

WICKLIFFE CITY COUNCIL MEETING
September 8, 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, September 8, 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, excused
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 Ms. Luther seconded by Mr. Margalis that the minutes of the special council meeting of June 30, 2008 be approved as presented.

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

Motion carried.

Moved by Ms. Luther seconded by Mr. Jaworski that the minutes of the special council meeting of July 3, 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 memo he received from the Lake County Health Department regarding the Warren Elgin issue.

REPORTS AND COMMUNICATIONS FROM LAW DIRECTOR - Mr. Gargiulo reported on two items: 1) A copy of the Entry on the Foster case which went through the Ohio Supreme Court and we had a favorable decision, so that case is officially over; 2) The Lake County Board of Elections has all of the material necessary for the two amendments to the Charter.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Margalis stated that he has received communications in the past week from NOPEC which is the group where the majority of residents purchase their natural gas. NOPEC has secured rates and notices will be going out to residents who are in NOPEC. Last year during the heating season NOPEC rates were \$10.12, this year for the month of September it's \$11.24 but this is not a high usage month, for the months of October and November the rate is \$10.98 and from December until May of 2009 the rate will be \$10.88. This is quite a bit less than

was anticipated. If any resident wants to get into NOPEC they need to check with those companies to see how they can drop their present provider and go with NOPEC.

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Margalis added item (a) under New Business, Planning Commission conditions of approval. Ms. Koski added item (b) under New Business, residents loan programs. Mr. Matyja added item (c) under New Business, registered sex offenders and (d) noise ordinance.

ADMINISTRATORS:

A. Police Chief - Monthly report attached. Chief Ice updated council on the security system and stated that the next phase will be the consultants for the equipment. He also commented on the shooting at Willoughby South High School and said that the same procedure is in place in Wickliffe. On a question from Mr. Jaworski regarding problems in the parks, Chief Ice responded that there have only been two or three complaints and everything is working smoothly.

B. Fire Chief - Monthly report attached. Chief Helsel added that the month of September is National Preparedness Month. He referred everyone to the web site for more information.

C. Finance Director - Monthly financial report attached. Mr. Germ requested a Finance Committee meeting to be scheduled in the next two weeks to review the status of the current budget. Mr. Margalis scheduled a Finance Committee meeting for Monday, Sept. 15 to review the budget and a brief summary of the senior center budget. Mr. Jaworski asked if any money has been loaned regarding the Vitantonio property to which Mr. Germ replied it has not.

D. Engineer - Report attached. Mr. Formica added that he received the specifications for the Denny building so plans and specifications will be prepared for the demolition. He also gave an update of the 2008 road program. He further stated that there are some very favorable forecasts for our funding applications that we recently submitted. Empire Road scored highly for funding, this project would be 1.3 million dollars with the city share being \$440,000. Also the E. 290, Larchmont Fenwick project and that could be funded next year and for sure the following year so council should come up with a game plan as to how we want to pursue that. Also word was received from ODOT that we will be getting a landscape grant for the intersections of I-90 and Bishop Road and one for Borromeo.

Mr. Margalis referred to the Empire Road project and stated that that was budgeted at about just over one million dollars and that was going to be the project for 2009 and now that it seems that the worst case scenario would be that our portion of that project will be \$420,000 plus the \$150,000 loan so we can look at some other projects. This is something that the Improvement committee should meet on to see the direction and

authorize the engineering. Mr. Matyja set an Improvement Committee on Monday, Sept. 15th at 8:00 p.m. to discuss this. Mr. Margalis requested Mr. Formica to update council on the smoke testing. Mr. Formica reported that about 80% of the smoke testing is done for the entire city. He reported on some catch basins that needed fixing and if the Service Department cannot do this work we should look into getting a contractor to do this. Mr. Jaworski referred to the demolition of the Denny building and asked if precautions would be taken to control rodents or anything else in that building to which Mr. Formica replied he will place this into the specifications. Mr. Jaworski further referred to the flooding to some homes on Regent and Worden on July 20th and asked what the cause for this was. Mr. Formica replied that the Service Department went out and flushed and televised those lines and no blockages were found. There were no flooding issues in Willowick so there may have been something blocking that line. Mr. Margalis added that there has been a history in that area of some flooding where Regent goes into Worden and perhaps this should be looked into. Mr. Margalis referred to the demolition of the Denny building and asked if this would be for asbestos and demo to which Mr. Formica replied it would be a combination of Contract A and Contract B. Mr. Margalis added that we should wait for an update on the property by Mr. Laver.

E. Service Director - Report attached. Mr. Paschke excused. Mr. Margalis expressed his concern about the cost of rock salt.

F. Building Commissioner - Report attached. He added that the Ridgewick condos parking lot was cleared. He also referred to a memo from himself regarding two reports from each inspector and the breakdown of what is going on in the city with home inspections. The Mayor asked Mr. Sack to explain to the residents in attendance what the city's plans are for any homes that are left vacant and start to decay. Mr. Sack obliged.

G. Recreation Director - Report attached. Mr. Stopp commented on the success of all the summer programs and the popularity of the movies shown in the park. The exercise equipment is in at the Senior Center. The Lights on After School Program has also been started and participation is high.

H. Economic Development Coordinator - Report attached. Mr. Laver mentioned that the Mosley Group has continued to enhance their property. They plan on opening in January of 2009. As to the Denny's property and the pressure put on them by council, this has spurred them to go into a contract. He spoke with the current owner and he is under contract with a new buyer and it appears there will be a closing within the next 30 days.

The Law Director added that the current owner is well aware of the fact that that building will be demolished. The only thing we told him is that if he moves at a quick speed we will go ahead with the demolition procedure because it's a slow procedure before the bulldozer strikes, our purpose is to cooperate. Mr. Margalis commented that we can go ahead and authorize the demolition of the property, we can always receive bids and

if something changes we do not have to accept the bids if that is our pleasure. It is his opinion to keep the ball rolling. The Mayor asked if the process of removing the asbestos in that building damage the future if that building were to be redeveloped. Mr. Laver said it would. Mr. Sack added that we have to know how much asbestos is in that building to place it in the bidding process.

Moved by Mr. Margalis seconded by Mr. Levar that the Law Director be authorized to advertise for bids for the asbestos abatement and demolition of the property known as the Denny's property on Euclid Avenue

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

Motion carried.

Mr. Levar referred to Mr. Laver's report and the item talking to the Lake County Port Authority, is that with regards to the Viantonio property or the subsequent development and sale of that? Mr. Laver replied that that is one of the topics being discussed. Mr. Levar asked what is the status of that property right now, has money been transferred, Mr. Laver replied that money has not been transferred, he still has some due diligence time remaining on the contract which is till the end of October that he has to make the decision whether he will go forward and purchase it or not, so the time is not here and his understanding is that the developer is lining up financing for the project. Mr. Levar added that we have to sit and wait on this until October 31st. Mr. Laver replied that there are incentives for this to happen sooner from the developer's point of view. Mr. Levar asked if that does happen and he gets approval from the Port Authority, what does that mean for the City. Mr. Laver replied that anything he would do with the Port Authority would be with them and would not impact the City of Wickliffe. Mr. Levar asked then would the \$300,000 forgivable loan be used or not. Mr. Laver said if he were to go with the Port Authority direction the deal would probably change, he does not think this will happen, he does not believe this is the road the developer will take. Mr. Levar asked then you are saying he will not go through the Port Authority is that what you are saying, Mr. Laver replied that he does not think that is the road the developer will take and further stated that he cannot speak for the developer.

AUDIENCE PARTICIPATION OPENED

Charles Stamey, 28900 Euclid Avenue, thanked the mayor and council for their assistance during the weekend. He reported on the problem with the deterioration of the wall on the Ganley parking lot. He would like the city engineer to visit the site and give his assessment of the condition of the wall and the whole bit. The fence is pushing the wall away. What can be done about this? His property has sunk a foot and a half. The Mayor responded that the responsibility falls with Ganley and he asked Mr Sack to check this out personally. If there is a violation there the city will demand that they correct it or show us that it is sufficient.

Mr. Stamey also complained about the parking from the Barrel Room property. There was supposed to be only storage on that property, no sales and no night time activity on those premises. He asked someone to research this. Mr. Margalis informed him that he was on the Planning Commission at that time and he knows that was a concern about this going in next to a residential property.

Will Jones, 1711 E. 289 Street, said he is concerned about the loudness of the bands at the Barrel Room. They want something to be worked out between the neighbors and the Barrel Room and he proposed a meeting with the Barrel Room and the residents in the area so something can be worked out because he does not enjoy the loud music in his house.

Mrs. Fuerst, 28876 Alton Avenue, also complained about the loud band at the Barrel Room and said they were told this was for one time only. They had a permit for the grand opening to have a band. Every Saturday this gets louder and she does not have air conditioning so she cannot close her windows. This was a quiet neighborhood but since they opened this up it's been bad, this has been the whole month of August. We are told this was only for one time but it hasn't stopped.

The Mayor answered that there was concern at the outset of that. We did visit the location to see who it affected in the neighborhood. As of last Sunday we did instruct the winery that if there were any bands in violation of the noise ordinance that they would be cited. We will continue to monitor that. Live music outside does not seem to be acceptable in the neighborhoods.

Resident, 1526 Alton Avenue, lives across the street from the winery and no one has talked to him. Since he purchased his house and since the winery came in the appraisal on his house has doubled due to the location and to the closeness of the winery. This is a nice place in our community. He does not object to the band, his concern is a nice business was added to the community and the neighborhood has changed.

Joe Lapalia, 30501 Ridge Road, seconded the previous resident's sentiments. The Barrel Room is the nicest thing that has happened to the city in quite a while. There is music at Pine Ridge and he hears the thumping and he does not mind. People are having fun and this does not bother him. He plays at the Barrel Room and the speakers are pointed away from the streets. He asked about the noise ordinance and is there a decibel point not to exceed.

Christie Severino, 28905 Alton Ave., read a lengthy letter from her mother regarding the Barrel Room which in essence stated that she has talked to the owners of the winery and she was not ignored. They are trying to work out the problem and the music was toned down. She also complained about the trash outside of the winery. She asked residents to talk to the owners about any complaints.

Mrs. Kirsch, 2182 Buena Vista, thanked council for the work done at the Senior Center and also for the exercise equipment installed there. The only feedback is that they would like to see it open in the evening.

Al Seferatti, 1536 Mt. Carmel, supports the winery and said it is a great business.

Resident, 30114 Rickey Lane, also supports the winery.

Bob Anzlovar, 29440 Oakwood, spoke in support of the winery. This is an asset to the community. People going there are respectful.

Resident, 5213 Karen Isle, a partner at the Winery, said he had a meeting with the mayor and the sound has been quieted by relocating the microphones and the location of the band. They are trying to work with the neighborhood.

AUDIENCE PARTICIPATION CLOSED

THERE WERE NO COMMITTEE REPORTS

THERE WERE NO COMMISSION REPORTS

THERE WAS NO OLD BUSINESS

NEW BUSINESS

a) Planning Commission conditions of approval - Mr. Margalis brought up that when the winery came before the Planning Commission on July 6, 2006 to open a winery business. Usually when the Planning Commission approves a business it is with conditions of the approval. In relating to this winery, when they came to the Planning Commission they said the business would be seasonal from September through December, approximately six employees, hours of operation 8:00 a.m. to 9:00 p.m. during the season. Processing in back of the store and retailing at the front for residents to come in to buy grapes or have them crushed and pressed, that is what was presented to the Planning Commission on the type of business that would operate in that building. So when the Planning Commission makes its recommendation to approve or not it is based on what they will do and how they will operate. There was never any discussion of outside dining, let alone outside music. It was not approved to be this type of operation. Several conditions had to be met for this business to operate one was that they would resurface the entire parking lot, it was supposed to be striped and sealed, this was to be done in two years. It was never done. There was also supposed to be a board on board fence around the back property, the fence was put up but it was a stockade type fence that a residential person could not install. There was no permit when that fence was put up. He started to look into this operation after the loud music was started. Residents do not have a problem with the winery or the outside dining area it is the music that is so loud and blaring.

Mr. Margalis further stated that his point is that in the last couple of years there have been problems with businesses particularly on Euclid Avenue and some of them were new and they come to the Planning Commission to operate based on certain conditions and when those conditions are checked a year later, it seems that they are not doing the conditions that the Commission approved. The Commission is very upset about this. The members are residents of that Commission and there are some really detailed things to be discussed and decided upon and a lot of time is spent on this so businesses can operate. The winery is a class business and an great addition to Euclid Avenue except for the outside band playing. The Planning Commission is requesting that the Law Director to look at this on how to enforce the conditions put forth by the Planning Commission. This matter was placed into the LEGISLATION AND WELFARE COMMITTEE.

b) Residents Loan Programs - Ms. Koski reported that she has researched some programs available to residents. She referred to a copy of a memo from the City of Parma concerning some of the programs that they have instituted which some are funded through Cuyahoga County, the federal government or the state. Discussion followed. Mr. Margalis placed this into the ECONOMIC DEVELOPMENT COMMITTEE.

c) Registration of Sex Offenders - Mr. Matyja inquired as to who reports to residents of a sex offender living in their area and asked what is the city's role in educating our residents of a registered sex offender. Chief Ice explained that the Sheriff's Department across the state of Ohio keeps track of these persons. Anyone can go to the Sheriff's Department web site to look up any sex offender in the county. The Police Department is also advised of these type of persons, he explained the procedure. Mr. Margalis placed this concern into the SAFETY COMMITTEE for review.

d) Noise Ordinance - Mr. Matyja referred to Chief Ice's explanation of the two instances of the noise ordinances. He requested that council review the noise ordinance and asked if it is acceptable the way it is presently written or should it have more teeth and is it highly enforceable. Discussion followed. Mr. Margalis placed this item into the LEGISLATION AND WELFARE COMMITTEE.

The Mayor stated that all this is gravitating towards a specific issue today and what we need to do is work with the residents and the winery. If they want to continue playing music it will put the police in the position of ticket or it may for upsetting residents. He agrees with the resident that asked for a neighborhood meeting because, if there is a plan by the winery that they want to continue music, which would put them in violation or a ticket, or it may drive the city into creating a stronger ordinance. We need to sit down and iron this out. We are trying to avoid penalties. A meeting should be set up with both the residents and the winery and try to come to some agreement, but either way if there is any loud music or noise the police will have to ticket them. The Mayor further advised the residents attending the council meeting that a meeting of the residents and the winery will be scheduled.

ORDINANCES

ORDINANCE NO. 2008-61 AN ORDINANCE DETERMINING THE VIDEO SERVICE PROVIDER FEE TO BE PAID BY A VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE CITY OF WICKLIFFE, OHIO PURSUANT TO A VIDEO SERVICE AUTHORIZATION; AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO SERVICE PROVIDER FEE; AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Margalis seconded by Ms. Luther that the rules or council be suspended and that Ordinance No. 2008-61 be placed on third and final reading.

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

Motion carried.

Moved by Ms. Luther seconded by Mr. Margalis that Ordinance No. 2008-61 be adopted as presented.

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

Motion carried. Ordinance No. 2008-61 adopted.

ORDINANCE NO. 2008-62 AN ORDINANCE LEVYING SPECIAL ASSESSMENTS IN THE AMOUNT OF THREE HUNDRED TWENTY-THREE THOUSAND NINETY-TWO DOLLARS AND SIXTY-SIX CENTS (\$323,092.66) FOR THE IMPROVEMENT OF STREETS WITHIN THE CITY OF WICKLIFFE, OHIO, BY SUPPLYING SAID STREETS WITH ELECTRIC STREET LIGHTING. (AMENDED) AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Margalis seconded by Ms. Luther that Ordinance No. 2008-62 be amended to include the words "AND DECLARING AN EMERGENCY" in the title and the body of the Ordinance.

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

Motion carried.

Moved by Mr. Levar seconded by Mr. Margalis that the rules of council be suspended and that Ordinance No. 2008-62, as amended, 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 Mr. Margalis that Ordinance No. 2008-62 be adopted as amended.

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

Motion carried. Ordinance No. 2008-62 adopted.

ORDINANCE NO. 2008-63 AN ORDINANCE LEVYING ASSESSMENTS FOR UNPAID DELINQUENT SEWER AMOUNTS UPON PARCELS OF LAND IN THE CITY OF WICKLIFFE, OHIO, 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. 2008-63 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. Levar that Ordinance No. 2008-63 be adopted as presented.

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

Motion carried. Ordinance No. 2008-63 adopted.

ORDINANCE NO. 2008-64 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 Ms. Luther seconded by Ms. Koski that the rules of council be suspended and that Ordinance No. 2008-64 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 Mr. Jaworski that Ordinance No. 2008-64 be adopted as presented.

Mr. Matyja asked about people being taken to court in conjunction with this ordinance, has this been done with the owners of these properties. Mr. Sack replied that a lot of these properties are bank owned and some were owned by the people in the ordinance, they were not taken to court. Mr. Matyja requested that this strategy be looked into. Mr. Levar requested that this be placed into the Economic Development Committee. Mr. Margalis agreed.

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

Motion carried. Ordinance No. 2008-64 adopted.

ORDINANCE NO. 2008-65 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO A CONTRACT WITH RICHARD L. BOWEN + ASSOCIATES INC. FOR ARCHITECTURAL SERVICES TO BE PERFORMED IN FURTHERANCE OF THE DESIGN AND CONSTRUCTION OF THE CITY OF WICKLIFFE SERVICE FACILITY, AND DECLARING AN EMERGENCY.

Moved by Mr. Levar seconded by Mr. Margalis that the rules of council be suspended and that Ordinance No. 2008-65 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. 2008-65 be adopted as presented.

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

Motion carried. Ordinance No. 2008-65 adopted.

RESOLUTIONS

RESOLUTION NO. 2008-25 A RESOLUTION EXPANDING THE COMMUNITY REINVESTMENT AREA ALREADY ESTABLISHED IN THE CITY OF WICKLIFFE, OHIO, WHICH INCLUDES RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL PROPERTIES ON EUCLID AVENUE EXTENDING FROM THE EASTERN CORPORATION LIMITS TO THE WESTERN CORPORATION LIMITS, TO FURTHER INCLUDE ADDRESSES ON LAKELAND BLVD., LLOYD ROAD, ANDERSON ROAD, CLAYTON AVENUE, AND THOSE ADDRESSES NORTH OF EUCLID AVENUE ON EAST 289 STREET, SILVER STREET, ROCKEFELLER ROAD WITHIN THE CORPORATION LIMITS OF THE CITY; AND AMENDING THE FINANCIAL ALLOWANCES FOR SAID COMMUNITY REINVESTMENT AREAS. Read by title.

Resolution No. 2008-25 placed on first reading.

RESOLUTION NO. 2008-26 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE TO SUBMIT AN APPLICATION TO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) FOR FUNDING THROUGH THE TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE (TLCI), AND DECLARIING AN EMERGENCY. Read by title.

Moved by Ms. Luther seconded by Ms. Koski that the rules of council be suspended and that Resolution No. 2008-26 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 Resolution No. 2008-26 be adopted as presented.

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

Motion carried. Resolution No. 2008-26 adopted.

RESOLUTION NO. 2008-27 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 EMPIRE ROAD WATER MAIN AND PAVEMENT IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY. Read by title.

Moved by Ms. Luther seconded by Mr. Margalis that the rules of council be suspended and that Resolution No. 2008-27 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 Resolution No. 2008-27 be adopted as presented.

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

Motion carried. Resolution No. 2008-27 adopted.

RESOLUTION NO. 2008-28 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 EAST 290 ST., LARCHMONT DR. AND FENWICK DR. PAVEMENT IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

Moved by Mr. Levar seconded by Mr. Jaworski that the rules of council be suspended and that Resolution No. 2008-28 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 Resolution No. 2008-28 be adopted as presented.

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

Motion carried. Resolution No. 2008-28 adopted.

RESOLUTION NO. 2008-29 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. (AMENDED) AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Levar seconded by Mr. Margalis that Resolution No. 2008-29 be amended to include the words "AND DECLARING AN EMERGENCY" in the title.

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

Motion carried.

Moved by Mr. Levar seconded by Ms. Luther that the rules of council be suspended and that Resolution No. 2008-29, as amended, 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 Resolution No. 2008-29, as amended be adopted.

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

Motion carried. Resolution No. 2008-29 adopted.

MISCELLANEOUS

Mayor Ruffner reported that the Orlando Skatepark is being closed for the season because of the pumps. Council will be asked to wrap up the Community Senior Center budget because there are additional monies to be paid. He also advised that a meeting of the residents and the winery is being called for 7:00 p.m. on Thursday at City Hall.

Moved by Mr. Margalis seconded by Ms. Luther that council recess into executive session to discuss personnel.

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

Motion carried. Council recessed into executive session to discuss personnel at 8:55 p.m.

Council reconvened from executive session at 9:25 p.m.

PRESENT: Jaworski, Koski, Levar, Luther, Margalis, Matyja

Moved by Ms. Luther seconded by Mr. Margalis that the council meeting of September 8, 2008 be adjourned.

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

Motion carried. Meeting adjourned at 9:26 p.m.

Council Clerk

Council President and
Presiding Officer