

WICKLIFFE CITY COUNCIL MEETING
November 10, 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, November 10, 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. Jaworski seconded by Ms. Luther that the minutes of the council meeting of October 27, 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 announced that tomorrow is Veterans Day and in compliance with this a ceremony will be held at 11:00 a.m. on the front lawn, this is an event our veterans host every year. City Hall will also be closed tomorrow.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo reported the following: Council should be aware that by way of the Building Department a criminal charge was filed against the Wine Barrel Corporation under the Criminal Code Title 29, Crimes and procedures, Chapter 2929, Offenses Against Justice and Public Administrations for obstructing official business, this is a misdemeanor in the second degree. This is in the Criminal Code not the Zoning Code and not in the building violations.

Mr. Gargiulo thanked the Engineer and the Finance Director in alerting the Law Department concerning a land use problem affecting the service facility project. He requested that an executive session be held to go into detail concerning this. Mr. Margalis scheduled an executive session after this meeting to discuss this.

Another item is the need for repealing Ordinance No. 2008-57, this is the ordinance where the forgivable loan was being given to the developers of the Vitantonio properties and that should probably be repealed because we were given information that the contract time has expired. He will obtain more information, a hearing will be held on November 19th in Judge Collins' court and Mr. Vitantonio will be there with his attorney and more details will be available then.

The Law Director then referred to a couple of meetings ago when he mentioned something about Citi Corp's Local Markets Realty Group vs. Norris Foreclosure action and we were a party because of failure to pay city taxes. An order was received from Judge Collins Staying Proceedings because there may be a loan forbearance or a loan reinstatement. The case is stayed until they negotiate. Upon a question from Mr. Levar regarding the forgivable loan, Mr. Gargiulo answered that there is information that indicates that the time has run out of the contract and to clean up everything we should get rid of that ordinance and revisit it later.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Margalis reported that he received a notice from NOPEC which sets the rates through August of 2009 and the rates are for October and November \$10.98; for December through May 2009 \$10.88; and from June 2009 to August 2009 \$9.59, these are the lowest rates.

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Matyja added item (b) under Old Business: E. 289 Street.

ADMINISTRATORS:

A. Police Chief - Chief Ice had nothing to add to his report which is attached.

B. Fire Chief - Chief Helsel had nothing to add to his report which is attached. He did state that there was a fire on the north end which sustained about \$100,000 damage to the home.

C. Finance Director - Monthly financial statement attached. Mr. Germ requested a Finance Committee meeting to discuss the 2008 budget adjustments and year end transfers. Mr. Margalis set a Finance Committee meeting for Monday, November 17th at 7:00 p.m. to discuss year end budget adjustments and year end transfers. If the Service Department is ready the Finance Committee will also meet on the same evening to discuss an update of the service garage plans.

D. Engineer - Report attached. Mr. Formica added that if good weather persists they are one day away from completing the 2008 road program. There is some final clean-up and grading to do but the paving will be completed.

Mr. Matyja added that this is the worst project that they have done in our city. He questioned about the inspector and the money he is charging, he would like to review these charges. Mr. Formica will provide these when he has the final numbers. Mr. Margalis also questioned the inspector fees and if we are being billed for the contractor delays, this is what needs to be looked into.

E. Service Director - Report attached. Mr. Paschke addressed the problem of the boiler at City Hall and the unsafe condition. He recommends that this be taken care of immediately. He has the estimates for this repair and he does not want to delay it. The low bidder and others think that that this can be done in three days minimum and if the weather is cold enough they will provide temporary heat which is in the estimate received.

Mr. Jaworski referred to the new schedule for snow removal services and asked if it were possible to go to the last four snowfalls and have a report on what the overtime will be with the new system as compared to the old system. He added that it was reported that a large deer was hit on Rush Rd. and Rt. 84 was hit on Sunday and the residents were told by the police department that they would have to wait until Monday morning for it to be picked up. Is the Service Department responsible for picking up that deer on a Sunday. Mr. Paschke replied that this should be done and was taken care of this morning.

Mr. Levar referred to the traffic light on Ridge Road and Rockefeller Road both east and west bound during the evening hours, there has been traffic backed up beyond Green Ridge and past Lincoln. Mr. Paschke answered that the traffic department has been monitoring this weekly and there are backups at rush hour but there have been no complaints by the residents. Mr. Levar also referred to the \$85,000 from the bridge project and especially the Ridge Hills, has that been completed? Mr. Paschke replied that these were punch list items which were addressed and have been repaired satisfactorily.

F. Building Commissioner - Report attached. Mr. Sack added that he and the Engineer finished up with the developer at Lloyd Court and asked if that street can be dedicated. Mr. Margalis asked council members to look at the street on their own time and legislation can be prepared to have it dedicated.

G. Recreation Director - Mr. Stopp had nothing to add to his report which is attached. Mr. Margalis referred to the income amount of the craft fair and asked if this is a gross amount and is there any way the net income can be tracked of that event. Mr. Stopp answered that the Service Department for that day is not taken out of the accounting for the craft fair, the amount is what basically comes in at the door. The only expense is with advertising. Mr. Margalis requested that something be put together to show us exactly what the net profit of the event was. Mr. Levar also asked if the craft fair could possibly be moved to the Community Center. Mr. Stopp replied that this has been discussed. Mr. Levar said that he is in favor of moving the craft fair to the community center.

H. Economic Development Coordinator - Mr. Laver excused.

AUDIENCE PARTICIPATION

Mr. Armbruster, 30043 Warren Road, commented on a rat problem on Warren Road and that the Lake County Health Department informed them of this problem and the only time they get an update on this is if his wife happens to run into someone from the County and they tell us. Is there a serious problem? She was told that the County notifies city council but if council is notified they have not sent anything to the residents concerned. He further referred to the center on Worden Road which seems to be only for seniors that are retired and asked if seniors could use this facility after hours because they close at 3:30 p.m. and if a person works they cannot use it. Mr. Stopp explained the situation to Mr. Armbruster and stated that some classes are being moved there and there are plans to open it up in the evening. Discussion followed.

Mr. Paschke addressed the rat issue and stated that the Lake County Health Department monitors that and the city was asked to participate as far as baiting catch basins and this was done on a monthly period. Since then we have not heard any concerns about the rats. He would like to meet with Mr. Armbruster after the meeting to discuss this further. Mr. Jaworski added that he did know about this and went along with the Health Department to do inspections with them and it was decided that since they were in charge they would take care of everything. Mr. Margalis also reported that council pays the Health Department fees annually to take care of these type of issues. Mr. Levar added that he agrees with Mr. Armbruster about the center being used more.

Don Kernisky, traffic technician with the City, reported on the traffic problem at Rush Road and Rockefeller and explained how the traffic signals are maintained.

Sue Mancino, 2507 Delaware, referred to two articles one from the Heights Observer and one from the Cleveland Magazine on the rating of suburbs and how Wickliffe is not represented as it should be. She asked how are these ratings evaluated and the figures given for housing values. Copies will be distributed to council.

Mr. Collier, 30024 Truman Ave., commented on the use of cell phones by drivers and if the city has considered enforcing the use of these phones.

Ron Ely, stated that it would be nice to know how traffic lights work and is there any way word can get out to citizens answering these questions. Is there a way to educate citizens of this city. Mr. Margalis replied that there is the Wickliffe Connection, our web site and the internet. Council minutes are posted on the web site.

AUDIENCE PARTICIPATE CLOSED

COMMITTEE REPORTS

Mr. Margalis read the report of the Committee of the Whole meeting held on October 29th which is attached. He also read the report of the Finance Committee meeting held on November 5th which is attached.

THERE WERE NO COMMISSION REPORTSOLD BUSINESS

a) Bid Opening - Demolition at 28707 Euclid Avenue - The bid opening date is November 7, 2008. Mr. Formica added that a recommendation will be available for the next meeting.

b) E. 289 Street - Mr. Matyja referred to E. 289 between Euclid Avenue and Alton Rd. This has been brought up in the past, this is a narrow street, there are no sidewalks and residents have to walk in the street. Are there any safety improvements that the city can make on that street, it is time that we revisit this and he asked the Mayor, the Engineer and the Police Chief to look into some safety improvements. He brought this concern to the Planning Commission at their last meeting. This is an unimproved street, no curbs or sidewalks. Mr. Margalis asked Mr. Formica to look into this.

THERE WAS NO NEW BUSINESSORDINANCES

ORDINANCE NO. 2008-72 AN ORDINANCE REPEALING ORDINANCE 2008-71-AMENDED OF THE CITY OF WICKLIFFE, OHIO, CREATING THE POSITION OF SERVICE SUPERINTENDENT IN THE SERVICE DEPARTMENT OF THE CITY OF WICKLIFFE, AS AMENDED BY MOTION, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Levar seconded by Ms. Luther that the rules or council be suspended and that Ordinance No. 2008-72 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. 2008-72 be adopted as presented.

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

Motion carried. Ordinance No. 2008-72 adopted.

ORDINANCE NO. 2008-73 AN ORDINANCE AUTHORIZING THE PURCHASE AND INSTALLATION, WITHOUT ADVERTISING, OF A REPLACEMENT BOILER FOR THE HEATING SYSTEM IN THE CITY OF WICKLIFFE MUNICIPAL OFFICE FACILITY, AND DECLARING AN EMERGENCY. Read by title.

Mr. Gargiulo stated that this is based on our Charter, Article 8, Section 7, and the Ohio Revised Code, Section 735.051 where if an emergency arises it does not have to be bid out.

Moved by Mr. Levar seconded by Mr. Jaworski that the rules of council be suspended and that Ordinance No. 2008-73 be place 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 Mr. Jaworski that Ordinance No. 2008-73 be adopted as presented.

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

Motion carried. Ordinance No. 2008-73 adopted.

Moved by Mr. Krych seconded by Mr. Jaworski that council recess into executive session to discuss real estate purchase.

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

Motion carried. Council recessed into executive session at 7:50 p.m.

Council reconvened from executive session at 8:10 p.m.

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

Moved by Ms. Luther seconded by Mr. Margalis that the meeting of November 10, 2008 be adjourned.

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

Motion carried. Meeting adjourned at 8:10 p.m.

Council Clerk

Council President and
Presiding Officer