

WICKLIFFE CITY COUNCIL MEETING  
December 8, 2008 - 7:00 p.m.

A regular meeting of Wickliffe City Council was called to order by the Council Clerk at 7:00 p.m. on Monday, December 8, 2008. The following were present at roll call:

MAYOR: Thomas W. Ruffner  
COUNCIL PRESIDENT: William Margalis, excused  
COUNCIL: Jaworski, Koski, Krych, Levar, Luther, Matyja  
LAW DIRECTOR: William C. Gargiulo  
FINANCE DIRECTOR: Martin Germ, excused  
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 Mr. Levar seconded by Mr. Jaworski that Mr. Krych be appointed Council President Pro Tem.

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

Motion carried.

Moved by Mr. Levar seconded by Ms. Koski that the minutes of the council meeting of November 24, 2008 be approved as presented.

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

Motion carried.

REPORTS AND COMMUNICATIONS FROM MAYOR/SAFETY DIRECTOR - Mayor Ruffner reported the following: 1) Referred to a letter regarding liability insurance renewal, he and the Finance Director are recommending that the insurance policy be continued at the newer rate and at the possible discount next year. What is council's desire? There being no objection by council an ordinance will be prepared for the next meeting. 2) Also referred to a letter from Attorney Jeffrey Kramer which will be discussed under the ordinances regarding the Denny's properties, he is asking for a sixty day extension recognizing the current owner's desire to improve the property. 3) The Gateway Landscaping Agreement which was discussed at previous meetings and the \$10,000 grant to purchase trees and landscaping materials for the four Bishop Road interchanges and the interchange off of Euclid Avenue and I-90, the City shall provide landscaping, plantings and maintenance, the approximate cost of which will be \$30,000.00 which the city will bear. If council wishes it can authorize the engineer to approve the grant which is the \$10,000 in plantings so an ordinance can be drafted to proceed with this.

Moved by Mr. Levar seconded by Ms. Luther that council enter into an agreement with the State of Ohio for the Gateway Landscaping Funding Program.

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

Motion carried.

4) The Mayor further referred to Resolution No. 2008-33 which is on the agenda tonight supporting the Chagrin River Watershed Growth Plan and does not include an emergency clause but they are hoping that they can get the cities to approve their plan by the end of the year, at that time we can amend the Resolution to include the emergency clause. 5) Also Ordinances 2008-76 and 2008-77 involving the creation of new positions in the Service Department, this has not been discussed in meetings because of trying to keep up with the weather. If there are any concerns with these two new positions, one the Service Superintendent and the other the Assistant Service Superintendent, their exempt salaries are stated on the ordinances, room was made for the second assistant's increase when we lowered the starting pay of the Service Superintendent, these fit into the temporary budget for the coming year. Both jobs are exempt from overtime. This can either be approved tonight or have them placed into committee. 6) He further placed into committee the sidewalks underneath the overpasses between Worden Road and Lloyd Roads. The project has been completed but it falls under the city's responsibility to do any sidewalks at that location. Mr. Krych placed this into the IMPROVEMENT COMMITTEE.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo reported the following: A letter was sent to Walter Drane Company to amend our ordinance concerning the Building Commissioner in conformity with the ballot issue placing him under Civil Service. He reported that at the last meeting he indicating that the Eleventh District made a ruling against charter cities and in this week's events the City of Lima vs the State of Ohio, Third District ruled in favor of the charter cities so it is an exact opposite ruling on the same issue of employment residency. This will go to the Ohio Supreme Court sometime in March.

He stated that he received some good news from Chief Ice regarding a Judgment Entry from Judge Collins where a civil suit automobile accident was handled by our insurance and it was dismissed with prejudice to all parties which means it cannot come up anymore. Mr. Gargiulo further reported that he has also received some correspondence from Cold Harbor where there is some interest payment involved. He spoke to Mr. Germ and there will be discussions regarding this. Another correspondence was received from Collinwood Shale and Brick and Supply Co. asking for direct payment because A&J Cement Contractors have not paid their billing. Mr. Germ has been advised of this. In response to a question from Mr. Levar regarding the Ponderosa properties, Mr. Gargiulo replied he would have an update on the progress at the next meeting.

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

THERE WERE NO ADDITIONS OR AMENDMENTS TO THE AGENDA

ADMINISTRATORS:

A. Police Chief - Report attached. Mr. Krych referred to the Police Chief's memo regarding school crossing guards and capital improvements, Mr. Krych placed these items into the SAFETY COMMITTEE.

B. Fire Chief - Chief Helsel had nothing to add to his report which is attached.

C. Finance Director - Report attached. Mr. Germ excused.

D. Engineer - Report attached. Mr. Formica added that as requested he provided council with a memo regarding the preliminary estimate of the project cost to perform improvements to Ashmere Street between Euclid Avenue and Alton Road. Mr. Krych placed this into the IMPROVEMENT COMMITTEE.

E. Service Director - Report attached. Mr. Paschke updated council regarding the boiler replacement at city hall. He requested a committee meeting for Wednesday, December 17<sup>th</sup> to discuss the Service Garage Phase I new facility. A Committee of the Whole meeting will be held on that date at 7:00 p.m. to discuss this.

F. Building Commissioner - Report attached. Mr. Sack added that the following realty companies bid on the sale of the Greenridge house: ReMax at 6%, Howard Hanna at 7% and Stephen Berg Associates did not state a commission. He recommends the ReMax Team of Jayme M. Sandy and Louise Seifert be accepted due to the 6% commission. Mr. Gargiulo will prepare an ordinance regarding this for the next meeting.

Ms. Koski reported that she accepted an offer to participate in a drive thru regarding foreclosed and bank owned homes. Some were in various states of disrepair and she was surprised to see this. She also saw some of the interior of some of the homes which were in bad condition. She asked that perhaps this condition could be revisited regarding inspections and transfers of property. Mr. Sack replied that he is working on this and will be furnishing council with a report.

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

H. Economic Development Coordinator - Mr. Laver reported on the progress of his contacts and the outcomes. The Farmers Market is preparing to reopen this week. He spoke with the LTV group and they continue to negotiate with the owner of the property. He also referred to the Ponderosa property and that the developers plan to start the commercial phase first and later go into the residential phase. Mr. Levar had some

concerns about the developer of the Ponderosa property intending to start the commercial phase first and then the residential. Mayor Ruffner interjected that this should proceed in order to get that building and the property around it razed so that something can be started at that location, there are phases and plans that are in order. He also explained the increments of the loan phase.

THERE WAS NO AUDIENCE PARTICIPATION

THERE WERE NO COMMITTEE REPORTS

THERE WERE NO COMMISSION REPORTS

THERE WAS NO OLD BUSINESS

NEW BUSINESS

a) Change date of second council meeting in December from December 22<sup>nd</sup> to December 15<sup>th</sup> at 7:00 p.m. - Council President

Moved by Mr. Levar seconded by Mr. Jaworski that the second council meeting be held on December 15<sup>th</sup> at 7:00 p.m.

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

Motion carried.

ORDINANCES

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

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

Discussion followed and council requested this be reviewed further. Ms. Luther and Ms. Koski withdrew their motion.

Ordinance No. 2008-76 placed on first reading and referred to the Finance Committee. Mr. Krych set a Finance Committee meeting for Thursday, December 11<sup>th</sup> at 7:15 p.m. to discuss this further. If there is no quorum a different date will be scheduled.

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. Read by title.

Ordinance No. 2008-77 also placed on first reading and referred to the Finance Committee for discussion.

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.

Ordinance No. 2008-77 placed on first reading and referred to the COMMITTEE OF THE WHOLE for discussion at a meeting to be determined.

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.

Ordinance No. 2008-79 placed on first reading and also placed into the COMMITTEE OF THE WHOLE for further discussion.

RESOLUTIONS

RESOLUTION NO. 2008-33 A RESOLUTION SUPPORTING THE CHAGRIN RIVER WATERSHED BALANCED GROWTH PLAN IN COOPERATION WITH THE OHIO LAKE ERIE COMMISSION'S BALANCED GROWTH PROGRAM AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Levar seconded by Mr. Jaworski that Resolution No. 2008-33 be amended by adding the words "and declaring an emergency".

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

Motion carried.

Moved by Mr. Levar seconded by Ms. Koski that the rules of council be suspended and that Resolution No. 2008-33 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. 2008-33, as amended, 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. 2008-33, as amended, be adopted.

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

Motion carried. Resolution No. 2008-33 adopted.

There being no further business, it was moved by Ms. Luther seconded by Ms. Koski that the meeting of December 8, 2008 be adjourned.

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

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

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Council Clerk

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Council President and  
Presiding Officer Pro Tem