

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MAY 18, 2009**

CALL TO ORDER: 7:30 P.M.

President Bernadine Butkowski: I call to order the North Ridgeville City Council Meeting of Monday, May 18, 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.

Absent was Engineer Larry Griffith.

MINUTES - Corrections (if any) and Approval:

President Butkowski: Thank you. You have before you the minutes of our Council meeting from May 4, 2009.

Council Minutes of regular meeting held May 4, 2009

 moved by Jaenke, seconded by Corcoran to approve the minutes

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

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

Clerk of Council Blakely: Motion passes by a vote of six to zero with one abstention.

President Butkowski: Please note:

Civil Service Commission Minutes of regular meeting April 21, 2009;

Planning Commission Minutes of special meeting May 12, 2009; and

Planning Commission Minutes of regular meeting May 12, 2009.

LOBBY:

President Butkowski: I'm asking anyone who like to address Council tonight to fill out a 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 here who would like to speak tonight to Council? Anyone that wants to speak tonight? Last call, is there anyone here that wants to speak? We'll move on to the Administrators Reports.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you, Madam President, a few things this evening. First, I just want to report on Pride Day a little bit. We had the Shred-It truck. According to our Deputy Clerk of Council, we had over 300 vehicles come through and we shredded over five tons of paper that would not end up in the land fills since we recycle. That was a successful venture and I'm glad we have that.

Before you this evening you'll find an ordinance amending ordinance 4574 by increasing the amount of sludge removal at the French Creek Waste Water Treatment Plant by 30,000 dollars. I just wanted to explain this a little bit. I did give you a memo on it. This is a project that began last year to remove the sludge that had been stored on site there and recycled for many years and the EPA changed their definition and became Class B sludge instead of Class A and we had to get rid of it. We contracted with KS Associates to help us with that process. They measured the volume of the sludge there. We went out for bids; Mark Haynes Construction, ultimately, was awarded the bid. Because KS was unable to basically measure the amount of excavation that was required of the sludge, the estimate was very low; at what the actual volume was. Haynes Construction, the contract was on a unit basis, met their obligation within the contract. They actually then, even though they were told to stop, continued removing sludge; removed another 3,500 tons of sludge and there was still sludge there. We were able to negotiate an agreement with Haynes to remove the rest of the sludge; account for the 3,500 tons that were removed and finish the project but, to do that, we need to amend that ordinance to appropriate an additional 30,000 dollars. That will complete the project. The agreement with him is actually about 25,000 dollars plus change so, we increased it just a little bit to be safe. Mark Skellenger from KS Associates is here. We need to get this done with the emergency tonight because this sludge is put on farmers fields and if we don't get it done real quick, it has to be put on the fields before they plant and as you are probably aware, we're getting real close to the planting season so, we need to get this done. I would make a motion right now that this ordinance be given a T number and added to the agenda under First Readings

moved by Gillock, seconded by Buescher

President Butkowski: Do we have any discussion? Yes, Mr. Boose.

Council Member Boose: Since I didn't have time to research 4574, how much was the original appropriation and how much will this take the total cost to.

Mayor Gillock: I don't have it with me. The original contract, and I'm just guessing Dennis, was about a million dollars was the original estimate. We then amended that and increased it, if I remember right, by 100,000 dollars based on the bids we actually received. This is an additional, and those numbers could be off, but I think they're right, there reasonably close, 1.2 something to 1.3 million. (inaudible) One million three hundred seventeen thousand. That's after the first amendment. Now we're going to 1,347,000. This is the one, if you remember, we actually took the second lowest bid because Haynes construction had not told us specifically where they were going to dispose of the sludge so, we ruled that bid non responsive and he sued the City. He was 93,000 lower than the second bidder and the Judge awarded him the bid. I think in the long run we were right but, this is where we're at to finish the project and get rid of what's there.

President Butkowski: Is there 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.

President Butkowski: That will be T number 55. Please, continue.

Mayor Gillock: Case Road is now open. They will be striping it tomorrow, weather permitting so, be cautious if they're working there but, even though they are working it is paved. The berming is done. We felt that in the interest of our Citizens we'd go ahead and get that open so, you can use Case Road.

Lear Nagle, they started out there today, even though you didn't see any equipment today, they were marking the areas. Tomorrow, weather permitting, you should see paving equipment on Lear Nagle. Once again, if you can avoid it, do so. It's a fairly good size paving project; in some areas we will be paving full width; other places we will be doing strips and they should be, again weather permitting, finished by the end of the week. No guarantees, but that's the plan.

The last thing I want to discuss briefly is our Railroad Quiet Zone Project because several questions had come up in regard to the funding and the timing and so forth. A couple of years ago, actually, we made applications through Betty Sutton's office for earmark for Center Ridge Road widening and for this project and in our stimulus funding, the Railroad Quiet Zone was on the list; it was long ways from our number one priority. What we determined as we went along when we made the first request to Congresswoman's Sutton's office that there was already an earmark in Washington for North Ridgeville for 800,000 dollars but, it was not to the City it was to the Norfolk Southern Railroad for circuitry upgrades on the four crossings in North Ridgeville. We were not even aware of that funding which Sherrod Brown had arranged. When we made our application, they became aware of that. I think that probably supplemented their decision making process and when it came up during the stimulus discussion, North Ridgeville was awarded an additional 800,000 dollars for the Railroad Quiet Zone Project. There's another 187,000 dollars that has been committed by the railroad; 50,000 of which has already been spent for preliminary

Engineering. That 800,000, the second 800,000 for North Ridgeville, will actually be funded though the Ohio Rail Development Commission. It will not be given to North Ridgeville to manage to follow up with. It will go to the Rail Commission. Now, we have met with the Rail Commission; it is their plan to take the first 800,000, the remaining 137,000 from the railroad, our 800,000 and complete the entire project including the circuitry and the four gate projects. That's at Maddock, Race, Root and Chestnut by next fall. They will manage that project; any additional funding that is needed they said they would put in. At this point, North Ridgeville is not being required to put in any money. Our obligation is we have two things we have to do. One, we have to negotiate with the railroads; the ongoing maintenance of the gates once they are installed and secondly, once the gates are installed, that we would apply to the Federal Railroad Administration for the designation as a quiet zone. You have to have everything done and in place. The first earmark that Sherrod Brown had arranged when he was a Congressmen has a due date. It has to be encumbered before October so the Rail Commission feels that because that money has to be encumbered that they will move ahead with the entire project. It will be all encumbered and hopefully by September, around September of 2010 all four of those crossings will have the quad gates system installed. Thank you and that concludes my report.

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

B. Safety-Service Director:

Safety-Service Director Johnson: Thank you. I just want to expand a little bit on what the Mayor said about Pride Day. We had a number of organizations and citizens that worked in our Parks and other public areas as well as neighborhoods throughout the City to cleanup, spruce up in the community. It's not over. The Service Garage takes tires and oil nearly any day that they are in business over there. Stop at the office with what you have; they'll take care of you. Other waste items are collected several times a year by the County Waste District. Check the City website or the county website for that matter for the time and places and type of waste that they're collecting. Just about anything you've got you know we can get it collected for you. Give the Administrative office a call and we'll steer you in the right direction. That concludes my report.

President Butkowski: Thank you. Moving on to Mr. Costin, the Auditor.

C. Engineer: NONE

D. Auditor:

Auditor Costin: Thank you, Madam President. The first order of business for tonight's meeting is the passage of the April Report that Council should have received last week.

Auditor's Written Report for April 2009

moved by Boose, seconded by Buescher to approve the Auditor's Written Report for April 2009

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

Yes, 7 No, 0

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

Auditor Costin: Second item is T 52, an amended appropriation ordinance was included in your package and it includes the funding for the T 55 ordinance that you just added to your package that the Mayor discussed earlier. It would be necessary to pass this appropriation ordinance with the emergency if it's intended to pass the other with the emergency as this contains the funding. I'll be glad, when it has its first reading tonight, to explain what the other items contain in here are amended for. That completes my report; my comments. Thank you very much.

President Butkowski: Thank you, other reports.

E. Other Reports:

Fire Department Report for April 2009 and
Public Water System Operation Report for April 2009.

Clerk of Council Blakely:

Planning Commission recommendations of regular meeting May 12, 2009:

APPLICANT: Stan Katanic, Pulte Homes of Ohio, LLC, 30575 Bainbridge Road, #200, Solon, OH 44139

OWNER: Pulte Homes of Ohio, LLC, 30575 Bainbridge Road, #200, Solon, OH 44139

REQUEST: Final plat approval of Pioneer Ridge, Phase 7 in Waterbury PCD

LOCATION: East of Bender Road, north of the corporation line and adjacent to Pioneer Ridge, Phase 1 in Waterbury PCD

Permanent Parcel Nos. 07-00-037-000-414 and 07-00-037-000-426

PC ACTION: Approved by a vote of five to zero by the Planning Commission
moved by McLaughlin and seconded by Olesen to approval

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.

COUNCIL COMMITTEE REPORTS:

President Butkowski: We have no Council Committee Reports. We have no Correspondence to be noted by the Council Clerk. Old Business. Clerk, please read the old business that we have tonight?

CORRESPONDENCE: NONE

OLD BUSINESS:

Clerk of Council Blakely:

T 22-2009 AN ORDINANCE AMENDING SECTION 1228.01(b)(2), DUTIES OF
REVISED CITY ENGINEER; CONSTRUCTION SPECIFICATIONS AND
4662-2009 REGULATIONS, BY DEFINING THE USES TO WHICH A DEPOSIT MAY
 BE APPLIED AND MAKING IT CONSISTENT WITH THE LANGUAGE IN
 DEVELOPMENT AGREEMENTS AND IN SECTION 1228.01 (b)(8).

 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 passes by a vote of seven to zero and becomes ordinance number 4662-2009.

 Permanent Ordinances No. 4662-2009

President Butkowski: Thank you. We move on to our new business. Could you please read the first one T 52?

NEW BUSINESS:

Clerk of Council Blakely:

T 52-2009 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4640-
 2009 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD
 COMMENCING JANUARY 1, 2009 AND ENDING DECEMBER 31, 2009.

 moved by Boose, seconded by Buescher to dispense the By-Laws to allow First Reading
 this evening.

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

T 53-2009 AN ORDINANCE CREATING A NEW NRCO SECTION ENTITLED TREE

PLANTING PLAN REQUIREMENTS.

President Butkowski: I'll refer that to Building and Lands.

T 54-2009 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO
SCOTTSDALE INSURANCE COMPANY FOR INSURANCE DEDUCTIBLE
COSTS IN THE AMOUNT OF \$6,245.19.

Mayor Gillock: Madame President, I would at this point defer to the Auditor.

Auditor Costin: I would request that the By-Laws be suspended and that pass tonight. This goes back a ways.

 moved by Gillock, seconded by Buescher to suspend the By-Laws to give this a First
Reading this evening

 Yes, 7 No, 0

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

T 55-2009 AN ORDINANCE AMENDING ORDINANCE NO. 4574-2008 BY
INCREASING THE AMOUNT OF SLUDGE REMOVAL AT THE FRENCH
CREEK WASTE WATER TREATMENT PLANT BY \$30,000.00.

 moved by McLaughlin, seconded by Corcoran to suspend By-Laws to give this a First
Reading.

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

RECESS:

 moved by Butkowski, seconded by Boose to dispense with recess tonight.

 Yes, 7 No, 0

President Butkowski: We will move on for our First Readings tonight.

FIRST READINGS:

Clerk of Council Blakely:

T 47-2009 AN ORDINANCE AMENDING ORDINANCE NO. 4544-2008 BY
INCREASING THE YEARLY EXPENDITURE FOR PROFESSIONAL
METERING SERVICES RENDERED BY MARSH-MCBIRNEY, INC. FROM
\$60,000.00 TO \$80,000.00.

First Reading

T 51-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO AN AGREEMENT WITH THE CITY OF AVON LAKE FOR AN EASEMENT ALONG THE EAST SIDE OF CITY-OWNED PARCEL NUMBER 07-00-046-101-004.

First Reading

Mayor Gillock: Madam President, someone asked me about this earlier. What this is, is Eaton Township through LORCO has an agreement with Avon Lake to run a force main along the railroad track for sewer service. It crosses our property; the City owned property right there by the turnpike where our pump station is; therefore, they have asked for an easement along that property. That's all this is. Thank you.

President Butkowski: Thank you. Move on to T 52.

Clerk of Council Blakely:

T 52-2009 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 4640-4663-2009 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2009 AND ENDING DECEMBER 31, 2009.

First Reading

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

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.

moved by Boose, seconded by Olesen to adopt

moved by Boose, seconded by Olesen to add the emergency in order to meet funding deadlines

Yes, 7 No, 0

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

Yes, 7 No, 0

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

President Butkowski: Motion was made by Boose and second by Olesen 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 4663-2009.

Permanent Ordinances No. 4663-2009

T 54-2009 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO
1162-2009 SCOTTSDALE INSURANCE COMPANY FOR INSURANCE DEDUCTIBLE COSTS IN THE AMOUNT OF \$6,245.19.

First Reading

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

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.

moved by Boose, seconded by Olesen to adopt

President Butkowski: Do we have any discussion?

Council Member Corcoran: Yes, Madam President. What's this for?

Auditor Costin: This is a bill of for our portion of costs under our deductible related to some litigation we've had at French Creek Plant and the amount of money here was issued part of purchase order and so what I am requesting is that you pass tonight so it can be paid. It does not need the emergency.

President Butkowski: Is there 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 and becomes resolution number 1162-2009.

Permanent Resolution No. 1162-2009

T 55-2009 AN ORDINANCE AMENDING ORDINANCE NO. 4574-2008 BY
4664-2009 INCREASING THE AMOUNT OF SLUDGE REMOVAL AT THE FRENCH
CREEK WASTE WATER TREATMENT PLANT BY \$30,000.00.

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.

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 the emergency in order to meet the deadlines in order to avoid any additional cost of removal to the City

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

Yes, 7 No, 0

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

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

Auditor Costin: Madam President, I'm sorry I was making notes from before. Are we doing the sludge removal at this time?

President Butkowski: Yes, we are.

Auditor Costin: I'm sorry for not breaking in earlier. This sludge removal contract included a couple other items in that contract. One was rehabilitation of property seeding and one was the cement pad that we had put in. What I recommend is amending the ordinance to change the

wording, very briefly so it encompasses those items that have to be included and we can do that by, in the prefix, in the second line, increasing the amount of sludge removal and related. Just add the words and related and under section one, in the second line, under section one it says, accomplished the requisite sludge removal and after that add, and related contractual matters.

President Butkowski: This is alright cause a motion was made for the adoption. I 'll ask Boose and Buescher to withdraw their motions.

Council Member Buescher: Yes, I will withdraw, Madam President.

Council Member Boose: I will withdraw.

President Butkowski: We have already voted on the emergency.

Council Member Boose: Point of clarification. Two points. One, should we then withdraw, well we already voted on the emergency so you can't take away something you already did. I would like to know how procedurally you do that.

Law Director Crites: And I don't believe that's a fatal defect. The basis and the need for the emergency still exist and so we haven't yet passed the ordinance. It's now a ordinance before us that didn't come to you with an emergency on it so it still abides by your By-Laws so we're still ok.

Council Member Boose: My second point of clarification is the Auditor had requested under section one after the word removal to add; and related contractual matters. Is that the same wording that he would like up in the prefix after the word sludge removal and related contractual matters so they both read the same? Is that correct?

President Butkowski: Now a Council person will have to make that motion. The Auditor cannot make. I need a motion.

moved by Boose and seconded by Buescher to amend T 55-2009 to read in the prefix, an ordinance amending ordinance number 4574-2008 by increasing the amount of sludge removal and related contractual matters at the French Creek Waste Water Treatment Plant by 30,000 dollars and to also amend under section one to now read, ordinance number 4574-2008 is hereby amended to increase the amount required to accomplish the requisite sludge removal and related contractual matters by 30,000 dollars

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: Motion passes by a vote of seven to zero.

moved by Boose and seconded by Buescher to approve the amended T 55-2009

President Butkowski: Motion was made by Boose and seconded by Buescher to adopt. I think you going to have to make a motion to adopt. We've already approved the emergency. This will be an adoption with the emergency already approved. You all know that. That's why I'm stating that. Is there any discussion? Clerk, please call the roll on the adoption with the emergency that you have already approved.

Yes, 7 No, 0

Clerk of Council Blakely: The amended ordinance passes by a vote of seven to zero and becomes ordinance number 4664-2009.

Permanent Ordinance No. 4664-2009

President Butkowski: That's all the first readings we have. We have no second readings. We have no third readings. Upcoming meeting announcements.

SECOND READINGS: NONE

THIRD READINGS: NONE

COMMITTEE MEETING ANNOUNCEMENTS:

President Butkowski: Upcoming meeting announcements:

Next Regular Council Meeting Monday, June 1, 2009 at 7:30 P.M. in Council Chambers

ADJOURNMENT:

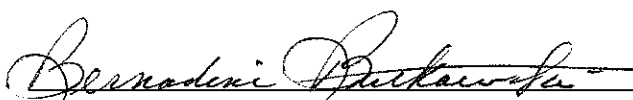
moved by Jaenke to adjourn

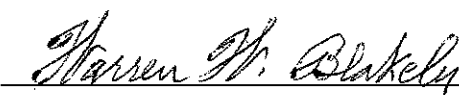
Meeting adjourned at 8:04 P.M.

Approval of Minutes:

MOTION Olesen 2ND Corcoran DATE June 1, 2009

YES 7 NO 0 ABSTAIN 0


PRESIDENT OF COUNCIL BERNADINE BUTKOWSKI


CLERK OF COUNCIL WARREN W. BLAKELY