

Wickliffe City Council
March 24, 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 24, 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
ENGINEER:	Peter J. Formica
BUILDING COMMISSIONER:	Raymond F. Sack, excused
RECREATION DIRECTOR:	Timothy E. Stopp
POLICE CHIEF:	Randy E. Ice
FIRE CHIEF:	James G. Powers
ECONOMIC DEVELOPMENT:	Jason Laver

APPROVAL OF MINUTES

Moved by Ms. Koski seconded by Mr. Ely that the minutes of the council meeting held on March 10, 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 reported the following: He announced that at the Mayors and Managers meeting today a presentation was made by the Lake Communicators and the representative from LEPC. They are trying to promote what to do in case of a disaster. How will our residents be prepared in case of an emergency like 911 or the last year's flooding. They are not creating a disaster plan they are just going to promote the awareness of it to residents. Their campaign is called "Ready or Not, Here it Comes". This will be out over the summer months at different events and they want the City to promote it to our residents. They have offered to come to meetings and hold meetings to inform the residents and also for fire and police department newsletters, and public access to TV. The Mayor will have a representative on the Mayor's corner so they can talk about this. The month of September is Disaster Awareness Month. An event will be held in September where they will make all the residents aware of what to do in case of an emergency.

He further announced that tomorrow night is our Block Watch meeting and Wickliffe was chosen by News Channel Five as one of the Building Neighbor Community, keeping you safe where you live and they picked five communities of which Wickliffe was the one in Lake County for this program. Our program will start tomorrow evening at 7:00 p.m. at the Block Watch meeting, everyone is welcome to attend. There are five neighborhoods that have come forward to promote this in their various neighborhoods. In Lake County it's Painesville, Eastlake, Madison, Wickliffe, and Mentor-on-the-Lake. A whole spot will be shown on Wickliffe, a street will be featured for this.

He referred to the compost facility located in the City and we have put together the legal notice and it will begin to be advertised this Wednesday, March 26 and also on April 2. Proposals are due back to the City by May 2nd after that we will get this into committee to discuss what is being proposed for that facility.

The Mayor also announced that the Sweet Berry Market is now open and ready for business. They are pleased with the response from the residents. He also reminded council that next Wednesday, April 2, the State of the City address will be held at the Community Center at 7:00 p.m. He also reported that the city is advertising for a senior center coordinator as Maureen Webster will be retiring at the end of May after 19 years of service.

REPORTS AND COMMUNICATIONS FROM THE LAW DIRECTOR: Mr. Gargiulo reported the following: There was a memo to council and the administrators that was issued on April 18, 2011 dealing with a public records request. The gist of all that material is that all public records requests should go through Patty Fowler and she will coordinate the gathering of the information necessary. The law allows us to enact certain parts of these public records. He wants to make sure that these requests go to her and she will contact the department and find out who will gather the information.

The other item he provided council with is a copy of a letter addressed to him from Nick Tomino who is handling our case with Dan Miller and Mosely. Those two cases will be combined into one file. The dates the Court has set for the procedure in that case are: Facts of discovery to be concluded – 6/12/14, Plaintiff's Expert Report 7/12/14; Defendant's Expert Report 8/14/14; Expert Discovery concluded 9/15/14 and Dispositive Motions filed by 10/15/14. After that will be the trial. He has also been provided with pages of our minutes of the last council meeting. These are the audience participation comments and Mr. Matyja's comments. The result of our conversation in that letter is that council can speak if they care to, about the issue, feel free to do so and keep comments away from things that are involved in the lawsuit which is a civil rights action and an action on the liquor permit.

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

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Jaworski added under New Business: (a) Heritage Home Program.

ADMINISTRATORS:

A. Police Chief – Chief Ice had no report. He added that his report is ready to be distributed and that he is advertising for a detective bureau secretary.

B. Fire Chief – Chief Powers had no report.

C. Finance Director – Mr. Germ had no report.

D. Engineer – Report attached. Mr. Formica added the following to his report: 1) he is preparing our city to cities annual report for the state EPA storm water permit and this should be in by the end of the week; 2) the Grand Blvd. survey is complete.

E. Service Director – Mr. Kerniskey reported on the shifts that are being changed. Right now he has 675 more tons to allow us to use and after that we are figuring we will probably need about 500 more tons for next year.

F. Building Commissioner – Mr. Sack excused.

G. Recreation Director – Mr. Stopp reported on the Lake County Captain tickets which will be available and Wickliffe Appreciation Night will be held on July 23rd.

H. Economic Development Director – Mr. Laver reported on an update on the commercial availability property which will go on the website.

AUDIENCE PARTICIPATION OPENED

Jim Armstrong, 2411 Larchmont Drive, referred to the school buses and asked when there is a school bus at 28500 Euclid if a police vehicle could be present there in the morning around 8:30, 7:45 and in the afternoon at 2:30 and again at 3:30 when the bus picks up the children and drops them off. He would feel better if a police vehicle would be there at all those times.

Joe Sackas, 745 Sterling Road, said he is concerned with the Mosely Suites. The problem he states is that he does pay his taxes and his children go to the city schools. The families that live at Mosely, are they paying taxes for their children to go to school in Wickliffe. The Mayor stated that this is a school question, if they are living in the city the schools have to supply them. He said that since the last meeting he was a little cautious about the law suit going on with that property. Since that time we clarified it that we can speak out about this issue. Items brought up at the last meeting were very legitimate and we all agreed that there are conditions there that are not good. The police and fire departments respond there quite frequently. He has contacted many departments asking about complaints received and this property is not safe. Action will be taken with this facility.

Amber McNichols, 29530 Euclid Avenue, asked if this is a nuisance what does that mean? How did this become a rental? The Mayor responded to this. The Law Director explained the term of “nuisance.”

Ashley Frohwork, 1730 Silver Street, asked if this problem can extend to other hotels in the city. She is concerned that this can happen at other hotels too. This will be looked into.

Jim DeFrank, E. 290 Street, asked if council members would feel safe if they had small children attending school with all this going on.

Resident, 7220 Empire Road, asked about sex offenders living in that area and what are the laws concerning this.

Marty Adams, 1567 Eldon Road, complimented the police Department. He questioned the closeness of this hotel to the schools and the residence of a sex offender. Chief Ice explained where sex offenders can live.

Mr. Matyja thanked the Mayor for saying this is definitely a nuisance and we have to take action. He said that the Finance Director and the Tax Administrator, there has to be a money trail if he is taking people from county to county and placing them through the courts either through the jail system or family services. There has to be some kind of money going out that’s why he is asking them to investigate. He also feels that all Wickliffe residents must file city income tax and if they are in the school system they are a resident so everyone of those parents of those kids should be filing their city income tax form, this is what he has been asking for to deal with the finance department to investigate this and is Mosely Suites following our laws and filing proper income for all those suites. This should be investigated by the Tax Department or we should have someone investigate this, This is a step toward conviction if income tax is not paid.

Mr. Germ replied that he was directed not to pursue that route because of pending litigation, he will talk to the Law Director again regarding this. Mr. Matyja asked are the employees of that facility also filing taxes?

AUDIENCE PARTICIPATION CLOSEDCOMMITTEE REPORTS

Mr. Levon read the report of the Legislation and Welfare meeting held on March 17 which is attached.

Moved by Mr. Levon seconded by Mr. Jaworski that the Law Director be authorized to modify codified ordinances 921.01, 921.06, and 921.10.

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

Motion carried.

COMMISSION REPORTS

Ms. Koski gave an oral report on the Keep Wickliffe Beautiful Commission.

THERE WAS NO OLD BUSINESSNEW BUSINESS

Heritage House - Mr. Jaworski referred to an article from the News Herald regarding that the City of Chardon is joining a program from the Heritage Home Program of which there is a \$1,300 annual fee and what this program does is if the home is 50 years older or more the owner is eligible for free legal assistance and low interest financing. It also lists other benefits of this program. He said this could be placed into committee to check this out to see if this would be good for our residents. The Mayor said we have looked at that program several years ago. Mr. Krych placed this into the COMMITTEE OF THE WHOLE.

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. SECOND READING.

Moved by Mr. Krych seconded by Mr. Ely that the rules of council be suspended and that Ordinance No. 2014-04 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Ely seconded by Mr. Bala that Ordinance No. 2014-04 be adopted as presented.

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

Motion carried. Ordinance No. 2014-04 adopted.

Mr. Jaworski explained his vote by stating that he has struggled over this vote and he cannot vote for this budget based on the fact that this city is not attempting to make any kind of cuts at this point in time. We are in the hole by a 1.2 million dollars and we have to go out and find revenue but to not attempt to make any kind of cuts is not good.

ORDINANCE NO. 2014-06 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO PARTICIPATE IN CONTRACTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF MACHINERY, MATERIAL, SUPPLIES OR OTHER ARTICLES; AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Bala seconded by Ms. Koski that the rules of council be suspended and that Ordinance No. 2014-06 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. 2014-06 be adopted as presented.

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

Motion carried. Ordinance No. 2014-06 adopted.

RESOLUTIONS

RESOLUTION NO. 2014-04 A RESOLUTION DECLARING APRIL, 2014 CHILD ABUSE PREVENTION MONTH 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. 2014-04 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Ely seconded by Mr. Levon that Resolution No. 2014-04 be adopted as presented.

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

Motion carried. Resolution No. 2014-04 adopted.

There being no further business it was moved by Mr. Levon seconded by Mr. Bala that the council meeting of March 24, 2014 be adjourned.

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

Motion carried. Meeting adjourned at 8:20 p.m.

Council Clerk

Council President and Presiding Officer