

WICKLIFFE CITY COUNCIL MEETING  
October 27, 2008 - 6:30 p.m.

A regular meeting of Wickliffe City Council was called to order by Council President William Margalis at 6:30 p.m. on Monday, October 27, 2008. The following were present at roll call:

MAYOR: Thomas W. Ruffner  
COUNCIL PRESIDENT: William Margalis  
COUNCIL: Jaworski, Koski, Krych, Levar, Luther  
Matyja, not present at roll call  
LAW DIRECTOR: William C. Gargiulo  
FINANCE DIRECTOR: Martin Germ  
SERVICE DIRECTOR: Daniel C. Paschke, excused  
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 October 13, 2008 be approved as presented.

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

Motion carried.

REPORTS AND COMMUNICATIONS FROM MAYOR/SAFETY DIRECTOR - Mayor Ruffner reported on the following, attended the Lake County Mayors and City Managers meeting and presented them with information about the Area Wide Urban Setting Designation Program; Commissioner Troy was present to discuss the 800 megahurst radio system and his word to the mayors is not to worry about the ten million dollar project until 2011, they believe they have enough grants and funding to complete Phase 1 which will be complete in 2010 but he does warn cities to start saving in the event that radios and com centers need to be replaced.

He also reported on a conversation he had with AT&T regarding the reasons why some residents in the city will not have AT&T hookup available, he will have a memo ready for this. There is a web site and a number to call for those residents to see if it is available on their street. AT&T can basically select any area that fits their needs. The web site is [www.uverseATT.com](http://www.uverseATT.com) wherein you can insert your address and you will be informed if your address is available. The number of homes around the boxes will be limited until their technology gets broader. The Mayor further stated that the Green Ridge home has not had any down payments of those people interested in purchasing the home. He would like to get some RFP's from real estate agents for the house to be listed and he asked council to authorize this.

Moved by Mr. Margalis seconded by Mr. Krych to authorize the Law Director to advertise for our request for proposals for real estate brokers for the sale of the Green Ridge house.

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

Motion carried.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Garguilo presented the following: sometime ago on October 20<sup>th</sup> he sent a memo to council concerning red flag regulations, a Federal mandate effective November 1<sup>st</sup>. On October 22<sup>nd</sup> he received another memo from the Municipal League indicating that there will be a six month delay on this, so the information disseminated concerning that should be disregarded at least until next May or June.

Council should also be aware that he filed on behalf of the City a criminal tax complaint against the Comfort Inn for the transient tax due which happens to be approximately an estimated \$70,000.00. This was filed in the Willoughby Municipal Court and this is a special misdemeanor which has a fine and jail time for the president of the corporation.

He also received a letter from the attorney representing Cold Harbor. It was a demand letter requesting interest on our late payment. It is the Law Department's opinion that we will not pay interest due because the ordinance did not call for it. He further made reference to a letter he received from an attorney representing Mark One Truck concerning a sewer collapse and he is gathering information to send to the attorney, however, any claims concerning that sewer collapse will be rejected.

Mr. Gargiulo further reported that he received a letter from the Finance Department requesting a memo concerning 2650 Bishop Road, this was a residential home that never tied into the sewer system and remained on the sanitary system and the demand was for the return of all the money paid. A letter was sent back to the Finance Department with a copy to the Mayor, the Service Department and the Building Commissioner that will indicate basically that we will not give them any money.

He also stated that he received a notice from Case Management concerning the Vitantonio properties which is scheduled in Judge Collins court on November 19<sup>th</sup>. He will attend along with Mr. Sack, this concerns the demolition of the building.

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

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Krych added under New Business, item (a) Senior Community Center.

ADMINISTRATORS:

A. Police Chief - Chief Ice had no report.

B. Fire Chief - Chief Helsel had no report.

C. Finance Director - Mr. Germ stated that the renewal of the health care insurance plan is coming up January 1<sup>st</sup>. Jim Dustin from Employee Benefits International would like to speak to council regarding some changes in the plan and the proposed increase in our rates. This can be scheduled for Wednesday, November 5<sup>th</sup> at 7:00 p.m. if possible and also at the same time he would like to discuss the 2009 temporary budget.

Mr. Margalis also scheduled a Finance Committee meeting for November 5<sup>th</sup> at 7:30 p.m. to discuss the health care issue and also the temporary budget and then to meet regarding an update for the Service Garage.

Mr. Matyja entered the meeting at this point.

D. Engineer - Mr. Formica had nothing to add to his report which is attached.

E. Service Director - Mr. Paschke excused.

F. Building Commissioner - Mr. Sack referred to the request for vinyl fencing and technically this is not in our code for this type of fence. He requested that this be placed into committee. Mr. Margalis placed this into the LEGISLATION AND WELFARE COMMITTEE.

Ms. Koski referred to the former Willis property and asked if the current owners of this vacant land are required to have grass on those lots. Mr. Sack replied that this is right and he talked to the Lake County Soil and Water and they will send out a letter to get that property hydro seeded.

Mr. Matyja referred to the winery and house on E. 289 Street and asked if they have the proper permits to be running a business there or do they have an occupancy permit, do they have all their proper permits. Mr. Sack replied that as of today they do not. They have to go to the county and change the use of that property because it was residential. Now they need a commercial use permit. Mr. Matyja replied that he is getting phone calls from residents where people do things on their homes without permits and have been fined but we are allowing a business to operate without the proper permits and asked if this is legal. Mr. Sack answered that this was a misunderstanding because he was under the impression that they had their proper permits. Discussion followed.

Mr. Margalis summarized this by stating that once a change of use is done even though it is a residential home in a commercial zone, it is zoned properly, the only thing the owner needs from the county is that it is zoned correctly for that business. Now it falls into the county's hands, they have to get certain things from the city and the Fire Department has

to also do a review of the property before they will issue the commercial occupancy permit. Mr. Sack does not issue commercial occupancy permits, he only issues residential occupancy permits. He may not be able to do a temporary occupancy permit until the owner gets his permanent one from the county, for which they have never applied and the Fire Department has not done their inspection yet, nothing has happened there. The Mayor added that it is their responsibility to follow through by going to the county so they should not be operating any more. A cease and desist order will be given until they get approval from the county. Mr. Garguilo also added that they should also be told that because of their past working without a permit that they could be subject to criminal sanctions because that is a violation of the commercial zoning code.

G. Recreation Director - Mr. Stopp had no report.

H. Economic Development Coordinator - Mr. Laver reviewed his report which is attached concerning vacancies in the city. He further reported on the problem with the Vitantonio property due to the present economic problems but there is still time for the contract until the end of this month.

THERE WAS NO AUDIENCE PARTICIPATION

COMMITTEE REPORTS

The report of the Committee of the Whole meeting held on October 20<sup>th</sup> is attached.

Mr. Margalis reminded council that there is a Committee of the Whole meeting on Wednesday, October 29<sup>th</sup> to meet with the Chagrin River Watershed Group at 7:00 p.m.

THERE WERE NO COMMISSION REPORTS

OLD BUSINESS

a) Bid Opening - Demolition at 28707 Euclid Avenue - The bid opening date is November 7, 2008.

NEW BUSINESS

a) Senior Community Center - Mr. Krych reported that he has been at the center the past few weeks and there seems to be a problem with some of the elderly residents going down the hallways from room to room there are some that use either walkers or canes and they have having a difficult time walking and are leaning against the wall to steady themselves. He said he would like this to be placed into committee to explore the possibility of installing hand rails throughout the halls to give them a safer walkway. The Mayor said he would look into this. Discussion followed regarding the use of the Senior Center by other residents.

ORDINANCES

ORDINANCE NO. 2008-70 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE TO ENTER INTO A CONTRACT WITH MORTON SALT FOR THE PURCHASE OF COURSE-CRUSHED SALT FOR SNOW AND ICE CONTROL ON STREETS IN THE CITY OF WICKLIFFE, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Ms. Luther that the rules or council be suspended and that Ordinance No. 2008-70 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 Ordinance No. 2008-70 be adopted as presented.

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

Motion carried. Ordinance No. 2008-70 adopted.

ORDINANCE NO. 2008-71 AN ORDINANCE CREATING THE POSITION OF SERVICE SUPERINTENDENT IN THE SERVICE DEPARTMENT OF THE CITY OF WICKLIFFE, ESTABLISHINIG COMPENSATION THEREFORE, AND DECLARING AN EMERGENCY. Read by title.

Discussion was held as to why the name of the individual occupying the position is not mentioned in the ordinance. It was decided to amend the ordinance to include the name of the person appointed to this position.

Moved by Mr. Margslis seconded by Ms. Luther that Ordinance No. 2008-72 be amended by motion to include the name of Mike Palgut as the person taking the position of Service Superintendent in the Service Department.

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

Motion carried.

Moved by Ms. Luther seconded by Mr. Levar that the rules of council be suspended and that Ordinance No. 2008-71, as amended, 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 Mr. Margalis that Ordinance No. 2008-71 be adopted as amended.

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

Motion carried. Ordinance No. 2008-71 adopted.

There being no further business, it was moved by Mr. Krych seconded by Ms. Luther that the council meeting of October 27, 2008 be adjourned.

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

Motion carried. Meeting adjourned at 7:10 p.m.

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Council Clerk

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Council President and  
Presiding Officer