

WICKLIFFE CITY COUNCIL MEETING
May 11, 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, May 11, 2009. 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, excused

APPROVAL OF MINUTES:

Moved by Mr. Krych seconded by Ms. Koski that the minutes of the council meeting of April 27, 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 - The Mayor read two commendations for the Police Department, a theft arrest by Patrolman Daniel Sabruno and Dispatcher Donald Stein in his help of assisting a citizen with dementia. He also requested that the item of the sale of vehicles be placed into the LEGISLATION AND WELFARE COMMITTEE. He further reported that he met with the PR representative of the East Ohio Gas Company who are proposing in 2010 to replace all the gas lines in the City and this includes all of the meters, this will be at no cost to the residents.

The Mayor referred to a letter distributed to council from Willoughby Hills council regarding the expansion of the County Airport and asking for support of a resolution opposing the expansion. This resolution has to be passed so it can be presented to the FAA. If council agrees to that resolution an ordinance will be prepared for the next meeting. He also requested that a meeting be held on June 1st on owner unoccupied homes. This is in the Committee of the Whole.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo informed council that Collinwood Shale and Brick Supply Company sued AJ Cement Contractors and the City of Wickliffe, this concerns the Rockefeller Road improvements, Phase III, there is not too much concern for the city. In this case we are holding the money and the Judge will tell us who to give it to. Mr. Gargiulo will prepare an answer to this. The question was asked at the last council meeting concerning cable rates. He checked into this and the result is that there is no control so the cable companies are free to charge what they like, we cannot do much as a city because we are preempted by State law. He further stated that he received a memo from the Legislation and Welfare Committee concerning re-looking at park rules and he reported that he has been in contact with the Recreation Director of Richmond Heights and upon looking at the area he did not see any sign that says residents only. He will confirm this.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Margalis referred to a letter to Council from the Planning Commission recommending to council that Ordinance No. 2009-12 be adopted. A public hearing was held and no one spoke either for or against this ordinance. This ordinance is on the agenda tonight.

THERE WERE NO ADDITIONS OR AMENDMENTS TO THE AGENDA

ADMINISTRATORS:

A. Police Chief - Report attached. He informed council that he is reducing the number of pagers being used. This will save the City approximately \$4,000.00.

B. Fire Chief - Report attached. Chief Helsel announced that he will be retiring in July of this year. He thanked the citizens of Wickliffe for the opportunity to serve them for 34 years of service. He further thanked the Mayor and council for all their help and support and stated he would help with the transition.

C. Finance Director - Report attached. Mr. Germ added that as of April 30th we are down in the General Fund by \$400,000 from last year at this time. After looking into it, it looks as though the main reason for that decrease is that one of our large employers reduced their bonuses. He also estimates that a good part of this has to do with estimated taxes due to the economy. Some of that money could be recouped as time goes on. The one bright side is the inheritance tax for the first half was up by \$132,000 over budget, and we still have another payment of inheritance tax coming. Right now revenue is down compared to where we were last year.

The Mayor requested that the city budget be placed into committee because there may be some appropriate action that we can look into to minimize this difference. Mr. Margalis placed the hiring freeze into the Finance Committee.

D. Engineer - Report attached. Mr. Formica stated that he reviewed the master plan for Jindra Park as instructed in the committee meeting last week. There are a couple of options for council's review of the realignment of part of that plan. He requested a meeting with council to discuss this. A meeting was set for June 1st at 7:30 p.m. to discuss the Jindra Park Plan.

Mr. Formica further referred to a memo received from Bob Fiala regarding the Senior Center warrant/bond issues. Mr. Margalis referred to some of the issues listed and apparently these need to be taken up with the general contractor. Mr. Matyja referred to the last paragraph in the memo regarding the slab movement which should also be repaired by the site contractor, assuming we can prove it was installed correctly, and asked who is going to prove that this was installed correctly and asked Mr. Formica if he has looked at it. Mr. Formica replied that he did look at it and the

contractor will look at it and coordinate it with Bob Fiala. Mr. Margalis suggested that the architect do this and if it comes back not favorable to us let's do it ourselves. Mr. Matyja added that it should be done in conjunction anyway. There are some credibility problems it seems from this side. The Mayor added that the Service Department is doing some of the punch list items, let's see where the fault lies or where the errors are and if there is still an investigation we will get on it. Let's make sure the architect is doing his job. Mr. Kernisky added that if the slab problem is not take care of this year, by next year it will be an issue. The Mayor replied that let's get an answer before we go into recess.

Mr. Gargiulo interjected that Mr. Matyja is right, we should make sure that our city engineer is working with the architect as well as our Service Director and if things go awry our option would be to file a law suit regarding a breach of contract. He added that all of the people involved are aware of the problem and are attempting to do something and he thinks they are coordinating this with the Service Director. Mr. Matyja added that he is surprised as to how that building is cracking and all these things should be documented again.

Mr. Margalis referred to the bids going out for the crack sealing and asphalt rejuvenation. Mr. Formica replied that he will ask council for authorization to advertise for bids for the crack sealing program and the asphalt rejuvenation.

Moved by Mr. Krych seconded by Mr. Jaworski that council authorize the law Director to go out for bids for the 2009 crack sealing and asphalt rejuvenation program per specifications on file with the Engineer.

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

Motion carried.

E. Service Director - Report attached. Mr. Kerniskey reported on the computer security at City Hall. He also stated that they are continuing on the smoke testing repairs and reported on some of the findings on Harding and on Arthur. He asked council to place into the Improvement Committee some road repairs and he is putting this together for the next meeting. Mr. Margalis placed this into the IMPROVEMENT COMMITTEE and these will also be discussed on June 1st at 8:00 p.m. Mr. Margalis referred to the Regent Worden area concerning the sanitary sewer and asked if some type of study is being done on that to which Mr. Formica replied that this is an area of concern and he will make it a priority.

F. Building Commissioner - Report attached. Mr. Sack reported that grass cutting was started last week. There is also some grant money for painting of homes in the county and is part of a HUD grant. Ordinance No. 2009-30 the unfair housing ordinance is on the agenda and he asked for council's consideration so this can be placed with the grant which has to be in by May 15th. This is for the painting of homes and there is a restriction on

there on how we can use that money for people that are in need of that, this would be similar to the sidewalk program. Mr. Margalis added that if we are looking to utilize block grant funds we need to have this ordinance passed.

G. Recreation Director - Report attached. Mr. Stopp reported on the progress of the concession stand operation. The exercise equipment will be in on Friday. Vanjo is doing the pads and they should be completed this week. He also stated that the Wellness program will take place on Saturday from 11 a.m. to 2 p.m. at the Senior Center.

H. Economic Development Coordinator - Mr. Laver excused.

AUDIENCE PARTICIPATION OPENED

Ron Ely, 29786 Arthur, asked if any money would be put in for the exercise stations. Mr. Stopp replied that Naturwork grant money will be received and we are getting 75% reimbursement, it will cost the city about \$7,000 to \$8,000 to get \$30,000 worth of equipment. Mr. Ely asked if some of the corporations in the city could help out on this. Mr. Stopp said these avenues have been researched.

AUDIENCE PARTICIPATION CLOSED

COMMITTEE REPORTS

Mr. Margalis read the report of the Committee of the Whole meeting held on April 4th which is attached. Mr. Margalis also read the report of the Finance Committee meeting also held the same date which is attached. Mr. Krych read the report of the Safety Committee meeting held on May 4th, attached. Ms. Luther read the report of the Legislation and Welfare Committee meeting also held on May 4th, attached.

THERE WERE NO COMMISSION REPORTS

THERE WAS NO OLD BUSINESS

THERE WAS NO NEW BUSINESS

ORDINANCES

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. **THIRD READING.**

Moved by Mr. Levar seconded by Mr. Margalis that Ordinance No. 2009-12 be adopted as presented.

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

Motion carried. Ordinance No. 2009-12 adopted.

ORDINANCE NO. 2009-13 AN ORDINANCE AMENDING CHAPTER 1161-SIGNS 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. 2009-13 be adopted as presented.

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

Motion carried. Ordinance No. 2009-12 adopted.

ORDINANCE NO. 2009-26 AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE (1) NEW 2009 MODEL YEAR NAVISTAR 7400SBA TANDEM-AXLE TRUCK CHASSIS, THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM, 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. 2009-26 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 Mr. Jaworski that Ordinance No. 2009-26 be adopted as presented.

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

Motion carried. Ordinance No. 2009-26 adopted.

ORDINANCE NO. 2009-27 AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE (1) NEW TRUCK-MOUNTED VACUUM STREET SWEEPER THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES, OFFICE OF STATE PURCHASING, AND DECLARING AN EMERGENCY. Read by title.

Moved by Ms. Luther seconded by Ms. Koski that the rules of council be suspended and that Ordinance No. 2009-27 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. 2009-27 be adopted as presented.

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

Motion carried. Ordinance No. 2009-27 adopted.

ORDINANCE NO. 2009-28 AN ORDINANCE AMENDING SECTION 955.03 OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO ENTITLED "FEES; SPLASH PARTIES, SWIMMING INSTRUCTIONS", 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. 2009-28 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. Luther that Ordinance No. 2009-28 be adopted as presented.

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

Motion carried. Ordinance No. 2009-28 adopted.

ORDINANCE NO. 2009-29 AN ORDINANCE AUTHORIZING THE PURCHASE OF THREE (3) NEW FOUR-WHEEL DRIVE DODGE RAM TRUCKS THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES, OFFICE OF STATE PURCHASING, 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. 2009-29 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 Mr. Levar that Ordinance No. 2009-29 be adopted as presented.

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

Motion carried. Ordinance No. 2009-29 adopted.

ORDINANCE NO. 2009-30 AN ORDINANCE CREATING CHAPTER 1103 - UNFAIR HOUSING PRACTICES PROHIBITED OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE.

Ordinance No. 2009-30 placed on first reading.

MISCELLANEOUS

The Mayor stated that he met with the middle school and they have completed a report concerning a project which they researched and they have researched the Jindra pool, the condition of it and the future of it. They have put on a nice presentation and he would like to have council see this. He asked if they could start the meeting on June 8th first with their presentation to which council agreed.

Mr. Margalis reminded council that the next meeting will be held next Monday, May 18th at 7:00 p.m. and will not meet on May 22nd due to the Memorial Day holiday.

There being no further business, it was moved by Mr. Krych seconded by Ms. Luther that the council meeting of May 11, 2009 be adjourned.

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

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

Council Clerk

Council President and
Presiding Officer