

WICKLIFFE CITY COUNCIL MEETING
September 28, 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, September 28, 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: James G. Powers
ECONOMIC DEVELOPMENT: Jason Laver

APPROVAL OF MINUTES:

Moved by Ms. Luther seconded by Mr. Krych that the minutes of the special council meeting of September 14, 2009 be approved as presented.

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

Motion carried.

Moved by Mr. Krych seconded by Ms. Koski that the minutes of the council meeting of September 21, 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 - Mayor Ruffner requested that a Committee of the Whole meeting be called to discuss the future of the service garage facility. He also reported on a quarterly meeting with the School Board and the H1N1 virus was discussed. The Fire Chief will report on this.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo reported that the Records Retention Commission met today, they are required to meet two times during the year. As soon as he receives the draft copy of the minutes he will distribute them to council.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Margalis had no communications but scheduled the following meetings: On Monday, October 5th at 7:30 p.m. the Finance Committee will meet to discuss a suggestion of the municipal income tax incentive program which was brought up by Mr. Laver and there are some suggested guidelines regarding this. The Committee of the Whole will also meet at 8:00 p.m. to discuss the request by the Provo Guild for the small business incubator and the Mayor's request for the Service Garage.

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Matyja added item (a) under Old Business; Suede Nightclub; Mr. Levar added item (a) under New Business: asset forfeiture; and Mr. Jaworski added item (b) under New Business: Worden Road Community Center crosswalk.

ADMINISTRATORS:

A. Police Chief - Chief Ice had no report.

B. Fire Chief - Report attached. Chief Powers updated council regarding the H1N1 situation. The Lake County Health Department is the lead on this followed by the Fire Department who will offer the logistics and support for this. We will facilitate opening up the facilities if there is a need to do so. Additionally, there will be 30,000 doses for the County and most of these will be distributed to primary care physicians. The general target starts out with pregnant women and toddlers, followed by the schools with the parents permission. The Health Department will give the shots and we will provide the facilities. This presumably will start the third week in October if all goes well.

C. Finance Director - Mr. Germ had no report. He referred to a memo to council explaining the resolution which is on tonight's agenda.

D. Engineer - Report attached. Mr. Formica added that he had requested a schedule for the Empire Road project and if it would be feasible to perform the work on the Kerry Lane waterline. The completion date is October 15 for Empire Road, it seems the contractor won't make that date, more realistically with weather, etc. we will be looking for a completion by October 30. With that, giving it another two weeks to complete a bridge underpass sidewalk and in estimating how long it would take to do Kerry lane, which would be about three weeks so this would not make it complete until December 4 so Mr. Formica recommends that we wait until Spring.

He also informed council that tomorrow he will be delivering the applications to the District Integrating Committee for the OPWC funding for the concrete pavement joint repair program which is on the agenda tonight. Mr. Krych referred to the Empire Road project and is hopeful that this will be done by Halloween.

E. Service Director - Report attached. Mr. Kerniskey added a highlight to his report investigating the Regent Road flooding issues. At the next council meeting he will present a plan with some options and perhaps at that time this can be placed into committee to discuss those options. He further referred to a memo concerning the copy machines. This is a request to purchase two copiers that were budgeted for. Mr. Germ interjected that \$20,000 was budgeted and the Law Director informed council that a motion is necessary for council's approval.

Moved by Mr. Margalis seconded by Mr. Krych that the Mayor be authorized to purchase from IGM Copy Products the two copiers, one for the downstairs office and one for the Building Department, at a purchase price of \$19,200.00.

In answer to a question by Mr. Krych regarding a policy about restricting color copying because it is more expensive, Mr. Kerniskey said that this will be discussed.

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

Motion carried.

F. Building Commissioner - Mr. Sack had no report.

G. Recreation Director - Mr. Stopp had no report but stated that the Craft Fair will be held this weekend at the Service Department on Friday from 4 p.m. to 9 p.m. and on Saturday from 9 a.m. to 4 p.m.

H. Economic Development Coordinator - Report attached. Mr. Laver added the addition of CP Chemical company who may take over the location of Hall Chemical. The will go to court on October 8 with their bid to get approved. The will operate the same as Hall Chemical. They should close in about 45 days.

THERE WAS NO AUDIENCE PARTICIPATION

COMMITTEE REPORTS

Mr. Margalis read the report of the Finance Committee meeting held on September 24 which is attached.

THERE WERE NO COMMISSION REPORTS

OLD BUSINESS

a) Suede Nightclub - Mr. Matyja referred to the special meeting held last week where he brought up some concern over the \$150,000 that the owner of Suede Nightclub has stated he has done. The Law Director was to contact the Liquor Agency and also the county to see if he actually put \$150,000 into the building, is there any status or anything new on this and asked if any permits were drawn to the city or the county. Mr. Sack replied there were no permits taken out in the city. They seem to have done some painting but there were no structural changes, so it is possible that they did not spend \$150,000. The County first approves the plans then they come to the city. Mr. Matyja asked Mr. Sack if he reviewed their permit to the county to which Mr. Sack said he did not get anything from the county as far as a permit goes.

Mr. Matyja said the owner has stated he put \$150,000 into that building and we should follow through on this. Mr. Margalis added that when he called the County Building Department last week they submitted plans to do alterations, to put in a stage area and enclose some soffets, they have not received final approval because there has been no inspection so that means they have not finished the work. When they finish the work they will get the proper permits to bring to Mr. Sack. Mr. Sack stated that he will go down there tomorrow to check it out. The Fire Chief said that they reviewed the initial plans which included the stage and a DJ booth.

Mr. Matyja said that Mr. Miller stated under oath that he put \$150,000 in this, the issue is did he perjure himself at that hearing. He asked the Law Director to get a transcript of the hearing to find out. If he only painted and put in a platform that does not sound like it's worth \$150,000. The Law Director added that whether or not the issue of perjury comes up after all these inspections, if he has no proof then there is an issue of perjury. If there are violations he will be prosecuted. Mr. Margalis added that they have been notified that they have to come to the Planning Commission. Discussion followed regarding the Wine Barrel permit and the problems experienced and Mr. Matyja does not want to see the same mistakes.

Mr. Sack added that they will not get an occupancy permit because the city has the last say on occupancy, so they will not get the permit unless they go through the proper channels. Mr. Matyja asked what is backing this statement up to which Mr. Sack replied that he has a cease and desist order that can be given to them if they don't stop the work and they can have criminal charges filed against them. Mr. Matyja again referred to the 700 people that the owner wants to put in a place with 50 parking spaces. Mr. Sack replied that he is the last one to sign off on this after the Fire Department and the County. Mr. Matyja asked if the city can do anything legislatively to make sure that the County is reviewing the plans. Mr. Margalis said council does not need to take any action to make the county review the plans, the County will not give the final permit until they get the okay from the city with the Fire Department giving their approval also.

Mr. Krych added that there was a discrepancy brought up at the previous meeting that somewhere in the preliminary parking plan that a guess estimate of theirs came up with a figure of 454 when the owner testified under oath that he was expecting 700 to show up at night, this may also be an issue. Mr. Margalis stated that we will watch this closely. Mr. Garguilo added that there has been no action on the liquor permit yet.

NEW BUSINESS

a) Asset Forfeiture - Mr. Levar stated this is in regards to something that happened in his ward where people rented a house and set up shop selling drugs. We need to send a message that anyone selling drugs out of their home that the city will take the house from the owner. He requested that this be placed into committee. People renting a house should be very careful. Mr. Margalis asked the Law Director to research this and come up with some legislation and council can act on it.

b) Worden Road Community Center Crosswalk - Mr. Jaworski reported that he has seen a lot of young children and families trying to cross at that crosswalk, it seems there is a lot more traffic, especially on the weekends. There used to be a crosswalk at that loction. Mr. Margalis placed this into the SAFETY COMMITTEE so it can be reviewed again.

ORDINANCES

ORDINANCE NO. 2009-49 AN ORDINANCE CREATING CHAPTER 747-NIGHTCLUBS, OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO 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. 2009-49 be placed on third and final reading.

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

Motion carried.

Moved by Ms. Luther seconded by Mr. Jaworski that Ordinance No. 2009-49 be adopted as presented.

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

Motion carried. Ordinance No. 2009-49 adopted.

ORDINANCE NO. 2009-50 AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE OF THE CITY OF WICKLIFFE, OHIO TO TRANSFER OR ADVANCE SUMS OF MONEY BETWEEN VARIOUS FUNDS FOR 2009, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Krych seconded by Ms. Koski that the rules of council be suspended and that Ordinance No. 2009-50 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 Mr. Jaworski that Ordinance No. 2009-50 be adopted as presented.

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

Motion carried. Ordinance No. 2009-50 adopted.

ORDINANCE NO. 2009-51 AN ORDINANCE CONFIRMING THE APPOINTMENT OF JAMES G. POWERS AS CHIEF OF FIRE OF THE CITY OF WICKLIFFE, OHIO, AUTHORIZING COMPENSATION THEREFORE, 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. 2009-51 be placed on third and final reading.

ROLL CALL: Yes: Jaworski, Koski, Krych, Luther, Margalis, Matyja
No: Levar

Motion carried.

Moved by Mr. Krych seconded by Mr. Margalis that Ordinance No. 2009-51 be adopted as presented.

ROLL CALL: Yes: Koski, Krych, Luther, Margalis, Matyja
No: Jaworski, Levar

Motion carried. Ordinance No. 2009-51 adopted.

ORDINANCE NO. 2009-52 AN ORDINANCE PROVIDING FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF WICKLIFFE FOR THE PERIOD BEGINNING JANUARY 1, 2009 AND ENDING DECEMBER 31, 2009, AND DECLARING AN EMERGENCY. Read by title.

Moved by Ms. Luther seconded by Mr. Krych that the rules of council be suspended and that Ordinance No. 2009-52 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 Mr. Jaworski that Ordinance No. 2009-52 be adopted as presented.

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

Motion carried. Ordinance No. 2009-52 adopted.

RESOLUTIONS

RESOLUTION NO. 2009-13 RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. Read by title.

Mr. Margalis asked Mr. Germ if this Resolution should include the emergency clause to which Mr. Germ replied that it should.

Moved by Mr. Germ seconded by Ms. Luther that Resolution No. 2009-13 be amended to include the emergency clause.

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

Motion carried.

Moved by Mr. Krych seconded by Ms. Luther that the rules of council be suspended and that Resolution No. 2009-13 be placed on third and final reading, as amended.

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

Motion carried.

Moved by Mr. Margalis seconded by Ms. Luther that Resolution No. 2009-13 be adopted, as amended.

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

Motion carried. Resolution No. 2009-13 adopted.

RESOLUTION NO. 2009-15 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO SUBMIT AN APPLICATION TO THE DISTRICT SEVEN PUBLIC WORKS COMMITTEE AND THE OHIO PUBLIC WORKS COMMISSION FOR FUNDING FOR THE CONCRETE PAVEMENT JOINT REPAIR PROGRAM, AND DECLARING AN EMERGENCY.

Moved by Ms. Luther seconded by Ms. Koski that the rules of council be suspended and that Resolution No. 2009-15 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 Resolution No: 2009-15 be adopted as presented.

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

Motion carried. Resolution No. 2009-15 adopted.

There being no further business, it was moved by Mr. Krych seconded by Mr. Jaworski that the council meeting of September 28, 2009 be adjourned.

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

Motion carried. Meeting adjourned at 7:55 p.m.

Council Clerk

Council President and
Presiding Officer