

WICKLIFFE CITY COUNCIL MEETING  
May 12, 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, May 12, 2008. The following were present at roll call:

MAYOR: Thomas W. Ruffner  
COUNCIL PRESIDENT: William Margalis  
COUNCIL: Jaworski, Koski, Levar, Luther, Matyja  
Krych, excused  
LAW DIRECTOR: William C. Gargiulo  
FINANCE DIRECTOR: Martin Germ  
SERVICE DIRECTOR: Daniel C. Paschke  
ENGINEER: Peter J. Formica, excused  
Dave Wiles in attendance  
BUILDING COMMISSIONER: Raymond F. Sack  
RECREATION DIRECTOR: Timothy E. Stopp, excused  
POLICE CHIEF: Randy E. Ice  
FIRE CHIEF: Daniel L. Helsel  
ECONOMIC DEVELOPMENT: Excused

APPROVAL OF MINUTES:

Moved by Ms. Luther seconded by Mr. Margalis that the minutes of the council meeting of April 28, 2008 be approved as presented.

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

Motion carried.

REPORTS AND COMMUNICATIONS FROM MAYOR/SAFETY DIRECTOR - Mayor Ruffner referred to a letter commending Patrolman Brian Lako for the arrest and apprehension of two juveniles who were on a three state crime spree over a twenty day period. He also announced that there is a household hazard waste collection meeting on June 7<sup>th</sup> and this is posted at city hall.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo referred to Ordinance No. 2008-draft about energy systems and he requested this be placed into committee for study. Mr. Margalis stated that this is in the Legislation and Welfare Committee so that draft ordinance will be in that committee for further discussion. Mr. Gargiulo also reported that he has met with the Charter Review Commission and one of the questions asked was to cut the cost of the bids that are placed in the newspaper. After researching that the bid articles do not have to be in full detail, a short notation of where to find bid packets will be indicated. In the past the City has been writing the whole detail of the bid. He also reported on a meeting with AT&T attorneys concerning our billing to them, their position is that the ORC and Senate Bill 117 preempts our ordinance so we will be looking at that.

The Vitantonio properties have been sold as of this afternoon and a copy of the contract will be provided. He reported on the trial and the review of the property. The contracts were signed. Mr. Gargiulo noted that there was an outstanding work effort by the Building Commissioner all through the Vitantonio ordeal. He noted that the city is not a party to

the contract so there are things that cannot be revealed by the purchaser or seller. He requested an executive session at the end of the next meeting to discuss this. Mr. Levar also congratulated Mr. Gargiulo, Mr. Sack and the Mayor for the fine job they have done regarding this situation.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Margalis reported that he received a quarterly letter from NEOSO, this the purchasing group that we joined last year, and there is participation in the 2008-2009 bulk salt program and they mention that 15 communities joined together last year and a lot of money was saved and the quantity of salt was there when needed. Copies of this letter will be distributed to council.

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Margalis added under New Business, item (c) the change of the last council meeting in May which falls on Memorial Day. The Mayor added item (d) under New Business, sewer dye test and Mr. Jaworski added item (a) under Old Business, Senior Center.

ADMINISTRATORS:

A. Police Chief - Report attached. Chief Ice requested the Law Director to advertise for bids for fiber optic cable equipment connection to City Hall and the Service Department computer systems. Mr. Margalis pointed out that the cost of this was included in the amounts in our capital improvement budget.

Moved by Mr. Margalis, seconded by Mr. Levar that council authorize the Law Director to advertise for bids for the installation of the fiber optic cable that connects City Hall to the Police Department.

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

Motion carried.

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

C. Finance Director - Mr. Germ had nothing to add to the monthly financial report which is attached. Mr. Margalis referred to the report under the real estate collections, he understands that the amount received on our real estate taxes was less the Homestead amounts that were deducted and a check is supposed to be received from the State for the amounts that were deducted to make up the difference. Mr. Germ replied that this was received but it is not in the report since it was received a few days ago.

Engineer - Report attached. Mr. Wiles stated that he understands that there is a concern about the drainage on the south side of the Senior Center. He will check into this.

Ms. Koski reported that a resident has asked her regarding the new development on Green Ridge that their insurance company is trying to get them to purchase flood insurance because this is considered a flood zone. Mr. Sack replied that the developer is to meet with the Corps of Engineers to check into this. Mr. Formica has helped people in that area because it is not in the city's jurisdiction. Residents should contact the developer. Mr. Margalis asked about the urban setting designation by the EPA. This has to do with designating areas of the community in an urban setting that has to do with the EPA permit with ground water and cleanup of old properties. Mr. Wiles will look into this.

E. Service Director - Report attached. Mr. Paschke updated council regarding Hall Chemical and they have completed televising their sewers on May 5<sup>th</sup>. He also updated council on the Senior Center and the problem with the automatic doors. A meeting was held with Then Design regarding the punch list and they are slow in getting things done. He met with Mr. Excavator today and reviewed the problems. There is another issue about the walking path. The Mayor has asked him to look into widening the path. There seem to be some money issues and he suggested that this be placed into committee to discuss this. Mr. Margalis placed the walking path into the FINANCE COMMITTEE. Ms. Koski commended the Service Department for their work on Rockefeller Road.

F. Building Commissioner - Report attached. Mr. Sack congratulated the Law Director for his work on the Vitantonio property. Mr. Matyja reported that in the last two weeks there has been frustration of the residents regarding the issue of the fencing from Freeway Lanes to the backyards of residents on Craning, these are falling down on the residents properties. No response has been received from the company. He asked the Building Commissioner to cite them to which Mr. Sack replied that he did cite them. Another issue is the foreclosed homes with grass getting higher every day, what is the city's plan to this? Mr. Sack stated that there are many notices out and 20 people per day are cited. Freeway Lanes has been cited as has Ganley. Mr. Margalis asked Mr. Sack to put a request together regarding the monies needed for foreclosed homes so that council has something to work with. Discussion followed.

G. Recreation Director - Report attached. Mr. Stopp excused.

H, Economic Development Coordinator - Mr. Laver excused.

#### AUDIENCE PARTICIPATION OPENED

Alex Staney, 28900 Euclid Avenue, read a statement complaining about Ganley Motors where the wall is deteriorating and cars are being delivered during the night. Mr. Margalis informed her that we do have the laws in place to take care of these issues and the City needs to enforce those laws. Council has given the city the tools to do this now the city and the building department and the administration needs to take action.

Charles Staney, 28900 Euclid Avenue, complained about the deer and groundhogs on the Ganley property. Also, the grass is overgrown and he asked for some action.

Resident, 29539 Woodway, commended Mr. Sack for his attention to a problem he had.

AUDIENCE PARTICIPATION CLOSED

COMMITTEE REPORTS

Mr. Levar read the report of the Economic Development Committee meeting held on May 7<sup>th</sup> which is attached.

Mr. Margalis stated that there is a recommendation in the report to authorize the Engineer to prepare plans that need to be submitted to ODOT for the grant to provide assistance in beautifying the five freeway ramps within the City. Mr. Levar explained that they would help assist us in identifying plants and we would have to maintain them afterwards. Mr. Margalis said that the grant was for the purchase of the plants and the trees the city has to plant them so in order for us to apply for this money we need the engineer to prepare a landscaping plan for five ramps within the city.

Moved by Mr. Levar seconded by Ms. Luther that council authorize the Engineer to prepare landscaping plans for the five freeway entrance ramps as the preliminary step in presenting the grant in an amount not to exceed \$5,000.00.

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

Motion carried.

Mr. Margalis scheduled a Finance Committee meeting for Wednesday, May 21 at 7:30 p.m. to discuss the amount of money needed for the foreclosed homes fund, the walking path, the part time firefighters and also to discuss Mayor and council salaries. Ms. Luther scheduled a Legislation and Welfare Committee meeting for June 4<sup>th</sup> at 8:00 p.m. to review the draft ordinance for construction, operation and decommissioning of wind energy systems.

THERE WERE NO COMMISSION REPORTS

OLD BUSINESS

a) Senior Center - Mr. Jaworski stated that a lot of the topics he wanted to discuss were discussed earlier in the meeting. He is concerned about the drainage issue. This problem is very bad in the residents back yards and they want accessibility to their property as well. He asked if the regrading will keep the water from going through their properties and what

will happen if this does not work. He requested that some drain tile be installed down there to remedy the issue. Mr. Wiles will look into this to determine what is the best solution. He also asked if the Service Department would be able to mow along the fence line. Mr. Paschke replied that there would be a lot of manual power needed and he will try to work on it.

NEW BUSINESS

a) Cable TV - The Mayor requested to place into committee AT&T's request to update council as to the local programming and the problems with that and a decision be made as to whether or not access to local cable regarding price. Mr. Margalis placed this into the UTILITIES COMMITTEE. Mr. Matyja set a Utilities Committee meeting for Wednesday, May 21<sup>st</sup> at 8:00 p.m. to discuss this.

b) Part-time firefighters - The Mayor reported that the contract for the part-time firefighters wages is May to May and that is not in sequence with the other unions and he would like to move this and review the differences in wages between part-time firefighters in our city and other cities. He would like to schedule their contract with the other contracts. This will be discussed on May 21<sup>st</sup>.

c) Rescheduling of meeting on Memorial Day - Mr. Margalis stated that the last meeting in May falls on Memorial Day so this will be rescheduled for Monday, May 19<sup>th</sup> at 7:00 p.m.

Moved by Mr. Margalis seconded by Mr. Jaworski that the second council meeting of May be moved to Monday, May 19<sup>th</sup> at 7:00 p.m. in council chambers.

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

Motion carried.

d) Sewer dye test fees - The Mayor reported that while we were discussing the hiring of an inspector we were reviewing the dye test fees and the manpower it takes to do the inspections. He requested this be placed into the Finance Committee to discuss appropriate fees now that we have more inspectors on the job. Mr. Margalis concurred and placed this in to the FINANCE COMMITTEE.

ORDINANCES

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.

Moved by Mr. Margalis seconded by Ms. Luther that Ordinance No. 2008-13 be adopted as presented.

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

Motion carried. Ordinance No. 2008-13 adopted.

ORDINANCE NO. 2008-38 AN ORDINANCE SETTING THE COMPENSATION FOR THE CITY OF WICKLIFFE, OHIO EMPLOYEES OF GREEN RIDGE GOLF COURSE, 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. 2008-38 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Margalis seconded by Ms. Koski that Ordinance No. 2008-38 be adopted as presented.

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

Motion carried. Ordinance No. 2008-38 adopted.

ORDINANCE NO. 2008-39 AN ORDINANCE AMENDING CHAPTER 517 GAMBLING OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, BY ADDING SECTION 517.16 GAME OF CHANCE PERMIT, AND DECLARING AN EMERGENCY. Read by title.

Ordinance No. 2008-39 placed on first reading.

ORDINANCE NO. 2008-40 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO A CONTRACT WITH SPECIALIZED CONSTRUCTION, INC. FOR THE 2008 PAVEMENT REPAIR PROGRAM-CONTRACT B: CRACK SEALING, AND DECLARING AN EMERGENCY. Read by title.

Moved by Ms. Luther seconded by Mr. Jaworski that the rules of council be suspended and that Ordinance No. 2008-40 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Margalis seconded by Mr. Jaworski that Ordinance No. 2008-40 be adopted as presented.

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

Motion carried. Ordinance No. 2008-33 adopted.

ORDINANCE NO. 2008-41 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO A CONTRACT WITH A&J CEMENT CONTRACTORS, INC. FOR THE 2008 PAVEMENT REPAIR PROGRAM-CONTRACT A: ASPHALT PAVEMENT REPAIRS, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Levar seconded by Mr. Jaworski that the rules of council be suspended and that Ordinance No. 2008-41 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Levar seconded by Ms. Luther that Ordinance No. 2008-41 be adopted as presented.

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

Motion carried. Ordinance No. 2008-41 adopted.

ORDINANCE NO. 2008-42 AN ORDINANCE SETTING THE COMPENSATION FOR THE CITY OF WICKLIFFE, OHIO EMPLOYEES OF THE MUNICIPAL COMMUNITY/SENIOR CENTER, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Levar seconded by Mr. Jaworski that the rules of council be suspended and that Ordinance No. 2008-42 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Margalis seconded by Mr. Jaworski that Ordinance No. 2008-42 be adopted as presented.

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

Motion carried. Ordinance No. 2008-42 adopted.

ORDINANCE NO. 2008-43 AN ORDINANCE ADOPTING CHAPTER 1118 OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO, ENTITLED ILLICIT DISCHARGE AND ILLEGAL CONNECTION CONTROL. Read by title.

Ordinance No. 2008-43 placed on first reading.

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. THIRD READING

Moved by Mr. Levar seconded by Ms. Luther that Resolution No. 2008-16 be adopted as presented.

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

Motion carried. Resolution No. 2008-16 adopted.

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. Read by title. THIRD READING.

Moved by Mr. Levar seconded by Mr. Margalis that Resolution No. 2008-17 be adopted as presented.

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

Motion carried. Resolution No. 2008-17 adopted.

RESOLUTION NO. 2008-19 A RESOLUTION RECOGNIZING THE IMPORTANCE OF PUBLIC AWARENESS AND UNDERSTANDING OF THE EMERALD ASH BORER IN THE CITY OF WICKLIFFE, OHIO, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Margalis seconded by Ms. Luther that the rules of council be suspended and that Resolution No. 2008-19 be place on third and final reading.

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

Motion carried.

Moved by Mr. Margalis seconded by Ms. Luther that Resolution No. 2008-19 be adopted as presented.

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

Motion carried. Resolution No. 2008-19 adopted.

#### MISCELLANEOUS

Mr. Margalis reminded council that the next meeting will be held next Monday, May 19<sup>th</sup> at 7:00 p.m.

Mr. Matyja stated he had a point of clarification regarding the Ponderosa property and the executive session requested after the next council meeting and he asked what will be the purpose for that session. Mr. Garguilo replied that they want to show council exactly what the timetable is for demolition and some other issues. Mr. Matyja said he does not see this as being an executive session. Mr. Gargiulo replied the reason is that they will be talking about some numbers that should not be a public record. Mr. Matyja said this does not apply to our charter, it's not what they want, it is public record and it should be a public meeting. Mr. Margalis referred this to the Law Director for whatever he determines and the purpose of an executive session should be for the sale or purchase of real estate by the city, this is not by the city.

There being no further business, it was moved by Ms. Luther seconded by Ms. Koski that the council meeting of May 12, 2008 be adjourned.

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

Motion carried. Meeting adjourned at 8:25 p.m.

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Council Clerk

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Council President and  
Presiding Officer