

Wickliffe City Council Meeting

March 14, 2016

A regular meeting of Wickliffe City Council was called to order by Council President David J. Krych at 7:00 p.m. on Monday March 14, 2016. The following were present at roll call:

MAYOR:	William A. Margalis, excused
COUNCIL PRESIDENT:	David J. Krych
COUNCIL:	Bala, Ely, Jaworski, Koski, Levon, Matyja
LAW DIRECTOR:	Scott J. Zele
FINANCE DIRECTOR:	Martin J. Germ
SERVICE DIRECTOR:	Joseph D'Ambrosio
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, not present

APPROVAL OF MINUTES

Moved by Mr. Levon seconded by Mr. Ely that the minutes of the council meeting of February 22, 2016 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 - Mayor excused

REPORTS AND COMMUNICATIONS FROM THE LAW DIRECTOR - Mr. Zele brought to the attention of Council Ordinance No. 2016-05 which is authorization for payment between the City and the East Ohio Gas Company. He explained why this ordinance is being declared an emergency. Back in 2012, Ordinance 2012-16 was passed that ratified a payment to Dominion East Ohio in the amount of approximately \$13,500. This was for the Worden Road gas line replacement project where a gas line needed to be moved due to a manhole. Under the original reimbursement agreement the City entered into, the estimate was \$13,500. The contract read that this was just an estimate and that we would be responsible for any additional charges. Additional work was performed and at that time the City Engineer contacted them. At that time they sent a bill to the City and this invoice was never paid. There was a dispute regarding the invoice amount. The City never heard from Dominion until December 2015 when we received a letter from their attorney threatening to sue the City for the entire invoice amount. We did respond to them and after going through several letters and phone calls with them, the Law Director advised the Mayor that he believes that we are still obligated to pay this invoice or they will take us to court and there is a probable chance we would lose and then possibly be responsible for interest, court costs and possibly attorney fees. Mr. Zele recommends that the invoice be paid as presented. The reimbursement amount of \$13,500 was previously authorized by Council back in 2012, so we are asking Council to ratify that Ordinance for the original amount and then authorize the Finance Director to pay the additional amount so the total will be \$20,679.26 to be paid through the Capital Improvement Fund.

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

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Krych placed under New Business (a) the blighting of property at 1738 E. 298 Street.

ADMINISTRATORS

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

B. Fire Chief – Chief Powers had nothing to add to his report which is attached. He then reported on the Fire Department Self Contained Breathing Apparatus and the bid results. He read the report written regarding the bids that were received and asked council to approve that tonight so we can go ahead with the purchase.

Moved by Ms. Koski seconded by Mr. Jaworski that council accepts the Contract B at a bid amount of \$158,444 by Warren Fire equipment, 6880 Tod Avenue, Warren, Ohio 44481 and in addition to that bid an additional Pak Tracker receiver and charger are accepted at a cost of \$1,746.00 for a total purchase from Warren Fire of \$160,500.00 as being the best and most responsive and responsible bid.

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

Motion carried.

C. Finance Director – Financial report for February attached, he also informed council that so far tax collections are looking positive. We have shown some growth which is good. He also stated that he received a call from the State Auditor's office, they have just finished our two year audit and it was passed without any issues. We were recently selected for a PERS (Pension Audit) Three auditors were here last Thursday going through personnel records, payroll records, etc. making sure that proper employee and employee contributions distributions have been submitted to PERS. The audit is not completed yet.

D. Engineer – Report attached. He added that he contacted the Phase II contractor for Grand Blvd. and they are hoping to get started back up by the end of the month. He also commented on the Buena Vista Flood Plain.

Moved by Mr. Jaworski, seconded by Mr. Ely that council authorize the Engineer not to exceed \$8,000 for filing to FEMA the Buena Vista Flood Plain area.

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

Motion carried.

E. Service Director – Report attached. He stated that he looked at the gas rate with NOPEC at the electric part and we are paying seven cents per kilowatt and they have offered a six and a half cent per kilowatt for two years expiring in February of 2019. He further reported on work being performed by the Service Department.

F. Building Director – 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 Coordinator – Mr. Laver not present.

AUDIENCE PARTICIPATION OPENED

Resident, 29726 Grand Blvd. thanked Mr. Stopp and the Recreation Department for helping with a program with the Recreation Department.

Resident, 30123 Jackson Avenue, commented on the work being done with the railroad and inquired about how this will work and who will be involved.

Dottie Cirino, 2133 Rockefeller, commented on the location of garbage cans.

Bob Hunke, 30225 Meadowview, read a report regarding the railroad problem and referred to a letter he has sent to council. He read a report requiring the work that has to be done and the money needed to complete this. Mr. Krych informed him that this is still in committee until all figures are received. Ms. Koski added that nothing should be done about this until Willowick comes on board.

AUDIENCE PARTICIPATION CLOSED

COMMITTEE REPORTS

Mr. Levon read the minutes of the Legislation and Welfare Committee meeting held on February 2 which is attached.

Moved by Levon seconded by Mr. Bala that council authorize the Law Director to modify chapters 505.07 and 505.071 along with the update of adding "felony of the 5th degree" to section 505.071(g)(1) and add a new section 505.072 Tethering of animals to our codified ordinances.

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

Motion carried.

Mr. Krych read the report of the Committee of the Whole Committee meeting held on February 29, 2016 which is attached.

Mr. Krych read the report of the Finance Committee held on March 7, 2016 which is attached.

THERE WERE NO COMMISSION REPORTS

OLD BUSINESS

a) RFP Billboard Signs – The Law Director stated that the committee has made a recommendation to seek approval from city council to prepare a lease agreement to enter into Inspiration Lane, LLC, for the lease of the city property at the Service Center in order to construct the electronic billboards.

Moved by Mr. Bala seconded by Mr. Ely that council accept the proposal from Inspiration Lane, LLC 15123 Edgewater Drive, Lakewood, Ohio 44107 for a lease agreement on the property at 30020 Lakeland Blvd. for a Lake County billboard sign as amended to reflect a 15 year lease with a five year renewal and to be reviewed every five years as being the most benefit to the city and to authorize the Law Director to prepare the contract.

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

Motion carried.

NEW BUSINESS

a) Blighting of property at 1738 E. 298 Street – Mr. Sack reported that this property is in very bad shape and the person that owns it is deceased and he has talked to the Land Bank regarding this property..

Moved by Mr. Ely, seconded by Mr. Jaworski to affirm the Mayor and the Building Commissioner for the blighting of the house and grounds at 1738 E. 298 Street, Wickliffe, Ohio 44092.

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

Motion carried.

ORDINANCES

ORDINANCE NO. 2016-03 AN ORDINANCE PROVIDING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF WICKLIFFE FOR THE PERIOD BEGINNING JANUARY 1, 2016 AND ENDING DECEMBER 31, 2016; AND DECLARING AN EMERGENCY. Read by title. SECOND READING

Ordinance No. 2016-03 placed on second reading.

ORDINANCE NO. 2016-04 AN ORDINANCE AMENDING CHAPTER 505 ANIMALS AND FOWL, OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO, SPECIFICALLY CHAPTER 505.07 CRUELTY TO ANIMALS, GENERALLY. CHAPTER 505.071 CRUELTY TO COMPANION ANIMALS AND ESTABLISHING CHAPTER 505.072 TETHERING OF ANIMALS. Read by title.

Ordinance No. 2016-04 placed on first reading.

ORDINANCE NO. 2016-05 AN ORDINANCE AUTHORIZING PAYMENT PER AN AGREEMENT ENTERED INTO BY AND BETWEEN THE CITY OF WICKLIFFE, OHIO AND THE EAST OHIO GAS COMPANY, A DOMINION EAST OHIO CORPORATION, AND DECLARING AN EMERGENCY. Read by title.

Moved by Ms. Koski seconded by Mr. Ely that the rules of council be suspended and that Ordinance No. 2016-05 be placed on third and final reading.

Mr. Matyja questioned the date of the invoice, the Law Director replied that when this work was completed they sent one invoice to the city dated August 2, 2012, a final invoice for \$20,679.20 and it is his understanding that once that bill was received the City Engineer and our previous Service Director disputed it and to the best of his knowledge we never received any response from East Ohio until December 2015, when we received a letter from their attorney stating they were going to sue us if this was not paid.

Mr. Matyja also questioned if someone sees something coming out of the Capital Improvement Fund and if it is he does not think there is money available from the budget. Mr. Germ explained the budget as it was proposed and since that budget was proposed we have had additional revenue coming in and he feels comfortable that there will be money from this in the Capital Improvement Fund. Mr. Matyja asked without amending the budget that is on the agenda? How much more do you think will be coming in, Mr. Germ replied that some equipment was sold that was not anticipated and we have exceeded the amount of proceeds from the equipment that was budgeted for it plus a couple of projects that have been closed out we did not expend all the appropriations so based on those items he is comfortable that there will be enough money to pay this. Mr. Matyja asked how much money is in the budget if we vote on figures

which is the budget how much money is in that fund. Mr. Formica explained how this happened in more detail and he had thought that this was a dead issue. The Law Director stated that it was unusual for a bill to be sent in August 2012 and then the next contact is over four years later. Discussion followed. Mr. Germ is going to investigate this further and this Ordinance will be on first reading until the next meeting. Mr. Matyja added that he is not disputing the bill my comment is as to what fund this comes out of. There is no money in the capital improvement fund everything went to the General Fund. His comment is if you are only showing an \$11,000 general balance, all he wants is some figures.

Mr. Germ replied that if you want it to come out of this ordinance we can re-write the ordinance, it was a capital project and he said he was of the opinion that we would try to pay it out of the capital improvement fund, if that is not your choice we can change, he can show what monies we have acquired since the budget was written, we have to pay the bill and we know that, the bill was never presented to him for payment. Mr. Germ added that he would like this to work but if you are not happy with the way that the conclusion we came to then tell us what you want done.

Mr. Matyja added that he thought this budget was completed and all of a sudden we pull up another figure from a different drawer, what are we supposed to do. Mr. Germ said he could get the numbers and he has verified this with the Engineer and these bills were paid within the last week. Mr. Matyja asked how much money is available today? Mr. Germ added that if you want to wait until the next council meeting we can do that. The Law Director added that this is due by the end of this month and if the ordinance gets passed we can send a check to them.

There was no other discussion on the suspension of the rules.

ROLL CALL: Yes: Ely, Koski
No; Jaworski, Krych Levon, Matyja

Ordinance No. 2016-05 placed on first reading.

RESOLUTIONS:

RESOLUTION NO. 2016-01 A RESOLUTION DECLARING APRIL 2016 CHILD ABUSE PREVENTION MONTH IN THE CITY OF WICKLIFFE; AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Levon seconded by Ms. Koski that the rules of council be suspended and that Ordinance No. 2016-01 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 Resolution No. 2016-01 be adopted as presented.'

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

Motion carried. Resolution No. 2016-01 adopted.

RESOLUTION NO. 2016-02 A RESOLUTION DECLARING APRIL 2016 AUTISM AWARENESS MONTH AND APRIL 2, 2016 WORLD AUTISM AWARENESS DAY IN THE CITY OF WICKLIFFE, OHIO 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. 2016-02 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 Resolution No. 2016-02 be adopted as presented.

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

Motion carried. Resolution No. 2016-02 adopted.

MISCELLANEOUS

Mr. Krych added the item of change of venue for the April 11 Government Day and will be on the agenda for the next meeting.

There being no further business it was moved by Ms. Koski seconded by Mr. Ely that the council meeting of March 14, 2016 be adjourned

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

Meeting adjourned at 8:30 p.m.

Clerk of Council

Council President and Presiding Officer