

WICKLIFFE CITY COUNCIL MEETING
April 28, 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, April 28, 2008. 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
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: Excused

APPROVAL OF MINUTES:

Moved by Mr. Margalis seconded by Ms. Luther that Mr. Krych be permitted to abstain from approval of the council meeting minutes of April 14, 2008.

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

Motion carried.

Moved by Ms. Luther seconded by Mr. Jaworski that the minutes of the council meeting of April 14, 2008 be approved as presented.

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

Motion carried.

REPORTS AND COMMUNICATIONS FROM MAYOR/SAFETY DIRECTOR - Mayor Ruffner reported that he received a letter from Mayor Weger of Willoughby Hills stating that the hearing was held with the Cuyahoga County Commissioners regarding the airport and he is advising us that they are assembling the information and the Commissioners have suggested to the City of Willoughby Hills that they may purchase that airport if interested, they do want to keep us in the loop regarding this, copies of the letter will be distributed to council. He further reported that he has written a letter to the Cuyahoga County Commissioners urging them to be very careful in what they plan to do with the airport and recommended that they follow the lead of Willoughby Hills in considering that expansion.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo updated council concerning the Vitantonio properties. He reminded everyone that the trial in the Willoughby Municipal Court is scheduled for May 12 at 9:00 a.m. Mr. Levar will be reporting to council concerning the action dealing with the property at BZA later in the meeting. He also received an e-mail from the attorney for Dr. Vitantonio and basically he states that he has asked for more information from the broker regarding the purchaser.

Mr. Gargiulo referred to Ordinance No. 2008-29 and stated that it contained a clerical error and that is found in Section one, sub section (s), it shows \$10.00 per hour but should be \$11.00. There is also a clerical error in Ordinance No. 2008-30 at section 6(a) and what was left out was the 12 hour shift. He further stated that he is in receipt of a copy of the meeting of the Committee of the Whole regarding the gambling ordinance and that will be ready for the next meeting. He stated he was also asked to attend the Charter Commission's meeting tomorrow at 7:00 p.m. to answer any questions.

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

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Margalis reiterated Mr. Gargiulo's comments regarding the ordinances distributed tonight which have the corrections as stated and replace the ones placed in the packets. Also, on the agenda Resolution No. 2008-18 should say declaring an emergency. Mr. Margalis added item (a) under New Business: Council and Mayor salaries.

ADMINISTRATORS:

A. Police Chief - Chief Ice reported on the phone system he has been working on. He anticipates that the server for the computer will be up and running by mid-June. He mentioned Ordinance No. 2008-29 and explained the raises. He also reviewed the shifts in Ordinance No. 2008-30.

B. Fire Chief - Chief Helsel reported on the quarterly meeting of the 800 MHZ Backbone Users Group Governing Board which he and Chief Ice attended on April 24th.

C. Finance Director - Mr. Germ reported that he received an e-mail last Friday from Larry Green's office from the County where a request was recently approved to reimburse local municipalities for additional monies spent on snow control for the snow storm of March 8th. The Service Director does not think that we would qualify for that money but he will attend the meeting to see what our possibilities for that are and will report back.

Mr. Germ also made some comments on the budget, stating that indicators so far are as follows: last week we received our first half of inheritance tax in the amount of \$134,000, we picked up \$114,000 over budget; city income tax as of this date is about \$400,000 ahead of last year; the total in the General Fund as of this date is about \$750,000 ahead in revenue, expense wise there have been no surprises, everything seems to be within budget. Snow removal put us about \$500 over budget.

D. Engineer - Report attached. Mr. Formica stated that he has received some quotes to widen the Jindra Park walking path, these were unacceptable and we are looking for other quotes from the road program contractors. He also reported that he has been in contact with the Lake County Water Department about the Empire Road improvements for 2009, it looks good that this is on their improvement list, when it is official the County knows we are interested in sharing costs with that and they would like to get together and start the engineering. He requested an Improvement Committee meeting to discuss the sewer flow monitoring to get some direction. Mr. Margalis stated that this is still in committee. With regard to Hall Chemical and the sewer exemption, Mr. Formica stated that he talked to them last week and they will have something for us within two weeks.

E. Service Director - Mr. Paschke had nothing to add to his written report which is attached. Mr. Margalis referred to the improvements at the Holiday Inn as a result of the bridge. Mr. Paschke updated council regarding the parking lot and the signage.

F. Building Commissioner - Mr. Sack had no report. He introduced Victor Iacianci, the new part-time housing inspector who will be working six hours a day, and is a certified inspector in housing and a Wickliffe resident.

G. Recreation Director - Mr. Stopp reported on the progress of the pole barn construction.

H, Economic Development Coordinator - Mr. Laver excused.

AUDIENCE PARTICIPATION OPENED

Sue Mancino commented on the Cuyahoga County Airport expansion to which Mayor Ruffner said he would keep her informed.

Two students, Matt Witt, 1505 Arbor and Justin Spyn del, presented a proposal for a skate park in the city and the pros and cons. The Mayor advised them that at this point it is unlikely that the city would invest in a skate park but he would not close the door on this, there were many safety issues that caused the elimination of the skate park. Mr. Margalis also stated that this could be revisited but he agrees with the Mayor that this will be kept on the agenda.

AUDIENCE PARTICIPATION CLOSED

COMMITTEE REPORTS

Mr. Margalis read the report of the Committee of the Whole meeting held on April 23, 2008 which is attached. Mr. Matyja referred to Ordinance No. 2008-13 which was also discussed at that meeting. Mr. Margalis said that this was discussed and there was a recommendation to amend that ordinance and that will be discussed when the ordinance is brought up on the agenda.

Ms. Luther read the report of the Legislation and Welfare Committee meeting held on April 23d which is attached.

COMMISSION REPORTS

Mr. Levar read the report of the Board of Zoning Appeals meeting held on April 24th which is attached. Mr. Levar informed council that a meeting will be held on Wednesday, May 7th at 7:00 p.m. with Mr. Formica regarding the ramps and Mr. Sack and Mr. Laver with regards to the west end of the city properties.

OLD BUSINESS

a) Bid Acceptance - Pavement repair Program, Contract A - Asphalt pavement Repair, Contract B - Cracksealing.

Mr. Formica reviewed the bids which were received and are attached. The bids were received on April 25th. Contract A combined bids for asphalt pavement repairs ranged from a low bid of \$1,013,211.50 to a high bid of \$1,193,160.77 ad compared to the Opinion of Probable Construction Cost of \$1,236,400.00. The low bidder for Contract A is A & J Cement Contractors, Inc. of Eastlake. One bid was received for Contract B - Cracksealing from Specialized Construction, Inc. of Cuyahoga Hts., Ohio. For \$60,000.00 worth of crack filing their bid is 7,326.01 gallons (\$8.19/gal.) as compared to the Opinion of Probable Bid Quantity of 6,000 gallons (\$10.00/gal.). The 2007 bid price range for cracksealing ranged from \$7.98/Gal. to \$9.00/gal. All bids have been reviewed and found to be in conformance with all contract requirements. It is his opinion that these bidders are experienced and qualified to perform the work within the contracts. The completion dates for this project are as follows: Contract A - September 30, 2008; Contract B - 14 calendar days from the first day of work but no later than October 30, 2008.

Moved by Mr. Krych seconded by Ms. Koski that the bid from A&J Cement Contractors Inc., 35984 Lakeland Blvd., Eastlake, Ohio 44095 be accepted for Contract A - Pavement Repair Base Bid and both alternates for a bid price of \$1,013,211.50 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.

Moved by Mr. Levar seconded by Ms. Luther that the bid from Specialized Construction, Inc.. 711 Harvard Avenue, Cuyahoga Hts., Ohio, Contract B - crack filling be accepted at the bid price of \$60,000 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.

NEW BUSINESS

a) Council and Mayor Salaries - Mr. Margalis commented that every eight years council reviews the salaries of the Mayor and council, the last time a resolution was passed regarding this was in the year 2000 which took effect in January of 2002. Council cannot pass legislation giving themselves a raise so this would be for the next term of council starting January 1, 2010. A review of all the neighboring communities will be done to see where we stand and a report will be given. This was placed into the FINANCE COMMITTEE.

ORDINANCES

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. THIRD READING.

Moved by Mr. Margalis seconded by Ms. Luther that Ordinance No. 2008-12 be adopted as presented.

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

Motion carried.

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. Read by title. THIRD READING.

Mr. Margalis stated that as a result of conversations held last Monday concerning this, he would like to have this ordinance amended.

Moved by Mr. Margalis that this ordinance be amended by changing Section 961.05 paragraph (c) the last sentence which is highlighted as reading "Storage of the dumpster containers shall be behind the rear building line of the premises." The continuance of that sentence shall be stricken. This being amended, Ordinance No. 2008-13 will go back to second reading.

Moved by Mr. Margalis seconded by Ms. Luther that Ordinance No. 2008-13 be amended as previously stated in Section 961.05 (c).

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

Ordinance No. 2008-13 remains on second reading.

ORDINANCE NO. 2008-17 AN ORDINANCE CREATING CHAPTER 953 MUNICIPAL FACILITIES, OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO.
Read by title. THIRD READING

Moved by Mr. Margalis seconded by Ms. Luther that Ordinance No. 2008-17 be adopted as presented.

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

Motion carried. Ordinance No. 2008-17 adopted.

ORDINANCE NO. 2008-28 AN ORDINANCE PROVIDING FOR THE COMPENSATION OF APPOINTED OFFICIALS OF THE CITY OF WICKLIFFE, OHIO, REPEALING ANY AND ALL OTHER ORDINANCES OR PARTS THEREOF THAT MAY BE INCONSISTENT WITH THIS ORDINANCE, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Mr. Margalis that the rules of council be suspended and that Ordinance No. 2008-28 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. Krych that Ordinance No. 2008-28 be adopted as presented.

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

Motion carried. Ordinance No. 2008-28 adopted.

ORDINANCE NO. 2008-29 AN ORDINANCE PROVIDING FOR THE COMPENSATION OF CERTAIN SALARIED AND HOURLY EMPLOYEES OF THE CITY OF WICKLIFFE, OHIO, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Ms. Luther that the rules of council be suspended and that Ordinance No. 2008-29 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 Ms. Luther that Ordinance No. 2008-29 be adopted as presented.

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

Motion carried. Ordinance No. 2008-29 adopted.

ORDINANCE NO. 2008-30 AN ORDINANCE AMENDING SECTION 171.19 OF CHAPTER 171 EMPLOYMENT PROVISIONS OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO AND PROVIDING FOR THE COMPENSATION OF WICKLIFFE POLICE DISPATCHERS, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Mr. Margalis that the rules of council be suspended and that Ordinance No. 2008-30 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 Ms. Koski that Ordinance No. 2008-30 be adopted as presented.

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

Motion carried. Ordinance No. 2008-30 adopted.

ORDINANCE NO. 2008-31 AN ORDINANCE PROVIDING FOR THE COMPENSATION AND OTHER EMPLOYMENT PROVISIONS FOR SPECIAL POLICE OFFICERS IN THE CITY OF WICKLIFFE, OHIO POLICE DEPARTMENT, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Levar seconded by Mr. Krych that the rules of council be suspended and that Ordinance No. 2008-31 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 Ms. Koski that Ordinance No. 2008-31 be adopted as presented.

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

Motion carried. Ordinance No. 2008-31 adopted.

ORDINANCE NO. 2008-32 AN ORDINANCE REVISING COMPENSATION FOR CERTAIN EMPLOYEES IN THE DIVISION OF RECREATION OF THE CITY OF WICKLIFFE, OHIO, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Levar seconded by Ms. Luther that the rules of council be suspended and that Ordinance No. 2008-32 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. Koski that Ordinance No. 2008-32 be adopted as presented.

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

Motion carried. Ordinance No. 2008-32 adopted.

ORDINANCE NO. 2008-33 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. Margalis seconded by Mr. Krych that the rules of council be suspended and that Ordinance 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. Margalis seconded by Mr. Krych that Ordinance No. 2008-33 be adopted as presented.

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

Motion carried. Ordinance No. 2008-33 adopted.

ORDINANCE NO. 2008-34 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO A CONTRACT WITH BARBER'S CHEMICALS INC. FOR THE FURNISHING OF SODIUM HYPOCHLORITE AND OTHER POOL CHEMICALS, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Mr. Levar that the rules of council be suspended and that Ordinance No. 2008-34 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 Ms. Luther that Ordinance No. 2008-34 be adopted as presented.

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

Motion carried. Ordinance No. 2008-34 adopted.

ORDINANCE NO. 2008-35 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. Margalis seconded by Mr. Krych that the rules of council be suspended and that Ordinance No. 2008-35 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 Ordinance No. 2008-35 be adopted as presented.

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

Motion carried. Ordinance No. 2008-35 adopted.

ORDINANCE NO. 2008-36 AN ORDINANCE AUTHORIZING THE PURCHASE OF THREE (3) MOBILE COMPUTERS THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES, OFFICE OF STATE PURCHASING, FOR USE BY THE POLICE DEPARTMENT OF THE CITY OF WICKLIFFE, OHIO, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Levar seconded by Ms. Luther that the rules of council be suspended and that Ordinance No. 2008-36 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. Margalis that Ordinance No. 2008-36 be adopted as presented.

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

Motion carried. Ordinance No. 2008-36 adopted.

ORDINANCE NO. 2008-37 AN ORDINANCE ADJUSTING COMPENSATION FOR SUNDRY POOL EMPLOYEES OF THE CITY OF WICKLIFFE, OHIO, AND DECLARING AN EMERGENCY.
Read by title

Moved by Mr. Krych seconded by Ms. Luther that the rules of council be suspended and that Ordinance No. 2008-37 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 Mr. Margalis that Ordinance No. 2008-37 be adopted as presented.

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

Motion carried. Ordinance No. 2008-37 adopted.

RESOLUTIONS

RESOLUTION NO. 2008-16 A RESOLUTION TERMINATING THE CITY OF WICKLIFFE, OHIO COMMUNITY REINVESTMENT AREA AGREEMENT WITH THE CAPPUCCINO CORNER SHOPPE, AKA ARABICA COFFE HOUSE, LOCATED AT 29325 EUCLID AVENUE IN WICKLIFFE, OHIO. Read by title. SECOND READING

This Resolution placed on second reading.

RESOLUTION NO. 2008-17 A RESOLUTION TERMINATING THE CITY OF WICKLIFE, OHIO COMMUNITY REINVESTMENT AREA AGREEMENT WITH J.R.F. PROPERTIES, LLC, AKA WICKLIFFE ONE STOP/SUNOCO STATION, LOCATED AT 28637 EUCLID AVENUE IN WICKLIFFE, OHIO. SECOND READING.

This Resolution placed on second reading.

RESOLUTION NO. 2008-18 A RESOLUTION EXPRESSING OPPOSITION WITH EXISTING LAW REGULATING EXPLORATION AND DRILLING OF OIL AND GAS WELLS, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Margalis seconded by Mr. Krych that the rules of council be suspended and that Resolution No. 2008-18 be place 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 Resolution No. 2008-18 be adopted as presented.

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

Motion carried. Resolution No. 2008-18 adopted.

There being no further business, it was moved by Ms. Luther seconded by Mr. Krych that the council meeting of April 28th be adjourned.

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

Motion carried. Meeting adjourned at 8:10 p.m.

Council Clerk

Council President and
Presiding Officer