

WICKLIFFE CITY COUNCIL MEETING  
June 14, 2010 - 7:00 p.m.

A regular meeting of Wickliffe City Council was called to order by Council President David Krych at 7:00 p.m. on Monday, June 14, 2010. The following were present at roll call:

MAYOR: William Margalis  
COUNCIL PRESIDENT: David Krych  
COUNCIL: Bala, Ely, Iafelice, Koski, Levon, Matyja  
LAW DIRECTOR: William C. Gargiulo  
FINANCE DIRECTOR: Martin Germ  
SERVICE DIRECTOR: Donald Kerniskey, excused  
ENGINEER: Peter J. Formica  
BUILDING COMMISSIONER: Raymond F. Sack  
RECREATION DIRECTOR: Timothy E. Stopp  
POLICE CHIEF: Randy E. Ice  
FIRE CHIEF: James G. Powers  
ECONOMIC DEVELOPMENT: Jason Laver

At this point the Mayor swore in Jennifer L. Savochka as Auxiliary Police Officer.

APPROVAL OF MINUTES:

Moved by Mr. Iafelice seconded by Ms. Koski that the minutes of the council meeting of May 24, 2010 be approved as presented.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja  
No: None

Motion carried.

REPORTS AND COMMUNICATIONS FROM MAYOR/SAFETY DIRECTOR - Mayor Margalis  
requested that council move Resolution No. 2010-11 forward on the agenda.

Moved by Mr. Iafelice seconded by Mr. Bala that council move Resolution No. 2010-11 up on the agenda.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja  
No: None

Motion carried.

RESOLUTION NO. 2010-11 A RESOLUTION CONGRATULATING RALPH ABRIANI ON HIS RETIREMENT AS AUXILIARY SERGEANT OF THE POLICE DEPARTMENT OF THE CITY OF WICKLIFFE, OHIO; COMMENDING HIM FOR HIS DEDICATED SERVICE; AND WISHING HIM GOOD FORTUNE IN HIS RETIREMENT YEARS, AND DECLARING AN EMERGENCY. This Resolution was read in its entirety by the Mayor and presented to Mr. Abriani.

Moved by Mr. Iafelice seconded by Ms. Koski that the rules of council be suspended and that Resolution No. 2010-11 be placed on third and final reading.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja  
No: None

Motion carried.

Moved by Mr. Matyja seconded by Mr. Iafelice that Resolution No. 2010-11 be adopted as presented.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja  
No: None

Motion carried. Resolution No. 2010-11 adopted.

The Mayor informed council that Mr. Kerniskey is excused but there is a report concerning the bids that came in from the ODOT rock salt. The cost for the upcoming year is \$54.62 a ton which is actually less than last year's cost, this is good news. He further noted that the Larchmont Road project waterline replacement discussed two weeks ago is a 300 foot stretch just north of Fenwick that was found to be in really bad shape, there were several leaks in a short period of time and we lobbied the Lake County Department of Utilities to repair this line before we go ahead and replace that side of the street. Bids had to be received before this could be approved, we received those on Friday that the bids were accepted from Tri-Mor Construction who is the contractor on the road, they submitted a price and this has to be approved by the Commissioners at their regular meeting which will be this Thursday so the waterline portion of this project should start immediately after that. The bid price for this portion was about \$49,000.

He also stated that he received a letter of resignation from Julie Ganim from the Board of the Parks and Recreation Commission, her term expired on December 31, 2011 so we will be looking for a replacement.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo reported that sometime ago in 2008 we were served with a copy of a foreclosure: City Group vs. Charles W. Norris on a foreclosure of his property; the City was named as a defendant because we have a lien of approximately three or four thousand dollars on the property for taxes due. On behalf of the City we filed an answer to that and then again in 2008 Judge Collins issued an order saying that he was advised that this case has been settled and he was going to wait until the terms of the settlement would come before him then it would be dismissed and we should get some money. Today in 2010 the city received a notice from the Plaintiff City Group asking the Judge to place this back on the docket.

He further passed on to the Finance Director that he received two reports one from the Ohio State Auditor Officer Mary Taylor concerning foundations of fraud, need, opportunity and rationalization. He also received a notice from Squire Sanders and Dempsey a public finance alert and the SEC changes to US Rule 15C212 which deals with investments. On behalf of the Law Department he thanked Finance Director Germ and Economic Development Coordinator Laver for the work done to help the Law Department for the creation of Ordinance No. 2010-25 and also thanked City Engineer Formica and Building Commissioner Sack for formulating the charges for FEMA compliance.

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

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Krych reminded council that the 2011 budget hearing will be held on June 28<sup>th</sup> at 6:30 p.m. in council chambers.

Mr. Levon added item (c) under New Business: Basketball rim locks.

ADMINISTRATORS:

A. Police Chief - Chief Ice had nothing to add to his report which is attached.

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

C. Finance Director - Financial report attached. Mr. Germ added that he is working on the delinquent ordinance that he would like to have council consider before the summer break. This will be ready for the next meeting. Mr. Matyja questioned the revenue for the hotel/motel tax which is 8.2% of what we had planned and asked if anything is being done to get money that is expected. Mr. Germ replied that there is one court case going on and another hotel is in a payment plan. Mr. Gargiulo explained the hotel/motel bed tax is usually not a kind of deception, there are sanctions in our ordinances and also in the ORC but one motel in particular will have a complaint prepared in addition as to what is going on now, we will prepare a complaint on an account and add as a party defendant the bank that foreclosed on the hotel, the Comfort Inn. The bank took over the property and our theory in the civil complaint will be that they bought the debt also. Mr. Matyja requested that the Law Director provide a report on what the County options are and what the City's options would be.

D. Engineer - Report attached. Mr. Formica added that OPWC preliminary applications are due the end of this week. The Worden Road application was reviewed which we are submitting as our high priority project. He also would like to submit another application for concrete joint repairs on concrete streets if possible. Re the Larchmont-E. 290 project waterline alluded to by the Mayor, we met with the contractor last Friday and went over the entire construction schedule and they are planning on paving the other half of Larchmont and leaving that 300 or 400 foot strip out and they will also tear out Fenwick and hopefully the plan is to have all that wrapped up by the fourth of July. They will not start E. 290 until Fenwick and Larchmont are completely done. He reported on the seeding of the Empire Road seeding. He also reported on Regent Road where a protrusion was found in the sewer main.

E. Service Director - Mr. Kerniskey excused.

F. Building Commissioner - Report attached. Mr. Sack added that he did file a court summons in regard to the developer of the Green Ridge extension.

G. Recreation Director - Report attached. Mr. Stopp thanked everyone who attended the movie night. The sixth annual golf tournament was also a success. Another movie night will be held on July 16 and a third one on August 20.

H. Economic Development Coordinator - Mr. Laver advised council about a project being worked called Project Falcon which is a call center that is looking to locate in northeast Ohio and are looking at a property in Wickliffe.

#### AUDIENCE PARTICIPATION OPENED

Nicki Lorenzo Luna, 30123 Jackson Avenue, asked about the plans for Jindra Pool. She stated that the pool is an antiquated design and asked council to consider something other than a lap pool or other areas for people to enjoy.

James Graham, 2321 Green Ridge Drive, a homeowner on the flood zone and asked how long it would take to get flood insurance and the cost of this insurance. Mr. Sack responded to this.

Ernest Collier, 20024 Truman Avenue, questioned the grass cutting on Route 2 and the way it was cut. There are animals in that grass and the neighbors are complaining.

George Rubel, 29414 Parkwood, commented on the amount of gravel permitted on the sidewalk and the problem of cement work being done in the city.

Bill Weyfecht, 2310 Green Ridge, asked about the developers of the flood zone and asked for a letter to all the residents concerning this. Mr. Gargiulo explained the procedure being done to make the developer fix the problem.

Renee Sittley, 2304 Green Ridge, also complained about the flood insurance and the cost.

Ray Rybka, 29947 Ridge Road, stated that he had a sewer backup on his property and a crew came out and did a good job.

#### AUDIENCE PARTICIPATION CLOSED

#### COMMITTEE REPORTS

Mr. Krych read the reports of the Finance Committee meetings held on June 7th which are attached.

#### THERE WERE NO COMMISSION REPORTS

OLD BUSINESS

a) Bid Acceptance - Jindra Park Pool Ballfield Improvements - Mr. Formica reported that the bids ranged from a low bid of \$571,317.01 to a high bid of \$748,360.00 as compared to the Opinion of Probable Construction Cost of \$830,800.00. The completion date for this project is October 31, 2010 for all grading, ballfield and drainage work and April 30, 2011 for all restoration work. The lowest bidder for this improvement has demonstrated the required experience to undertake this type of project. Agricultural Design, Inc. of Seville, Ohio has submitted the lowest, most responsive and most responsible bid which has been reviewed and found to be in conformance with all contract requirements. Our previous experience with this company is limited but considering this information and our discussions with the contractor, it is his opinion that they are experienced and qualified to perform the work within the contract.

Moved by Mr. Krych seconded by Mr. Levon that the bid from Agricultural Design, 6100 Buffham Road, Seville, Ohio 44273-8818, in the amount of \$571,317.01 as being the lowest, most responsive and responsible bid for the Jindra Park ballfield improvements and all other bids be rejected.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja  
No: None

Motion carried.

b) City Hall Accessibility Improvements - Mr. Formica reported that bids were received on June 8, 2010 and they ranged from a low bid of \$46,648.00 to a high bid of \$51,750.00 as compared to the Opinion of Probable Construction Cost of \$48,000.00. The completion date for this project is September 10, 2010 for all concrete work and October 30, 2010 for all other work. The first three lowest bidders for this improvement failed to demonstrate the required experience to undertake this type of project. Platform Cement, Inc. of Mentor, Ohio as subsequently submitted the lowest, most responsive and most responsible bid which has been reviewed and found to be in conformance with all contract requirements. CT has worked with this firm on previous projects and it is his opinion that they are experienced and qualified to perform the work within the contract.

Moved by Mr. Krych seconded by Mr. Iafelice that the bid from Platform Cement Co., 7503 Tyler Boulevard, Mentor, Ohio 44060, in the amount of \$46,648.00 for the City Hall accessibility improvement as being the lowest, most responsive and responsible bid and all other bids be rejected.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja  
No: None

Motion carried.

NEW BUSINESS

a) Bid Acceptance - 2010 Pavement Improvements,, Contract A - Concrete Joint Repairs - Mr. Formica stated that the bids ranged from a low bid of \$184,275.00 to a high bid of \$218,514.00 as compared to the Opinion of Probable Construction Cost of \$180,000.00. The completion date for this project is October 30, 2010. T.C. Construction Co., Inc. of Willoughby Hills, has submitted the lowest, most responsive and most responsible bid which has been reviewed and found to be in conformance with all contract requirements. They are experienced and qualified to perform the work within the contract.

Moved by Mr. Krych seconded by Mr. Iafelice that the bid from T.C. Construction Co., Inc., 2936 Lynn Drive, Willoughby Hills, Ohio for the 2010 Pavement Improvements - Contract A - Concrete Joint Repairs in the amount of \$184,275.00 be accepted as being the lowest, most responsive and responsible bid and that all other bids be rejected.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja  
No: None

Motion carried.

2010 Pavement Improvements, Contract B - Cracksealing - Mr. Formica reported that bids were received on June 11, 2010 and ranged from a bid of 5,727.38 gallons for \$50,000.00 to a bid of 3,558.72 gallons for \$50,000.00 as compared to the Opinion of Probable Construction Cost of 5,000 gallons for \$50,000.00. The completion date for this project is October 30, 2010. Specialized Construction, Inc. of Cuyahoga Hts., Ohio has submitted the lowest bid which as been reviewed and found to be in conformance with all contract requirements and they are experienced and qualified to perform the work within the contract.

Moved by Mr. Krych seconded by Mr. Iafelice that the bid from Specialized Construction, 711 Harvard Ave., Cuyahoga Hts., Ohio 44195 for the 2010 pavement improvements, Contract B, crack sealing, in the amount of \$50,000.00 and 5,727.38 gallons of crack sealing be accepted as being the lowest, most responsive and responsible bid and that all other bids be rejected.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja  
No: None

Motion carried.

2010 Pavement Improvements, Contract C - Tennis courts at Jindra Park and Orlando Park - Mr. Formica reported that bids were received on June 11, 2010 and the bids ranged from a low bid of \$405,452.75 to a high bid of \$494,777.00 as compared to the Opinion of Probable Construction Cost of \$335,000.00. Completion date for this project is October 30, 2010. Since all bids are over 10% of the engineers estimate, it is recommended that the rejection of all bids and that authorization is requested to re advertise for new bids. The Mayor requested the engineer to have some amounts due by the next council meeting.

Moved by Mr. Krych seconded by Mr. Ely that the bids for the 2010 pavement improvements, Contract C - Tennis Courts at Jindra Park and Orlando Park are over the ten percent of the engineer's estimate and therefore council recommends rejection of all bids.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja  
No: None

Motion carried.

Mr. Krych set a meeting of the Finance Committee for Monday, June 21<sup>st</sup> at 7:00 p.m. to discuss this.

b) Mayor's appointment of Christopher Boeman to Sign Review Board due to vacancy created by resignation of Mickey Darcy - Moved by Ms. Koski seconded by Mr. Iafelice that the Mayor's appointment of Christopher Boeman, term to expire December 2010, to the Sign Review Board be confirmed.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja  
No: None

Motion carried.

c) Basketball rim locks - Mr. Levon stated that currently issues with basketball courts is to remove the rims and he does not know if this is punishing everyone for some bad apples. He asked that it is costs about \$35.00 to install a rim lock which locks on top of the rims. He asked if the Service Department could unlock the rim each morning and lock it each evening so it could be used during the day. He asked that this be placed into the PARKS AND PROPERTIES COMMITTEE. Mr. Krych placed the issue of basketball rim locks into the PARKS AND PROPERTIES COMMITTEE.

#### ORDINANCES

ORDINANCE NO. 2010-23 AN ORDINANCE AMENDING CHAPTER 163-PARK AND RECREATION COMMISSION BY REPEALING SECTION 163.06 ENTITLED "RESIDENT SENIOR CITIZEN FEE EXEMPTION" Read by title.

Ordinance No. 2010-23 placed on first reading.

ORDINANCE NO. 2010-24 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO A CONTRACT WITH K.M.U. TRUCKING & EXCAVATING INC. FOR THE JINDRA PARK POOL COMPLEX AND DEMOLITION PROJECT, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Iafelice seconded by Ms. Koski that the rules of council be suspended and that Ordinance No. 2010-24 be placed on third and final reading.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja  
No: None

Motion carried.

Moved by Mr. Levon seconded by Mr. Ely that Ordinance No. 2010-24 be adopted as presented.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja  
No: None

Motion carried. Ordinance No. 2010-24 adopted.

ORDINANCE NO. 2010-25 AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCES NUMBERED 2005-80 AND 2009-57 WHICH ESTABLISHED THE CITY OF WICKLIFFE INCENTIVE GRANT PROGRAM. Read by title.

Ordinance No. 2010-25 placed on first reading.

RESOLUTIONS

RESOLUTION NO. 2010-12 A RESOLUTION CONGRATULATING LOUIS A. TURI, J.D. UPON RECEIVING THE LAKE COUNTY BAR ASSOCIATION'S PRESTIGIOUS PRESIDENT'S AWARD FOR SERVICE TO THE COMMUNITY AND SERVICE TO THE LEGAL PROFESSION, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Levon seconded by Ms. Iafelice that the rules of council be suspended and that Resolution No. 2010-12 be placed on third and final reading.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja  
No: None

Motion carried.

Moved by Mr. Levon seconded by Mr. Ely that Resolution No. 2010-12 be adopted as presented.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja  
No: None

Motion carried. Resolution No. 2010-12 adopted.

MISCELLANEOUS

Mr. Krych set a Committee of the Whole meeting for Monday, June 21 at 7:00 p.m.

There being no further business it was moved by Mr. Iafelice seconded by Mr. Ely that the meeting of June 14, 2010 be adjourned.

ROLL CALL: Yes: Bala, Ely, Iafelice, Koski, Krych, Levon, Matyja  
No: None

Motion carried. Meeting adjourned at 8:40 p.m.

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Clerk of Council

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Council President and Presiding Officer