

WICKLIFFE CITY COUNCIL MEETING
February 22, 2010 - 7:00 p.m.

A regular meeting of Wickliffe City Council was called to order by Council President David Krych at 7:00 p.m. on Monday, February 22, 2010. The following were present at roll call:

MAYOR: William Margalis
COUNCIL PRESIDENT: David Krych
COUNCIL: Bala, Ely, Iafelice, Koski, Levon, Matyja
LAW DIRECTOR: William C. Gargiulo
FINANCE DIRECTOR: Martin Germ
SERVICE 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. Iafelice seconded by Ms. Koski that the minutes of the council meeting of February 8, 2010 be approved as presented.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried.

REPORTS AND COMMUNICATIONS FROM MAYOR/SAFETY DIRECTOR - Mayor Margalis reported on the following: Right after the last council meeting a letter was received from Mr. Stopp regarding the capital improvement items for the Recreation Department which included some park items and requested that this letter be placed into committee. Mr. Krych placed this into the PARKS AND PROPERTIES COMMITTEE. The Mayor further reported that he received a communication from ODOT asking if we want to participate in the salt purchasing cooperative this year. If we do we need to have our agreements into their office by March 26th and we need a resolution or ordinance to become part of the program. This worked well last year and if there is no objection to that we will have the ordinance ready for the next meeting. In answer to a question from Mr. Krych regarding prices, Mr. Kerniskey stated that we still have our allotted portion which is 80% and we are under that. The Mayor added that in the commitment there has to be an estimated amount that we will commit to. Last year we did 4,000 tons and we have to meet at least 80% of that. So far we have had 3,100 tons and we only need another 100 tons to make our commitment.

Mr. Margalis also reported that this morning he and Mr. Krych attended the Legislative Breakfast which included many elected officials from the state, county and the federal government. The main message was that things are tough right now with the economy at all levels of government. The type of revenues we have received to date are what will be seen for some time to come.

There was an item in the News Herald regarding the City of Mentor receiving an \$800,000 grant to go towards the backbone of the radio system. The latest number that he has seen is that our portion of the backbone will be \$84,296. That number started out as \$430,000 so with another year left to go they are still looking for more funding for the backbone part of the radio system. We still have our portion but there will be an expense to us close to \$600,000. We have \$400,000 in that account and since this does not

have to be replaced until the end of 2011, we have a good jump on it. We did a smart move three years ago by setting aside the money and when the time comes for us to make our purchase the money will be there.

The Mayor further reported that he received a memo regarding the census which is going to be conducted and the questionnaires will be delivered to everybody between March 15th and March 17th and these need to be mailed back by April 15th. If these are not received back they will send a representative to the homes to get the information. These are important because a lot of the federal monies we get is based on the population.

Another topic discussed at the Legislative meeting was the recycling grants. The money received from the county helps subsidize our recycling program. Curbside recycling was funded by the grant that came from the land fill. Presently we receive \$1.00 per household per month to pay for the cost of the pickup of the recycling which amounts to about \$70,000 a year which we get for recycling. They are telling us that next year this will probably reduce to 80 cents per household which will be 20% less from what we now receive. There are some options, we can try to reduce our pickups so that the grant covers the cost fully or we will have to subsidize it ourselves from the general fund. This will have to be watched closely.

Mr. Margalis then went on to give an update on the Wickliffe Reserve, the old Ponderosa property. Last week he met with Squire, Sanders & Dempsey along with the two developers to talk about financing for this property. The developers have not made a decision yet but it seems they will be asking for some type of financing so we had a preliminary meeting with our bond counsel to see if it makes sense for this project. There was no real decision made so he, Mr. Germ and Mr. Krych will have another meeting with our bond counsel to hear their opinion of this. The developer is going to the Board of Zoning Appeals for some variances and they are also scheduled to go to the Planning Commission.

He further added that he talked before about the energy conservation grant that we were going to get from NOPEC which is an agreement between First Energy and NOPEC when they signed the contract. We got the final number and each community was to get \$50,000 to put towards energy efficiency projects in their community. The City of Wickliffe will be receiving \$129,990. Projects are being developed which are on our capital improvement list now that may be payable under this grant. Patti Fowler will be handling the grant. This grant has to be submitted by February of 2011.

Mr. Matyja referred to the meeting held with Squire, Sanders & Dempsey and asked who paid for that meeting. Mr. Margalis replied that the city is paying for it because we needed to get the information for our bond counsel to advise us. Mr. Matyja questioned the cost because we are spending city funds for this but this is a private company. Mr. Margalis added that we need to hear from our bond counsel if this makes sense before this goes further. He said he is willing to invest money for a project that will help our city and that this is an education process we are going through. Mr. Matyja said he does not feel comfortable giving this company any more money,

they have already received a forgivable loan what else do they want. Squire, Sanders & Dempsey is a very expensive firm, and he does not see the city spending money for this. The company should come with their proposal to the city not the city spending money for them. Mr. Krych added that they have their counsel for the TIF program, we are trying to get our bond counsel to protect the city to make sure that if council goes along with it that all the pieces are in place to protect the city from any losses. Mr. Matyja requested that copies of the bills presented for these meetings be made available to him. He added that he never heard of this TIP program. Mr. Margalis reiterated that this is in the early stages and we need an explanation from our bond counsel.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo reported on three items: 1) received notice of the BOZA appeal Salotto vs. City of Wickliffe, notice was that briefs are due which in March and he will keep council informed on the status. 2) The Law Department and the Service Department are in the process of reviewing all the contracts for the Wickliffe Community Center and to assess our damages and the issue will be whether or not we should file a lawsuit against all the contractors. 3) Ordinance 2010-7 which will be read tonight there is a phrase "per living unit" and he suggested that a motion be made to resolve this and to have the reading of this ordinance instead of being on second reading be back to first reading. The "per living unit" should be deleted.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Krych announced that the Ohio Municipal League for Cities and Villages is having a seminar for newly elected council members for 2010 and the closest one to our area is on Saturday, March 27 at Embassy Suites on Rockside Road. He also scheduled a Finance Committee meeting for Wednesday, February 24 at 7:00 p.m. to go over the bid tabulations for the E. 290 Larchmont and Fenwick pavement improvements, 7:30 p.m. Service and Special Equipment meeting to discuss capital improvement items, and 8:00 p.m. Parks and Properties meeting to discuss capital improvements for the Recreation Department.

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Krych added under New Business, item (a) Crime free rental program.

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. Mr. Krych referred to the Worden Road sewers, do we anticipate reapplying for this to which Mr. Formica replied that he is hoping to reapply this spring. Mr. Ely referred to the E. 290 Larchmont project and contracts A and B, in the dollar amount between the contract and the asphalt

is there any way of knowing basically what the life expectancy would be for concrete over asphalt. Mr. Krych added that this will be discussed at the committee meeting.

E. Service Director - Mr. Kerniskey had no report. Mr. Matyja referred to Resolution 2010-3 dealing with Hall Chemical, this is the last company for sewer exemption and that falls under your authorization so we have to take them off that and follow that procedure.

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

G. Recreation Director - Mr. Stopp had no report but asked for council to authorize the Law Director to advertise for bids for running the concession stand at the Aquatic Center.

Moved by Ms. Koski seconded by Mr. Iafelice that the Law Director be authorized to advertise for bids for running the concession stand at the Aquatic Center per specifications on file with the Recreation Director.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried.

H. Economic Development Coordinator - Report attached. Mr. Laver added that PCC will be submitting an application for an income tax grant for their expansion.

THERE WAS NO AUDIENCE PARTICIPATION

COMMITTEE REPORTS

Mr. Krych read the report of the Finance Committee meeting held on February 17th which is attached. He also read the report of the Finance Committee meeting held on February 10th which is also attached. Mr. Matyja read the report of the Safety Committee meeting held on February 17th, attached. Mr. Levon read the report of the Legislation and Welfare Committee meeting held on February 15th, attached.

Moved by Mr. Levon seconded by Mr. Ely that council authorize the Law Director to modify Codified Ordinance 1307.30 to include "owner occupied".

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried.

Moved by Mr. Levon seconded by Mr. Iafelice that council authorize the Law Director to modify Codified Ordinance No. 1337.99 to increase the penalty to a misdemeanor of the third degree.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried.

THERE WERE NO COMMISSION REPORTS

OLD BUSINESS

a) Bid Acceptance - E. 290 Larchmont & Fenwick Pavement Improvements - Contracts A and B. Mr. Formica reported that bids were received for this on February 19. The bids for Contract A (new concrete curb and gutter with asphalt overlay) ranged from a low bid of \$1,158,202.50 to a high bid of \$1,505,717.00 as compared to the Opinion of Probable Construction Cost of \$1,400,000.00. The low bidder for this improvement is Vandra Brothers Construction, Inc. of Oakwood Village, Ohio, whose bid has been reviewed and found to be in conformance with all contract requirements. It is his opinion that they are experienced and qualified to perform the work within the contract. The bids for Contract B (complete removal and replacement) ranged from a low bid of \$1,275,900.00 to a high bid of \$1,679,415.00 as compared to the Opinion of Probable Construction Cost of \$1,600,000.00. The low bidder for this improvement is Tri Mor Corp. of Twinsburg, Ohio, whose bid has been reviewed and found to be in conformance with all contract requirements. It is his opinion that they are experienced and qualified to perform the work within the contract. The City of Wickliffe has received an OPWC Grant for 40% of the engineering fees and construction costs in the amount of \$581,400 for this project. Considering the grant values, the calculated difference in construction cost between Contracts A and B to the City is \$72,200. It is his recommendation that Contract B is accepted.

This bid acceptance will be discussed further at the Finance Committee meeting to be held on Wednesday, February 24 at 7:00 p.m.

NEW BUSINESS

a) Crime free rental program - Mr. Krych referred to a News Herald article about crime free areas in multi-level buildings and they are now revising that for their smaller rental properties. He placed this item into the LEGISLATION AND WELFARE COMMITTEE and asked the Building Department to work with the city of Painesville to see how their legislation is and get information from them. This would provide for the landlord to cooperate in providing the Police Department with some information regarding possible criminal activities in a rental unit where they can have them evicted if no other portion of the lease was actually violated.

ORDINANCES

ORDINANCE NO. 2010-07 AN ORDINANCE AMENDING BUILDING CODE CHAPTER 1107 SITE AND GRADING PLANS OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO. Read by title. SECOND READING.

Mr. Garguilo stated that this is on second reading and inadvertently "per living unit" in the ordinance should be deleted. This will be corrected and referred back to first reading.

Moved by Mr. Iafelice seconded by Mr. Levon that Ordinance No. 2010-07 be amended in Section 1 (a)(2) that the words to the right of \$600.00 be "per living unit" be deleted.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried. Ordinance No. 2010-07 placed on first reading.

RESOLUTION NO. 2010-02 A RESOLUTION EXTENDING RESOLUTION 2008-31 FOR THE YEAR 2010, EXPRESSING THE INTENT OF THE CITY OF WICKLIFFE TO SELL BY INTERNET AUCTION, CERTAIN ITEMS OF PERSONAL PROPERTY NO LONGER NEEDED BY THE CITY, AND DECLARING AN EMERGENCY. Read by title.

Moved by Ms. Koski seconded by Mr. Iafelice that the rules of council be suspended and that Resolution No. 2010-02 be placed on third and final reading.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried.

Moved by Mr. Levon seconded by Ms. Koski that Resolution No. 2010-02 be adopted as presented.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried. Resolution No. 2010-02 adopted.

RESOLUTION NO. 2010-03 A RESOLUTION TERMINATING THE ABATEMENT OF REAL AND PERSONAL PROPERTY TAX AGREEMENT BY AND BETWEEN THE CITY OF WICKLIFFE, OHIO AND THE HALL CHEMICAL COMPANY, AND DECLARING AN EMERGENCY. Read by title.

Moved by Ms. Koski seconded by Mr. Iafelice that the rules of council be suspended and that Resolution No. 2010-03 be placed on third and final reading.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried.

Moved by Mr. Levon seconded by Ms. Koski that Resolution No. 2010-03 be adopted as presented.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried. Resolution No. 2010-03 adopted.

MISCELLANEOUS

Mr. Matyja reported that Chief Powers has set up a meeting with the East Ohio Gas Company regarding vacant homes and utility shutoffs for possible legislation for Wednesday morning at 9:00 a.m. in council chambers.

There being no further business, it was moved by Ms. Koski seconded by Mr. Ely that the council meeting of February 22, 2010 be adjourned.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja
No: None

Motion carried. Meeting adjourned at 8:05 p.m.

Council Clerk

Council President and Presiding Officer