

WICKLIFFE CITY COUNCIL MEETING
November 16, 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, November 16, 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

APPROVAL OF MINUTES:

Moved by Mr. Jaworski seconded by Ms. Luther that Mr. Levar be permitted to abstain from approval of the council meeting minutes of November 9, 2009.

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

Motion carried.

Moved by Mr. Krych seconded by Mr. Jaworski that the minutes of the council meeting held on November 9, 2009 be approved as presented.

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

Motion carried.

REPORTS AND COMMUNICATIONS FROM MAYOR/SAFETY DIRECTOR - Mayor Ruffner had no report.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo reported on the following items: He informed council that Sue Mancino approached him concerning Chapter 163, Parks and Recreation Commission, regarding the senior citizen representative who does not vote and whether or not that person should vote. He thinks it would be a good idea to place Chapter 163, Parks and Recreation Commission, into committee. Mr. Margalis placed this into the LEGISLATION AND WELFARE COMMITTEE.

He further reported to council that the City was served with a lawsuit today Renee Williams Jackson vs. a number of defendants which includes the City of Wickliffe Police Department and the City of Euclid Police Department. This is a result of a motor vehicle accident that occurred between two citizens in the city of East Cleveland. They are alleging that the two police departments were on a high speed chase. The Complaint and Summons has been turned over to our insurance carrier for evaluation and defense.

The other item deals with the Evolution Lounge. As council is aware, we were served with a temporary restraining order so that we cannot enforce Chapter 477 against the Evolution Lounge and its owners. There is a hearing scheduled on that preliminary restraining order on November 24th at 2:00 p.m. in Judge Collins chambers at the Lake County Courthouse. If any council member wants to attend they can do so, it is open to the public. He will be presenting information on behalf of the city along with A. J. Stempulis and Chief Ice, both of whom have indicated that they will attend.

Regarding the Evolution Lounge, he had a telephone call from the attorney representing the Evolution and the owner would like to set up a settlement conference with Mr. Gargiulo and some officials with the result that they would like to dismiss that lawsuit if we can work out some type of agreement.

The other item he referred to was a letter which was hand delivered today where he has indicated that the City wants to collect the admission tax.

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

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Margalis added item (a) under New Business, December 28th council meeting.

ADMINISTRATORS:

- A. Police Chief - Chief Ice had no report.
- B. Fire Chief - Chief Powers had no report.
- C. Finance Director - Mr. Germ had no report.
- D. Engineer - Mr. Formica had nothing to add to his report which is attached.
- E. Service Director - Mr. Kerniskey had no report.
- F. Building Commissioner - Mr. Sack reported that he has issued a cease and desist order for the Evolution Lounge with regard to their occupancy permit which is different than what was originally reported.
- G. Recreation Director - Mr. Stopp had no report.

H. Economic Development Coordinator - Report attached. Mr. Laver added information about a meeting he had with the Lake County Port Authority. What was discussed was utilizing the recovery zone bonds which are dependent on financing and this could be an option for them. All these funds have to be approved by the Commissioners and as of today none of this money has been used. We have until December 2010 to utilize these funds.

THERE WAS NO AUDIENCE PARTICIPATION

THERE WERE NO COMMITTEE REPORTS

Mr. Margalis reminded council that there is a Finance Committee meeting on Monday, November 30th to discuss the three items presented by the Service Director and also the temporary budget and transfers that Mr. Germ will review.

COMMISSION REPORTS

Mr. Jaworski gave an oral report on the Parks and Recreation Committee. He stated a new chairman and vice chairman were selected, Dan Ivancic is the Chairman and Kim Holder is the vice chairman. There was a motion made during the meeting that they would like the administration to investigate a program affecting children such as fingerprinting and checking the background of volunteers. Council will be provided with a report regarding this item.

THERE WAS NO OLD BUSINESS

NEW BUSINESS

a) December 28th council meeting - Mr. Margalis stated that traditionally council has not met between Christmas and New Year's and the December 28th meeting falls on a Monday between Christmas and New Year's, so he requested that meeting be moved to December 21st at 7:00 p.m.

Moved by Mr. Margalis seconded by Mr. Krych that the December 28th council meeting be moved to Monday, December 21st at 7:00 p.m.

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

Motion carried.

ORDINANCES

ORDINANCE NO. 2009-57 AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 2005-80, WHICH ESTABLISHES THE CITY OF WICKLIFFE INCENTIVE GRANT PROGRAM. Read by title. THIRD READING.

Moved by Ms. Luther seconded by Ms. Koski that Ordinance No. 2009-57 be adopted as presented.

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

Motion carried. Ordinance No. 2009-57 adopted.

RESOLUTIONS

RESOLUTION NO. 2009-17 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO SUBMIT AN APPLICATION, ACCEPT AND ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF WICKLIFFE WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY, DIVISION OF ENVIRONMENTAL AND FINANCIAL ASSISTANCE, FOR THE PLANNING, DESIGN AND/OR CONSTRUCTION OF THE ELM STREET SANITARY SEWER LINING PROJECT, 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. 2009-17 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 Resolution No. 2009-17 be adopted as presented.

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

Motion carried. Resolution No. 2009-17 adopted.

There being no further business, it was moved by Mr. Krych seconded by Ms. Koski that the council meeting of November 16, 2009 be adjourned.

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

Motion carried. Meeting adjourned at 7:15 p.m.

Council Clerk

Council President and
Presiding Officer