

WICKLIFFE CITY COUNCIL MEETING
March 10, 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, March 10, 2008. The following were present at roll call:

MAYOR: Thomas W. Ruffner, excused
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: Pete Formica
BUILDING COMMISSIONER: Raymond F. Sack, excused
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. Margalis that the minutes of the council meeting of February 25, 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 excused.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo reported that Mr. Levar furnished him with a copy of a construction safety resolution from Fairfax County, Virginia. Most of that is covered by the Ohio Revised Code in the State of Ohio and he suggested that this be studied. Mr. Margalis placed this into the LEGISLATION AND WELFARE COMMITTEE. He further updated council on the three legal items pending in the courts and the trials that have been set. He referred to the matter dealing with Retirement Management and asked Mr. Formica to discuss this with him. He is in the process of preparing a response which is in the U.S. District Court. Mr. Gargiulo further referred to a correspondence to council regarding a wind energy conversion ordinance and is asking for input on this.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Margalis stated that he received a notice from Congressman LaTourette's office that he will be hosting his elected officials conference in Washington, D.C. on May 8, 2008 at 9:00 a.m. If anyone on council is interested they can obtain this information from him. He referred to a letter from Dominion East Ohio informing us that they are looking going to the PUCO for an increase, they are hoping to replace about 20% of their pipe line system and are looking for a residential additional cost of \$1.12 increase per month to the residents beginning in November of 2009. One of the changes different is that they want to take over ownership of the pipe line from the street to the resident's house so that if there is a leak or something goes wrong,

right now the home owner is responsible for it, if this goes through then they will take over responsibility for it. Mr. Margalis referred to the NOPEC customers receiving a notice advising of the rate to be locked into as of July 2008 and if anyone wants to opt out they can do so. Mr. Levar questioned the value of NOPEC to the City. Mr. Margalis agreed that there has never been a great savings with NOPEC and this has never been of great benefit.

Mr. Margalis referred to a letter from Dan Paschke with regard to city hall restoration which we discussed last week during the budget meeting. He had someone come in and do a cursory look at the building and gave us some numbers of what the cost would be for a full building restoration. We talked about possibly hiring a firm this year to come in to assess this building. He placed this letter into the IMPROVEMENT COMMITTEE. Mr. Gargiulo has given us some information on wind turbines and that item is in the Legislation and Welfare Committee. He also suggests that ordinances pertaining to city buildings should be adopted that relate to city buildings and particularly the community/senior center. This item was placed into the LEGISLATION AND WELFARE COMMITTEE.

Mr. Margalis further referred to a letter from Mr. Formica regarding illicit discharge and illegal connection ordinance and this is something that should be studied. He placed this into the LEGISLATION AND WELFARE COMMITTEE.

Mr. Gargiulo reported that at 4:00 p.m. today the Center for Pastoral Leadership notified the city that the Sunoco station across the street from them is seeking a liquor license for carry out liquor and they are opposing it. This information was provided to Chief Ice. Mr. Margalis interjected that this Wednesday the Tax Incentive Review Committee meets on Lake County and the CRA that was granted to the Sunoco there is up for discussion and a letter was received from Mr. Sack about some issues he has that have not been completed as a condition of that CRA. This will be brought up to the review committee about the tax incentive granted to them based upon certain things happening there which have not been done.

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Margalis added item (b) under Old Business: Bid Acceptance Rockefeller Road Improvements.

ADMINISTRATORS:

A. Police Chief - Chief Ice had nothing to add to his report which is attached.

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

C. Finance Director - Monthly financial statement attached. Mr. Germ informed council that the employee life insurance policy is up for renewal on April 1st. There is no increase but he has two agents getting quotes to see if we can possibly get a cheaper rate. This past year we spent about \$10,500 for the life insurance policies, he should have this information to council by next week. Mr. Margalis set a Finance Committee meeting for Monday, March 17 at 7:00 p.m. to discuss the life insurance quote.

D. Engineer - Report attached. Mr. Formica referred to the traffic signs at the construction zone on Bishop Road, and the reason they are still up and the answer is that ODOT will keep these up until the project is completed.

E. Service Director - Report attached. Mr. Paschke commented on the bad weather that happened this weekend in which the city had 21 inches of snow and he complimented the police department for their help. He reviewed the problem with cleaning sidewalks of snow and stated that this was a very dangerous and unsafe condition. He does not recommend doing this because it would be unproductive. He suggested that residents clean a path so people can walk by.

Mr. Paschke also reminded council that it is time to advertise for bids for pool chemicals, street striping and fireworks.

Moved by Mr. Levar seconded by Ms. Luther that council authorize the Law Director to advertise for bids for pool chemicals, street striping and fireworks per specifications on file with the Service Director.

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

Motion carried.

F. Building Commissioner - Mr. Sack excused.

G. Recreation Director - Report attached. Mr. Stopp updated council on the opening of the Community/Senior Center.

H, Economic Development Coordinator - Mr. Laver reviewed his report which is attached.

AUDIENCE PARTICIPATION OPENED

Martin Schlessel, Tri Mor Corporation, 8530 North Boyle Parkway, Twinsburg, commented on the bids for the Rockefeller Road Improvement, Phase 3.

AUDIENCE PARTICIPATION CLOSED

COMMITTEE REPORTS

Mr. Margalis read the report of the Finance Committee meeting held on March 3rd which is attached.

Mr. Jaworski set a Parks and Properties Committee meeting for Monday, March 17th at 7:30 p.m. to discuss Ordinance No. 2008-08. Ms. Luther set a Legislation and Welfare Committee meeting at 7:45 p.m. to discuss wind energy and the municipal building ordinance.

THERE WERE NO COMMISSION REPORTSOLD BUSINESS

a) Bid Acceptance - Coulby Pond Improvements. Mr. Formica reviewed the bids which were received. Bids were received on March 7 and the bids ranged from a low bid of \$123,787.50 to a high bid of \$208,849.50 as compared to the Opinion of Probable Construction Cost of \$225,000.00. The low bidder for this improvement is Mark Haynes Construction of Norwalk, Ohio whose bid has been reviewed and found to be in conformance with all contract requirements.

Moved by Mr. Krych seconded by Ms. Luther that council accept the bid from Mark Haynes Construction, 3130 State Route 18 E., Norwalk, Ohio 44857 for the excavation, embankment, shoreline and aerator improvements at Coulby Pond at a bid price of \$123,787.50 as being the lowest and best bid and that all other bids be rejected.

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

Motion carried.

b) Rockefeller Road Improvements, Phase 3 - Mr. Formica reviewed the bids which were received on March 7th. The base bids ranged from a low bid of \$641,923.00 to a high bid of \$851,665.25 as compared to the Opinion of Probable Construction Cost of \$714,000.00. An alternate bid was included for the use of crushed recycled concrete in lieu of virgin limestone for base repairs. Tri-Mor Corp. of Twinsburg, Ohio is the low bidder for the combined base and alternate bid, however should Tri-Mor Corp. be awarded the contract with the alternate, more than half of the contingency base repair item would need to be used (7.2 of 12 inches) until a savings would begin to be realized. The Base Bids plus Alternate (Recycled Concrete Base) ranged from a low bid of \$627,807.50 to a high bid of \$842,827.75. The low bidder for the base bid is A & J Cement Contractor Inc. of Eastlake, Ohio whose bid has been reviewed and found to be in conformance with all contract requirements. Discussion followed on the bid.

Moved by Mr. Levar seconded by Mr. Margalis that council accept the bid from A&J Cement Contractors, Inc., 35984 Lakeland Blvd., Eastlake, Ohio 44095 for the Bishop Road Phase Phase 3 Improvement Project at a base bid price of \$641,923 as being the lowest and best bid and that all other bids be rejected.

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

Motion carried.

THERE WAS NO NEW BUSINESS

ORDINANCES

ORDINANCE NO. 2008-03 AN ORDINANCE ENACTING CHAPTER 1513 OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO, REGULATING THE DRILLING OF OIL AND GAS WELLS ON ALL PROPERTIES. Read by title. THIRD READING.

Moved by Mr. Margalis seconded by Ms. Luther that Ordinance No. 2008-03 be adopted as presented.

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

Motion carried. Ordinance No. 2008-03 adopted.

AMENDED ORDINANCE NO. 2008-08 AN ORDINANCE AMENDING CHAPTER 951-PARK REGULATIONS, BY ENACTING SECTION 951.12, ANIMAL CONTROL AND SECTION 951.13 PROTECTION OF ANIMALS; HUNTING AND FISHING, AND REPEALING SUBSECTION (j) OF SECTION 951.08 AND SUBSECTION (i) OF SECTION 951.09 OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO. Read by title. SECOND READING

Moved by Mr. Levar seconded by Mr. Jaworski that Ordinance No. 2008-08 be amended as presented.

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

Motion carried.

Amended Ordinance No. 2008-08 placed on first reading.

AMENDED ORDINANCE NO. 2008-09 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.

This Ordinance was amended per the results of the discussion held at the Finance Committee meeting held last Monday.

Moved by Mr. Margalis seconded by Mr. Levar that Ordinance No. 2008-09 be amended as presented.

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

Motion carried.

Moved by Mr. Margalis seconded by Ms. Luther that the rules of council be suspended and that Ordinance No. 2008-09 as amended by 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 Ms. Luther that Ordinance No. 2008-9, as amended, be adopted.

Mr. Jaworski stated that he would not be comfortable voting for this ordinance because it is not a balanced budget. Mr. Levar agreed.

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

Motion carried. Amended Ordinance No. 2008-09 adopted.

ORDINANCE NO. 2008-12 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF WICKLIFFE, OHIO TO REMOVE A TRAFFIC-CONTROL DEVICE AND ALL APPURTENANCES THERETO LOCATED AT EAST 296 STREET AND EUCLID AVENUE. Read by title.

Ordinance No. 2008-12 placed on first reading.

ORDINANCE NO. 2008-13 AN ORDINANCE REPEALING CHAPTER 961 OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO, ENTITLED "REFUSE COLLECTION" AND CREATING NEW CHAPTER 961 OF THE CODIFIED ORDINANCES ENTITLED "GARBAGE, RUBBISH, AND REFUSE COLLECTION", AND DECLARING AN EMERGENCY.

Ordinance No. 2008-13 placed on first reading.

ORDINANCE NO. 2008-14 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO APPROVE PAYMENT FROM THE COMMUNITY/SENIOR CENTER DESIGN-CONSTRUCTION BUDGET TO WILSON ELECTRONIC DISPLAYS FOR THE RETURN AND REPLACEMENT OF THE EXTERIOR SIGN AT THE WIKCLIFFE COMMUNITY/SENIOR CENTER, AND DECLARING AN EMERGENCY.

Moved by Mr. Krych seconded by Ms. Luther that the rules of council be suspended and that Ordinance No. 2008-14 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. 2008-14 be adopted as presented.

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

Motion carried. Ordinance No. 2008-14 adopted.

ORDINANCE NO. 2008-15 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO APPROVE PAYMENT FROM THE COMMUNITY/SENIOR CENTER DESIGN-CONSTRUCTION BUDGET TO APG OFFICE FURNISHINGS FOR FURNITURE AND EQUIPMENT AT THE WICKLIFFE COMMUNITY/SENIOR CENTER, AND DECLARING AN EMERGENCY.

Moved by Mr. Jaworski seconded by Ms. Luther that the rules of council be suspended and that Ordinance No. 2008-15 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Krych seconded by Mr. Jaworski that Ordinance No. 2008-15 be adopted as presented.

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

Motion carried. Ordinance No. 2008-15 adopted.

MISCELLANEOUS

Mr. Levar informed council that the Our Lady of Mt. Carmel CYO basketball team earned a city championship and he requested that a resolution be prepared congratulating them. He will obtain the information required.

There being no further business, it was moved by Mr. Margalis seconded by Ms. Luther that the meeting of March 10, 2008 be adjourned.

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

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

Clerk of Council

Council President and
Presiding Officer