printing and copying and rules call for eight cents a page. Council meeting tapes were also provided. He commended Mrs. Fowler, who is the Records Coordinator, for providing these records with the cooperation of all the departments. He further reported that he received letters from two attorneys representing Suede and both letters have the specter of litigation. He informed the department heads and members of council that some litigation should be anticipated and if so, all communications should go through the Law Department.

He went on to state that the Finance Committee met and the last sentence in the written report indicates that the Finance Department and the Department of Economic Development should work out some language for guidelines for grants. That language has been worked out by Mr. Germ and Mr. Laver and he has that information and will provide council with a copy by the end of the week for this to go into committee for discussion.

He also noted that he received an extension for the labor negotiations from two of three unions, the Fire Department has not responded and he has asked the Chief to check to get the contract back as soon as possible, this contract states that we will not start negotiations until January 1 of 2010.

He further referred to Ordinance No. 2009-54 on the agenda which had an information sheet attached which the Engineer will explain to council.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Margalis stated that he received a notice from the Ohio Division of Liquor Control for a transfer of a liquor permit, this is from the BP Station on E. 305 and Lakeland and as discussed earlier this request will be given to the ward councilman. A copy was given to Mr. Jaworski to check to see if he has any information of any reason why this would be objected to and if not the Clerk should be notified because she is the one that signs the notice, this has to be back to the Department no later than November 2nd.

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Margalis added an executive session at the end of the meeting to discuss real estate.

ADMINISTRATORS:

A. Police Chief - Report attached. Chief Ice referred to his memo dated October 7 regarding police vehicles. There is enough money left in the police capital line item to purchase another unmarked Chevrolet Impala which would replace a 1999 Ford Crown Victoria unmarked car. The money to purchase this vehicle is already in the police vehicle capital line item that council approved in March 2009. He asked for authorization from council to purchase one unmarked Chevrolet Impala from this surplus of funds. This will be ordered through the Department of Administrative Services.

Moved by Mr. Margalis seconded by Ms. Koski that the Mayor be authorized to purchase through State Purchasing a 2010 Chevrolet Impala at a price not to exceed \$20,000.00.

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

Motion carried.

Chief Ice then discussed the police radio purchase. There is an opportunity to purchase radios at \$55.20 and there is a promotion going on in the state of Indiana for a price of \$27.90 which we can take advantage of. There is a savings of \$18,000 for 25 radios and we also have 52 portable radios which are \$35.50 apiece and they are discounted for us at \$23.40 which is a savings of \$61,000.00. The total for these police radios without this discount would be \$269,000 and with the discount price would be \$189,000. We have until December 31, 2009 to take advantage of this discount. He wanted council to be aware of this savings. This should be discussed by the end of the year.

The last issue deals with Evolution Ultra Lounge which had many problems this past weekend and which kept the police very busy. There were eight open container arrests, two possessions of marijuana, one resisting, one of littering. Mutual aid was requested from the City of Euclid. He received some information the past two months that one company that provides DJ's to these clubs is School House Promotions and there are a lot of problems with them. This is the second weekend there have been problems. He cited other establishments which have had problems with this company. The Mayor referred to a history of clubs in the past of overcrowding and when you say they are closed down and when this becomes a nuisance how is it closed down. The Mayor went on to ask how the city controls a situation when it becomes a problem for the police and the residents.

Mr. Gargiulo responded that there are three areas in the Codified Ordinances that deal with declaring something a nuisance and all three or possibly two of the procedures are basically the same. There is a notice of the nuisance and then procedurally it comes to council and a hearing can be held before council. There are also stronger steps which can be taken. The procedure is outlined in our new nightclub ordinance. The key is giving them due process to be heard and once a business is declared a nuisance then it could be boarded up, locked up and could be torn down. The Mayor asked Chief Ice to keep council abreast of the activities at that location.

Mr. Matyja asked if there is a vote needed to put on extra manpower if it costs overtime but his concern is that if all the police are in one area then who is patrolling the city and then when we start calling mutual aid that becomes a serious situation. Chief Ice said he would keep an eye on this and if it continues he would suggest that an overtime shift be started to cover that. Mr. Jaworski asked for some numbers as to how much overtime would be needed.

Mr. Margalis commented on the previous statement regarding the radios and since there will be several manufacturers compatible with this new backbone system, and since it has not all been laid out yet and money is still coming in to subsidize the backbone, we are a little ways off from knowing what we will really need. When that time comes the County will try to get a group purchasing rate for all of the communities which hopefully will be a good deal. Chief Ice responded that he wanted council to be aware of this discount.

B. Fire Chief - Report attached. Chief Powers referred to his letter dated October 7th regarding the current budget advising that the budgeting for overtime and mechanical repairs will be insufficient for this year.

C. Finance Director - Monthly financial report attached. Mr. Germ added that the changes that were approved at the last council meeting regarding fund transfers as well as other adjustments are included in the report. He also referred to a memo dated October 8 regarding Bowen and Associates for their participation in the Service Garage project. Mr. Matyja questioned the \$51,000 which is a lot of money for a set of plans that are not even architecturally ready for development.

D. Engineer - Report attached. Mr. Formica added that he and the Service Director are working on the venue and recommendation list of construction improvements for 2010 and this should be complete and ready for council by the end of this week. In response to a question from Mr. Margalis, Mr. Formica presented an update on the Empire Road project and stated that the contractor plans to be completed with all pavement operations by the 23rd of October. Plans for Halloween have been discussed with the construction people and everything will be in order. Mr. Levar asked if this contractor was doing quality work to which Mr. Formica replied that they are doing a fine job and are dealing well with the residents. The only improvement we can ask for them is to tear up less of the streets at one time.

E. Service Director - Mr. Kerniskey had no report. Mr. Jaworski asked for an update on the Regent project to which Mr. Kerniskey replied they are still working on it and there are seven houses on that street yet to be die tested. These will be handled in house before we ask for outside help.

Mr. Levar referred to the plans for the Green Ridge Clubhouse and asked if anything was ever heard regarding the SR2 properties along SR 2 regarding the weeds, etc. Mr. Kerniskey replied that the County sent out a letter stating that if we were to maintain any of that grass cutting it would be our responsibility to go through the fence line. He recommended that the plan for most cities along the freeway where the sound barrier is limited access not to go back and cut the grass just to let it die down. Chemical controls can be added to the grass to control problems but to go over the fence and cut the grass some residents will comply and others would not. Mr. Kerniskey said he has not pursued an outside contractor doing that work. Mr. Margalis pointed out that this item is in the Service and Special Equipment Committee and this should be discussed in committee.

Mr. Margalis inquired about the road salt supply to which Mr. Kerniskey replied that the building will be filled and will be ready by the end of this month. Mr. Jaworski asked about the equipment to which Mr. Kerniskey advised him that all the trucks are ready with the exception of one which is the garage. Leaf collection was also started today.

F. Building Commissioner - Mr. Sack had nothing to add to his report which is attached. Mr. Jaworski referred to a house on Grant Avenue and the snow fence around a compost pile. Mr. Sack informed him that a 30 day notice was sent and that time will be up next week.

G. Recreation Director - Mr. Stopp reported on the craft fair held this past weekend. Numbers were similar to last year, 1,300 attended the event down from 1,400 last year and rental brought in \$4,300, last year it was \$5,100.

H. Economic Development Coordinator - Mr. Laver excused.

AUDIENCE PARTICIPATION

Barb Mervar, 29345 Armadale Avenue, addressed council regarding a drainage problem on her property and the problems they have had trying to remove the water. There have also been confrontations with their neighbor regarding this. Copies of her complaint were distributed to council. She went on to say that the pipe cannot be repaired any more and she asked the city for help. Mr. Gargiulo suggested that an easement be obtained from all the property owners to solve this problem across all the lots and if anything goes wrong the city can make the decision to go on to the property. This would take the cooperation of all the neighbors.

Resident, 30018 Warren Road, reported on a problem with her son skateboarding at the senior center. She explained the situation which happened on a Sunday after the robbery of the mini-mart on Worden Road. About 2 p.m. her eleven year old son and his three friends were skateboarding in the front lot of the senior center when a police officer told them to leave. Chief Ice asked her to meet with him at his office for more details.

COMMITTEE REPORTS

Mr. Margalis read the report of the Committee of the Whole meeting held on October 5, attached. He then read the report of the Finance Committee meeting held on October 5 which is also attached. He added that a meeting of the Finance Committee will be held on Monday, October 19 at 7:30 p.m. to further discuss the suggested ordinance.

COMMISSION REPORTS

Mr. Jaworski reported that the Parks and Recreation Commission met this past Thursday and there will be a memo going out to council and the administration for some wishes they would like to see for the parks for next year.

Mr. Krych gave an update regarding the Provo Guild and the Incubator situation. He was informed that the Provo checking account has \$2.00 in it and they probably will not be able to pay their October utilities but they may be able to in November or December when they get rental income. They are in dire straits. Also, if possible, Mr. Krych would like to place the following into committee with the cooperation of the Finance Department, that being the feasibility that instead of doing combined appropriations for the expense reports that appropriations be given by

departments. These will more accurately reflect expenses and revenues. Mr. Margalis placed this item into the FINANCE COMMITTEE.

THERE WAS NO OLD BUSINESS

THERE WAS NO NEW BUSINESS

ORDINANCES

ORDINANCE NO. 2009-53 AN ORDINANCE LEVYING AN ASSESSMENT FOR TAXES DUE AND OWING THE CITY OF WICKLIFFE FOR UNPAID TRANSIENT GUEST TAXES, AND DECLARING AN EMERGENCY. Read by title.

Mr. Matyja asked if other hotels in the city other than the ones listed are up to date on their tax payments. Mr. Germ reported on those. Mr. Gargiulo stated that the reason the others are being slowed down on is because they are making payments. We are looking into the options for litigation. Mr. Margalis placed the item of bed tax into the FINANCE COMMITTEE. Mr. Krych questioned the possibility of collecting admission prices from clubs and how they would be kept track of. Mr. Germ reported that the admission tax would fall under the guidance of our ordinance. Discussion followed regarding how to enforce the count of admissions. Mr. Margalis concluded that so far we have budgeted \$148,000 in hotel motel receipts and are receiving \$58,000 here today.

Moved by Mr. Krych seconded by Mr. Jaworski that the rules of council be suspended and that Ordinance No. 2009-53 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Krych seconded by Mr. Jaworski that Ordinance No. 2009-53 be adopted as presented.

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

Motion carried. Ordinance No. 2009-53 adopted.

ORDINANCE NO. 2009-54 AN ORDINANCE GRANTING CONSENT TO THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION TO COMPLETE THE TRAFFIC SIGNALIZATION PROJECT AT THE EAST 305 STREET AND LAKELAND FREEWAY INTERSECTION IN THE CITIES OF WICKLIFFE AND WILLOWICK, AND DECLARING AN EMERGENCY. Read by title.

Mr. Gargiulo informed council that the form of this ordinance was presented to us by way of our city engineer. Mr. Margalis explained that the City of Willowick received stimulus funds to upgrade their

signalization at the intersection of E. 305 and Lakeland and that we be included in it. In Section 3 it is noted that the City of Wickliffe agrees to pay 100% of any cost included in the cost of the contract which is at the request of the LPA which is determined to be by the Director not part of or necessary of the improvement.

Moved by Mr. Levar seconded by Mr. Krych that the rules of council be suspended and that Ordinance No. 2009-54 be placed on third and final reading.

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

Motion carried.

Mr. Krych asked if we do not anticipate any work on our site or spending any money on this project then what about the pre-empt signalization will that be showing what others are also spending because we only have it on ours right now. Mr. Kerniskey will check into this. Mr. Levar asked when is this project to start and when will it be concluded. Mr. Formica said he does not have a schedule yet but there will be no disruption when it is started.

Moved by Mr. Krych seconded by Mr. Jaworski that Ordinance No. 2009-54 be adopted as presented.

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

Motion carried. Ordinance No. 2009-54 adopted.

RESOLUTIONS

RESOLUTION NO. 2009-16 RESOLUTION CONGRATULATING DANIEL L. HELSEL ON HIS RETIREMENT AS CHIEF OF FIRE OF THE CITY OF WICKLIFFE FIRE DEPARTMENT, COMMENDING HIM FOR HIS DEDICATED SERVICE AND WISHING HIM GOOD FORTUNE IN HIS RETIREMENT YEARS AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Ms. Luther that the rules of council be suspended and that Resolution No. 2009-16 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Levar seconded by Mr. Jaworski that Resolution No. 2009-16 be adopted as presented.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja

No: None

Motion carried. Resolution No. 2009-16 adopted.
Moved by Mr. Krcyh seconded by Ms. Luther that council recess into executive session to discuss real estate.

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

Motion carried.

Council reconvened from executive session at 8:50 p.m.

PRESENT: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja

Moved by Ms. Luther seconded by Mr. Jaworski that council approve extending the Exclusive Right to Sell Agreement of the historical residential home addressed 29144 Ridge Road, from October 13, 2009 through midnight on December 31, 2009, pursuant to the same terms and conditions as noted in the contract and Ordinance No. 2008-80.

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

Motion carried.

There being no further business, it was moved by Mr. Krych seconded by Mr. Jaworski that the council meeting of October 12, 2009 be adjourned.

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

Motion carried. Meeting adjourned at 8:51 p.m.

Council Clerk

Council President and
Presiding Officer