

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JULY 5, 2011**

CALL TO ORDER: 7:30 P.M.

President Pro-Tem Roseanne Johnson: I call to order the Tuesday, July 5, 2011 Council meeting. Please rise for the invocation and Pledge of Allegiance.

INVOCATION: led by President Pro-Tem Johnson.

PLEDGE OF ALLEGIANCE: by all.

ROLL CALL:

Present were Council Members Nancy Buescher, Dennis Boose, Richard Jaenke, Robert Olesen, Bernadine Butkowski, and President Pro-Tem Roseanne Johnson.

Absent was President Kevin Corcoran.

Also, present was Mayor David Gillock, Law Director Andrew Crites, City Engineer Scott Wangler, Auditor Chris Costin, and Clerk of Council George Smith.

MINUTES - Corrections (if any) and Approval:

President Pro-Tem Johnson: You have the June 20th Council minutes. Are there any additions or corrections?

Council Member Boose: Madame Chairman?

President Pro-Tem Johnson: Yes?

Council Member Boose: Yes, on page nine, the last word on the page says "they", that word should actually be "may".

President Pro-Tem Johnson: Anything else? I have one and that would be on page seven. There is a no vote but it is not attributed to who made the no vote. I believe that was made by Butkowski. Is that correct? On page seven?

Council Member Butkowski: Yes.

President Pro-Tem Johnson: If I can have that noted. Anything else? Since I will be abstaining from the vote because I was absent at the last meeting, I'm going to ask the Clerk to call roll please.

Clerk of Council Smith: Buescher: yes; Boose: yes; Jaenke: yes; Olesen: yes; Butkowski: yes; Johnson: abstain; Mr. Corcoran is absent. One abstention and one absentee.

LOBBY:

President Pro-Tem Johnson: Okay we now come to the lobby portion of the meeting. This gives the opportunity for the public to bring their comments and concerns before City Council. According to the By-Laws though, you will be limited to a three minute speaking session. Anyone? I see Mr. Slovak. If you could sign; there is a sign-in sheet to address Council. There is a lobby sign-in sheet.

(Audience member expressed her willingness to speak.)

President Pro-Tem Johnson: Mr. Slovak is first.

Clerk of Council Smith: Madame, if you haven't already, there is a sign-in sheet in the back.

Bob Slovak – Case Road – stated he gives kudos to the City and the Administration for the work they have done this year and stated further he is very appreciative.

Council Members: Thank you Bob.

President Pro-Tem Johnson: Madame, did you want to say something? If you could state your name and address for the record.

Sue Reiter – 7038 Lear Nagle (property owner) – stated she loves this City that she's lived in for thirty-one years. She further stated she needs help with her property regarding the ditch.

President Pro-Tem Johnson: Madame, could you tell us your address so we know where the ditch is.

Ms. Reiter gave her address and stated she had to hire a contractor and the house is currently occupied by a tenant. Ms. Reiter stated she wants to know who the ditch belongs to and how can she get it fixed.

Mayor Gillock: Madame President, I don't know if we got back to her but we talked to her neighbors. The culvert she is talking about in that ditch...we have already arranged that we are going to take that out but it is coming out in August. We have to use a very, very thick piece of equipment and we have to wait until the ground is as hard as this floor here. So it is scheduled to be done in August when the ground is as hard as can be. The City is going to take it out.

Ms. Reiter stated that wouldn't help her out and that she had photos.

Mark Andres – 7038 Lear Nagle (tenant) – stated he did speak with the Engineer about removing the ditch. The area floods when there is excessive water. He further stated that Ms. Reiter is referring to the erosion of that ditch because it is threatening her foundation.

President Pro-Tem Johnson: I believe the Administration could probably take care of your questions. They seem to know.

Mayor Gillock: We will get with them. This is a little bit of a different issue. I will, by Ordinance, the landowner is responsible for the ditch, but we have a right to maintain and work on the water flow. So we will work with you on it and we will get out there and take a look at that erosion. We clean ditches all the time when they are filling up. That is a little bit of a different issue than the culvert. So we will have the City Engineer get a hold of you and take a look at it.

Council Member Boose: If you could make sure you leave us a slip so we have your name and contact information so the City can contact you.

Ms. Reiter circulated pictures of her property.

President Pro-Tem Johnson: Thank you. Anyone else wishing to address Council? Seeing none, lobby is closed. Okay, we now have administrative reports, Mr. Mayor.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you. I want to thank her for bringing that to our attention because I knew about the culvert, but I did not know about the erosion and ditches are always an issue in the City. We don't want our residents, even though they are responsible for the ditches, endangering themselves by getting in them. So we will always try to work with you. Whatever we can do, we will get a hold of you. Just a couple other things, first off I would like to thank our fire department for their part in the fireworks Sunday night. As usual, they were terrific and people were giving a lot of nice comments. They do an excellent job with that. The second thing I want to mention tonight is a little update on our railroad quiet zone project. We opened the bids for our portion of the task last week. We will be hiring Campbell Technology Corporation to do the metal detectors, lane marking and the things we have to do. There timeline, getting everything ready, is, installing cabinets and so forth, probably start in the beginning of October. That has been a long project and will hopefully come to an end in December. So, look forward to that being done, thank you.

President Pro-Tem Johnson: Any questions of the Mayor? Thank you. Safety-Service Director isn't here. Mr. Engineer.

B. Engineer:

Engineer Wangler: Thank you. I would like to make a comment relating to our storm water management. With regards to septic systems, I would like to remind people that septic systems are not a set it and forget it system that they need periodic inspection and maintenance by qualified professionals and they routinely need to be pumped of accumulated solids so they work as

intended and don't contaminant our streams with poorly treated waste and that is the end of my report.

President Pro-Tem Johnson: Any questions of the Engineer? Mr. Auditor.

C. Auditor:

Auditor Costin: Thank you. I have no reports scheduled for this evening.

President Pro-Tem Johnson: Any questions of the Auditor?

D. Other Reports:

President Pro-Tem Johnson: Please note the monthly Mayor's Court report. Council Committee Reports: Can you please read the Buildings and Lands Committee report?

COUNCIL COMMITTEE REPORTS:

Clerk of Council Smith: Members of Council we have considered the matter of wind turbines and prepared legislation in committee placing a ninety (90) day moratorium on the erection or installation of wind turbines in the City of North Ridgeville. This moratorium will not remain in effect for more than two hundred seventy (270) days. The purpose of this moratorium is to give Council time to research and draft legislation regarding the regulation and construction of wind turbines within City limits.

It was moved by Olesen and seconded by Jaenke to adopt the June 20, 2011 Buildings and Lands Committee Report.

President Pro-Tem Johnson: Anyone opposed? Report passes, 6-0. There is no correspondence, no old business listed. This brings us to new business. T 71-2011.

NEW BUSINESS:

Ordinance and Resolution Submittals

Clerk of Council Smith:

T 71-2011 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO PURCHASE A BUCKET TRUCK FOR THE SERVICE DEPARTMENT FROM THE STATE CO-OP, OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR ACCODRING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED \$86,000.00.

It was moved by Mayor Gillock and seconded by Boose to suspend By-Laws to give T 71 a first reading this evening.

President Pro-Tem Johnson: Any comments or questions? All in favor? Anyone opposed?

Yes, 6 No, 0

President Pro-Tem Johnson: T 71 will have its first reading this evening. T 72.

T 72-2011 AN ORDINANCE AMENDING ORDINANCE NO. 4839-2011 REGARDING THE DESIGN AND CONSTRUCTION OF THE RAILROAD QUIET ZONE VEHICLE DETECTION SYSTEM AND MEDIAN BARRIERS, INCLUDING OTHER APPURTENANCES THERETO, BY INCREASING THE AMOUNT FROM \$250,000.00 TO \$355,000.00.

It was moved by Mayor Gillock and seconded by Boose to suspend By-Laws to give T 72 a first reading this evening.

President Pro-Tem Johnson: Any comments or questions? All in favor?

Council Member Buescher: Madame President, I just wanted to ask some questions of the Mayor.

President Pro-Tem Johnson: Okay, discussion.

Council Member Buescher: I just was wondering why we have that much of an increase and if that expense is covered.

Mayor Gillock: What happens is we went to bids maybe a month ago. We had one bid from Campbell Technology Corporation and it was more than the ten percent of the estimate. So we revised our estimate and went out for bids again and Campbell Technology Corporation bid again exactly the same amount they did the first time just because the time has passed and labor costs and everything has gone up. It has gone up that much. So what we did was received the bid. We have the funds in the street levy contingency that we moved over to cover this and at the same time the correspondence with the Ohio Department of Rail. We received confirmation that with exception of lane markings, any money that we spend will be reimbursable from any funds that they have left over or available. So, this number, we do anticipate, although we have to spend it, we anticipate at least getting some of that back, if not a big part of it. We won't know until the job is done. But basically the reason it went up is just because it has been so long since we started with the original estimate and labor costs have gone up.

Council Member Buescher: Thank you Mayor.

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Council Member Boose: Madame President, just a note. In speaking with the Auditor's office, they did confirm that originally we had \$250,000 approved in appropriations earlier this year from the street levy. We had \$211,000 in contingencies from that same fund, so \$105,000 will come out of that contingency. This will still leave over \$100,000 in the street levy contingency for other street projects later this year. I just wanted to make that comment. Thanks.

President Pro-Tem Johnson: Thank you Mr. Boose. Anyone else? We have a motion by the Mayor second by Boose to suspend the By-Laws to allow a first reading. All in favor? Any opposed?

Yes, 6 No, 0

President Pro-Tem Johnson: T 72 will have its first reading this evening. T 73.

T 73-2011 AN ORDINANCE APPROVING THE FINAL PLAT OF STONEGATE, PHASE 2, IN WATERBURY PCD FOR RECORDING PURPOSES ONLY.

President Pro-Tem Johnson: T 74-2011

T 74-2011 A RESOLUTION OF SUPPORT FOR OHIO PUBLIC WORKS COMMISSION PROJECT PRIORITIES.

It was moved by Mayor Gillock and seconded by Boose to suspend By-Laws to give T 74 a first reading this evening.

President Pro-Tem Johnson: Any comments or questions? All in favor? Opposed?
Yes, 6 No, 0

President Pro-Tem Johnson: T 74 will have its first reading this evening. T 75.

T 75-2011 PID NO. 79757; PROJECT NAME: LOR SR 0010 00.00 PM
AN ORDINANCE COOPERATING WITH THE DIRECTOR OF THE OHIO
DEPARTMENT OF TRANSPORTATION TO PERFORM PREVENTIVE
MAINTENANCE TO THE PAVEMENT ALONG STATE ROUTE 10.

It was moved by Mayor Gillock and seconded by Boose to suspend By-Laws to give T 75 a first reading this evening.

President Pro-Tem Johnson: Any comments or questions? All in favor? Mr. Mayor.

Mayor Gillock: Just for discussion purposes: we need this Ordinance for ODOT to perform maintenance which includes paving on three miles of Route 10, 3.14 miles on Route 10 that is in the City of North Ridgeville. We are glad to let them maintain the road.

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President Pro-Tem Johnson: All in favor for the suspension of the By-Laws? Any opposed?
Yes, 6 No, 0

President Pro-Tem Johnson: T 75 will have its first reading this evening. Is there a motion to dispense with the recess?

It was moved by Boose and seconded by Buescher to dispense with the recess.

President Pro-Tem Johnson: Any objections? Okay, we will dispense with the recess. First reading, T 68.

FIRST READING:

T 68-2011 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: APPROXIMATELY 0.48 ACRES OF 7887 ROOT ROAD, PERMANENT PARCEL NUMBER 07-00-015-110-055 AND A PORTION OF PERMANENT PARCEL NUMBER 07-00-015-110-046; FROM R-1 RESIDENCE DISTRICT TO I-1 INDUSTRIAL PARK DISTRICT AND OWNED BY DRECO, INC.
First Reading

President Pro-Tem Johnson: First reading, T 71

T 71-2011 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4853-2011 RIDGEVILLE TO PURCHASE A BUCKET TRUCK FOR THE SERVICE DEPARTMENT FROM THE STATE CO-OP, OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED \$86,000.00.

It was moved by Olesen and seconded by Butkowski to dispense with the second and third readings.

President Pro-Tem Johnson: Clerk please call the roll.

Clerk of Council Smith: Buescher: yes; Boose: yes; Jaenke: yes; Olesen: yes; Butkowski: yes; Johnson: yes; Corcoran: absent. All passed, with one absentee.
Yes, 6 No, 0

President Pro-Tem Johnson: Mr. Olesen?

It was moved by Olesen and seconded by Butkowski to adopt T 71-2011.

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It was moved by Olesen and seconded by Butkowski to add the emergency clause in order to get the truck and get it in operation.

President Pro-Tem Johnson: Any other discussion. I just wanted to note as Finance Chairman that this has been appropriated. Any other discussion? Clerk please call the roll and adding the emergency.

Clerk of Council Smith: Buescher: yes; Boose: yes; Jaenke: yes; Olesen: yes; Butkowski: yes; Johnson: yes. All passed with one absentee.
Yes, 6 No, 0

President Pro-Tem Johnson: Clerk call the roll on the adoption.

Clerk of Council Smith: Buescher: yes; Boose: yes; Jaenke: yes; Olesen: yes; Butkowski: yes; Johnson: yes. Passed unanimously with one absentee.
Yes, 6 No, 0

Permanent Ordinance Number 4853-2011

T 72-2011 AN ORDINANCE AMENDING ORDINANCE NO. 4839-2011 REGARDING
4854-2011 THE DESIGN AND CONSTRUCTION OF THE RAILROAD QUIET ZONE
VEHICLE DETECTION SYSTEM AND MEDIAN BARRIERS, INCLUDING
OTHER APPURTENANCES THERETO, BY INCREASING THE AMOUNT
FROM \$250,000.00 TO \$355,000.00.

It was moved by Boose and seconded by Buescher to dispense with the second and third readings.

President Pro-Tem Johnson: Clerk, please call the roll to dispense with the second and third readings.

Clerk of Council Smith: Buescher: yes; Boose: yes; Jaenke: yes; Olesen: yes; Butkowski: yes; Johnson: yes. Passed unanimously with one absentee.
Yes, 6 No, 0

It was moved by Boose and seconded by Buescher to adopt T 72.

It was moved by Boose and seconded by Buescher to add the emergency clause so we can meet the timing deadlines and get this completed before bad weather hits.

President Pro-Tem Johnson: Clerk please call the roll on the emergency.

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Clerk of Council Smith: Buescher: yes; Boose: yes; Jaenke: yes; Olesen: yes; Butkowski: yes; Johnson: yes. Passed unanimously with one absentee.
Yes, 6 No, 0

President Pro-Tem Johnson: Please call the roll on the adoption.

Clerk of Council Smith: Buescher: yes; Boose: yes; Jaenke: yes; Olesen: yes; Butkowski: yes; Johnson: yes. Passed unanimously with one absentee.
Yes, 6 No, 0

Permanent Ordinance No. 4854-2011

T 74-2011 A RESOLUTION OF SUPPORT FOR OHIO PUBLIC WORKS COMMISSION
1238-2011 PROJECT PRIORITIES.

It was moved by Mayor Gillock and seconded by Olesen to dispense with the second and third reading.

Clerk of Council Smith: Buescher: yes; Boose: yes; Jaenke: yes; Olesen: yes; Butkowski: yes; Johnson: yes. Passed unanimously with one absentee.
Yes, 6 No, 0

It was moved by Boose and seconded by Butkowski to adopt T 74.

Clerk of Council Smith: Buescher: yes; Boose: yes; Jaenke: yes; Olesen: yes; Butkowski: yes; Johnson: yes. Passed unanimously with one absentee.
Yes, 6 No, 0

Permanent Resolution No. 1238-2011

T 75-2011 PID NO. 79757; PROJECT NAME: LOR SR 0010 00.00 PM
AN ORDINANCE COOPERATING WITH THE DIRECTOR OF THE OHIO
DEPARTMENT OF TRANSPORTATION TO PERFORM PREVENTIVE
MAINTENANCE TO THE PAVEMENT ALONG STATE ROUTE 10.

It was moved by Olesen and seconded by Butkowski to dispense with the second and third reading.

President Pro-Tem Johnson: Please call the roll

Clerk of Council Smith: Buescher: yes; Boose: yes; Jaenke: yes; Olesen: yes; Butkowski: yes; Johnson: yes. Passed unanimously with one absentee.
Yes, 6 No, 0

It was moved by Olesen and seconded by Butkowski to adopt T 75.

It was moved by Olesen to add the emergency clause because it will be funded by the state so let's get it while the getting is good.

Council Member Butkowski: This project is scheduled for December 2012. I don't think we need the emergency.

President Pro-Tem Johnson: We have a motion for the emergency but we don't have a second. Clerk please call the roll on the adoption.

Clerk of Council Smith: Buescher: yes; Boose: yes; Jaenke: yes; Olesen: yes; Butkowski: yes; Johnson: yes. Passed unanimously with one absentee.
Yes, 6 No, 0

President Pro-Tem Johnson: That is all the first readings. We have no second readings or third readings.

COMMITTEE MEETING ANNOUNCEMENTS:

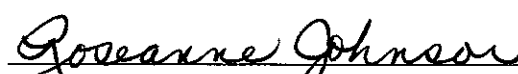
President Pro-Tem Johnson: Please note the public hearing regarding proposed 2012 budget is scheduled for Monday, July 18, 2011 at 7:20 P.M. in Council Chambers. The next regular Council meeting will be Monday, July 18, 2011 at 7:30 P.M. Any further business? Seeing none, the meeting is adjourned.

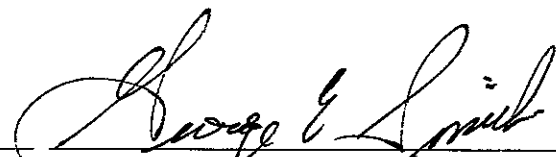
ADJOURNMENT:

Meeting adjourned at 7:58 P.M.

Approval of Minutes:

These Minutes were approved at a regular meeting of the North Ridgeville Municipal Council on July 18, 2011.


PRESIDENT PRO-TEM ROSEANNE JOHNSON


CLERK OF COUNCIL GEORGE E. SMITH