

WICKLIFFE CITY COUNCIL MEETING
June 22, 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, June 22, 2009. The following were present at roll call:

MAYOR: Thomas W. Ruffner, excused
COUNCIL PRESIDENT: William Margalis
COUNCIL: Jaworski, Koski, Krych, Luther,
Levar, Matyja, excused
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

APPROVAL OF MINUTES:

Moved by Mr. Krych seconded by Ms. Luther that the minutes of the council meeting of June 8, 2009 be approved as presented.

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

Motion carried.

REPORTS AND COMMUNICATIONS FROM MAYOR/SAFETY DIRECTOR - Mayor Ruffner, excused.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo reported on a memo from Ms. Luther concerning a scatter guard for the cemetery and how the Ohio Revised Code. This has been researched by the Ohio EPA and they have cleared it.

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

ADDITIONS OR AMENDMENTS TO THE AGENDA

Ms. Luther added item (b) under New Business: Oil and gas wells, and Mr. Margallis added an executive session at the end of the meeting to discuss personnel and labor negotiations.

ADMINISTRATORS:

A. Police Chief - Chief Ice had no report.

B. Fire Chief - Chief Helsel had no report.

C. Finance Director - Mr. Germ reported on the weed assessments and stated that only the ones on the ordinance tonight have been outstanding, for more than thirty days and he will have another ordinance for the next council meeting.

D. Engineer - Report attached. Mr. Formica reported that the OWPC has approved our pre-application for the 2010 projects which were submitted to the Lake County Engineer's Office, this is for the water line on Worden Road. He will see if the repair program can be added to see if the money is available. Mr. Jaworski referred to the joint problems to which Mr. Formica replied that these are on the bottom of the list and the estimate cost would be \$176,000 which is conservative. The timing of the street striping was also discussed and Mr. Formica added that this Friday bids will be opened for the crack sealing program. A meeting will have to be scheduled some time in July to accept these bids and then another meeting for the ordinance.

Mr. Margalis referred to the Engineer's report concerning the E. 290 Larchmont project and the improvements there, you have a construction start as August 15 of 2009 but that will start in the spring and will be completed by mid-summer.

Mr. Krych inquired if there is any more information on the Elm Street sanitary sewer liners funding denial to which Mr. Formica replied that this is in his report, however, he received word from the EPA that we were shut out on the funding for the Elm Street project. He added that he spoke to the EPA asking them why this was denied and they said they were low on the grading list and the point score that's why they asked for supplemental points and were shut out, but they also had other excuses that did not make sense. There were larger projects ahead of us and if these do not go through perhaps we could luck out. Mr. Margalis suggested that Mr. Formica contact Representative Fende on this because she made the calls to us when this was approved and added that the local representatives were notified of this action. Mr. Jaworski inquired about the flooding issues on Regent. Mr. Formica answered that they are waiting for a big rain so they can check out the sewers, the next step would be to do flow monitoring.

Mr. Margalis also stated that we are leaving the Lake County Storm Water Department and would be applying for that EPA permit ourselves, has this process been started. Mr. Formica replied that he has not started it yet but he will work on it.

E. Service Director - Report attached. Mr. Kerniskey reported on the construction of the bocce canopy. Mr. Krych added that the other issue is that the sand is very loose, is there a compaction that needs to be done. Mr. Margalis reported on the action taken on this. Mr. Jaworski inquired about the tennis courts at Jindra Park to which Mr. Kerniskey replied that the biggest part holding this up is the rain and the weather.

F. Building Commissioner - Mr. Sack reported that he has sent a letter to council regarding the blighting of the Clark gas station at 30540 Euclid Avenue, there have been problems with the ownership of the property and it is time to designate it as blighted property with council's approval.

Moved by Mr. Margalis seconded by Mr. Krych that council declare the property at 30540 Euclid Avenue, Wickliffe, Ohio, which was formerly the Clark Gas Station as a blighted building.

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

Motion carried.

G. Recreation Director - Mr. Stopp reported on the movie shown at Jindra Park and added that the next movie will be shown at Coulby Park on July 24th. Mr. Jaworski reported that he had complaints about people smoking during the movie.

H. Economic Development Coordinator - Mr. Laver reported on the completion of the Hall Chemical Company leaving and the companies interested in the property.

AUDIENCE PARTICIPATION

Resident, 28865 Alton Road, complained about the parking of cars on E. 289 Street on Saturday night and the noise from the winery. Chief Ice informed her that there was one citation issued in this case and the illegal parked vehicles were removed. She was advised to keep calling the police regarding any problems.

Herb Harrison, 1811 E. 298 Street, has a problem with motorcycles on his street speeding and causing a lot of noise. He also is concerned about people walking their dogs and not cleaning up after them.

Mr. Collier, 30024 Truman Avenue, inquired about the grass cutting on property abutting the freeway in his neighborhood. Mr. Margalis informed him that the city pays the Engineer to cut this grass but since the wall is there they cannot put tractors there perhaps a gate can be installed so a tractor can reach in and cut the grass. ODOT will not do this anymore. Perhaps some pressure should be placed on the Engineer to put in a gate.

Joe Carpenter, 3791 Harvard Road, Willoughby, expressed his concern regarding a proposed ordinance by the city to inspect rental properties in the city. He said that he was very opposed to this and reported on what other communities are doing in regard to this. Mr. Margalis informed him that council is still reviewing the ordinance which is still in committee and that there are many questions to be answered.

COMMITTEE REPORTS

A report of the Economic Development Committee meeting held on Monday, June 15 is attached.

THERE WERE NO COMMISSION REPORTS

THERE WAS NO OLD BUSINESS

NEW BUSINESS

a) Bid Opening - 2009 Preventative Maintenance Program Contract A: Crack Sealing, Contract B; Asphalt Preservative Seal - June 26, 2009.

b) Oil and gas wells - Ms. Luther reported that she attended a meeting last Thursday presented by the Lake County Planning Commission and the Department of Natural Resources was there. Another group known as the Northeast Ohio Gas Accountability Project was also in attendance. Senator Grendell was also there. They see a reason to tweak HB 278 which has stripped away local governmental authority for regulating and permitting oil and gas wells. The city does have legislation regarding this but there are plans out there to be looked at and a letter has been drafted that she would like to distribute to council that outlines changes that would be appropriate. Mr. Krych also stated that it's only affecting the northeast Ohio area where the most problems exist they are not hearing from the rest of the state but they have heard from us and need to hear more. Mr. Grendell will be introducing a bill that will be drafted and one we should give some support to. Ms. Luther will prepare a packet for council.

ORDINANCES

ORDINANCE NO. 2009-34 AN ORDINANCE CREATING CHAPTER 735-SALE OF VEHICLES OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO. Read by title. SECOND READING.

Ordinance No. 2009-34 placed on second reading.

ORDINANCE NO. 2009-36 AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE (1) NEW 2010 MODEL YEAR SINGLE AXLE TRUCK CHASSIS WITH REQUESTED EQUIPMENT, FROM VALLEY FREIGHTLINER, STERLING & WESTERN STAR, 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. 2009-36 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Krych seconded by Mr. Jaworski that Ordinance No. 2009-36 be adopted as presented.

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

Motion carried. Ordinance No. 2009-36 adopted.

ORDINANCE NO. 2009-37 AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE (1) NEW CURRENT MODEL STAINLESS STEEL HOPPER SPREADER WITH DEICER AND REQUESTED EQUIPMENT, FROM CONCORD ROAD EQUIPMENT, 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. 2009-37 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Margalis seconded by Ms. Luther that Ordinance No. 2009-37 be adopted as presented.

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

Motion carried. Ordinance No. 2009-37 adopted.

ORDINANCE NO. 2009-38 AN ORDINANCE LEVYING AN ASSESSMENT FOR UNPAID BILLS AND COST OF CUTTING NOXIOUS OR POISONOUS WEEDS, VINES, TREE LIMBS, OR GRASSES GROWING UPON PARCELS OF LAND IN 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. 2009-38 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Margalis seconded by Ms. Luther that Ordinance No. 2009-38 be adopted as presented.

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

Motion carried. Ordinance No. 2009-38 adopted.

ORDINANCE NO. 2009-39 AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE (1) NEW ZERO-TURN MOWER WITH REQUESTED EQUIPMENT, THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES, OFFICE OF STATE PURCHASING, FOR USE BY THE SERVICE DEPARTMENT OF THE CITY OF WICKLIFE, 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. 2009-39 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Margalis seconded by Mr. Jaworski that Ordinance No. 2009-39 be adopted as presented.

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

Motion carried. Ordinance No. 2009-39 adopted.

RESOLUTIONS

RESOLUTION NO. 2009-11 A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF WICKLIFFE FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2010, SUBMITTING THE SAME TO THE COUNTY AUDITOR, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Ms. Koski that the rules of council be suspended and that Resolution No. 2009-11 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Margalis seconded by Ms. Koski that Resolution No. 2009-11 be adopted as presented.

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

Motion carried. Resolution No. 2009-11 adopted.

RESOLUTION NO. 2009-12 A RESOLUTION CONGRATULATING JAMES D. AKER ON HIS RETIREMENT AS LIEUTENANT 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. Read by title.

Moved by Mr. Krych seconded by Mr. Jaworski that the rules of council be suspended and that Resolution No. 2009-12 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Krych seconded by Mr. Jaworski that Resolution No. 2009-12 be adopted as presented.

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

Motion carried. Resolution No. 2009-12 adopted.

MISCELLANEOUS

Mr. Margalis reminded council that the next regularly scheduled council meeting will be held on Monday, September 14, 2009.

Moved by Mr. Krych seconded by Ms. Luther that council recess into executive session to discuss personnel and labor negotiations

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

Motion carried. Council recessed into executive session at 8:00 p.m.

Council reconvened from executive session at 8:35 p.m.

PRESENT: Jaworski, Koski, Krych, Luther, Margalis

Moved by Ms. Luther seconded by Ms. Koski that the meeting of June 22, 2009 be adjourned.

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

Motion carried. Meeting adjourned at 8:35 p.m.

Council Clerk

Council President and
Presiding Officer