

WICKLIFFE CITY COUNCIL MEETING
December 15, 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, December 15, 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, Excused
Lt. Robert Valko in attendance
FIRE CHIEF: Daniel L. Helsel
ECONOMIC DEVELOPMENT: Jason Laver

APPROVAL OF MINUTES:

Moved by Mr. Krych seconded by Ms. Luther that Mr. Margalis be permitted to abstain from approval of the minutes of the council meeting of December 8, 2008.

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

Motion carried.

Moved by Ms. Luther, seconded by Mr. Krych that the minutes of the council meeting of December 8, 2008 be approved as presented.

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

Motion carried.

REPORTS AND COMMUNICATIONS FROM MAYOR/SAFETY DIRECTOR - Mayor Ruffner reported that he received a memo from Chief Helsel regarding FLSA Back Pay, some regulations on overtime pay which needs to be addressed in the Finance Committee. Mr. Margalis placed this memo into the FINANCE COMMITTEE. He further stated that he was at LakeTran this afternoon and they have created a top award for cities, a new award called the Smart Growth Award. This was presented to the City of Wickliffe by the President and General Manager of LakeTran for the Wickliffe Senior Center and for Jindra Park enhancing the City of Wickliffe's designation as a transit oriented community for citizens of all ages. This is the first time this award has been awarded and they recognize Wickliffe as being the first and the best city using LakeTran's services.

The Mayor further asked that the capital projects for the City in the short term and long term be reviewed by council as soon as possible. He requested moving the Community of the Whole meeting scheduled for December 17th where the service facility is to be discussed that all capital

projects be discussed at that time also and further requested that meeting be changed to January. Mr. Margalis informed council that the organizational meeting for 2009 will be held on January 5th at 7:00 p.m. so a Finance Committee meeting will be called for 7:30 p.m. on the same date to discuss the capital projects for 2009. The Mayor further requested that Resolution No. 2008-34 be moved up on the agenda.

Moved by Mr. Margalis seconded by Mr. Krych that Resolution No. 2008-34 be moved forward on the agenda.

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

Motion carried.

RESOLUTION NO. 2008-34 A RESOLUTION CONGRATULATING WILLIAM SULLIVAN ON HIS RETIREMENT FROM THE SERVICE DEPARTMENT OF THE CITY OF WICKLIFFE, OHIO, COMMENDING HIM FOR HIS DEDICATED SERVICE, AND WISHING HIM GOOD FORTUNE IN HIS RETIREMENT YEARS, AND DECLARING AN EMERGENCY. This Resolution was read in its entirety and presented to Mr. Sullivan.

Moved by Mr. Levar seconded by Ms. Luther that the rules of council be suspended and that Resolution No. 2008-34 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 Ms. Luther that Resolution No. 2008-34 be adopted as presented.

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

Motion carried. Resolution No. 2008-34 adopted.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo had no reports or communications.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Margalis reviewed some memos from the last meeting that were addressed. There was a contract for the economic development director, this was placed into the FINANCE COMMITTEE.

THERE WERE NO ADDITIONS OR AMENDMENTS TO THE AGENDA

ADMINISTRATORS:

A. Police Chief - Lt. Valko had no report.

B. Fire Chief - Chief Helsel reported that in the past two weeks CPR classes were conducted at the Middle School and about 50 students attended, this was for sixth and eighth grade students in conjunction with their health class.

C. Finance Director - Mr. Germ reported that no formal notification was received but based on the evaluation of the auditors that submitted RFP's from 2007-2008 audits. We will be staying with the auditors of the past two years, Charles Harris & Associates and they will be starting in early 2009.

D. Engineer - Report attached. Mr. Formica referred to his summary report of the inspection fees charged for the 2008 program and comparing previous subjects as a percentage of the construction, this shows where we were with this project and will meet further to discuss this.

E. Service Director - Report attached. Mr. Paschke updated council on the leaf pickup. The Mayor commended the Service Department because in years past we have had necessitated the use of overtime and we have to thank the men for doing it on regular time. Mr. Jaworski asked about the cleaning of catch basins during the winter time to which Mr. Paschke replied they do not unless they are plugged.

F. Building Commissioner - Mr. Sack referred to his letter sent to Attorney Kramer regarding the Denny's property.

G. Recreation Director - Mr. Stopp invited council to attend the Winter Fest at Green Ridge which will be held on January 17th from 1:00 p.m. to 4:00 p.m.

H. Economic Development Coordinator - Mr. Laver highlighted some of the businesses that appear to be resistant to the economy and are successful. Some are adding employees. He reported that from the start of 2008 we have had 30 new businesses open which employ approximately 130 new employees. Over one-third have occurred on Euclid Avenue. He alluded to the developer of the Ponderosa property who reported that about 99.9% of the paperwork has been completed and they should be closing on the property within the next week.

AUDIENCE PARTICIPATION OPENED

Bob Mabe, 1845 E. 296 Street, commended the Recreation Department on scheduling the Winter Fest. He went on to inform council of a situation in Wickliffe concerning Telshe Yeshiva. This school is in grave distress now and he went on to talk about money laundering, fake tax exempt organizations and the takeover of the administration by a group of rabbis. The City of Wickliffe is being cheated out of tax money. He has contacted

the Attorney General concerning the school and the travesties going on. Mr. Margalis informed him that the Mayor and the Law Director are aware of this situation.

Resident, 29786 Arthur Avenue, asked about signs being placed around the city advertising new businesses.

Chris Bryant, 704 E. 241 St., Euclid, stated he is the family that placed a bid for the Green Ridge house and he was curious about when the agreement with ReMax goes into effect, will he be identified as a pre-existing interested party in that contract. Because if he is recognized as a bidder, the city does not have to pay them the selling commission should we agree on a price. He is still interested in the house and would like to meet and negotiate on this. He further commended the Wickliffe Library and the librarians who are amazing, this is one of the greatest gem in this city.

AUDIENCE PARTICIPATION CLOSED

COMMITTEE REPORTS

Mr. Margalis reported on the Finance Committee meeting held this evening before the council meeting to discuss Ordinances No. 2008-76 and 77. We discussed these with the Service Director and Mayor and they are on the agenda for consideration. Our next meeting will be the Organizational Meeting on January 5th at 7:00 p.m. and follow that with a Finance Committee meeting at 7:30 p.m. to discuss capital improvement items for 2009.

THERE WERE NO COMMISSION REPORTS

THERE WAS NO OLD BUSINESS

THERE WAS NO NEW BUSINESS

ORDINANCES

ORDINANCE NO. 2008-76 AN ORDINANCE CREATING THE POSITION OF SERVICE SUPERINTENDENT IN THE SERVICE DEPARTMENT OF THE CITY OF WICKLIFFE, APPOINTING JOSEPH D'AMBROSIO AS SUCH, ESTABLISHING COMPENSATION THEREFOR, AND DECLARING AN EMERGENCY. SECOND READING. Read by title.

Moved by Mr. Levar seconded by Ms. Luther that the rules of council be suspended and that Ordinance No. 2008-76 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Levar seconded by Ms. Koski that Ordinance No. 2008-76 be adopted as presented.

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

Motion carried. Ordinance No. 2008-76 adopted.

ORDINANCE NO. 2008-77 AN ORDINANCE CREATING THE POSITION OF ASSISTANT SERVICE SUPERINTENDENT IN THE SERVICE DEPARTMENT OF THE CITY OF WICKLIFFE, APPOINTING DONALD KERNISKEY AS SUCH, ESTABLISHING COMPENSATION THEREFORE, AND DECLARING AN EMERGENCY. SECOND READING. Read by title.

Moved by Mr. Margalis seconded by Mr. Levar that the rules of council be suspended and that Ordinance No. 2008-77 be placed on third and final reading.

Mr. Matyja commented that council should wait until next year before we create new positions. He is concerned about paying for people on the rolls now before we start creating new positions. We are looking at a deficit for next year, he has some serious concerns. Mr. Margalis agreed that this is not the time for hiring new people but this person is presently on the payroll, he is getting an increase in salary. These two positions are important for the department to move forward especially since we are short staffed. This does not add anybody just promotes someone to a supervisory role. He feels comfortable about this. The Mayor added that the department feels confident that they can carry the load and he agrees with the Service Director that the new management team needs to be put in place and this is a very modest increase. There are only three in management now, one is a clerk and the other basically runs scheduling. He appreciates Mr. Matyja's concern but recommends this to council. **Mr. Jaworski asked if there were enough available plow drivers during the winter (amended).**

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

Motion carried.

Moved by Mr. Levar seconded by Ms. Koski that Ordinance No. 2008-77 be adopted as presented.

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

Motion carried. Ordinance No. 2008-77 adopted.

ORDINANCE NO. 2008-78 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO A CONTRACT WITH OBO DEMOLITION & CONSTRUCTION FOR ASBESTOS ABATEMENT OF THE STRUCTURE AT 28707 EUCLID AVENUE, PP#29A010A000680, AND DECLARING AN EMERGENCY. Read by title. SECOND READING.

Ordinance No. 2008-78 placed on second reading.

ORDINANCE NO. 2008-79 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO A CONTRACT WITH EASTON LEASING, INC. FOR THE DEMOLITION OF THE STRUCTURE AT 28707 EUCLID AVENUE, PP#29A010A000680, AND DECLARING AN EMERGENCY. Read by title. SECOND READING

Ordinance No. 2008-79 placed on second reading.

ORDINANCE NO. 2008-80 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO AN EXCLUSIVE RIGHT-TO-SELL AGREEMENT WITH THE RE/MAX HOMESOURCE TEAM OF JAYME M. SANDY AND LOUISE SEIFERT TO SELL THE GREEN RIDGE GOLF COURSE HISTORICAL RESIDENTIAL HOME OWNED BY THE CITY OF WICKLIFFE, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Mr. Margalis that the rules of council be suspended and that Ordinance No. 2008-80 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. 2008-80 be adopted as presented.

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

Motion carried. Ordinance No. 2008-80 adopted.

ORDINANCE NO. 2008-81 AN ORDINANCE PROVIDING FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF WICKLIFFE FOR THE PERIOD BEGINNING JANUARY 1, 2008 AND ENDING DECEMBER 31, 2008, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Levar seconded by Mr. Krych that the rules of council be suspended and that Ordinance No. 2008-81 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. Krych that Ordinance No. 2008-81 be adopted as presented.

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

Motion carried. Ordinance No. 2008-81 adopted.

ORDINANCE NO. 2008-82 AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE OF THE CITY OF WICKLIFFE, OHIO TO TRANSFER OR ADVANCE SUMS OF MONEY BETWEEN VARIOUS FUNDS FOR 2008, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Levar seconded by Mr. Krych that the rules of council be suspended and that Ordinance No. 2008-82 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. Krych that Ordinance No. 2008-82 be adopted as presented.

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

Motion carried. Ordinance No. 2008-82 adopted.

RESOLUTIONS

RESOLUTION NO. 2008-35 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO A FUNDING AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF IMPROVING AND MAINTAINING THE INTERCHANGES OF I-90 AND BISHOP ROAD AND I-90 AND EUCLID AVENUE AND HIGHWAY LANDSCAPING, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Levar seconded by Ms. Koski that the rules of council be suspended and that Resolution No. 2008-35 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Jaworski seconded by Mr. Levar that Resolution No. 2008-35 as be adopted as presented.

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

Motion carried. Resolution No. 2008-35 adopted.

There being no further business, it was moved by Ms. Luther seconded by Mr. Krych that the meeting of December 15, 2008 be adjourned.

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

Motion carried. Meeting adjourned at 7:55 p.m.

Council Clerk

Council President and
Presiding Officer