

WICKLIFFE CITY COUNCIL MEETING
December 14, 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, December 14, 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, excused
Lt. Valko in attendance
FIRE CHIEF: James G. Powers
ECONOMIC DEVELOPMENT: Jason Laver, excused

APPROVAL OF MINUTES:

Moved by Ms. Luther seconded by Mr. Krych that the minutes of the council meeting held on November 16, 2009 be approved as presented.

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

Motion carried.

REPORTS AND COMMUNICATIONS FROM MAYOR/SAFETY DIRECTOR - Mayor Ruffner referred to a letter received from the Fire Chief thanking the City officials for their assistance with the H1N1 clinic which was held at the high school. He further thanked the Fire Department, Police Department and all of the volunteers who helped to make this a success.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo reported the following: A follow-up on the agreement with the School Board regarding the fuel depot will be worked on and sent to the Board for their review. He further reported that the Building Commissioner has requested a change to the penalty section in Codified Ordinance 1337.99 in which the penalty is now a \$500 fine. It is suggested that this be changed to an M-1 and this cannot be done without it being discussed in committee. Mr. Margalis placed this into the LEGISLATION AND WELFARE COMMITTEE for discussion. Section 1337.99 applies to the Zoning Code.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Margalis reported that council received another request from the Ohio Division of Liquor Control regarding the BP station at the corner of Lakeland and E. 305 requesting a transfer. Since there was no objection from council this will be approved.

He also referred to an article in the newspaper regarding First Energy and the supplying of energy to First Energy customers. This caused confusion earlier in the year when NOPEC entered into agreement with GEXA Energy, which is the supplier chosen by NOPEC. That deal ends in 2010. NOPEC has come to an agreement with First Energy that will go from January 1, 2011 to December 31, 2019. In order for this deal to be made, First Energy is paying twelve million dollars to NOPEC which averages out to \$50,000 for each community. This will be used for energy related programs. He does not know exactly what the dollar amount will be for the city of Wickliffe but believes that it will be a minimum of \$50,000 based on per customer, this is

a good deal for the City. Once more information is received he will inform council as to how it will be dealt with.

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Margalis added an executive session at the end of the meeting to discuss negotiations.

ADMINISTRATORS:

A. Police Chief - Lt. Valko had nothing to add to the report which is attached.

B. Fire Chief - Chief Powers had nothing to add to his report which is attached. He read a letter from a resident commending the Fire Department for all their help in a family emergency.

C. Finance Director - November financial statement attached. Mr. Germ referred to a memo sent to council regarding the ordinances on the agenda tonight. These were prepared exactly as they were discussed in the Finance Committee with one addition and that was to the budget amendment item that added an additional \$13,500 in appropriations, that money is available in the street lighting fund and the other ordinance is for the last delinquent weed cutting invoices for 2009.

D. Engineer - Report attached. Mr. Formica commented on the Empire Road project. The paving is done and the seeding is planned for spring. He also referred to the plastic pipes that are sticking out on the tree lawns, those are only temporary markings for the water boxes. He also commented that the ride on Empire Road is not very smooth and he is evaluating that. The contractor is aware that we are not happy with that.

E. Service Director - Mr. Kerniskey reported that no salt has been used so far this year. He also referred to his memo of December 8th wherein he lists the city vehicles/equipment which he will be getting rid of. He also referred to a letter received from a resident regarding the good work the contractor has done on Empire Road and how professional they were. In response to a question from Mr. Jaworski regarding the Regent Road sewers, Mr. Formica replied that this is being worked on. The next step would be to have the dye tests done. Mr. Kerniskey added that he is working with Mr. Formica to check the connections and to find out the cost to do the work.

F. Building Commissioner - Mr. Sack had nothing to add to his report which is attached.

G. Recreation Director - Mr. Stopp had nothing to add to his report which is attached.

H. Economic Development Coordinator - Mr. Laver excused.

AUDIENCE PARTICIPATION OPENED

Resident, 862 Talmadge, reminded council that Jindra Park will now be closed for the winter, however, he wants to make sure that council will stay up on the water drainage, the tennis courts and not to let the Jindra Park pool go down the drain. He also referred to a meeting he attended at the police department with the locals and he suggested that someone from council attend those meetings and find out what their concerns are. They talked about vigilance which is important this season for everyone to pay attention to. They also talked about the lock down of basketball nets.

Mr. Margalis pointed out that many of these items brought up are in committee, the drainage in the park, the tennis courts and the pool, all of those items are in a committee of council. The plans for the park, the reconfiguration of the ball diamonds and the drainage issue will be discussed and plans are actually ready. We are waiting for the new council to take over on January 1st so that they can make the decision as to what will happen in 2010. The preliminary plans are that after baseball season the park will be closed for those renovations to begin. We have to go out for bids this spring to do that. Regarding the tennis courts, a decision had to be made as to where they will go. Lastly as to Jindra pool, a report has been received from CT Consultants with some recommendations for that pool. The idea for the basketball courts will be left to the ward councilman as to how to proceed because these are neighborhood parks.

AUDIENCE PARTICIPATION CLOSEDCOMMITTEE REPORTS

Mr. Margalis read the report of the Finance Committee meeting held on November 26th which is attached.

THERE WERE NO COMMISSION REPORTSOLD BUSINESS

a) Bid Acceptance - Elm Street Sanitary Sewer Lining - Mr. Formica reported that bids were received for the project on December 4, 2009. The bids ranged from a low bid of \$258,576.00 to a high bid of \$318,350.00 as compared to the Opinion of Probable Construction Cost of \$328,000.00. The low bidder for this improvement is Lake County Sewer Co., Inc. of Willowick, Ohio, whose bid has been reviewed and found to be in conformance with all contract requirements. It is our opinion that they are experienced and qualified to perform the work within the contract. The project will probably take about three weeks to complete. We need to secure the ARRA funds first before the contract is awarded, the ordinance is contingent upon this. It won't be authorized until the funding is received. This is one of the many things required to release the funds which should be done by the end of the year.

Moved by Mr. Krych seconded by Mr. Jaworski that council accepts the bid from Lake County Sewer Company, 32900 Lakeland Blvd., Willowick, Ohio for the Elm Street sanitary sewer lining project at the bid price of \$258,576.00 as being the lowest, best and most responsible bidder and that all other bids be rejected.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
No: No

Motion carried.

THERE WAS NO NEW BUSINESS

ORDINANCES

ORDINANCE NO. 2009-60 AN ORDINANCE PROVIDING TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF WICKLIFFE FOR THE PERIOD BEGINNING JANUARY 1, 2010 AND ENDING MARCH 31, 2010, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Ms. Luther that the rules of council be suspended and that Ordinance No. 2009-60 be placed on third and final reading.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
No: No

Motion carried.

Moved by Ms. Luther seconded by Mr. Margalis that Ordinance No. 2009-60 be adopted as presented.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja
No: No

Motion carried. Ordinance No. 2009-60 adopted.

ORDINANCE NO. 2009-61 AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE OF THE CITY OF WICKLIFFE, OHIO, TO TRANSFER OR ADVANCE SUMS OF MONEY BETWEEN VARIOUS FUNDS FOR 2009, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Ms. Koski that the rules of council be suspended and that Ordinance No. 2009-61 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Margalis seconded by Mr. Krych that Ordinance No. 2009-61 be adopted as presented.

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

Motion carried. Ordinance No. 2009-61 adopted.

ORDINANCE NO. 2009-62 AN ORDINANCE PROVIDING FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF WICKLIFFE FOR THE PERIOD BEGINNING JANUARY 1, 2009 AND ENDING DECEMBER 31, 2009, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Mr. Jaworski that the rules of council be suspended and that Ordinance No. 2009-62 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Margalis seconded by Ms. Koski that Ordinance No. 2009-62 be adopted as presented.

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

Motion carried. Ordinance No. 2009-62 adopted.

ORDINANCE NO. 2009-63 AN ORDINANCE PROVIDING FOR A CHANGE TO THE CONTRACT WITH DURA-MARK, INC. FOR THE STRIPING OF SUNDRY STREETS IN THE CITY, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Ms. Koski that the rules of council be suspended and that Ordinance No. 2009-63 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Margalis seconded by Ms. Koski that Ordinance No. 2009-63 be adopted as presented.

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

Motion carried. Ordinance No. 2009-63 adopted.

ORDINANCE NO. 2009-64 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE TO ENTER INTO A CONTRACT WITH BISHOP CONSTRUCTION, FOR THE GREEN RIDGE CLUB HOUSE RESTROOM RENOVATION PROJECT, AND DECLARING AN EMERGENCY. Read by title.

Moved by Ms. Koski seconded by Ms. Luther that the rules of council be suspended and that Ordinance No. 2009-64 be placed on third and final reading.

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

Motion carried.

Moved by Ms. Luther seconded by Ms. Koski that Ordinance No. 2009-64 be adopted as presented.

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

Motion carried. Ordinance No. 2009-64 adopted.

ORDINANCE NO. 2009-65 AN ORDINANCE LEVYING AN ASSESSMENT FOR UNPAID BILLS AND COST OF CUTTING NOXIOUS OR POISONOUS WEEDS, VINES, TREE LIMBS, OR GRASSES GROWING UPON PARCELS OF LAND IN THE CITY OF WICKLIFFE, OHIO AND DECLARING AN EMERGENCY.

Moved by Mr. Krych seconded by Ms. Luther that the rules of council be suspended and that Ordinance No. 2009-65 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 Ms. Koski that Ordinance No. 2009-65 be adopted as presented.

Mr. Matyja stated that there are many people who have been on this list for many years. Why are some of these people not taken to court? Mr. Sack commented that most of these homes are in foreclosure and he explained the procedure involved in getting these people to pay up. Mr. Garguilo added that the problem we have is with the banks who are not taking the property, they just foreclose on it and the only name we have is the one of the deed with the county. This is an unfair practice that the banks are getting away with. Discussion followed.

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

Motion carried. Ordinance No. 2009-65 adopted.

ORDINANCE NO. 2009-66 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO A CONTRACT WITH GUARDIAN LIFE INSURANCE COMPANY FOR THE PROVISION OF DENTAL BENEFITS COVERAGE FOR CERTAIN EMPLOYEES OF THE CITY, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Ms. Koski that the rules of council be suspended and that Ordinance No. 2009-66 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Margalis seconded by Mr. Krych that Ordinance No. 2009-66 be adopted as presented.

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

Motion carried. Ordinance No. 2009-66 adopted.

MISCELLANEOUS

Mr. Margalis reminded council members that the next council meeting will be held on Monday, December 21st due to the Christmas holiday.

Moved by Mr. Krych seconded by Ms. Koski that council recess into executive session to discuss negotiations.

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

Motion carried.

Council reconvened from executive session at 9:24 p.m.

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

There being no further business, it was moved by Mr. Krych seconded by Ms. Koski that the council meeting of December 14, 2009 be adjourned.

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

Motion carried. Meeting adjourned at 9:25 p.m.

Council Clerk

Council President and Presiding Officer