

Wickliffe City Council Meeting
June 8, 2015

A regular meeting of Wickliffe City Council was called to order by Council President David Krych at 7:00 p.m. on Monday, June 8, 2015. 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

APPROVAL OF MINUTES

Mr. Matyja referred to the minutes of the May 11, 2015 and stated that on page 3 of those minutes my comments were misunderstood under (a) Civil Service Commission. He said his comments were brought in referring to Ordinance No. 2015-26 and that if the hiring process of the safety forces is done by the Civil Service Commission and he feels that the retirement practices for age should also be determined by this Commission and not by legislation from council. He asked that copy of the ordinance to be referred to the Civil Service Commission. Mr. Krych stated that the minutes will be changed to reflect this.

At the request from Mr. Ely and his comments to have this verbatim transcript put there from this statement. Mr. Krych stated that we will hold the minutes in abeyance for approval by council.

REPORTS AND COMMUNICATIONS FROM MAYOR/SAFETY DIRECTOR - The Mayor reported the following: He referred a copy of the Attorney General's opinion or determination announcing the settlement of 11.5 million dollars for the rock salt law suit that was filed back from 2008 to 2010. They have come to a settlement with Cargill and Morton Salt for 11.5 million dollars, Cargill's portion of that is greater than Morton's and it was stated in there that local government entities will be contacted by the Attorney General's office and will show some documentation requesting the rock salt purchases from Cargill or Morton between 2008 and 2010, we have done that already, they haven't asked for it yet but he had Mr. Germ pull up the numbers and he believes it is just over \$600,000 we spent with Morton Salt during that time, now what does that mean and what we are going to get back, he believes Morton Salt's portion of that 11.5 was somewhere in the four million dollar mark, this was a whole lot of money in his determination but we will wait and see what we get back, it's still good news that we will get something back but we will wait, but again \$600,000 was spent by the City of Wickliffe with Morton between 2008 and 2010.

He further reported that last week he met with the Lake County Captains and their general manager concerning the fourth of July fireworks that we will participate with the cities of Willowick and Eastlake, Willowick and Eastlake did this together last year and they felt it was very successful. The fireworks will be on the Fourth of July at Captain's Stadium, the gates open at 7:00 p.m. with fireworks in the 9:45 category. If you want a good seat, get their early, there is no charge for parking in the stadium lot. They gave him a copy of the agenda for the evening and there are different activities going on. Concession stands will be open and they are allowing any civic groups that want material of their organization can

do so. We are contacting all of our civic city kind of groups such as baseball, swim team, etc. and informing them that they can do this if they wish and they will announce whatever activity they are doing throughout the evening. This is an opportunity for some of these groups to make some money if they so chose. The seats do fill up quickly so try to get there early.

REPORTS AND COMMUNICATIONS FROM THE LAW DIRECTOR: Mr. Gargiulo reported on an employee election to form a union. There will be a status conference telephone call on June 24 at 11:00 a.m. The city is not contesting that organization and the only issue is how they will present the material for the actual election. If anyone is interested in listening to that phone call they can go to his office to do so.

COMMUNICATIONS FROM COUNCIL PRESIDENT - Mr. Krych set a Finance Committee meeting for Monday, June 15 at 7:00 p.m. is scheduled to discuss advertising on City property. He also stated that on June 22nd at 6:30 p.m. is a reminder that there is a public hearing scheduled on the 2016 tax budget in council chambers.

ADDITIONS OR AMENDMENTS TO THE AGENDA

Mr. Krych referred to the agenda and stated that under new business should read as follows: Contract A and Contract B is already on there for the bid opening. The bids have been accepted for those projects, so almost in the same order we will go with item C - bid acceptance for Grand Blvd. waterline and pavement improvements – D – Contract A 2015 pavement repair and replacement; Item E contract B crack sealing item F will be Contract C, Part 1 and Part 2.

ADMINISTRATORS:

A. Police Chief – Report attached. Chief Ice read a prepared statement regarding the police department, the morale of the employees regarding the raises. He addressed the comments that were made. He further commented on the reasons why there are no raises and went on to report on how the police department has been working hard to keep up with the safety of the city.

B. Fire Chief – Report attached. Chief Powers read a prepared statement regarding the subject of raises which he feels are well earned by the Fire Department. He read a lengthy statement regarding the fire department duties and how they have helped in every way possible and are always there for the safety of the city.

C. Finance Director – Financial report attached. Mr. Germ referred to his memo of June 4, 2015 regarding the December 2014 Encumbrances. This is a listing of the General Fund purchase orders that were encumbered as of 12/31/2014. These are expenses that are attributable to the 2014 budget. But had not been paid as of year end. This may be because an order placed before year end had not yet been received or because we had not yet been invoiced. We will have to go through this process and we have until December to make these adjustments. He wants to go on record saying that he personally felt that his staff also deserves a 2% raise. Mr. Matyja stated that he did get this report and it is shocking when you don't make police and fire pensions and keep \$200,000 bills that would have increased our deficit from 1.9 million dollars to 2.1 almost 2.2, that's how much we overspent last year, when you offer projections of over a 1.1 to 1.2 there is something wrong in the Finance Department. Mr. Germ explained how those pension statements were sent because they are not due until January. Discussion followed.

D. Engineer – Report attached. Mr. Formica added the following: the work on Grand Blvd. is scheduled to be complete of Phase I and there are some minor items to be taken care of. At this point on Friday the

applications of preliminary applications for the Ohio Public Works Commission funding is due and the Lake County Water Department is interested in sharing this project as we have done in the past year.

E. Service Director – Mr. Ambrosio reported he ordered 200 tons of salt that were needed to satisfy the contract of 2014. The basket ball court was refinished. The spray park is opening up this week and so are the pools. The ramp at the Senior Center has been completed. They have started their weekend overtime for trash, he explained how this would work. He commented on the last council meeting and stated that it is shocking, as far as money goes most people are upset about it. He added that he feels people in the Service Department deserve the raises.

F. Building Commissioner – Report attached. Mr. Sack reported on work that he has performed and also said that his is the smallest department in the city and there is only one person on his staff and she deserves the raise. There are 150 homes that are vacant in the city and there has been no problem.

G. Recreation Director – Report attached. Mr. Stopp stated that he and his fellow administrators are working hard and I want to place on the record that these guys do a great job and he wants them recognized for that. There are good things happening Wickliffe and the jewel is the Green Ridge Golf course, our pools opened this week with no problems. He referred to the movie night and how successful this has been with the help of businesses in the city.

H. Economic Development Coordinator – Mr. Laver reported that he has updated the commercial availability on the web site.

AUDIENCE PARTICIPATION OPENED

Joanne Latine, 34103 Iris Lane, Eastlake, Ohio, addressed council with a prepared statement which she read in its entirety. This statement is attached to these minutes as Attachment No. 1

Sandy Aker, 6251 James Drive, Mentor, Ohio addressed council with a prepared statement which she read in its entirety. This statement is attached to these minutes as Attachment No. 2

Ms. Koski added that she wants everyone to know that she is the only council person that voted yes on all of the raises. She added that she felt that if the unions were getting a two per cent raise then that everybody should receive the same and she also said that it is not fair for some to get a raise and not others.

Joe Lane, 1700 E. 290 Street, addressed council regarding the residents of the city who work hard and cannot afford to pay more in taxes. The residents have not kept up with inflation for 35 years and it seems that all the wages of the different departments have been raised.

John Savia, 2298 Stanford Drive, also read a prepared statement regarding the legislation which was defeated at the last meeting. This statement is attached to these minutes as Attachment No. 3.

AUDIENCE PARTICIPATION CLOSED

COMMITTEE REPORTS

Mr. Krych read the report of the Finance Committee meeting held on June 1, 2015 which is attached.

COMMISSION REPORTS

Ms. Koski read the report of the Keep Wickliffe Beautiful Commission which is also attached. Mr. Jaworski reported that there would be no Sign Review Commission in June.

THERE WAS NO OLD BUSINESSNEW BUSINESS

- a) Grand Blvd. Waterline and Pavement Improvements – Phase II – Bids were opened and they ranged from a low bid of \$1,198,860 to a high bid of \$1,356,570.00 as compared to the Opinion of Probable Construction Cost of \$1,258,000.00. Low bidder for this improvement is Fabrizi Trucking & Paving co., Inc. of Valley City Ohio. It is the opinion that they are experienced and qualified to perform the work within the contract.
- b) 2015 Pavement Repair Program – Contract A – Asphalt Replacement – These bids ranged from \$159,194.40 to a high bid of \$200,706.40 as compared to the Engineer's estimate of \$145,000, the low bid was from Ronyak Paving, Inc. of Burton, Ohio whose bid has been reviewed and found to be in conformance with all contract requirements.
- c) 2015 Pavement Repair Program – Contract B – Crack Sealing. Only one bid was received and that was for \$51,750.00 as compared to the opinion of probable construction cost of \$50,000.00. That low bidder is Specialized Construction of Cuyahoga Heights, Ohio and they are experienced and qualified to perform the work within the contract.
- d) 2015 Pavement Repair Program – Part I – Concrete Pavement repairs. The bid for Contract C – Part I was \$215,900.00 as compared to the opinion of probable construction of \$175,000.00. Bid for Contract C Part 2 was \$34,030.000 as compared to the opinion of probable construction cost of \$24,000.00.

Both of these bids are more than ten per cent over the bid estimate and by checking with the Law Director these will not be accepted and Mr. Formica is recommending that council place this into the appropriate committee.

Bid Acceptance of Grand Blvd. – Phase II – Moved by Mr. Jaworski seconded by Mr. Levon that council accept the bid of Fabrizi Trucking & Paving Co. of 389 Columbia Road, Valley City, Ohio 44209749 in the amount of \$1,198,860 for the Grand Blvd. waterline and pavement improvement, Phase II, as being the lowest, most responsive and responsible bid and all other bids be rejected.

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

Motion carried.

Bid Acceptance – 2015 Pavement Repair Program – Contract A – Asphalt Replacement – Moved by Mr. Jaworski seconded by Mr. Bala that council accept the bid of Ronyak Paving, Inc., 14376 N. Cheshire St., Burton, Ohio 44021 in the amount of \$159,194.40 for the 2015 pavement repair program contract A – asphalt replacement as being the lowest, most responsive and responsible bid.

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

Motion carried.

e) 2015 Pavement Repair Program – Contract B – Crack Sealing – Moved by Mr. Jaworski seconded by Mr. Levon that council award Specialized Construction, Inc. 711 Harvard Ave., Cuyahoga Hts., Ohio 44105 in the amount of \$51,750.00 for the 2015 pavement repair program – Contract B – crack sealing as being the lowest, most responsive and responsible bid and that all other bids be rejected.

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

Motion carried.

f) Contract C – Part I – Concrete Pavement – Item and E and Item F will be together on as the 2015 Pavement Repair Program Contract C – Part I – concrete pavement and Contract C – Part 2 – ADA Handicap ramp.

Moved by Mr. Jaworski seconded by Mr. Bala that council reject the bid for Contract B – Part I Concrete Pavement in the amount of \$211,900.00 for Contract B Part II, handicap ramp as being over the ten percent of the opinion of probable construction costs per the Ohio Revised Code so these bids are rejected.

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

Motion carried.

ORDINANCES

ORDINANCE NO. 2015-26 AN ORDINANCE AMENDING CHAPTER 171-EMPLOYMENT PROVISIONS OF THE CODIFIED ORDINANCES OF THE CITY OF WICKLIFFE, OHIO BY SUPPLEMENTING SAID CHAPTER 171 WITH SECTION 171.111 POLICE AND FIRE DIVISIONS MANDATORY RETIREMENT. Read by title. THIRD READING

Moved by Mr. Bala seconded by Mr. Ely that Ordinance No. 2015-26 be adopted as presented.

Mr. Jaworski asked when this passes do individual persons over 65 they would have to retire? The Mayor says that we will take each case individually but if its after 65 we can make a determination again, this is a timing thing, we do not have a deadline. He anticipates someone making a request but we don't know.

Mr. Matyja replied that this answers two of his questions and the legality of this, his concern is for respect of an employee and he moved that not to have this go into effect until December 31, 2015.

The Mayor says he has no opposition to doing that but he would like to have the last date be December 31 so if this is not effective until December 31 of 2015 then there will be some question. Mr. Matyja said that would be the point being January 1, 2015 where you would have the decision for that effective date, his motion is that December 31 would be the date to go into effect. The Mayor stated that we know we have to reduce our budget, we have given them a challenge to reduce their budget starting next year so we want this reduction to happen by the end of the year. That's cutting it close if you say December 31st. His intent is that we will have this authority to make this reduction to save. There are only a few people that fall into this category. There was no second to Mr. Matyja's motion and he withdrew that motion.

Moved by Mr. Matyja seconded by Mr. Jaworski to amend Ordinance No. 2015-26 to have an effective date of October 1, 2015.

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

Motion carried. Ordinance No. 2015-26, as amended, placed on SECOND READING.

ORDINANCE NO. 2015-27 AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF A PROPOSED AMENDMENT TO ARTICLE IX OF THE CHARTER OF THE CITY OF WICKLIFFE, OHIO, TO AUTHORIZE THE COUNCIL TO PASS ORDINANCES ALLOCATING THE ANNUAL PROCEEDS OF THE MUNICIPAL INCOME TAX. Read by title.

Ordinance No. 2015-27 placed on first reading.

There being no further business it was moved by Mr. Jaworski seconded by Ms. Koski that the council meeting of June 8, 2015 be adjourned.

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

Motion carried. Meeting adjourned at 9:40 p.m.

Clerk of Council

Council President and Presiding Officer