

WICKLIFFE CITY COUNCIL MEETING
April 27, 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, April 27, 2009 at the Community/Senior Center. 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
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

This being Student Government Day students will be taking part in the meeting. Mr. Margalis welcomed all the student counterparts.

APPROVAL OF MINUTES:

Moved by Mr. Levar seconded by Mr. Margalis that Ms. Luther be permitted to abstain from voting on approval of the council meeting minutes of April 13, 2009.

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

Motion carried.

Moved by Ms. Koski seconded by Mr. Krych that the minutes of the council meeting of April 13, 2009 be approved as presented.

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

Motion carried.

REPORTS AND COMMUNICATIONS FROM MAYOR/SAFETY DIRECTOR - A Resolution was read in its entirety and presented to Carly Nelson congratulating her upon being the spelling bee champion in the County. The Mayor stated that the Keep Wickliffe Beautiful Commission is holding Arbor Day on April 30th at 12:05 p.m. and refreshments will be served. He also noted that the Ponderosa property will be reported on during audience participation. The Swine Flu information was also distributed to all in attendance. More information is available on the web site. The Mayor added an executive session at the end of the meeting to discuss sale of property.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo reported on two items, the City of Wickliffe Police Department and the Law Department cooperated with the Ohio Department of Public Safety on an investigation regarding the execution of a search warrant on Grumpy's where the Ohio Investigative Unit searched and seized gambling devices, records and money. Another item is a noise control complaint concerning the East Side Market. He referred to certain sections of the Codified Ordinances concerning noise control, 509.03 (a)(2) disorderly conduct; 509.11 sound amplifying devices which applies only to motor vehicles; 509.12 noise

disturbances prohibited which applies to construction; and 521.10 abatement of nuisance. Codified Ordinance No. 1313.23 permitted buildings and uses in a business district. Subsection (a)(1)(c) and (a)(1)(f) do not apply to a business known as the East Side Market. His legal opinion is that the East Side Market may entertain with music so long as it does not violate Codified Ordinance 509.03(a)(2) and does not create a nuisance under the ordinance. He asked council to review the Law Department memo of September 15, 2008 regarding noise control codified ordinances and to consider possibly a new chapter on noise control. Mr. Margalis placed the item of a noise control ordinance into the LEGISLATION AND WELFARE COMMITTEE.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Margalis scheduled a Committee of the Whole meeting for Monday, May 4th at 7:00 p.m. to discuss Jindra Park Master Plan, mainly the tennis courts and the ball diamonds and immediately following that at 7:30 p.m. a Finance Committee meeting to discuss ambulance fees, the special police ordinance and charging for police vehicles during construction projects. Mr. Krych added a Safety Committee meeting the same evening at 8:00 p.m. to discuss various items in committee and Ms. Luther scheduled a Legislation and Welfare committee meeting at 8:30 p.m. to discuss items in committee.

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Matyja added item (b) under New Business: Cable rate increase.

ADMINISTRATORS:

- A. Police Chief - Chief Ice advised council that there will be an increase in special police overtime beginning in May to cover for a patrolman who remains unable to work.
- B. Fire Chief - Chief Helsel had no report.
- C. Finance Director - Mr. Germ had no report.
- D. Engineer - Report attached. Mr. Formica reported that he has a notification from the Ohio EPA that the city will receive grant money of \$173,500 and a low interest loan for the Elm Street sewer line. At this time he requested authorization for the Elm Street project. Mr. Margalis pointed out that the \$173,500 does not cover the total cost of the project so that in order to get the \$173,500 the city's share will be \$38,000 and this is an item that we did not have in our capital improvement budget for this year. We need to know what that amount of money will be. Mr. Formica replied that with the loan and the grant the city will have no fees, next year we will have to pay back the loan. Mr. Margalis asked if council had any concern about discussing this project before voting to authorize the engineer to begin.

Moved by Mr. Margalis seconded by Mr. Levar that council authorize the Engineer to prepare plans and specifications for the Elm Street relining project.

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

Motion carried.

Mr. Formica updated council on the Green Ridge golf course. A report was submitted to council from the Service Department two weeks ago stating that they are performing all the work in-house except for the item of the bridge at no. 6T for which bids will have be obtained.

E. Service Director - Report attached. Mr. Kerniskey added that he is ready to purchase the sweeper. He referred to the last council meeting where he brought up the subject of painting the sweeper green and if so there would be a charge of \$2,400 to paint it green versus white. He needs to have council take a position on this tonight, there is a four week turnover if we decide to have it painted green. Mr. Margalis replied that council will take the recommendation of the Service Director which is to keep it white. Council agreed. Mr. Kerniskey also advised council that on May 13th we will be opening bids for the single axle truck chassis and also the salt spreader with the de-icer system.

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

G. Recreation Director - Mr. Stopp reported that Vanjo Construction has been selected for the cement pads at the exercise stations along the Jindra Park recreation trail. The exercise equipment should be here within two to four weeks. Also, the summer catalog is ready to go out. He further added an update on the pool drains and stated that the pools will be open on time. He is working with compliance with the Health Department regarding the drains.

H. Economic Development Coordinator - Report attached. Mr. Laver reported on a business that needs a new street address. This item was referred to the Law Director.

AUDIENCE PARTICIPATION OPENED

Ted Vanilli, developer of the Ponderosa property, reported on the progress of the demolition of the building. Work was finalized last week with the EPA and the Board of Health requirements concerning the asbestos removal. Work will start with a ground breaking ceremony at noon on Friday at the site and it will be open to the residents to finally see the Ponderosa coming down. He further thanked the mayor and council for their cooperation on this project.

Mr. Collier, 30024 Truman Ave., reported that there cars are racing on his street and also that loud music is being played. This matter was referred to Chief Ice regarding the speeding of cars.

Another resident complained about a house at 1534 E. 289 Street which is in bad condition and asked for someone to check into this.

AUDIENCE PARTICIPATION CLOSED

COMMITTEE REPORTS

Mr. Margalis read the report of the Committee of the Whole meeting held on April 20th which is attached. He explained the assessment for the Lake County Storm Water Department and the reason for council wanting to opt out of this program to save money for both the residents and businesses in the city.

Moved by Mr. Margalis seconded by Ms. Luther that council authorize the Law Director to send a letter to the Lake County Storm Water Department to opt out of the storm water management program.

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

Motion carried.

Ms. Luther gave an oral report of a meeting of the Cemetery Board.

THERE WERE NO COMMISSION REPORTS

OLD BUSINESS

a) Bid Acceptance - Concession operations at Coulby Park - Mr. Stopp reported that this has been advertised twice and no one has submitted a bid. He is in contact with a local caterer at this time. Discussion followed concerning having this done in house and how it would affect the general fund. There is a pool of potential persons who can run this concession, this would be a last resort but an option, but hopefully this caterer will come through.

b) Sexual predators - Mr. Matyja stated that sexual predators must register with the Sheriff's department when they are identified as predators. To make it easier for the city, he asked if the Mayor could possibly create a link on the city web site directly to the Sheriff's Department and to also include this in the Wickliffe Connection. The Mayor said he would do this.

NEW BUSINESS

a) Reschedule council meeting of May 25 to May 18 due to Memorial Day holiday - Mr. Margalis stated he would like to move that meeting up because of the holiday.

Moved by Mr. Margalis seconded by Mr. Krych that the council meeting of May 25th be moved to May 18th at 7:00 p.m. at City Hall.

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

Motion carried.

b) Cable rate increase - Mr. Matyja asked if the city has any input on the cable company increasing their rates without notifying the city. Mr. Margalis replied that it seems council has no input on their rates, that's controlled by the PUCO. He suggests that a call be made to the cable company concerning their rates. Mr. Matyja added that in the past the cable company would notify council of any changes in rates and asked if the Law Director could research this.

ORDINANCES

ORDINANCE NO. 2009-07 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO A CONTRACT WITH ECONOMIC DEVELOPMENT SOLUTIONS, LLC FOR THE PROVISION OF ECONOMIC DEVELOPMENT SERVICES, AND DECLARING AN EMERGENCY. Read by title. **THIRD READING**

Moved BY Ms. Luther seconded by Mr. Margalis that Ordinance No. 2009-07 be adopted as presented:

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

Motion carried. Ordinance No. 2009-07 adopted.

ORDINANCE NO. 2009-12 AN ORDINANCE AMENDING CHAPTER 1323-FENCES OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO, AND DECLARING AN EMERGENCY. Read by title. **SECOND READING.**

Ordinance No. 2009-12 placed on second reading.

ORDINANCE NO. 2009-13 AN ORDINANCE AMENDING CHAPTER 1161-SIGNS OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO. Read by title. **SECOND READING.**

Ordinance No. 2009-13 placed on second reading.

ORDINANCE NO. 2009-22 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO A CONTRACT WITH DURA-MARK, INC. FOR THE STRIPING OF SUNDRY STREETS IN THE CITY, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Levar seconded by Ms. Koski that the rules of council be suspended and that Ordinance No. 2009-22 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Levar seconded by Ms. Luther that Ordinance No. 2009-22 be adopted as presented.

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

Motion carried. Ordinance No. 2009-22 adopted.

ORDINANCE NO. 2009-23 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO AN AGREEMENT WITH AMERICAN FIREWORKS CO. FOR THE FURNISHING AND EXHIBITION OF A FIREWORKS DISPLAY, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Ms. Koski that the rules of council be suspended and that Ordinance No. 2009-23 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Levar seconded by Ms. Koski that Ordinance No. 2009-23 be adopted as presented.

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

Motion carried. Ordinance No. 2009-23 adopted.

ORDINANCE NO. 2009-24 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO A CONTRACT WITH OHIO POOL EQUIPMENT & SUPPLY CO., INC., DBA OP AQUATICS, FOR THE FURNISHING OF SODIUM HYPOCHLORITE AND OTHER POOL CHEMICALS, AND DECLARING AN EMERGENCY. Read by title.

Moved by Ms. Koski seconded by Mr. Krych that the rules of council be suspended and that Ordinance No. 2009-24 be placed on third and final reading.

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

Motion carried.

Moved by Ms. Koski seconded by Mr. Margalis that Ordinance No. 2009-24 be adopted as presented.

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

Motion carried. Ordinance No. 2009-24 adopted.

ORDINANCE NO. 2009-25 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO, TO ENTER INTO A CONTRACT WITH FABRIZI TRUCKING & PAVING CO., INC. FOR THE EMPIRE ROAD IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Mr. Jaworski that the rules of council be suspended and that Ordinance No. 2009-25 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Krych seconded by Ms. Koski that Ordinance No. 2009-25 be adopted as presented.

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

Motion carried. Ordinance No. 2009-25 adopted.

RESOLUTIONS

RESOLUTION NO. 2009-08 A RESOLUTION PROCLAIMING APRIL 21, 2009 AS STUDENT GOVERNMENT DAY IN THE CITY OF WICKLIFFE, OHIO, AND DECLARING AN EMERGENCY. This Resolution was read in its entirety.

Moved by Mr. Krych seconded by Ms. Koski that the rules of council be suspended and that Resolution No. 2009-08 be placed on third and final reading.

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

Motion carried.

Moved by Ms. Luther seconded by Ms. Koski that Resolution No. 2009-08 be adopted as presented.

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

Motion carried. Resolution No. 2009-08 adopted.

RESOLUTION NO. 2009-09 A RESOLUTION SUPPORTING AND ENDORSING THE CITY OF CLEVELAND CLEAN AIR CENTURY CAMPAIGN TO TURN ENGINES OFF TO BREATHE EASIER, AND DECLARING AN EMERGENCY. Read by title

Moved by Ms. Luther seconded by Ms. Koski that the rules of council be suspended and that Resolution No. 2009-09 be placed on third and final reading.

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

Motion carried.

Moved by Ms. Koski seconded by Ms. Luther that Resolution No. 2009-09 be adopted as presented.

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

Motion carried. Resolution No. 2009-09 adopted.

Moved by Mr. Margalis seconded by Ms. Luther that council recess into executive session to discuss sale of property.

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

Motion carried.

Council reconvened from executive session at 8:30 p.m.

PRESENT: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja

There being no further business, it was moved by Ms. Luther seconded by Ms. Koski that the council meeting of April 27, 2009 be adjourned.

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

Motion carried. Meeting adjourned at 8:30 p.m.

Council Clerk

Council President and
Presiding Officer