

Wickliffe City Council  
March 10, 2014

A regular meeting of Wickliffe City Council was called to order by Council President David Krych at 7:00 p.m. on Monday, March 10, 2014. The following were present at roll call.

MAYOR:	William Margalis
COUNCIL PRESIDENT:	David Krych
COUNCIL:	Bala, Ely, Jaworski, Koski, Levon, Matyja
LAW DIRECTOR:	William Gargiulo
FINANCE DIRECTOR:	Martin Germ
SERVICE DIRECTOR:	Don Kerniskey, excused
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, excused

APPROVAL OF MINUTES

Moved by Ms. Koski seconded by Mr. Ely that the minutes of the council meeting held on February 24, 2014 be approved as presented.

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

Motion carried.

REPORTS AND COMMUNICATIONS FROM MAYOR/SAFETY DIRECTOR - The Mayor had no communications for this meeting. He referred to mail sent to council regarding Student Government Day which will be held on April 15, the day after our regularly scheduled council meeting at the Community Senior Center.

REPORTS AND COMMUNICATIONS FROM THE LAW DIRECTOR: Mr. Gargiulo referred to the property known as the Ohio Mulch property, we hope to have the requests for proposals done by the end of this week and the notice of the termination of the lease will go out at the end of the week.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Krych also reported that the Student Government Day counterpart participation at the council meeting will be on April 14. We need a motion from the floor to change the venue for that meeting to the Wickliffe Community Center.

Moved by Mr. Jaworski seconded by Mr. Levon to change the venue for the April 14, 2014 council meeting to the Wickliffe Community Center at 7:00 p.m.

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

Motion carried.

THERE WERE NO ADDITIONS OR AMENDMENTS TO THE AGENDA

ADMINISTRATORS:

A. Police Chief – Chief Ice had nothing to add to his report which is attached.

B. Fire Chief – Chief Powers had nothing to add to his report which is attached.

C. Finance Director – Mr. Germ referred to Ordinance No. 2014-04 which is on the agenda this evening and commented that the ordinance was prepared from the detailed budget that was distributed on February 26 at the Finance Committee meeting with only one minor adjustment and that was for the park patrol which was set down by about \$4,200 at council's request, other than that the ordinance is a direct reflection of the detailed budget passed on February 24<sup>th</sup>. The Mayor interjected that there was discussion at the budget meeting about coverage of the park patrol and after hearing that we did eliminate park patrol during the daytime hours Monday through Friday and park patrol will be scheduled to start at 5:00 p.m. until 9:00 p.m., the hours have changed.

D. Engineer – Mr. Formica had nothing to add to his report which is attached.

E. Service Director – Mr. Kerniskey excused. Discussion was had regarding the potholes in the city. The Mayor gave an update on the salt situation. There were some concerns about the salting this past weekend. We are trying to conserve our salt and it did get down to a low point and there was concern if we would have enough salt for this coming storm. We received 500 tons today and we have another 350 tons on order and another 200 then will complete our allocation for this year at the bid price. Right now we have about 1500 tons sitting in the shed and this should be more than enough to handle the oncoming storm.

F. Building Commissioner – Mr. Sack had nothing to add to his report which is attached.

G. Recreation Director – Mr. Stopp had nothing to add to his report which is attached.

H. Economic Development Director – Mr. Laver excused.

AUDIENCE PARTICIPATION

Mrs. Nichols, 1730 Silver Street, who currently owns two homes in the city and has five children attending elementary school stated that she was extremely committed to this community. She addressed council in a very emotional way about the deplorable condition of the Mosley Suites which are a disgrace to the city and should be shut down. There are numerous problems there and council should be aware of what is going on. The school situation is also suffering from this and this is another reason it should be closed down. This location is out of code with the fire marshal. She went into detail about all the problems that she has found during her research regarding the Mosley property.

Paul DiCicco, 1836 Lincoln Road also commented about the Mosley property and he has called the police department and has been told that there are 200 pages of complaints on this property. They are aware of the problems there. This area is like a war zone after dark.

Resident, 1720 Empire Road, is an employee of the Wickliffe City Schools and she commented on the problems this situation has caused to the school system. This is an unsafe condition for the city. She went into detail about what she has seen going on there.

Mr. Jaworski asked the law director if the city has looked at this location as being a nuisance and have they been cited and has their occupancy permit been pulled. The Law Director responded that this is being looked at and at this point in time there is a civil rights suit that Julius Mosley sued the city for violation of his civil rights and it is his opinion that this time that if we were to follow up on the nuisance that they would present to the federal court that we are harassing them because of the lawsuit. The lawsuit is pending and he said he feels good that the city of Wickliffe will come out on top in that case and then we can close them down because it is a nuisance, there is no question that they are in violation of Ohio's nuisance law. Yes, it has been looked at, the lawsuit is in Federal District Court and is in the preliminary discovery stage at this time, we are not involved in this, we have an attorney handling this through the City's liability insurance. When a case is in court it is a slow process. The lawsuit was filed in 2012 and has been going on. All the paper work that the police department has reported has been delivered to the attorney to use for defense of the city. Once the discovery is completed the judge should move the case pretty rapidly but it would probably extend into the summer.

Resident, 1738 Silver Street, complained that there was no snow removal on his street and the plows have pushed the snow onto the sidewalk making it dangerous for the children.

Mr. Matyja responded to the presentations regarding the Mosely property. He said he knows more now that he did before. He said that he had testified against their liquor permit and we knew the problems that were going on. This has been brought to council many times, this is terrible. The travel sites list us terribly. There are several predators living there. It is not a good situation and he has asked the Finance Department to do something about the income tax because there is mandatory filing for all Wickliffe residents, we should make sure all the people living there have to file an income tax report.

#### AUDIENCE PARTICIPATION CLOSED

#### COMMITTEE REPORTS

Mr. Krych read the report of the Finance Committee meeting held on February 26 which is attached. Mr. Levon set a Legislation and Welfare Committee meeting for Monday, March 17 at 7:00 p.m. to discuss Section 914 and Articles 921.06, 01 and .10.

#### THERE WERE NO COMMISSION REPORTS

#### THERE WAS NO OLD BUSINESS

#### THERE WAS NO NEW BUSINESS

ORDINANCE NO. 2014-04 AN ORDINANCE PROVIDING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF WICKLIFFE FOR THE PERIOD BEGINNING JANUARY 1, 2014 AND ENDING DECEMBER 31, 2014 AND DECLARING AN EMERGENCY. Read by title.

Ordinance No. 2014-04 placed on first reading.

ORDINANCE NO. 2014-05 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO AN AGREEMENT WITH ANTHONY CONTINENZA FOR THE OPERATION OF THE CONCESSION STAND AT COULBY PARK AQUATIC CENTER, AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Ely seconded by Mr. Bala that the rules of council be suspended and that Ordinance No. 2014-05 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Levon seconded by Mr. Bala that Ordinance No. 2014-05 be adopted as presented.

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

Motion carried. Ordinance No. 2014-05 adopted.

RESOLUTIONS

RESOLUTION NO. 2014-03 A RESOLUTION DECLARING MARCH 31 AS CONGENITAL DIAPHRAGMATIC HERNIA DAY IN 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 Resolution No. 2014-03 be adopted as presented.

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

Motion carried.

Moved by Mr. Ely seconded by Jr. Jaworski that Resolution No. 2014-03 be adopted as presented.

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

Motion carried. Resolution No. 2014-03 adopted.

There being no further business it was moved by Mr. Ely seconded by Mr. Jaworski that the council meeting of March 10, 2014 be adjourned.

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

Motion carried. Meeting adjourned at 755 p.m.

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Council Clerk

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Council President and Presiding Officer