

Wickliffe City Council
January 13, 2014

A regular meeting of Wickliffe City Council was called to order by Council President David Krych at 7:00 p.m. on Monday, January 13, 2014. The following were present at roll call.

MAYOR:	William Margalis,
COUNCIL PRESIDENT:	David Krych
	Matyja, excused
COUNCIL:	Bala, Ely, Jaworski, Koski, Levon
	Matyja, excused
LAW DIRECTOR:	William C. Gargiulo
FINANCE DIRECTOR:	Martin Germ
SERVICE DIRECTOR:	Don 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 Mr. Levon seconded by Ms. Koski that Mr. Ely be permitted to abstain from approval of the council meeting held on December 16, 2013 and the organizational meeting held on January 6, 2014.

ROLL CALL: Yes, Bala, Ely, Koski, Krych, Levon
No: None Abstain: Jaworski

Motion carried.

Moved by Ms. Koski seconded by Mr. Lavon that the minutes of the council meeting of December 16, 2013 be approved as presented.

ROLL CALL: Yes: Bala, Koski, Krych, Levon,
No: None Abstain: Ely, Jaworski

Motion carried.

Moved by Ms. Koski seconded by Mr. Bala that the minutes of the organizational meeting held on January 6, 2014 be approved as presented.

ROLL CALL: Yes: Bala, Jaworski, Koski, Krych, Levon
No: None Abstain: Ely

Motion carried.

REPORTS AND COMMUNICATIONS FROM MAYOR/SAFETY DIRECTOR - The Mayor referred to the Cities and Villages magazine which was distributed to council. He found three articles therein which he feels are very good and council should review them, they are the new open meetings exception for economic development becomes effective, Port Authority and the economic development partner and also one about a gifted donation. He also advised council that all of the department heads administrators have received budget work sheets for the coming year for 2014 and we will be setting up meetings that the administration will meet to go over the budgets and the plan will be presented to council sometime in early February so that we can have some time to meet on the budget. This year will be a very tough year for the budget, cuts will need to be made as well as looking at additional revenue sources.

REPORTS AND COMMUNICATIONS FROM THE LAW DIRECTOR: Mr. Gargiulo reported the following: He referred to a Supreme Court case entitled Pauley vs. the City of Circleville, this is a good case to read because it deals with the city's immunity. They have broken down the statutes that deal with recreational activities in a city park. Regarding the Cities and Villages articles, the article on the Port Authority is an excellent review. He also reported on the status of the three cases that involve the City of Wickliffe. The first evaluation is Dan Miller vs. the City, and Julius Mosely vs. the City, these cases are in Federal Court and the judge has combined them into one trial. The City completed the discovery and filed the discovery package with the attorney working on behalf of the City, Nick Tomino. When the notice of the pre-trial is received he will let council know, this is in the Federal District Court. The other case is Michael McFee vs. the City of Wickliffe Fire Department, all of the legal briefs are in front of Judge Culotta, the Appellee's brief was filed and either the Judge will rule on the paper work or he will call us in for a mini trial of the issues that were brought before the Fire Department.

The third case is James Hambrick vs. the City of Wickliffe Income Tax Board of Review. Notice of Appeal was filed by Mr. Hambrick on December 6, 2013, he filed a precipe for the transcripts of the proceedings that was filed by the City on January 6, 2014. There is a motion pending in this case with Judge Lucci in Lake County Common Pleas Court; a motion also to seal the exhibits which the Appellants have filed because there is some information regarding taxes about Mr. Hambrick which they feel should not be public. There are fifteen days for the Appellees to file that and that has not happened as of this time.

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

ADDITIONS OR AMENDMENTS TO THE AGENDA Mr. Levon added item (a) under New Business; Harding Drive.

ADMINISTRATORS:

- A. Police Chief – Chief Ice had nothing to add to his monthly report.
- B. Fire Chief – Report attached. Chief Powers informed council that our ladder is out of service right now undergoing a repair which will cost about \$10,000.00. This is the first essential repair we have done.
- C. Finance Director – Financial report attached. He commented that we have spent over a million dollars more than we took in this past year. Our thing to remember is we do have \$900,000 in loans out to other funds, we hope that those loans will be paid back later this year. This will be discussed further at our budget meeting, this will be a tough year.
- D. Engineer – Mr. Formica had nothing to add to his report which is attached.

E. Service Director – Mr. Kerniskey had no report but informed council regarding the leaf pick-up and the plowing.

F. Building Commissioner – Monthly report and an annual report is attached.

G. Recreation Director – Report attached. Mr. Stopp announced that the annual Winter Fest will be held on Saturday from 1:00 p.m. to 4:00 p.m.

H. Economic Development Director – Mr. Laver introduced Dave Skursha, Facility Manager, Dave Enzerr and C.J. Girard all from the Lubrizol Corporation. Mr. Skursha is a consultant for them regarding the building project. Mr. Skursha then presented the project that is being planned for Lubrizol's future growth.

AUDIENCE PARTICIPATION

Arlene Greenbaum, 32575 Starbrook, Solon, a Wickliffe library employee, addressed council regarding the snow plowing this year which she feels that Wickliffe has not kept the streets as good as they have been in the past. Mr. Kerniskey responded to her concern.

Resident, 1815 Empire Road, thanked the Mayor, the Law Director and Council for making funds available for the flooding which happened last year.

THERE WERE NO COMMITTEE REPORTS

THERE WERE NO COMMISSION REPORTS

THERE WAS NO OLD BUSINESS

NEW BUSINESS

a) Harding Drive – Mr. Levon stated that he had a conversation with the engineer and it has been brought to his attention that there is a settlement issue on Harding Drive regarding a trench and this is something that should be placed into committee and addressed. Mr. Formica added there is a trench going down the middle of the street with the sanitary sewer seems to have settled where you can almost take a dip stick down between the concrete joint and there is a slight void under the concrete, the concrete is not cracking, this not a hazardous situation. Mr. Krych placed Harding Drive into the IMPROVEMENT COMMITTEE.

ORDINANCES

ORDINANCE NO. 2014-01 AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO; AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Levon seconded by Mr. Jaworski that the rules of council be suspended and that Ordinance No. 2014-01 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Jaworski seconded by Mr. Levon that Ordinance No. 2014-01 be adopted as presented.

ROLL CALL: Yes: Bala, Ely, Jaworski, Koski, Krych, Levon

Motion carried. Ordinance No. 2014-01 adopted.

RESOLUTION NO. 2013-18 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF WICKLIFFE AND THE LUBRIZOL CORPORATION PROVIDING FOR THE ABATEMENT OF REAL AND PERSONAL PROPERTY TAX, PURSUANT TO OHIO REVISED CODE SECTION 5709.61. Read by title. THIRD READING.

Moved by Mr. Levon seconded by Mr. Bala that Mr. Ely be allowed to abstain from voting on this Resolution as he is a former employee of the Lubrizol Corporation.

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

Moved by Mr. Krych seconded by Mr. Jaworski that Resolution No. 2013-18 be adopted as presented.

ROLL CALL: Yes: Bala, Ely, Jaworski, Koski, Krych, Levon
No: None Abstain: Ely

Motion carried. Resolution No. 2013-18 adopted.

There being no further business it was moved by Ms. Koski seconded by Mr. Bala that the meeting of January 13, 2014 be adjourned.

ROLL CALL: Yes: Bala, Ely, Jaworski, Koski, Krych, Levon
No; None

Motion carried. Meeting adjourned at 7:40 p.m.

Clerk of Council

Council President and Presiding Officer