

WICKLIFFE CITY COUNCIL MEETING  
October 13, 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, October 13, 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: 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, excused

APPROVAL OF MINUTES:

Moved by Mr. Margalis seconded by Mr. Krych that Mr. Matyja be permitted to abstain from approval of the council meeting minutes of September 22, 2008.

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

Motion carried.

Moved by Mr. Margalis seconded by Ms. Luther that the minutes of the council meeting of September 22, 2008 be approved as presented.

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

Motion carried.

REPORTS AND COMMUNICATIONS FROM MAYOR/SAFETY DIRECTOR - Mayor Ruffner announced that a letter was received from the Diocese regarding the sign for the bar and grill which will be opening across the street from Borromeo property called "Sinners", this name will be changed with respect to the Catholic school.

Mayor Ruffner conducted the swearing in ceremony for Steve J. Savochka, who will be an auxiliary police officer.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo reported the following three items: 1) The Gateway landscape contract with ODOT was reviewed and approved; 2) the U.S. Department of Labor, Fair Labor Standards Act problem has been resolved, we have the release and the payment has been made; and 3) with reference to the last council meeting concerning the appointment of Mr. Ely as a member of the Commission for Public Records, the question was asked about how long can he serve, the answer is that he serves at his pleasure and can leave at any time. The reason for this is that all the members of that Commission are

administrators of the City. This Commission must meet two times a year minimum.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Margalis referred to the last meeting and the Engineers report that the Chagrin River Watershed Partners had a proposal called the Chagrin River Balance Growth Plan and a meeting was to be scheduled with Amy Brennan. The earliest she can meet with us is October 29<sup>th</sup> so a Committee of the Whole meeting will be scheduled for Wednesday, October 29<sup>th</sup> at 7:00 p.m. to discuss this Growth Plan.

He referred to a memo from Chris Mlachak, Chairman of the Wickliffe Environmental Commission regarding their recommendations in regard to the deer population problem in the city, this item is in the Environmental Committee. He placed this letter also into that Committee to meet with a recommendation to council. He further referred to an invoice received by the Finance Director from the National League of Cities for membership which goes from December 1, 2008 to November 30, 2009, the dues for membership are \$1,432.00, this is getting pricey. He asked council for feedback on this membership and if anyone uses it.

Mr. Jaworski reported concerning talks with some residents on East Phillips and the AT&T DSL line, they were told that they cannot get this in that section of the city. Mr. Margalis replied that there are certain pockets of the city that cannot get this. AT&T's response to the residents was that the city has to keep pestering AT&T to take care of this.

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Margalis added item (b) under New Business: October 27<sup>th</sup> meeting.

ADMINISTRATORS:

A. Police Chief - Chief Ice had nothing to add to his report which is attached. Ms. Koski reported on some problems at the golf course after hours. Chief Ice responded that he will look into this. Mr. Levar referred to an incident at the library on Sept. 29<sup>th</sup> to which Chief Ice said that this was a one time incident. Mr. Jaworski added that there is still a pigeon problem on Worden, Chief Ice replied that they are working on it.

B. Fire Chief - Report attached. Chief Helsel also reported that fire prevention week was held and safety classes were also offered. Mr. Margalis referred to the Lake County Perry Nuclear Power Plant drill held last Tuesday at which the Wickliffe Fire Department participated in. Chief Helsel explained what this entailed for the Fire Department. Mr. Margalis further stated that in the report released they singled out the City of Wickliffe for the fine job done at the high school. He congratulated Chief Helsel.

C. Finance Director - Monthly financial report attached. Mr. Germ added that four years ago an outside independent audit firm was hired to do our annual audits. That contract has expired and early next year we will be starting our 2007-2008 audit. The State Auditor's office will again allow us to go out to an independent auditor so he is working with the State Auditor's office and they will facilitate the RSP process and they will send these out to various firms. As soon as he knows who the firm will be he will inform council, the contract last time was about \$25,000.00 per audit.

He also reported that the Mayor received some information from the City of Euclid Waste Water Treatment who have recently undergone a financial audit by a group called Maximus out of Concord, this is in conjunction with some new EPA mandates. Nothing definite has been published yet but the letter was to alert us as to what is going on, under the circumstances the letter states it is impossible to estimate the cost of improvements which may be mandated. These costs will be shared by their outside user communities, meaning Wickliffe. A rate increase should be anticipated next year but it cannot be calculated yet. Mr. Germ said he is looking into this as best as he can and will keep council informed.

D. Engineer - Report attached. Mr. Formica added that smoke testing has been completed and last week they detected 13 catch basins that were draining into the sanitary sewer system, 14 were caught all summer and in one day they detected 13 in the Robindale area. The Service Department is looking into all those.

He also informed council that he will be sending out an addendum for the Denny's building demolition tomorrow at noon. We have the option to delay the bid opening by two or three weeks, in doing that the contractors won't have to go out and buy bid bonds, etc. if this gets cancelled. Mr. Margalis stated that the prospective buyer of that property has a purchase agreement but is hesitant on following through when he sees the building being demolished. The suggestion with the addendum is that we could delay this for two weeks and in that time the prospective buyer will be able to complete this purchase. Mr. Levar referred to other possibilities along the avenue and he is assisting the prospective buyer. Mr. Margalis added that the buyer is aware that all of these violations that made this property blighted must be taken care of before occupancy can occur. Council had no objection to this delay.

Moved by Mr. Levar seconded by Ms. Luther that council approves extending the bid opening of the demolition of the Denny's property, 28707 Euclid Avenue, to the new bid opening date of November 7, 2008.

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

Motion carried.

Mr. Margalis referred to the last meeting where Mr. Matyja was to report out of the Improvement Committee regarding the road program. Mr. Matyja reported that the Improvement Committee approved authorizing plans and specifications for upper E. 290<sup>th</sup>, Larchmont and Fenwick.

Moved by Mr. Matyja seconded by Mr. Levar that council authorize the City Engineer to prepare plans and specifications for the street improvements for Fenwick, Larchmont and upper E. 290<sup>th</sup>.

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

Motion carried.

E. Service Director - Report attached. Mr. Paschke requested a committee meeting for October 20<sup>th</sup> to discuss service personnel, operations and also the City Hall LED sign. Mr. Margalis called a Committee of the Whole meeting to be held on Monday, October 20<sup>th</sup> to discuss these items at 7:00 p.m.

Mr. Jaworski reported on the Parks and Recreation Commission meeting held last Thursday where there were some questions as to the new kiddie playground being constructed, and if these were age appropriate. Mr. Paschke replied that the new play structure being installed is not the same as the Creative Players but adding appropriate surrounding items from the old Creative Player will be accessible to younger children also.

F. Building Commissioner - Mr. Sack had nothing to add to his report which is attached. Ms. Koski referred to invisible fences concerning dogs and asked if these are allowed to be in the front yards. The Mayor asked Mr. Sack to look into this.

G. Recreation Director - Report attached. Mr. Stopp added an invitation to a Lights After School rally this Thursday at the Middle School from 3:00 p.m. to 5:00 p.m.

H. Economic Development Coordinator - Mr. Laver excused.

#### AUDIENCE PARTICIPATION

Owner, Wickliffe Floral, said he will do his best to improve the city and stated he needs a little help with the property that he is in. As long as he knows that if he buys the Denny building it will not be torn down and with winter coming it will be hard to accomplish everything so he is asking council for some leniency on certain items.

#### COMMITTEE REPORTS

Mr. Levar read the report of the Economic Development committee meeting held on October 8<sup>th</sup> which is attached.

COMMISSION REPORTS

Mr. Jaworski reported on the Parks and Recreation Commission meeting held on Thursday at which there was a motion unanimously passed by the Committee asking the City to use the Green Ridge Golf Course Bond house for programming until the house is sold.

OLD BUSINESS

a) Bid Acceptance - Furnishing of coarse crushed salt for snow and ice control. Mr. Paschke reviewed the bids which were received and are attached. He commented on salt supply and fuel prices. There were three bidders and two were no bids. Morton has been our supplier for many years and has great customer service and we have not had any problems getting salt. It is in the city's best interest to award the contract to Morton Salt out of Chicago for the price of \$69.38. Discussion followed regarding the rates. Mr. Paschke will inform council at the meeting next Monday on what he has learned about supplies of salt. He added that the supplier must be notified by tomorrow morning.

Moved by Mr. Levar seconded by Mr. Krych that the bid from Morton Salt, Ice Control Marketing Department, 123 N. Wacker Drive, Chicago, Illinois 60606-1743 for furnishing of coarse crushed salt for snow and ice control at the bid price of \$66.38 dump per ton and \$69.38 piler per ton 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) Bid Opening - Demolition at 28707 Euclid Avenue - This date has been changed to November 7, 2008.

b) October 27 meeting date - Mr. Margalis stated that the next meeting of council is scheduled for Monday, October 27 at 7:00 p.m. and he asked that the start time for that meeting be moved to 6:30 p.m. on that date. The Wickliffe Schools are having their town hall meeting that evening at 7:00 p.m. at the Community Center.

Moved by Mr. Margalis seconded by Ms. Luther that the council meeting time of the October 27<sup>th</sup> meeting be moved to 6:30 p.m.

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

Motion carried.

ORDINANCES

ORDINANCE NO. 2008-69 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO A CONTRACT WITH CT CONSULTANTS, INC. FOR OWNER-REPRESENTATIVE SERVICES TO BE PERFORMED IN FURTHERANCE OF THE DESIGN AND CONSTRUCTION OF THE CITY OF WICKLIFFE SERVICE FACILITY, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Mr. Margalis that the rules or council be suspended and that Ordinance No. 2008-69 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Krych seconded by Mr. Margalis that Ordinance No. 2008-69 be adopted as presented.

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

Motion carried. Ordinance No. 2008-69 adopted.

RESOLUTIONS

RESOLUTION NO. 2008-25 A RESOLUTION EXPANDING THE COMMUNITY REINVESTMENT AREA ALREADY ESTABLISHED IN THE CITY OF WICKLIFFE, OHIO, WHICH INCLUDES RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL PROPERTIES ON EUCLID AVENUE EXTENDING FROM THE EASTERN CORPORATION LIMITS TO THE WESTERN CORPORATION LIMITS, TO FURTHER INCLUDE ADDRESSES ON LAKELAND BLVD., LLOYD ROAD, ANDERSON ROAD, CLAYTON AVENUE, AND THOSE ADDRESSES NORTH OF EUCLID AVENUE ON EAST 289 STREET, SILVER STREET, ROCKEFELLER ROAD WITHIN THE CORPORATION LIMITS OF THE CITY; AND AMENDING THE FINANCIAL ALLOWANCES FOR SAID COMMUNITY REINVESTMENT AREAS. Read by title.

Moved by Ms. Luther seconded by Mr. Levar that Resolution No. 2008-25 be adopted as presented.

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

Motion carried.

RESOLUTION NO. 2008-30 A RESOLUTION RECOGNIZING AND CONGRATULATING THE LUBRIZOL CORPORATION AS THE COMPANY CELEBRATES 80 SUCCESSFUL 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. 2008-30 be placed on third and final reading.

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

Motion carried.

Moved by Ms. Luther seconded by Mr. Krych that Resolution Ho. 2008-30 be adopted as presented.'

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

Motion carried. Resolution No. 2008-30 adopted.

RESOLUTION NO. 2008-31 A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF WICKLIFE TO SELL BY INTERNET AUCTION, CERTAIN ITEMS OF PERSONAL PROPERTY NO LONGER NEEDED BY THE CITY AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Margalis seconded by Ms. Luther that the rules of council be suspended and that Resolution No. 2008-31 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. Krych that Resolution Ho. 2008-31 be adopted as presented.'

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

Motion carried. Resolution No. 2008-31 adopted.

There being no further business, it was moved by Mr. Krych seconded by Ms. Koski that the council meeting of October 13, 2008 be adjourned.

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

Motion carried. Meeting adjourned at 7:50 p.m.

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Council Clerk

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Council President and  
Presiding Officer