



A regular meeting of Wickliffe City Council was called to order by Council President Ed Levon on Monday, September 23, 2024 at 7:00 PM in Council Chambers at Wickliffe City Hall.

The following were present at **Roll Call**:

Council President	Edward Levon
Council Members	Gerhardstein, Jaworski, Koski, Salotto, Thielman
Mayor	Joseph Sakacs
Law Director	Jeremy D. Iosue
Finance Director	Chlondra Hunter
Engineer	Peter J. Formica
Service Director	Ron Strauser
Building Commissioner	Raymond Sack
Recreation Director	Timothy Stopp
Police Chief	Jonathon Bush
Fire Chief	Christopher Grossman

Excused: Councilperson Jim Bala

#### **Approval of Minutes**

Motion by Gerhardstein, seconded by Jaworski, to allow Councilpersons Koski and Thielman to abstain from voting on the minutes of the Wickliffe City Council Tax Budget Hearing of June 24, 2024.

Discussion: None

Roll Call:

Yes: Gerhardstein, Jaworski, Koski, Levon, Salotto, Thielman

No: None

Motion carried.

Motion by Gerhardstein, seconded by Salotto, that the minutes of the Wickliffe City Council Tax Budget Hearing of June 24, 2024 be approved as presented.

Discussion: None

Roll Call:

Yes: Gerhardstein, Jaworski, Levon, Salotto

Abstain: Koski, Thielman

No: None

Motion carried. **June 24, 2024 Tax Budget Hearing minutes approved.**

Motion by Gerhardstein, seconded by Jaworski, to allow Councilpersons Koski and Thielman to abstain from voting on the minutes of the Wickliffe City Council Meeting of June 24, 2024.

Discussion: None

Roll Call:

Yes: Gerhardstein, Jaworski, Koski, Levon, Salotto, Thielman

No: None

Motion carried.

Motion by Gerhardstein, seconded by Salotto, that the minutes of the Wickliffe City Council Meeting of June 24, 2024 be approved as presented.

Discussion: None

Roll Call:

Yes: Gerhardstein, Jaworski, Levon, Salotto

Abstain: Koski, Thielman

No: None

Motion carried. **June 24, 2024 meeting minutes approved.**

Motion by Gerhardstein, seconded by Thielman, to allow Councilperson Jaworski to abstain from voting on the minutes of the Wickliffe City Council Meeting of September 9, 2024.

Discussion: None

Roll Call:

Yes: Gerhardstein, Jaworski, Koski, Levon, Salotto, Thielman

No: None

Motion carried.

Motion by Thielman, seconded by Salotto, that the minutes of the Wickliffe City Council Meeting of September 9, 2024 be approved as presented.

Discussion: None

Roll Call:

Yes: Gerhardstein, Koski, Levon, Salotto, Thielman

Abstain: Jaworski

No: None

Motion carried. **September 9, 2024 Council meeting minutes approved.**

### **Reports and Communications from Mayor/Safety Director**

Mayor Sakacs read his written report.

He added congratulations to Dino Capra for passing all his certifications.

Councilperson Jaworski asked the Mayor to repeat the date and time of the shredding event.

### **Reports and Communications from Director of Law**

Law Director Iosue noted the legislation for the Adult Use Cannabis will be on the agenda on First Reading at the next Council meeting. He also noted The Prosecutor will begin attending the Planning Commission Meetings per City Ordinance. He will attend the upcoming meeting with the Prosecutor, then the Prosecutor will be in attendance at future Planning Commission meetings.

Councilperson Jaworski inquired regarding the updates to the policies. Mr. Iosue noted the FLMA policy will be ready soon, and he intends to have a draft ready to be distributed for review in mid-October; he intends to have the new policy manual ready for implementation on January 1<sup>st</sup>, 2025. Mr. Jaworski asked that they be made available for Council as well, so they are familiar with the policies.

Councilperson Gerhardstein inquired regarding the new business going into the old Roll House property – an online auction house. They are on the docket for Planning Commission. He noted CH 703 of Wickliffe's Codified Ordinances prohibits auctions in the city. He wanted to be sure that all has been looked at with regard to the Ohio Revised Code and everything is in order. Law Director Iosue noted they will be ready. Mr. Gerhardstein asked if this item would need to go into committee for discussion. Law Director Iosue noted he will keep Council apprised.

### **Reports and Communications from Council President**

Council President Levon had no report, but added the 2025 Temporary Budget to the Finance Committee. He noted Finance Director Hunter should inform him when she is ready for the meeting to be called.

### **Additions or Amendments to Agenda**

Councilperson Koski asked that *OR2022-18* be added to New Business as Item B, and the Council President added this item.

Councilperson Jaworski reiterated a topic from a previous meeting regarding construction projects that seem to go on for an extended length of time. He would like to put this item into committee for discussion, but does not know what to call it. Council President Levon suggested *Incomplete Building Projects*, and added this item to New Business as Item C.

## Administrators

### A. Police Chief (Bush)

Chief Bush noted he plans to swear in a new officer, James Grey, at the next Council meeting (October 14<sup>th</sup>), provided he passes his medical tests.

There were no questions or comments for the Police Chief.

### B. Fire Chief (Grossman)

Chief Grossman noted he had nothing to add to his previously submitted report.

Councilperson Gerhardstein asked if the updated City policy with regard to City vehicles would cover the firefighters using a City vehicle during the day for personal use. Chief Grossman noted he does not know what will be in the new policies and his policies have not changed. Council President Levon noted he was notified by email that the situation he is referring to has been addressed. Mr. Gerhardstein apologized, noting he was unaware this had been addressed. Law Director Iosue noted there will be a general policy with regarding use of City vehicles, and a procedure could be implemented if necessary in the Fire Department. Councilperson Salotto asked if there is a comprehensive policy with regard to City cars. Mr. Iosue noted he is working on it. Mr. Levon noted something in writing would be helpful to Council to address issues raised by citizens.

There were no additional questions or comments for the Fire Chief.

### C. Finance Director (Hunter)

Finance Director Hunter noted she received sewer collections today for approximately \$623,000 for the period of June 14<sup>th</sup> through August. Once the Euclid sewer bill is paid, the balance will be approximately \$55,000; this item will no longer be negative.

There were no questions or comments for the Finance Director.

### D. Engineer (Formica) Written Report Submitted

Engineer Formica added he and Service Director Strauser are currently working on a list or "menu" of roads for 2025 road improvements in order to get a head start on this over the fall. He hopes to have this ready for the next meeting.

Councilperson Jaworski asked Mr. Formica to let him know when the list will be ready and he will promptly call a meeting on this item.

Councilperson Gerhardstein noted he read the written report and noticed funding has been acquired through Congressman Joyce's office for the Euclid Avenue project. He noted the Euclid Avenue Streetscape is on the list of projects, and asked if it would be better to address this before or after the Euclid Avenue project. Mr. Formica noted it would be preferred it be done before the resurfacing. Mr. Gerhardstein asked if there were already plans, and Mr. Formica noted they have submitted the scope, but detailed plans are not complete yet. Mr. Gerhardstein asked if council needs to authorize the scope. Council President Levon noted Council typically authorizes specs, not scope. Mr. Formica stated some additional advertising may be necessary due to new ODOT regulations. Mr. Levon noted Council will authorize whatever is necessary, Mr. Formica only needs to inform Council when he is ready.

Councilperson Jaworski asked for an update on what the Streetscape project entails. Mr. Formica noted it is a large amount of curb replacement and possibly some decorative brickwork. He stated this portion would begin at Bellview, skip the ABB property, and continue past the Fire Station to about 300<sup>th</sup> Street.

There were no additional questions or comments for the Engineer.

### E. Service Director (Strauser)

Service Director Strauser noted they have received a few phone calls regarding the timing of the lights at the Rockefeller Road intersection. He noted most of the comments have been positive and wait times are much shorter. There has been one accident, and another was barely avoided. The traffic department has been tweaking the timings, however they are limited in what adjustments can be made since the pattern was set up by the State and CT Consultants engineers. Without approval from these two organizations, he does not want to jeopardize the City with any major changes. There is still the possibility of adding the turn arrows, but this has not been approved. They are monitoring the intersection, and they will put up a sign noting the intersection is still being evaluated.

Councilperson Koski noted there have been some complaints regarding the "cleanliness" of the contractor working on Frances Drive. Mr. Strauser noted they have addressed this with the contractor. He also noted it will all wash off eventually, and they have attempted to help by washing it down. He noted five of the

seven road projects are complete and they have been happy with the progress. He noted overall the company is doing a good job, although there has been a bit of sloppiness. Councilperson Salotto noted she has seen a few of the roads and noted they look fabulous.

Councilperson Jaworski noted leaf pick up will be starting soon, and asked if the schedule is out. Mr. Strauser noted they will keep an eye out over the next few weeks and will likely start with one crew in early October. He stated the new leaf machine that is on order may not arrive until sometime between Halloween and Thanksgiving.

There were no questions or comments for the Service Director.

F. *Building Commissioner (Sack)*

Building Commissioner Sack reported he is getting prepared to send out the packets for OLA at Planning Commission. He will check with Mr. Iosue to be sure all is in order.

Councilperson Gerhardstein mentioned emails regarding a sewer dye test on Ridge Road, noting the company did not remove the dirt. He noted there was an issue with the type of dirt, but read from a document that said "dirt must be removed" but did not mention the type of dirt. Mr. Sack noted if it is loamy dirt, it is just like sand, and he told the people they could leave it there as they plan to top-dress areas in the back yard with it. Mr. Gerhardstein noted the resident who had work done was not allowed to leave any of the dirt, but another was and that was the cause of the complaint. Mr. Gerhardstein noted the photo is not sand. Mr. Sack noted the project where the dirt was left is not complete. Mr. Sack noted it will be removed once the project is complete. Mr. Gerhardstein noted the issue is that there seems to be different rules – all should be handled the same, and the building department documents state that soil must be removed. Mr. Sack noted if it is sandy loam it can be reused. Mr. Gerhardstein noted the guidelines do not state this, and Mr. Sack noted they have done it before. Ms. Salotto asked if it says when the dirt must be removed, and Mr. Gerhardstein noted there is no timeline, just that "excavated dirt must be removed".

Councilperson Jaworski noted he asked for the Planning Commission recommendations regarding the Sand Bar at a meeting in June and he has not received them. He asked that these be forwarded to him.

There were no additional questions or comments for the Building Commissioner.

G. *Recreation Director (Stopp)*

Recreation Director noted he had nothing to report.

There were no questions or comments for the Recreation Director.

### **Audience Participation**

Council President Levon opened Audience Participation to those in attendance at 7:26 PM.

He noted this portion of the meeting is intended for the audience to address the Council and Mayor, not the directors. Anyone wishing to address Council should use the microphone as the meetings are being streamed on YouTube; they must be acknowledged and give their name and address for the clerk's record and will be given a five-minute maximum for their comments.

*Josie Milicic, owner of Casa di Vino located at 28932 Euclid Avenue, stated her comments are regarding the City changing the ordinance regarding cannabis. She inquired regarding the change of impact. Mr. Levon noted Wickliffe currently does not allow adult use/recreational marijuana sales in the City. He noted there will be minutes read in the next section of the agenda from a meeting held last week on this topic. At that meeting, the committee agreed to authorize the Law Director to create legislation allowing one adult use dispensary in the City.*

Ms. Milicic asked why the decision was made to have just one and what are the qualifications. Mr. Levon noted there are State regulations. He noted there is currently a medical dispensary that would also like to transfer to adult use and another interested party that came to the Mayor and Law Director regarding potentially acquiring a license. The discussion at the meeting last week resulted in the committee agreeing that only one license would be permitted. Mr. Levon noted the committee decided they would allow one, and that adding another could be discussed at a later date. Law Director Iosue noted State Law allows medical licenses, and also allows municipalities to determine if they would like to prohibit sales or limit the number of dispensaries. The committee decided to limit the number of dispensaries to one in hopes of passing the legislation without numerous amendments.

Mayor Sakacs noted hypothetically, if council decided to allow two on Euclid Avenue, it gets tricky since State regulations would not allow two to be across the street from each other. The building across the street from Casa di Vino was purchased approximately two years ago with the intent of opening as a dispensary if recreational licenses became available. The Mayor stated if Council were to allow another dispensary, they would have to proceed with the first-come, first-serve as they did with the entertainment cafes, and it would go to the business who purchased the building with this intent. Ms. Milicic asked if the other business was interested in a medical use license. Mayor Sakacs noted they were not. Mr. Iosue restated that municipalities are allowed to regulate by prohibiting it or allowing a certain number. Once the municipality decides on one of these choices, if it is to limit the number, they must comply with the State law, which will legally determine where the establishments can be located.

Ms. Milicic noted that she reached out to the City back in June before applying for any licensing; the other establishment across the street had also not applied for a license. She stated the City knew that she was also interested in a license and wanted to know why things had changed. The Mayor noted the other business purchased the building with the intent to become a dispensary years ago. The Mayor noted they would have to follow the State regulations, as well as come to the legislative body for approval; noting there are “many gates in the process”. Mr. Iosue noted part of the reasoning behind the timing was waiting on the State, since the vote was passed by referendum. The official licenses were not allowed until last month; prior to that there was no official demarcation.

Councilperson Salotto asked if it is a State regulation that two dispensaries are not allowed across the street from each other; Mr. Iosue noted he believed that to be the case.

*Mr. Joseph Zingales (no address given)* noted the State had a lottery and is giving approval based on the building. He noted if Ms. Milicic gets approval before the building across the street, he asked what would happen, believing it might be the business that gets approved first. Mr. Iosue noted that would be a consideration. He noted he would have to do more research into the topic of timing and approvals.

Mr. Thielman asked what is the specific triggering mechanism that puts one “in line”, asking if it is the State license or a business filing for an occupancy permit. Mr. Iosue noted he is researching this, stating he is working with the attorney who completed the State legislation, so he will be sure that everything is clear and known and completed the correct way, adding there will be a rational basis for determination should more than one license be allowed. Mr. Thielman suggested that anyone interested file an occupancy permit application as a strategy. Mr. Levon noted that we do not have any legislation at this point as it has not been officially determined. He remarked potential legislation will need to be read three times before it is passed, which could take almost two months.

Ms. Milicic asked what are the potential drawback and concerns with this amendment passing. Mr. Levon noted there are multiple Council members who do not want this in the City; one noted they did not want it based on moral reasons, and others who do not believe it should be allowed. He also noted the Police Chief has stated at a previous meeting it would be his preference that it not be allowed.

Ms. Milicic asked how many times have police been called to the Botanist as compared to calls to all the bars [in the city]. Mr. Levon stated he did not have that information. She noted she is not trying to “push buttons”, but is trying to find out why people are against something that has been proven to actually help people, not overusing or abusing it. Mr. Levon noted he understands, but does not have a true read on the Council, adding we will find out once the legislation is presented and there has been discussion on it. Once it has passed or failed, Council members may elect to comment on why they are for or against it. Ms. Milicic noted she is looking at it from a business perspective. She noted the Finance Director mentioned we are down to \$50,000 in the sewer fund, and this business would bring jobs and a lot of revenue to the City. Mr. Levon agreed it would bring tax revenue. Ms. Milicic noted when they were open [as Casa di Vino] they were bringing money in, but Covid caused them to be unable to come back. She believes the emotions should be removed and all should think like business people and what would help the City. Mr. Levon noted Ms. Milicic has expressed her opinion and the Council members will express their opinion when it is time to vote on the legislation.

Mr. Iosue added one of the reasons the legislative process requires three readings is to allow for discussion. He noted the legislation will be on at the next meeting. He stated most of the

discussion will likely be at the third reading. He mentioned that all her comments have been relevant, and encouraged her and others to be involved in the conversation. Ms. Milicic thanked all for listening.

After multiple calls inquiring if anyone would like to address Wickliffe City Council and there being no reply, Council President Levon closed Audience Participation at 7:40PM.

### **Committee Reports**

- A. Committee of the Whole Meeting Minutes from the September 9, 2024 meeting presented by Council President Levon

### **Commission Reports**

There were no Commission Reports.

### **Old Business**

There was no Old Business.

### **New Business**

- A. Empire Road & Kerry Lane Sanitary Sewer Lining Project

Engineer Formica presented the results from the bid opening held on September 6<sup>th</sup>, 2024.

One bid was received for Empire Road & Kerry Lane Sanitary Sewer Lining Project. The bid was \$609,817.00 as compared to the Opinion of Probable Construction Cost of \$619,000.00. The bidder was United Survey, Inc. of Oakwood Village, Ohio. He has reviewed the bid, noted it is acceptable, and recommends this contract be awarded to United Survey.

Motion by Jaworski, seconded by Gerhardstein, to accept the bid from United Survey, Inc., 25145 Broadway Avenue, Oakwood Village, OH 44146, for the Empire Road & Kerry Lane Sanitary Sewer Lining Project in an amount not to exceed Six Hundred Nine Thousand Eight Hundred Seventeen Dollars (\$609,817.00) as the lowest and best and to reject all other bids; and authorize the Law Director to prepare legislation to authorize the Mayor to enter into a contract with United Survey, Inc. for the Empire Road & Kerry Lane Sanitary Sewer Lining Project.

Discussion: Councilperson Gerhardstein asked for clarification, asking the funding for this is coming from the ARPA fund. Finance Director Hunter noted it is, and added that \$13,000.00 will be from the Capital Fund. This will complete the encumbrance of the remainder of the ARPA money.

Roll Call:

Yes: Gerhardstein, Jaworski, Koski, Levon, Salotto, Thielman

No: None

Motion carried.

- B. OR2022-18

Councilperson Koski noted she was asked by Chief Grossman who is suggesting a change to the manpower ceiling (OR2022-18) and requested a meeting of the Safety Committee to discuss this item. Council President Levon added this item to the Safety Committee for discussion, and Ms. Koski called for a meeting of the Safety Committee to discuss this topic on Monday, September 30<sup>th</sup> at 7:00PM in Council Chambers.

- C. Incomplete Building Projects

Councilperson Jaworski noted there is a project that has been in progress for the last fifteen to twenty years. He noted this is an irregularity, but would like to see something "on the books" to denote that if a project goes on for a certain length of time, it be required to return to Planning Commission to be sure all rules and regulations are still applicable. Council President Levon added Incomplete Building Projects into the Committee of the Whole for discussion, and called for meeting on this topic on September 30<sup>th</sup> to follow the Safety Committee meeting. Mayor Sakacs stated he is not trying to point fingers, but noted he believes this goes back to previous administrations who did not enforce the vacant building code. He believes this would be a different situation. Mr. Levon noted that if State or City rules have changed, [owners] must be required to adhere to the rules. Mr. Jaworski stressed he is looking to add language

regarding “reasonable amount of time” to our legislation to make sure things have not changed. Councilperson Gerhardstein asked the Mayor what year the building [Sand Bar] is on [with regard to vacant fees]. Building Commissioner Sack noted they have been paying the fees, and are up to (possibly) \$12,000.00-14,000.00 this year. Mayor Sakacs noted he gets a call from the owner each year who is upset because the owner believes it is the best-looking building on Euclid Avenue. Mayor Sakacs remarked it is vacant and is doing nothing for the community, noting he gets a call complaining about this at least once a month.

## Ordinances

**OR2024-47** *By Title Only* An ordinance authorizing the purchase of one new playground structure and additional play panels, including installation, from Snider Recreation, Inc. for Orlando Park in the City of Wickliffe, Ohio; and declaring an emergency

Motion by Jaworski, seconded by Thielman, the rules of Wickliffe City Council be suspended and Ordinance 2024-47 be placed on third and final reading.

Discussion: Recreation Director Stopp noted the funding for this ordinance will be coming from the Capital Fund, Equipment/Improvements - Parks and Buildings. Finance Director Hunter, Service Director Strauser, and Mr. Stopp discovered there were funds remaining in this fund after the repair of the Service Department roofing project. Council President Levon noted this is good news. Councilperson Jaworski noted he has been visiting many of the playgrounds in Wickliffe with his two young daughters and has noticed the deteriorating condition of many of the play structures. He noted some equipment is at the point of being dangerous and suggested that we look at these as we look at traffic signals for replacement as necessary on a regular basis.

Roll Call:

Yes: Gerhardstein, Jaworski, Koski, Levon, Salotto, Thielman  
No: None

Motion carried.

Motion by Thielman, seconded by Jaworski, that Ordinance 2024-7 be adopted as presented.

Discussion: None

Roll Call:

Yes: Gerhardstein, Jaworski, Koski, Levon, Salotto, Thielman  
No: None

Motion carried. **Ordinance 2024-47 adopted.**

**OR2024-48** *By Title Only* An ordinance authorizing the Mayor of the City of Wickliffe, Ohio to enter into a contract with United Survey, Inc. for the Empire Road & Kerry Lane Sanitary Sewer Lining Project; and declaring an emergency

Motion by Salotto, seconded by Jaworski, the rules of Wickliffe City Council be suspended and Ordinance 2024-48 be placed on third and final reading.

Discussion: None

Roll Call:

Yes: Gerhardstein, Jaworski, Koski, Levon, Salotto, Thielman  
No: None

Motion carried.

Motion by Koski, seconded by Thielman, that Ordinance 2024-48 be adopted as presented.

Discussion: None

Roll Call:

Yes: Gerhardstein, Jaworski, Koski, Levon, Salotto, Thielman  
No: None

Motion carried. **Ordinance 2024-48 adopted.**

**OR2024-49** *By Title Only* 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

Motion by Thielman, seconded by Gerhardstein, the rules of Wickliffe City Council be suspended and Ordinance 2024-49 be placed on third and final reading.

Discussion: Councilperson Jaworski asked for the timeline of this ordinance. Finance Director Hunter noted it is from May until August 23<sup>rd</sup>, 2024.

Roll Call:

Yes: Gerhardstein, Jaworski, Koski, Levon, Salotto, Thielman

No: None

Motion carried.

Motion by Gerhardstein, seconded by Thielman, that Ordinance 2024-49 be adopted as presented.

Discussion: None

Roll Call:

Yes: Gerhardstein, Jaworski, Koski, Levon, Salotto, Thielman

No: None

Motion carried. **Ordinance 2024-49 adopted.**

## Resolutions

**RES2024-13** *By Title Only* A resolution requesting the Lake County, Ohio Auditor to make advance payments of taxes **FIRST READING**

## Other Legislation

There was no Other Legislation.

## Miscellaneous

Councilperson Gerhardstein asked Service Director Strauser about the replacement LED street lights which were to be installed on Rockefeller Road wondering if there was any update on this. Mr. Strauser noted he spoke with Wendy from First Energy today. She noted they have been approved, but are on backorder. She believes they should be installed before the end of October.

Councilperson Gerhardstein also inquired regarding the replacement of streetlights as a part of the 2024 road program. Mr. Strauser noted this has not been addressed. Mr. Formica noted this was discussed as part of the project. Mr. Gerhardstein asked to get this started since it took a whole year to get to the school lighting.

Council President Levon added to the meeting agenda for the September 30<sup>th</sup> Committee meetings. He added discussion on Senior Zoning for discussion by the Committee of the Whole to follow the discussion of Incomplete Building Projects on September 30<sup>th</sup>, 2024.

## Adjournment

Motion by Gerhardstein, seconded by Jaworski, to adjourn the meeting.

Roll Call:

Yes: Gerhardstein, Jaworski, Koski, Levon, Salotto, Thielman

No: None

Motion carried. Meeting adjourned at 7:58 PM.

  
Clerk of Council

Edward A. Lewin

Council President and Presiding Officer