

Wickliffe City Council Meeting  
April 13, 2015

A regular meeting of Wickliffe City Council was called to order by Council President David Krych at 7:00 p.m. on Monday, April 13, 2015. This being Student Government Day student counterparts attended the meeting. 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:	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. Jaworski seconded by Ms. Koski that the minutes of the council meeting of March 23, 2015 be approved as presented.

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

Motion carried.

Mr. Matyja referred to page three of the special council meeting minutes, the first line on that page should read "added that he hopes people will NOT vote for this.

Moved by Mr. Jaworski seconded by Mr. Bala that the minutes of the special council meeting of March 25, 2015 be approved as amended.

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

Motion carried.

REPORTS AND COMMUNICATIONS FROM MAYOR/SAFETY DIRECTOR - Mayor Margalis introduced his student counterpart. He then reported that he has a couple of communications to share with council, earlier today he participated in a phone interview with the representative of a consulting firm that is working with the Lake County Commissioners who are conducting a survey of elected officials, administrators and residents concerning senior levy funding and if the needs of the senior citizens are being met in our community. The meeting lasted about 45 minutes, residents were also randomly chosen to participate in this survey, they are looking for just to see if the senior levy funds are being utilized to the best of their ability. Wickliffe gets a portion of those funds to the senior center to help supplement the cost of running the senior center and they are also looking to use some of those monies for other services for seniors that cannot come to the center and possibly providing assistance for them. We will see the results of the survey shortly when it is finished which would be about the end of April.

He will be meeting this week with a company that reached out to the city and wants to explain a business opportunity to the city that would generate income for the city and it is his understanding that they are looking to erect a sign advertising message board sign on city property that would generate revenue for the city, this is similar on the lines of someone putting up a cell tower or that type of thing. He does not have enough particulars about it yet he will meet with them this week and after he gets more information will bring it back to council. He is skeptical of the whole issue but we have to listen to see what they have to say.

He further reported that on April 29 he will be attending a presentation of the final draft report presented on a feasibility study on the consolidation of the Lake County Fire Departments, a couple of years ago he came to council and said the Mayors and Managers received a grant regarding maybe this and he will let council know if it would make sense for us.

REPORTS AND COMMUNICATIONS FROM THE LAW DIRECTOR: Mr. Gargiulo referred to a memo distributed to council that basically describes the change that is made in Ordinance No. 2015-10 and he will go into more detail when that comes up on the agenda.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Krych commented that we are observing our 58<sup>th</sup> annual Student Government Day and to make room for the counterparts we come to the senior center to show students how the government works.

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 – Financial report attached. Mr. Germ added that council should be aware of a couple of things that have transpired since then, we received our first half of real estate tax money on April 6, our year to date receipts are now 54.8% of our 2015 budget, obviously more than half and at the same time last year our year to date receipts were only 44.3% of budget. Also after posting March income tax receipts our general fund year to date income tax receipts are at 37.4% budget compared to last year's percentage of 33.6, at the same time this past year, so it's still very early in the year but we started the year on a positive note.

Mr. Matyja stated that he reads this report a lot different, if you go to the second page 101, general fund, it is showing that our year to date expense at 3.5 million already out of the general fund and we are only three months in and the revenue is 2.6, that shows almost \$900,000 over budget, that's the budget in three months. Mr. Germ replied that are you looking at the fund total? He said he was addressing a real estate tax and city income tax and what he said was that those events that occurred after the writing of this report, this is the March 31<sup>st</sup> report and those receipts came in the first part of April, that is why it was reported now because they don't reflect in this report and he thinks this is significant news. Mr. Matyja said he just sees the expenses that the raises were put in already. Mr. Germ said the raises that were discussed in the budget meeting are exactly what appears here, but the point he is trying to make was on a revenue standpoint two of our major sources of revenue have done well so far in three months and he also said that it is pretty early in the year to make any predictions, at this time last year we were certainly under those percentages so the performance wise to him looks better. Mr. Matyja said you are projecting a 1.5 million dollar deficit, he does not see his point, but there's a problem and you have to look at where we found \$900,000 in the first three months and that is your report on 101 in the general fund. Mr. Germ added that

the bottom line as far as he is concerned has not changed and he is not ready to make any predictions yet that number has not changed but he is optimistic with the revenue that came in that we are at least within budget on the revenue side. Mr. Matyja again said for the record, the budget is 1.5 million in deficit, that's what he is unhappy about. Mr. Jaworski asked Mr. Germ if council has to pass legislation to approve the rates or is that part of passing the budget overall. Mr. Germ replied, no, there will have to be legislation to approve those increases.

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

E. Service Director – Mr. D'Ambrosio read his report which is attached. He also commented on the water breaks in the city, these will be fixed by the water department. Mr. Jaworski questioned the potholes in the streets and Mr. D'Ambrosio explained how they would be fixed.

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

G. Recreation Director – Report attached. Mr. Stopp referred to his report concerning pool passes. In accordance with Chapter 955 – “Municipal Swimming Pools” of the Codified Ordinances of the City of Wickliffe, he and Mayor Margalis would like to submit to council the following recommendations and adjustments for swimming pool matters for the 2015 season.

Pool season at Coulby Aquatic Center: Saturday, June 6, 2015 through Friday Sept. 4, 2015.

Pool season at Jindra Pool: Saturday, June 6, 2015 through Sunday, August 16, 2015.

Orlando State Park: Saturday June 6, 2105 through Sunday, August 31, 2015.

<u>Splash Party Pool Rental Rates:</u>	<u>Previous</u>	<u>New</u>
Zero Depth	\$225	\$250
Zero Depth+Side	\$300	\$325
Zero Depth+Slide+Lazy River	\$375	\$400

Pool Membership Rates:

Individual	\$50	\$70
Family	\$115	\$135
Senior	\$10	\$30
Splash Park- Individual/Family	\$20	\$30

Swim Lessons	\$30	\$35
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Orlando Spray Park Rental	\$30	\$50
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Economic Development Director – Mr. Laver not present.

AUDIENCE PARTICIPATION OPENED

Joe DiFrank, 1409 Rockefeller Road, asked about the pool passes and required about the renting of the parks and the park patrol. The Mayor responded to his question.

Joe Sakacs, 745 Sterling, asked about the raises for some employees, said the Mayor gave him a false statement and wanted to know about the raises. The Mayor informed him of the two employees in the city that received a 15% raise, one works for the recreation department the other is the secretary for the Service Department. Mr. Sakacs responded that he has heard that cuts will be made to the fire and the police.

Bill Fink, 29337 Beachwood Drive, asked about his neighbor who sold his house and needed to have a dye test performed for water testing. He wanted to know when did this start. Mr. Sack informed him that this started in the late 70's and was a federal mandate so there would be no infiltration from the sanitary to the storm sewers. Mr. Fink added that when he bought his house there was no inspection or test now if he sells his house he will be hit with this expense and he has a problem with that. Mr. Sack will check to see if Mr. Fink's home has had a dye test.

Jamie Sandy, 29328 Nehls Park Drive, asked about the deficit and asked if this has been going on for awhile. The Mayor responded to this and referred to his spread sheet that he has had for the last ten years and he believes that more than half of those years we deficit spent and our city has traditionally carried a very large carry over balance, balance being our revenue exceeded our expenses in certain years, for instance with the sale of Lubrizol that generated almost three million dollars additional income tax for that one year. We spent money out of that for three different projects, the greatest example was this building right here, we don't have any debts, we always paid cash so how we paid cash for many of that, that money was actually moved out of our General Fund and built a police station, a fire station and a rec center without and that said we were taking in much more money that we were spending and that's what gave us the ability to build things like this without having to borrow money and our city has traditionally carried a very large carry over balance and the revenue exceeded our expenses in certain years. He explained that the fire station, police station and rec center without having any kind of debt to it, so that's where that money goes, excess money that has been spent in the past, since we don't have that any longer, now its never been as great as it is this year and last year, never been that great with the deficit but under a half million dollars some years would be \$200,000, some years maybe a half million but we still had a very large carry-over balance, large being probably in the five million dollar range. When he was first on council we carried over almost a ten million dollar carry-over and our general fund budget was only about nine million, we were taking in much more money that that we were spending, that's what gave us the ability to build things like this without going out and having to borrow money, those were the benefits back in the hay day but since 2008, 2011 when the economy went sour if we had that much money in the bank we were collecting almost a million dollars in interest every year on the money that we had stored away in the bank account, now we are lucky if we get five thousand dollars this year and it's because of two things, the interest rates are very low and carry over balances are very low. We are at a very critical point now where we cannot carry on this so that's why we are talking about different people, we will try different things to see what will work.

#### AUDIENCE PARTICIPATION CLOSED

#### COMMITTEE REPORTS

Mr. Ely read the report of the Parks and Recreation Committee meeting held on April 1, 2015. Mr. Stopp repeated his memo previously read. The categories in the memo were discussed.

Moved by Mr. Jaworski seconded by Ms. Koski that the pool rates be changed and the dates for the pool season for Jindra Park be from June 6 to August 16, Orlando Spray Park from June 6 to August 31 and splash party pool rental rates of \$250 for the zero depth, zero depth+side, \$325, zero depth+slide+lazy river \$400, individuals to \$70, families to \$135, seniors \$30, and splash park –individual/family \$30 and Orlando Spray Park Rental \$50 and swim lessons \$35.

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

Motion carried.

THERE WERE NO COMMISSION REPORTSTHERE WAS NO OLD BUSINESSNEW BUSINESS

a) Bid Opening – City Hall Steps Replacement – Mr. Formica reported that the bids were received on April 10, 2015 and the base bids ranged from a low bid of \$96,378.83 to a high bid of \$124,765.50 as compared to the Opinion of Probable Construction Cost of \$120,000.00. The low bidder for this improvement is Harry S. Petersen Company of Brooklyn Heights, Ohio, whose bid has been reviewed and found to be in conformance with all contract requirements. It is his opinion that they are experienced and qualified to perform the work within the contract.

Moved by Mr. Krych seconded by Mr. Ely to accept the bid of Harry S. Petersen Company, 100 Hayes Drive, Suite A, Brooklyn Hts. Ohio 44131 in the amount of \$96,378.83 for the City Hall step replacement project as the lowest, most responsive and responsible bid and all other bids be rejected.

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

Motion carried.

b) Committee meetings – Notifying all of council – Mr. Matyja stated that at a regular scheduled Parks and Recreation committee meeting was scheduled for Monday, March 3 at 7:00 p.m. That was the last he ever knew, from what he gathered he did not go until 3:15 that Monday that the meeting was changed and a discussion was made by four or five council people after the budget meeting on March 27, he feels this is a violation of the sunshine law, it upset him that he told people in the audience that called me that the meeting was on Monday, he did not even know it was changed to Wednesday. A discussion that is outside of regular scheduled meetings of violation, this is totally unprofessional and illegal.

Mr. Ely addressed this saying that he set that meeting and on his recollection it was approximately eight seconds after that meeting was over that council president Krych started to say what are we going to do about the next meeting because there is a problem because certain people could not attend the meeting set, therefore council Matyja did not hear that or he left earlier, he claims that he had discussed it when he was gone, he clarified that by saying that he refers to the Sunshine Law, we may have overstepped our bounds in trying to come up with a meeting date but if he hadn't left early he would have heard what council said at that table, there was no reason for him not to be included in the notification. The Law Director added that there was no violation of Chapter 107 entitled Open Meetings in the Codified Ordinances. Discussion followed.

ORDINANCES

ORDINANCE NO. 2015-07 AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE OF THE CITY OF WICKLIFFE, OHIO TO TRANSFER OR ADVANCE SUMS OF MONEY BETWEEN VARIOUS FUNDS FOR 2015; AND DECLARING AN EMERGENCY. Read by title.

Mr. Jaworski questioned the money allotted for the litter control fund, what was that \$25,000 cover? Mr. Mr. Germ stated that those are comprised of the salary of the litter control program coordinator and the \$2,000 of supplies involved in that program. Mr. Matyja added that in the budget hearing we took that off as a line item, why is it transferred back in, there was discussion of eliminating that program because we get no funding for that program now you are transferring money into it. Mr. Jaworski replied that he does not see the point of a litter control fund.

Moved by Mr. Bala seconded by Ms. Koski that the rules of council be suspended and that Ordinance No. 2015-07 be placed on third and final reading.

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

Suspension of Rules defeated. Ordinance No. 2015-07 placed on first reading.

ORDINANCE NO. 2015-08\_ AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE (1) NEW CURRENT MODEL VEHICLES FOR USE BY THE POLICE DEPARTMENT OF THE CITY OF WICKLIFFE, OHIO, THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES COOPERATIVE PURCHASING PROGRAM; AND DECLARING AN EMERGENCY.

Moved by Mr. Jaworski seconded by Mr. Bala that the rules of council be suspended and that Ordinance No. 2015-08 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. Jaworski that Ordinance No. 2015-08 be adopted as presented.

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

Motion carried. Ordinance No. 2015-08 adopted

ORDINANCE NO. 2015-09 AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE (1) NEW CURRENT MODEL VEHICLES FOR USE BY THE POLICE DEPARTMENT OF THE CITY OF WICKLIFFE, OHIO, THROUGH THE OHIO DEPARTMENT OF ADMINSITRATIVE SERVICES COOPERATIVE PURCHASING PROGRAM; AND DECLARING AN EMERGENCY. Read by title.

Moved by Mr. Jaworski seconded by Ms. Koski that the rules of council be suspended and that Ordinance No. 2015-09 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Jaworski seconded by Ms. Koski that Ordinance No. 2015-09 be adopted as presented.

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

Motion carried. Ordinance No. 2015-09 adopted

ORDINANCE NO. 2015-10 AN ORDINANCE AMENDING CHAPTER 1147-INTERNATIONAL PROPERTY MAINTENANCE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO. Read by title.

Per the Law Director's request, this Ordinance was placed on first reading. He asked council to refer to his memo distributed to council, this is a housekeeping ordinance.

RESOLUTIONS

RESOLUTION NO. 2015-06 A RESOLUTION DECLARING MAY 2015 BUILDING SAFETY MONTH IN THE CITY OF WICKLIFFE, OHIO; AND DECLARING AN EMERGENCY. Read by title

Moved by Mr. Jaworski seconded by Ms. Koski that the rules of council be suspended and that Resolution No. 2015-06 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Jaworski, seconded by Mr. Ely that Resolution No. 2015-06 e adopted as presented.

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

Motion carried. Resolution No. 2015-06 adopted.

RESOLUTION NO. 2015-07 A RESOLUTION PROCLAIMING APRIL 14, 2015 THE 58<sup>TH</sup> ANNUAL STUDENT GOVERNMENT DAY IN THE CITY OF WICKLIFFE, OHIO; AND DECLARING AN EMERGENCY. Read in its entirety by the Law Director.

Moved by Mr. Levon seconded by Mr. Krych that the rules of council be suspended and that Resolution No. 2015-07 be placed on third and final reading.

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

Motion carried.

Moved by Mr. Jaworski seconded by Ms. Koski that Resolution No. 2015-07 be adopted as presented.

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

Motion carried. Resolution No. 2015-07 adopted.

MISCELLANEOUS

Mr. Ely stated the following: He referred to the State of the City address but because there is a crowd here he would like to let everyone know something that happened in regards to a venture that we did regarding the schools, the city and the businesses. In an endeavor to bring these three entities that make our community one, we were looking for a project and the project came up that it could possibly putting barrels in the parks, paint them, and consequently we got the art students and the backing of the superintendent to do the art work on these barrels. We also had the project in mind and it came across that it was to have the kids reach out and reach for the sky, if you can dream you can do it. These barrels will be found in the parks. Lubrizol donated barrels and we got local companies to do almost everything. There was no cost in doing this. He hopes that the students here today will start on this program.

There being no further business it was moved by Mr. Jaworski seconded by Ms. Koski that the council meeting of April 13, 2015 be adjourned.

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

Motion carried. Meeting adjourned at 8:25 p.m.

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Clerk of Council

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Council President and Presiding Officer