

WICKLIFFE CITY COUNCIL MEETING
November 24, 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 24, 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

APPROVAL OF MINUTES:

Moved by Ms. Luther seconded by Mr. Krych that the minutes of the council meeting of November 10, 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 requested that Resolution NO. 2008-32 be moved forward on the agenda at this time to present it to the Holman Family.

Moved by Mr. Margalis seconded by Ms. Luther that Resolution No. 2008-32 be moved forward on the agenda.

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

Motion carried.

RESOLUTION NO. 2008-32 A RESOLUTION RECOGNIZING AND THANKING THE ALPHONSO AND ERNESTINE HOLMAN FAMILY FOR THEIR DEDICATION TO THE RESIDENTS OF THE CITY OF WICKLIFFE, OHIO, AND DECLARING AN EMERGENCY. This Resolution was read in its entirety and presented to the Holman Family.

Moved by Mr. Levar seconded by Ms. Luther that the rules of council be suspended and that Resolution No. 2008-32 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 Resolution No. 2008-32 be adopted as presented.

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

Motion carried.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo reported the following two items, one which can be divided into two parts that deals with the Vitantonio property. A few days ago we received an Entry from Judge Collins indicating that there is going to be an evidentiary hearing on the Vitantonio Appeal and this is scheduled for Friday, January 30, 2009 at 8:30 a.m. The Court will take evidence from the Building Commissioner and we also plan to have two or three other possible witnesses concerning the blight condition. The issue here is the blight ordinance.

The other item that affects the Vitantonio properties, he referred to the minutes of the November 10th meeting, he had indicated that we had received word or indications that the Vitantonio properties were not going to be sold because the contract ran out between the Vitantonio properties entities and the developers. Since then it has come to his attention that this is not correct, the contract ended the 31st of October but, however, it has been continued and they are in the process of putting that together in the immediate future. He stated that the partnership developers are present and if there are any questions concerning the status they can address this during audience participation.

For council's general information, the Law Director further stated that the Ohio Legislature is attacking the Charter cities and by that he means they are passing legislation that is attempting to eliminate Charter cities and have all control by the State of Ohio. The most recent happening was that in the Eleventh District Court of Appeals the American Federation of State, County and Municipal Employees Local vs. the City of Warren, the Court of Appeals sided with the State Legislature saying that if there is residency requirement in the city for employment that the State law prevails, and not the Charter. This issue is going to be handled by the Ohio Supreme Court and we do not expect to get a result until April or March of 2009.

Mr. Garguilo also requested that Ordinance No. 2008-74 be removed from the agenda.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Margalis had no communications. Mr. Levar asked for more details concerning the litigation with the State of Ohio and the City of Wickliffe to which Mr. Garguilo stated that the City of Warren is not involved, this is the City of Cleveland and the City of Toledo who do have residency requirements.

ADDITIONS OR AMENDMENTS TO THE AGENDA

Per the Law Director's request, Mr. Margalis removed Ordinance No. 2008-74 from the agenda.

ADMINISTRATORS:

A. Police Chief - Chief Ice had no report but pursuant to a request from Mr. Matyja regarding E. 289 Street, he checked his reports and in the last ten years there has been only one accident.

B. Fire Chief - Chief Helsel had no report.

C. Finance Director - Mr. Germ informed council that as of this date we have surpassed our 2007 tax collections so we did exceed budget and will exceed budget as far as tax revenues are concerned. The expense equation still remains to be seen.

D. Engineer - Report attached. Mr. Formica added that the 2008 road program is substantially complete, the contractor will be leaving the site soon and come back in the spring for planting. Also, the estimated project cost for the E. 289 Street project will be made available to council before the next council meeting. Mr. Jaworski asked about any new information on the Regent Worden area, to which Mr. Formica replied that he will have it as soon as he can check it out. Mr. Levar also asked for information regarding Larchmont.

E. Service Director - Report attached. Mr. Paschke referred to a follow-up regarding Mr. Jaworski's request for comparison of the third shift and he has provided Mr. Jaworski with this information. The salt problem and the spreading of salt was also discussed.

F. Building Commissioner - Mr. Sack had no report.

G. Recreation Director - Mr. Stopp reported that the City has been awarded funding from the NatureWorks Grant Program through the Ohio Department of Natural Resources in the amount of \$26,940.00. This is for exercise stations for the recreation trail at Jindra Park.

H. Economic Development Coordinator - Report attached. Mr. Laver commented on the various companies he is working with and the way the economy has affected businesses. He commented on the Ganley Company and the way the economy is going. He added that in talking to management they have indicated that they are not receiving the proper community support from the city despite being a big employer in the city. They have cited numerous incidents that have created this feeling with their neighbors and other obstacles. This is something that needs to be solved.

Mr. Matyja asked about the comments regarding Ganley and the problem they have with their neighbors. Anything we have done there is because they have not been up to code. We are not anti-business, we are pro residents and Ganley has been in violation of a number of codes and they are still antagonistic towards those neighbors. Mr. Matyja does not think that the police or the administration or council has ever harassed them. The Mayor added that he has had this conversation with Ganley and they understand our position and that is our residents have a right to where they live and there are laws to follow. We appreciate their business but will not tolerate violations.

AUDIENCE PARTICIPATION OPENED

Ted Vannelli and Roger Bliss, the potential owners of the Ponderosa property reported on the progress of their purchase. They are in the process of re-negotiating their contract with the owner. Once all the paper work is done the demo process will be started. They will not proceed with the residential portion until next year but they will proceed with the commercial aspect. This will be started within the next 90 to 120 days. The deal is not dead.

AUDIENCE PARTICIPATE CLOSED

COMMITTEE REPORTS

Mr. Margalis read the report of the Finance Committee meeting held on November 17th which is attached. He also read the report of the Committee of the Whole meeting held on November 17th which is also attached.

Mr. Levar reported that he was planning on having an Economic Development Committee meeting next month but that will not be possible so the committee will meet shortly after the first of the year to discuss the energy efficiency program available through the State of Ohio.

THERE WERE NO COMMISSION REPORTS

OLD BUSINESS

a) Bid Opening - Demolition at 28707 Euclid Avenue - Mr. Formica reviewed his memo regarding his memo of November 21st regarding the bids which is attached. The bids were opened on November 7th in two parts. Contract A being asbestos abatement and Contract B being the actual demolition of the building. The low bidder requested to be withdrawn from the bids due to mathematical errors in his bid. The second low bidder, Baumann Enterprises, Inc., was \$1,000 more at \$4,900.00, they did the same thing so they requested to be removed from the bid. The low bidder for Contract A would be OBO Demolition & Construction for Contract A in the amount of \$6,950.00 and we recommend the award of this contract to them. Mr. Margalis added that the cost of these will be assessed to the properties, so it will become the property owner's responsibility to pay these costs, not the city's.

Mr. Formica continued to Contract B and the low bidder was Easton Leasing Company, their bid amount was \$25,000, we have worked with them before and we recommend accepting their bid. Mr. Margalis asked about the time frame to which Mr. Formica replied that the contract date is that they have to have the work done by thirty days when their notice to proceed is received and Contract B is for sixty days. It takes about a month to get the notice to proceed out and this can be done over the winter months. Mr. Margalis questioned if there is a problem going with the third low bidder to which Mr. Gargiulo said there would be no problem.

Moved by Mr. Margalis seconded by Ms. Luther that council accept the bid from OBO Demolition & Construction, 2824 E. 75th Street, Cleveland, Ohio 44104, for Contract A, asbestos and hazardous material abatement at a bid price of \$6,950.00 as being the lowest and most responsive bid and that all other bids be rejected.

Mr. Levar added that he talked to one of the parties involved with the Ponderosa site and he told him that he did have a contract signed between him and the owners of the property to purchase the property and he was supposed to send a letter to the mayor. He questioned the blighting of the property. Mr. Margalis added that he talked to Mr. Formica about getting some confirmation of this and there has been no response. By accepting the bids tonight if he comes forward with a verifiable signed purchase agreement we can act accordingly. We need to continue with this process.

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

Motion carried.

Moved by Mr. Margalis seconded by Ms. Luther that council accept the bid of Easton Leasing, Inc. 1373 SR 322 E., Orwell, Ohio 44076, for the Contract B - Building Demolition, at the bid price of \$25,000.00 as being the lowest and best bid and that all other bids be rejected.

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

Motion carried.

THERE WAS NO NEW BUSINESS

ORDINANCES

ORDINANCE NO. 2008-75 AN ORDINANCE PROVIDING TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF WICKLIFFE, FOR THE PERIOD BEGINNING JANUARY 1, 2009 AND ENDING MARCH 31, 2009, AND DECLARING EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Ms. Luther that the rules or council be suspended and that Ordinance No. 2008-75 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 Ordinance No. 2008-75 be adopted as presented.

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

Motion carried. Ordinance No. 2008-75 adopted.

There being no further business, it was moved by Mr. Krych seconded by Ms. Luther that the meeting of November 24, 2008 be adjourned.

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

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

Council Clerk

Council President and
Presiding Officer