

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JULY 6, 2009**

CALL TO ORDER: 7:30 P.M.

President Bernadine Butkowski: I call to order the North Ridgeville City Council Meeting of July 6, 2009. Please stand for the Invocation and the Pledge of Allegiance.

INVOCATION: lead by President Butkowski.

PLEDGE OF ALLEGIANCE: by all.

ROLL CALL:

Present were Council Members Nancy Buescher, Dennis Boose, Richard Jaenke, Bob Olesen, Kevin Corcoran, Ray McLaughlin and President Bernadine Butkowski.

Also, present were Mayor David Gillock, Safety-Service Director Denny Johnson, Engineer Larry Griffith, Law Director Andrew Crites, Auditor Chris Costin and Clerk of Council Warren Blakely.

MINUTES - Corrections (if any) and Approval:

President Butkowski: Council Minutes of regular meeting held July 15, 2009.
moved by Jaenke, seconded by Boose to approve the minutes

President Butkowski: Do we have any corrections? Clerk, please call the roll.

Yes, 6 No, 0 Abstain, 1 (Buescher)

Clerk of Council Blakely: Motion passes by a vote of six to zero and one abstain.

Council Minutes of special meeting held June 25, 2009 regarding CDBG funds
moved by Boose, seconded by Jaenke to approve

President Butkowski: Are there any corrections? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero.

President Butkowski: Please note:

Civil Service Commission Minutes of regular meeting June 16, 2009;

Parks and Recreation Commission Minutes of June 24, 2009; and

Board of Zoning and Building Appeals Minutes of regular meeting June 25, 2009.

LOBBY:

President Butkowski: I'm asking anyone who would like to address Council tonight to fill out the form in the back of the room and place it on the desk next to Mrs. Buescher. That will allow us to get back to you if necessary. Please give your name and address. You will have three minutes to address Council. There will be no interaction. Is there anyone that would like to speak tonight?

Daryl Sherman of 9375 Island Road stated that he was there on behalf of his property and the Aut-O-Rama Twin Drive-In Movie Theater located at 33395 Lorain Road. As a resident and part owner of Aut-O-Rama Twin Drive-In, he asked why the Aut-O-Rama is paying tens of thousands of dollars to make the Ohio Sports Park comply with the Codified Ordinances Chapter 1294.08, lighting laws and recited Sections A, C, and D. He asked who signed off on the lighting plans for the Ohio Sports Park and questioned how these lights could be permitted. He noted that this issue doesn't effect just by business, but also scores of homes in the neighborhood surrounding the Ohio Sports Park.

President Butkowski: Thank you. Is there anyone else that would like here tonight, that would like to speak? We'll move on to our Administrators Reports.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you, Madam President. I would like to thank the North Ridgeville Firefighters for the great fireworks last Friday. The crowd was much bigger than normal due to other City's canceling. I believe that the relatively small cost for the show was well worth it, even with a tight budget and I think the tremendous attendance confirms that. For you that were not there, the finale including a special tribute to police officer Tom Schultz which was very touching.

I would like to request an executive session tonight to discuss 2 issues. One, land acquisition and two, potential litigation involving the City. I would make a motion to adjourn into executive session after the recess or in its place. That concludes my report.

moved by Gillock and seconded by Olesen to approve

President Butkowski: Do we have any discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero.

Mayor Gillock: Thank you, I asked for it in that place in the agenda because there won't be any official action taken as a result of that executive session so, it makes it more convenient for our

members during the lobby. You're welcome to stay if you want, but there won't be anything taking place because of that and that concludes my report. Thank you.

President Butkowski: Thank you. Moving on to the Safety-Service Director Johnson.

B. Safety-Service Director:

Safety-Service Director Johnson: Thank you, Madam President. With the increased pedestrian and bicycle traffic on our sidewalks, I'd like to remind residents of the dangers these folks face from untrimmed tree lawn trees and sidewalks in need of repair. Both the sidewalks and trees are the responsibility of the resident to maintain. Low hanging branches should be removed and sidewalks should be repaired in order to ensure the safety of pedestrians. Both of these are required by ordinance but, in the interest of safety, please don't wait for someone to order the work. That concludes my report.

President Butkowski: Thank you. Engineer, Mr. Griffith.

C. Engineer:

Engineer Griffith: Thank you, Madam President. Jim Whitlock, the City's Utilities Director, today informed City Hall by e-mail that starting today, Monday, July 6, 2009. The large recycling bins located at the school parking lots will except card board and phone books. There are currently decals on the bins that state no cardboard or phone books. These decals will be removed as soon as the recycling company can do so. Thus, these two highly recyclable products can now be kept out of our rapidly filling land fills. Recycled paper products also save trees which help clean the air we breath as well as keeping our water clean. On July 21, 2009 a issue of Trade Magazine included an article about keeping drugs out of our water system. This article stated that the Federal Government long ago advised people to flush unused pharmaceuticals down the toilet. Some areas are now starting take back programs for controlled substances but, these programs must be under the control of the Drug Enforcement Administration or other law-enforcement agencies. In the meantime, the federal government recommends mixing discarded drugs with other undesirable substance such as coffee grounds or kitty litter, entombing them in a sealed container and throwing them in the trash. Thus, keeping them out of our drinking water. That concludes my report for this evening.

President Butkowski: Thank you, Mr. Griffith. Our Auditor Mr. Costin.

D. Auditor:

Auditor Costin: Thank you, Madam Chairman. No report scheduled for this evening. I do have a couple requests. The first is that the Council consider T 26-2009 that is currently under new business. That is the Mayor's annual budget. I would request that be considered and passed with the emergency tonight so we can meet our statutory deadline. If there's any questions I'd be glad

to discuss those as the Mayors budget was actually prepared by the Auditors office in constant with the Mayor.

President Butkowski: Mr. Costin, what was the correct number?

Auditor Costin: T 69, under new business. Secondly, there are two resolutions on here. I believe they are T 61 and T 62 and I would request that those be passed tonight as well. They would not require the emergency but, in accordance with the state law under ORC 5705.41, Council should pass these within thirty days from receipt of the certificate of the fiscal officer and officially occurred last meeting when they were presented. So, I would request if we are going to pay these, they need to be passed tonight; although, they wouldn't need the emergency. That concludes my comments. Thank you very much.

President Butkowski: Thank you.

E. Other Reports:

President Butkowski:

Police Department Report for May 2009; and

Police Department Quarterly Report for January - March 2009.

President Butkowski: We have no Council Committee Reports.

COUNCIL COMMITTEE REPORTS: NONE

CORRESPONDENCE:

Clerk of Council Blakely:

- 1) Received a memo from Engineer Larry Griffith, P.E., notifying Council that all work and/or repair in Jordan Place Subdivision at Waterbury has been satisfactorily completed by the developer and recommends the subdivision receive final acceptance by Council
- 2) Received a memo from Engineer Larry Griffith, P.E., notifying Council that all work and/or repair in Waterbury Subdivision Phase No. 3A has been satisfactorily completed by the developer and recommends the subdivision receive final acceptance by Council.
- 3) Received a memo from Engineer Larry Griffith, P.E., notifying Council that all work and/or repair in Waterbury Subdivision Phase No. 3B has been satisfactorily completed by the developer and recommends the subdivision receive final acceptance by Council.

President Butkowski:

- 4) We have received The Lorain County Community Development 2008 Annual Report, which is on file in the Clerk of Councils for review by any interested person.

We have no Old Business.

OLD BUSINESS:

We have no Old Business.

NEW BUSINESS:

President Butkowski:

Request for a C2 and C2x liquor permit transfer from Standard Oil Co., DBA #2946, 32393 Lorain Road to Convenience Management Services, Inc., DBA BP AMPM 3608, at same address.

moved by Buescher, seconded by Corcoran to not request a hearing as stated in the application so that this permit transfer can be sent to the State for final disposition

President Butkowski: Is there any discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero.

President Butkowski:

Request for a C1 and C2 liquor permit transfer from Standard Oil Co., DBA #1946, 35985 Lorain Road to Convenience Management Services, Inc., DBA BP AMPM 3608, same address.

moved by Buescher, seconded by Corcoran to not request a hearing as stated in the application so that this permit transfer can be sent to the State for final disposition

President Butkowski: Do we have any discussion?

Mayor Gillock: Madam President, I don't have my copies with me, but I thought that these were two different addresses. I thought that one of them was the BP at Lorain and eighty three and the other one was the one at Center Ridge and eighty three. Does anyone have them with them?

President Butkowski: You know you're right. She has them as the same one. I was just reading from the agenda, but you're exactly right on our paper work. The one for the C1 and C2 that we are voting on right now is at address 35985 Center Ridge Road.

Mayor Gillock: I would make a motion to amend that second request to change the address from 32393 Lorain Road to 35985 Center Ridge Road.

moved by Gillock, seconded by Buescher to amend the address to 35985 Center Ridge Road

President Butkowski: Do we have any discussion on that? Clerk, please call the roll on the amendment.

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero on the amendment.

Council Member Boose: Point of Order, Madam President. We also need to change and again I will make this motion. The Standard Oil Company DBA 2946 should be 1946

moved by Boose, seconded by Buescher to amend the DBA number from 2946 to 1946

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING**

JULY 6, 2009

Page 6

President Butkowski: Do we have any discussion on that amendment? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero on the second amendment.

President Butkowski: The initial motion to not request a hearing was made by Buescher and seconded by Corcoran and we are voting on it as amended.

President Butkowski: Is there any discussion on the amended approval? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero.

President Butkowski:

Request from the Parks & Recreation Commission for Council approval to expend \$2,500.00 from the Parks & Recreation Improvement Fund for professional architectural design and documentation services for the Shady Drive Complex pre-engineered steel building foundation.

 moved by McLaughlin, seconded by Boose to approve the expenditure of \$2,500.00 from the Parks & Recreation Improvement Fund

President Butkowski: Do we have any discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Motion passed by a vote of seven to zero

Clerk of Council Blakely:

T 67-2009 AN ORDINANCE AMENDING NRCO 1056 CONSTRUCTION SITE SOIL EROSION, SEDIMENT, STORM WATER RUNOFF AND STORM WATER QUALITY CONTROLS AND REGULATIONS BY INCLUDING THE NEW REQUIREMENTS CONTAINED IN THE OHIO EPA PERMIT REVISED APRIL 21, 2008.

President Butkowski: I will refer that to Building and Lands.

Clerk of Council Blakely:

T 68-2009 AN ORDINANCE AMENDING ORDINANCE NO. 4667-2009 BY INCREASING THE YEARLY EXPENDITURE FOR PROFESSIONAL METERING SERVICES RENDERED BY MARSH-MCBIRNEY, INC. FROM \$80,000.00 TO \$125,000.00.

President Butkowski: I will refer that to Utilities.

Clerk of Council Blakely:

T 69-2009 AN ORDINANCE ADOPTING AND APPROVING THE BUDGET OF THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE FISCAL YEAR

BEGINNING JANUARY 1, 2010, IN THE FORMAT PRESCRIBED BY THE LORAIN COUNTY AUDITOR, AND SUBMITTING SAME TO THE LORAIN COUNTY AUDITOR.

moved by Boose, seconded by Buescher to suspend By-Laws to allow a first reading this evening

President Butkowski: Do we have any discussion?

Mayor Gillock: Madam President, just briefly for an explanation, each year and around April or May, we get the statement of revenues or certification of revenues from the County Auditor. We then have to respond to them with an estimated budget for the coming year for two thousand ten. That is what this is. This is an estimate for next year based on the revenues given to us by the county right now. Chris, you want to add anything to that?

Auditor Costin: No, I think this is a statutory requirement. We do it every year. They need to verify that we have certain revenues. We are able to meet certain depth service and we need to do it by the, it has to be passed by the 15th of July and in their hands by the 20th of July. It's significantly less significant than the less important, than the appropriation meetings we go through in April. The focus with the budget is on revenues. The focus in March, when we do our final appropriations, is on expenditures so; it is a statutory requirement. We've met all the rules and regulations. The numbers aren't as pretty as we would like to be, but they are what they are and we have to deal with them right now and I would request that you would consider to pass it with the emergency so that we can meet our statutory requirement.

President Butkowski: Thank you. Do we have any other discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero.

RECESS:

President Butkowski: Can I have a motion to suspend the recess?

moved by Jaenke, seconded by Boose to suspend the recess.

President Butkowski: Do we have any discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero.

President Butkowski: We will go into executive session now.

Council Adjourned into Executive Session to discuss land acquisition and potential litigation involving the City at 7:59 P.M.

Council reconvened from Executive Session at 8:39 P.M.

President Butkowski: We are back in session. We will move on to our first reading.

FIRST READINGS:

Clerk of Council Blakely:

T 61-2009 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO CDW
1165-2009 GOVERNMENT, INC. FOR THE PURCHASE OF A TOUGHBOOK
COMPUTER FOR THE SERVICE DEPARTMENT IN THE AMOUNT OF
\$3,624.00.

First Reading

moved by Olesen, seconded by Corcoran to dispense with second and third
readings

President Butkowski: Do we have any discussion?

Auditor Costin: Yes, Madam Chairman. A question came up last meeting, actually we did
appropriate four thousand dollars. Originally, the lesser amount and the last meeting they request
a change between two items. So this actually has been appropriated. We just need to pass the
technicality of a late purchase order. Thank you.

President Butkowski: Thank you. Is there any other discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Suspension passes by a vote of seven to zero.

moved by Olesen, seconded by Corcoran to adopt

President Butkowski: Do we have any discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Motion passed by a vote of seven to zero and becomes resolution
number 1165-2009.

Permanent Resolution No. 1165-2009

T 62-2009 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO CT
1166-2009 CONSULTANTS FOR THE ADMINISTRATION AND IMPLEMENTATION
OF THE FY2007 COMMUNITY HOUSING IMPROVEMENT PROGRAM
(CHIP) IN THE AMOUNT OF \$6,069.15.

First Reading

moved by Olesen, seconded by Corcoran to dispense with second and third
readings

President Butkowski: Do we have any discussion?

Council Member Boose: Madam President, the resolution indicates that the amount \$6,069.15,
under section one it says \$6,079.15. We have clarification of which number is correct?

Auditor Costin: I would use the one that's in the body. I don't have that with me but let me
check. We should use the number that's in the body rather than the preamble.

President Butkowski: That is 6,079.15.

Auditor Costin: If it's less, I assure you it'll be a lesser amount paid.

I make a motion to amend the title to read \$6,079.15.

moved by Boose, seconded by Buescher to amend the title to read 6,079.15

Yes, 7 No, 0

President Butkowski: Is there any discussion on the amendment? Clerk, please call the roll on the amendment.

Yes, 7 No, 0

Clerk of Council Blakely: The amendment passes by a vote of seven to zero.

President Butkowski: The motion was made by Olesen, seconded by Corcoran to dispense with second and third reading. Any more discussion on that?

Auditor Costin: Yes, this money actually is being paid right out of the grant money that we received. A portion of the grant money is allocated to the administration and again, it's just a technicality that we didn't have the purchase order in place.

President Butkowski: Any other discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Suspension passed by a vote of seven to zero and becomes resolution number 1166-2009.

moved by Olesen, seconded by Corcoran to adopt

President Butkowski: Is there any discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote on seven to zero and becomes resolution number 1166-2009.

Permanent Resolution No. 1166-2009

T 63-2009 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4669-2009 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A
MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER
FOR THE LORAIN AND BAGLEY WATER MAIN INTERCONNECTION
AND OTHER APPURTENANCES, NOT TO EXCEED \$142,000.00.

First Reading

moved by Gillock, seconded by Olesen to dispense with the second and third readings

President Butkowski: Is there any discussion?

Mayor Gillock: Yes, Madam President, this is the major water supply improvement to the Southeast corner of the City that we discussed and this is just to allow us to get started on this. We would like to get going as soon as we can while we still have good construction weather and get this done this year. So, that's why I am asking that this be passed this evening with the emergency.

President Butkowski: Do we have any other discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Motion to suspend the By-laws passes by a vote of seven to zero.

moved by Olesen, seconded by Corcoran to adopt

moved by Olesen, seconded by Corcoran to add the emergency so we can get this

project underway while we have the good weather with us

President Butkowski: Is there any discussion on the emergency? Clerk, please call the roll on the emergency.

Yes, 7 No, 0

Clerk of Council Blakely: The emergency passes by a vote of seven to zero

President Butkowski: Motion was made by Olesen, seconded by Corcoran to adopt with the emergency. Do we have any discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero and becomes ordinance number 4669-2009.

Permanent Ordinance No. 4669-2009

T 64-2009 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4670-2009 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A
MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER
FOR THE PURPOSE OF CONSTRUCTING AND FURNISHING AN ADA
ACCESSIBLE RESTROOM AT THE SHADY DRIVE BASEBALL COMPLEX,
IN THE APPROXIMATE AMOUNT OF \$50,000.00.

First Reading

moved by Gillock, seconded by Corcoran to dispense with the second and third readings

President Butkowski: Do we have any discussion?

Mayor Gillock: Madam President, this years CDBG grant project that we do each year, this is for construction this year. This is at Shady Drive and we have already received this grant. I believe the funds are on hand and this authorizes us to actually get started with the construction; go out to bid and enter into a contract to get it done. We would like to get it done before the football season this year so it will be completed.

President Butkowski: Is there any other discussion?

Auditor Costin: For the record, this actually has not been appropriated but, if Council chooses to pass it, we can substitute another line item and it will be included in our next amended appropriation ordinances. For the record, you need to know that we do have to appropriate it once you pass it.

President Butkowski: Thank you. Any other discussion? Clerk, please call the roll.

moved by Boose, seconded by Corcoran to adopt

Clerk of Council Blakely: The suspension of By-Laws passes by a vote of seven to zero.

moved by Boose, seconded by Corcoran to adopt

moved by Gillock, seconded by Corcoran to add the emergency clause

President Butkowski: Do we have any discussion on the emergency? Clerk, please call the roll on the emergency.

Yes, 7 No, 0

Clerk of Council Blakely: The emergency passes by a vote of seven to zero.

Mayor Gillock: Madam President, the purpose of that would be for the health and safety of the residents so we could get that place out there and used this year.

President Butkowski: Motion was made by Boose and seconded by Corcoran to adopt with the emergency. Is there any discussion? Clerk, please call the roll.

Yes, 7 No, 0

Major Gillock: Motion passes with a vote of seven to zero and becomes ordinance number 4670-2009.

Permanent Ordinance No. 4670-2009

T 69-2009 AN ORDINANCE ADOPTING AND APPROVING A BUDGET OF THE CITY
4671-2009 OF NORTH RIDGEVILLE, OHIO FOR THE FISCAL YEAR BEGINNING
JANUARY 1, 2010, IN THE FORMAT PRESCRIBED BY THE LORAIN
COUNTY AUDITOR, AND SUBMITTING SAME TO THE LORAIN COUNTY
AUDITOR.

First Reading

moved by Boose, seconded by Buescher to dispense with the second and third readings this evening

President Butkowski: Do we have any discussion? Clerk, please call the roll on the emergency.

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero

moved by Boose, seconded by Buescher to adopt

moved by Boose, seconded by Buescher to add emergency to meet statutory deadlines

President Butkowski: Is there any discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: The emergency passes with a vote of seven to zero.

President Butkowski: Motion was made by Boose, seconded by Buescher to adopt with the emergency. Do we have any discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes with a vote of seven to zero and becomes ordinance number 4671-2009.

Permanent Ordinance No. 4671-2009

President Butkowski: Now we will move on to second readings. We have T 60.

SECOND READINGS:

Clerk of Council Blakely:

T 60-2009 AN ORDINANCE APPROVING THE FINAL PLAT OF PIONEER RIDGE,
PHASE 7, IN WATERBURY PCD FOR RECORDING PURPOSES ONLY.

Second Reading

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING JULY 6, 2009**

Page 12

THIRD READINGS:

President Butkowski: We have no third readings tonight.

COMMITTEE MEETING ANNOUNCEMENTS:

Next Regular Council Meeting Monday, July 20, 2009 at 7:30 P.M. in Council Chambers.

ADJOURNMENT:

moved by Jaenke to adjourn.

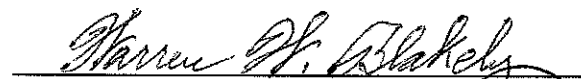
Meeting adjourned at 8:52 P.M.

Approval of Minutes:

MOTION Corcoran 2ND McLaughlin DATE July 20, 2009

YES 7 NO 0 ABSTAIN 0


PRESIDENT OF COUNCIL BERNADINE BUTKOWSKI


CLERK OF COUNCIL WARREN W. BLAKELY