

WICKLIFFE CITY COUNCIL MEETING

March 9, 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, March 9, 2009. 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
ACTING SVS. DIRECTOR: Donald Kerniskey
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, excused

APPROVAL OF MINUTES:

Moved by Ms. Luther, seconded by Mr. Krych that the minutes of the council meeting of February 23, 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 excused.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo reported the following: He referred to two draft resolutions presented to council for their review, one is the breathe easier campaign, the non-idling, and the other is the think outside the bottled water. If requested, he can prepare normal resolutions concerning these. Mr. Margalis placed these draft resolutions into the ENVIRONMENTAL COMMISSION. Mr. Gargiulo further alluded to a copy of a suggested recommendation for the Legislation and Welfare Committee and the Cemetery Board concerning indigent cremation to have Chapter 963 amended that indicates that the City will accept our responsibility under Ohio law for indigents, however, we will cremate not bury these individuals because of the cost. Ms. Luther advised that the Cemetery Board is meeting tomorrow and will discuss this. Mr. Gargiulo also had some comments regarding Resolution No. 2009-2 which is on the agenda but will do so when that comes up on the agenda.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Margalis reminded council with regards to a memo from the Mayor concerning the removal of the no turn on red sign in the right lane only at the eastbound exit of the Bishop Road ramp. Apparently Willoughby Hills City Council is supporting that and the Mayor is looking for council's input. A response is needed by next Monday.

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Margalis added item (a) under New Business: Storm water utility fees.

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. Mr. Margalis referred to the situation in Euclid where they are laying off some fire personnel and the Chief was concerned about their request for mutual aid.

C. Finance Director - Mr. Germ had nothing to add to the February financial statement which is attached. Mr. Levar asked about the comparison between this year and last year as to the finances. Mr. Germ replied that one of the biggest indicators is that the city income tax is up a little bit from last year.

D. Engineer - Report attached. Mr. Formica added that a memo was distributed this evening regarding the Green Ridge Golf Course Bridge Review that was performed. A final report will be submitted at the next meeting. Mr. Krych referred to the miscellaneous project request for the stimulus where you had an addition of a traffic signal upgrade and asked what the reason was for this. Mr. Formica replied that this would be to the existing traffic signals where we would have to upgrade the lights and the control boxes.

E. Service Director - Mr. Kerniskey had nothing to add to his report which is attached. He requested council to authorize bids for 2009 for swimming pool chemicals, fireworks display and the 2009 street striping. There will be a difference on the time table for street striping, this year the contract will be from June 30th to August 30th which gives us some leeway as far as the crack sealing is done, we would rather have that done first before the street striping and the school zones will be completed before school starts.

Moved by Mr. Krych seconded by Ms. Luther that council authorize the Law Director to advertise for bids for pool chemicals, 4th of July fireworks display, and street striping per specifications on file with the Service Department.

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

Motion carried.

Mr. Margalis referred to an article in the Plain Dealer regarding ODOT advertising for bids for salt. Last year we accepted bids for road salt on October 13th which may be one of the reasons the bids were higher for us. The article notes that communities needing salt for their roads can join ODOT's bid if they notify the agency by March 25th. He said he would like to see the city participate with them. ODOT uses 500 to 700 thousand tons over the course of the year and we use some three to four thousand

tons a year, but if we want to do this we have to notify them by March 25th to be part of their bid. Mr. Levar asked if this would bind the city, to which Mr. Margalis replied that once we give them the quantity we are committing to a quantity of salt because we have to tell them how much we are looking for, it does commit us to buying the salt with them. Mr. Levar added that price is one thing but it's also the deliverability of the salt when the time comes when you need it. When the first snow comes where is the first priority going to go, it would probably be ODOT and secondary to someone else and we would be at the bottom.

Mr. Margalis interjected that this guarantees us ODOT pricing, the deliverability is all going to be the same, it's not coming from ODOT it's coming directly from Cargill or Morton whoever wins the bid, it only secures us whatever the price is going to be and it looks like there will be many communities that are going to take advantage of this. Mr. Kerniskey added that there are 280 communities at present taking this. Mr. Levar commented that the idea may be very effective and we have two weeks so we need to do some research on our own. Mr. Margalis informed him that Mr. Kerniskey has done research and has the information from the ODOT web site but he will check further.

Mr. Jaworski asked if we exceed the limit with ODOT do we go back to the bottom of the list or would we be able to get more salt coming back. Mr. Kerniskey replied that we were able to get more salt this year through the county but there are other ways to find salt, once you reach your contract quota it is very hard to get, if we do this he would recommend that we would raise our limit. Mr. Margalis suggested that council wait until the next meeting to make a decision. Mr. Levar added that we also need to look at a more sensible salting program.

F. Building Commissioner - Mr. Sack had nothing to add to his report which is attached. Ms. Koski referred to the former Willis property on Ridge Road and its bad condition to which Mr. Sack said he would contact the property owners and the Lake County Soil and Water.

G. Recreation Director - Report attached. Mr. Stopp asked council to authorize the Law Director to advertise for bids for the concession stand at Coulby Park.

Moved by Mr. Levar seconded by Ms. Koski that council authorize the Law Director to advertise for bids for the operation of the concession stand at Coulby Park for a two year contract per specifications on file with the Recreation Director.

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

Motion carried.

Mr. Stopp invited council and the residents to come to the Senior Center on Friday, March 20th at 7:00 p.m. to watch a family movie.

H. Economic Development Coordinator - Mr. Laver excused

AUDIENCE PARTICIPATION OPENED

Mrs. Jones 28755 Alton Road, addressed council regarding the music and noise coming from the Evolution Lounge. Tuesdays, Thursdays and Saturday they have special nights and the music is incredibly loud. On certain Sundays they also have teen night which is even worse. She has contacted the police but if the patrolman does not hear the noise he can do nothing about it. Chief Ice recommended that she keep calling the police.

Ray Fuerst, 22876 Alton Road, added that Ganley is paging salespeople on outside speakers, this will be a problem in the summer, also the noise at the Barrel Winery. There is an ordinance on the books and it should be enforced. Ganley should take the speakers off the poles which should eliminate the problem. Mr. Margalis added that the ordinance is in 1313.21 which says you have to keep all your sound inside your business and this should be enforced. Mr. Fuerst was advised to continue to call the police.

Mr. Matyja agrees wholeheartedly with the residents concerns. We had numerous problems last year regarding the Barrel Winery and Ganley in the past. The only thing he requests is that Chief Ice enforce the ordinance as best we can. Chief Ice responded that the law will be enforced and if there is a violation they will be cited.

Ron Ely, 29786 Arthur Avenue, asked about the difference of zoning commercial and residential. Is it possible to have something on the books that these places would post a bond so they would have something to lose every time they get cited. Mr. Margalis explained the ordinance that corresponds to this and that this has to be enforced.

Charles Stamey, 28900 Euclid Avenue, also commented on the noise at Ganley from speakers outside of their building and the music at the Barrel Winery. Council agrees that the ordinance should be enforced. Mr. Sack replied that he would send a cease and desist order to remove the speakers at Ganley and will go from there.

AUDIENCE PARTICIPATION CLOSED

COMMITTEE REPORTS

Ms. Luther read the report of the Legislation and Welfare Committee meeting held on March 2nd which is attached.

Mr. Levar scheduled an Economic Development Committee meeting for Wednesday, March 18th at 7:00 p.m. to discuss items in committee.

THERE WERE NO COMMISSION REPORTS

OLD BUSINESS

a) Bid Acceptance - Exercise stations at Jindra Park - Mr. Stopp reported that bids were opened a week ago Friday and different questions have arisen concerning them. He will have a recommendation for council at the next meeting.

NEW BUSINESS

a) Storm Water Utility Fees - Mr. Margalis stated that this is an item he brought up back in 2006. In October of 2006 we met with the head of the Storm Water Management Department about the fees that our residents and businesses are charged. Back in 2003 council voted to join the Lake County Storm Water Utility and that is that every resident in the city gets charged \$9.60 per year to be part of the Lake County Storm Water Utility. The businesses are charged based on their parking lot land and other land they have. At that time council felt that we wanted to get some accounting of what we were getting for that \$9.60. We even recommended that they lower that rate because they could not bring up anything they were doing for us.

We are definitely not getting our money's worth. What that \$9.60 a year means that we put in \$115,000 every year from the City which goes to this utility. We have been part of this since 2004. There are two levels to this, level one and level two, we got in at level one which is the lowest. At level two it's \$30.00 a year, but with that they will do some storm water projects. Out of the whole county there are only two communities that are at level one, we and Grand River. All the communities in level two have storm water issues. This \$9.60 was supposed to educate us as to what not to throw down the storm sewers and filing the EPA permit paper work. The way they gather that information is they call our Service Department and ask for information and that is sent to the Storm Water Department and that's how they compile their report. We do that ourselves. The Storm Water Department also hires Lake County Soil and Water and the Health Department to do this report which we contract with the separately ourselves. We are paying double for that.

Over the last four or five years Wickliffe has put in almost a half million dollars into this utility and we have not received anything. He asked the Engineer to do some research on this and find out what exactly we need to do to comply with this EPA Storm Water Regulations and the permitting process. We can do this ourselves and save a whole lot of money. He placed this into the COMMITTEE OF THE WHOLE for further discussion.

ORDINANCES

ORDINANCE NO. 2009-06 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. **SECOND READING.** Read by title.

Ordinance No. 2009-06 placed on second reading.

RESOLUTIONS

RESOLUTION NO. 2009-02 A RESOLUTION 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.

Mr. Gargiulo explained the exhibits attached to the resolution. He explained what has been auctioned on the internet and the prices those items brought. The purpose of this resolution is to inform council of these items. This is an informational resolution.

Moved by Mr. Margalis seconded by Ms. Luther that the rules of council be suspended and that Resolution No. 2009-02 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 Resolution No. 2009-02 be adopted as presented.

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

Motion carried. Resolution No. 2009-02 adopted.

There being no further business, it was moved by Mr. Krych seconded by Ms. Luther that the council meeting of March 9, 2009 be adjourned.

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

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

Council Clerk

Council President and
Presiding Officer