

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MAY 3, 2010**

CALL TO ORDER: 7:30 P.M.

President Corcoran: I call to order the Regular Council Meeting of Monday, May 3, 2010. Please stand for the invocation and pledge of allegiance.

INVOCATION: lead by President Corcoran.

PLEDGE OF ALLEGIANCE: by all.

ROLL CALL:

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

Also, present were Mayor David Gillock, Safety-Service Director Jeffry Armbruster, Law Director Andrew Crites, Engineer Larry Griffith, and Clerk of Council George Smith.

Auditor Chris Costin arrived after roll call.

MINUTES - Corrections (if any) and Approval:

Regular Council Minutes of regular meeting held April 19, 2010
moved by Boose, seconded by Jaenke to approve the minutes of the regular meeting held April 19, 2010

President Corcoran: Clerk, please call the roll.

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

Clerk of Council Smith: With one abstention, the motion passed.

Clerk of Council Smith: Please note:

Board of Drainage and Flood Control Minutes of regular meeting January 26, 2010;

Parks and Recreation Commission Minutes of regular meeting March 24, 2010;

Planning Commission Minutes of special meeting April 20, 2010;

Civil Service Commission Minutes of regular meeting April 20, 2010; and

Board of Zoning and Building Appeals Minutes of regular meeting April 22, 2010.

President Corcoran: We are now moving on to our lobby session.

LOBBY:

President Corcoran: The lobby is your chance to talk to us. You have three minutes to speak. You may speak more than one time, but you are limited to one topic per three minutes. We will limit the instructions to that and if anybody has anything to say, please come up to the podium.

1) Paul Papes of 5240 Lear Nagle Road stated that he had some safety pictures that were passed around to Council, which were not returned. He spoke regarding his discussion he had with the Police Dispatch who told him that they don't have a traffic unit. He stated that he was told that the Police Department has to take an Officer off his regular route and that the Police Department received a grant for traffic purposes, but they only do it on overtime. He spoke in opposition to Issues 16, 17 and 18 that will appear on the ballot.

President Corcoran asked if there was anyone else that would like to speak to Council this evening.

2) Bob Slovak of 7145 Case Road spoke in the affirmative regarding the passage of the levies tomorrow. He stated that he believes it is the most important thing that we have to look forward to in the next ten years. He referred to other cities around us and how they have to cut back on their safety forces. He stated that this isn't going to cost anything for the next five years to just put a yes on the ballot.

President Corcoran asked if there was anyone else that would like to speak. Seeing none, he moved the meeting on to the Administrator's reports.

ADMINISTRATORS REPORTS:

A. Mayor:

Thank you, Mr. President. I was pleasantly surprised today to receive a letter from Team NEO and Inside Business Magazine. I knew Team NEO was having their Economic Development Award Program on June 23 because, Dr. Roy Church is being honored for his work in the economic development area from Lorain County Community College. North Ridgeville has been selected as part of the same application as Team Lorain County. The city of Oberlin and the Lorain County Growth Partnership is the finalist for our work on the Greenfield Solar Company that is bringing in 120 new jobs to the community. Other finalists in the business attraction area were the city of Cleveland and the Youngstown/Warren Regional Chamber along with the city of Youngstown. It is an honor to be named as a finalist and keep your fingers crossed that maybe, we will be a winner. It is great to be in their company.

This coming Saturday is going to be a busy time in North Ridgeville. First, I would like to mention that this Saturday from 9:00 A.M. to 3:00 P.M. at the Police Department, the Lorain County Sheriff's Office Drug Task Force; along with the Police Departments across the county, will be offering a prescription drug turn-in program. You can safely dispose of any outdated or unwarranted prescription medicines. Just take them to the Police Station between 9:00 and 3:00 and they will take those to help you get rid of them. This way they don't end up, as you heard Larry speak several times, illegally diverted or entering our water supply.

Also, on Saturday beginning at 8:00 A.M. is our annual Fishing Derby at South Central Park with the Fire Department and the Rotary putting that Derby on for the kids. It is always very well attended and a lot of fun for the kids.

In addition, Saturday will be the kick off of the Bi-Centennial Celebration. At about 10:00 A.M., we will have a traveler from Waterbury, Connecticut bringing a proclamation and a flag from the Mayor of Waterbury, Connecticut where most of our settlers originally came from and then there will be a group of reenactors who will be doing a program. That will all be located just behind the Senior Center. The public is welcome. You will notice around town, there are a lot of banners up celebrating the Bi-Centennial with pictures of the Olde Towne Hall Theater and the traveler along with the flag that flew in 1810, which was the 15-star flag. You can legally fly any Federal or National flag that we had during the history of our Country so, that 15-star flag is legal and we put those up to help in the celebration. Get out Saturday and join us at South Central Park and the Senior Center, this Saturday. Thank you.

Council Member Olesen: May I add something to that? This Saturday is also the pancake breakfast at 8:00 A.M. and that will be cooked by the North Ridgeville Lions. There will be a lot of scouts there helping to serve the meals. We would like everyone to attend that also.

President Corcoran: Thank you. Safety-Service Director, Armbruster.

B. Safety-Service Director:

Safety-Service Director Armbruster: It seems like every Saturday there are activities. We had Greenfest last weekend. We had Rangerpalooza over at the Middle School where the Fire Department, Police Department and the Street Department participated in. The kids had a really good time because we had the bomb squads from Lorain County. They had their robot over there and we had our little robots that go in and out of the sewer pipes and the kids kind of saw what it is like to work for the city of North Ridgeville with the sophistication that we have and kind of enjoyed seeing just exactly what equipment that we have and how we can use it to get to the source of a problem rather than the old style where we used to just dig holes and look for things and not necessarily get to the right area but, with the equipment we have today, it certainly does help us to fix those water breaks and fix those sewer breaks.

The Mayor mentioned the Bicentennial. I was actually with them today and one of the reenactments is going to be in the field that is actually in the school next to the woods. They aren't going to build a whole lot but, they are going to use some trees that are like this and they'll lay something down and have a little campfire to signify that they originally came out of the woods for North Ridgeville. It is going to be a lot of fun. They are hoping that there will be a lot of people that do come out for the reenactment Saturday morning at 10:00 A.M. There will be a lot of people here for not only the Fishing Derby, but the Bicentennial activities. I look forward to it. That concludes my report.

Kevin Corcoran: Thank you, Mr. Armbruster. Engineer Griffith.

C. Engineer:

Engineer Griffith: Thank you, Mr. President. The Mayor and Jeff talked about this coming Saturday. I am going to talk about the following Saturday, which is May 15. The city of North Ridgeville will again participate in the Lorain County Annual Pride Day. According to the facts that I received from Sonja in the Recreation Department at 3:46 P.M. today, they currently have over 125 volunteers signed up to help. If you are interested in helping the cleanup project or if you have a project of your own in mind, please call our Recreation Department at 353-0880. The Shred-It truck will also be available at the City Hall parking lot from 9:00 until noon. On that same morning, the North Ridgeville Fire Department will be inviting everyone to a Pancake Breakfast at the Senior Center from 8:00 to 11:00. Why not stop by the Shred-It truck, help clean up the park and stop for breakfast. Actually, I think I have that sequence out of order at least from my standpoint, as stopping for breakfast should be first; followed by the other two. That concludes my report. Thank you.

President Corcoran: Thank you, Mr. Griffith. Auditor Costin.

D. Auditor:

Auditor Costin: Thank you, no report scheduled for this evening.

President Corcoran: Thank you, Mr. Costin.

E. Other Reports:

President Corcoran: Please note:

Building Department Report for March 2010;

Police Department Support Car Report for March 2010; and

Mayor's Court Report for March 2010.

President Corcoran: Moving on to Council Committee Reports.

COUNCIL COMMITTEE REPORTS:

Clerk of Council Smith:

ADMINISTRATIVE COMMITTEE REPORT #6286 dated April 19, 2010. We have considered the matter of the proposed Council By-Law amendment and recommend that the proposed amendment be amended by substitution with the following:

The Clerk of Council shall prepare and distribute paper copies of all minutes to each Council Member, the Mayor, the Safety-Service Director, the Law Director, the Auditor and the Engineer via the City Hall mail boxes prior to 4:00 P.M. of the Wednesday prior to the regular meeting of Council. Sufficient copies of current minutes shall be available for the lobby at all Regular meetings.

And recommend that this request be approved and Council adopt the proposed By-Law amendment as substituted.

Signed by Member Robert W. Olesen and Chairperson Pro-Tem Richard W. Jaenke
moved by Olesen, seconded by Butkowski to accept the Administrative Committee
Report # 6286

President Corcoran: Are there any comments? Any objections? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Smith: Measure passed unanimously.

President Corcoran: Thank you. Moving on to correspondence.

CORRESPONDENCE:

President Corcoran: There is no correspondence this evening. Moving on to old business.

OLD BUSINESS:

Clerk of Council Smith:

Proposed By-Law amendment to amend the proposed amendment by substitution as recommended by Administrative Committee Report #6286:

Section 10. Presentation of Minutes.

Paragraph 2 Amend by substituting

To permit paper copies of Council minutes to be distributed to Mayor, Safety-Service Director, Law Director, Auditor and Engineer

moved by Olesen, seconded by Jaenke to accept the proposed By-Law amendment by substitution

President Corcoran: Are there any comments? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Smith: Measure is approved unanimously.

President Corcoran: Moving on to new business.

NEW BUSINESS:

Clerk of Council Smith:

Received from John T. O'Neill a Petition for Change in Zoning Classification from R-1 Residence District to B-3 Highway Commercial District for property located on the northwest corner of Center Ridge Road and Fowlers Run, Permanent Parcels No. 07-00-045-110-096, 07-00-045-110-105, 07-00-046-107-019 and 07-00-046-107-020

President Corcoran: I will refer this to the Building and Lands Committee and Planning Commission.

Council Member Butkowski: Mr. Chairman, could we give this a temporary number so that it can be easily identified?

President Corcoran: Certainly, Clerk, could you give this a T number please?

Clerk of Council Smith: It will become T 63-2010.

President Corcoran: Again, as I was saying, this will go to Building and Lands and Planning Commission.

Clerk of Council Smith:

Planning Commission recommendation to Council of their special meeting April 20, 2010.

APPLICANT: Jerry Kilby, JA Kilby Enterprise, P.O. Box 39087

OWNER: John Beckett, R.W. Beckett, 38251 Center Ridge Road

REQUEST: Approval to construct a 16 foot by 16 foot outbuilding with a concrete pad

LOCATION: 38251 Center Ridge Road in a B-3/I-2 District

Permanent Parcel No. 07-00-039-000-071

PC ACTION: Approved the plans dated 4/12/10 by a vote of five to zero
moved by Olesen, seconded by Jaenke to accept Planning Commission's recommendation
to Council

President Corcoran: Are there any comments?

Council Member Butkowski: Mr. Chairman, please call the roll, as I will be abstaining.

President Corcoran: Thank you. Anyone else? Clerk, please call the roll.

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

Clerk of Council Smith: Measure passes with one abstention.

Clerk of Council Smith:

T 60-2010 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH A CONSULTING ENGINEERING FIRM FOR THE DEVELOPMENT OF A WATER DISTRIBUTION SYSTEM MODEL AND EVALUATION OF DISTRIBUTION SYSTEM, NOT TO EXCEED \$25,000.00.

T 61-2010 AN ORDINANCE AMENDING NRCO CHAPTER 1210 PLANNING COMMISSION TO REQUIRE CITY PLANNER REVIEW AND A TRAFFIC IMPACT STUDY WHEN CERTAIN CRITERIA ARE MET.

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

Clerk of Council Smith:

T 62-2010 AN ORDINANCE ADOPTING AN "IDENTITY THEFT PREVENTION PROGRAM" IN COMPLIANCE WITH FEDERAL REGULATIONS RELATING TO RED FLAGS AND IDENTITY THEFT.

 moved by Mayor Gillock, seconded to Johnson suspend By-Laws to give T 62 its first reading

Mayor Gillock: According to the Federal Trade Commission, we have to adopt regulations before June 1, 2010. So, we have a month. We could adopt it tonight without the emergency or we could let it go and adopt it with the emergency at the next meeting, but if we could move it along tonight.

President Corcoran: Are there any objections? All those in favor say yes. Those opposed say no.
 Yes, 7 No, 0

President Corcoran: T 62 will have its first reading this evening. That is the end of new business and we now come to recess.

RECESS:

 moved by Jaenke, seconded by Johnson to dispense with the recess

President Corcoran: All those in favor say yes. Those opposed say no.
 Yes, 7 No, 0

President Corcoran: Moving on to first readings, T 55.

FIRST READINGS:

Clerk of Council Smith:

T 55-2010 AN ORDINANCE REPEALING ORDINANCE NO. 4124-2005 TO
ELIMINATE THE JOB TITLE "CHIEF DEPUTY CLERK", AND AMENDING
NRCO CHAPTER 220 COUNCIL.

First Reading

T 62-2010 AN ORDINANCE ADOPTING AN "IDENTITY THEFT PREVENTION
PROGRAM" IN COMPLIANCE WITH FEDERAL REGULATIONS
RELATING TO RED FLAGS AND IDENTITY THEFT.

First Reading

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

President Corcoran: Are there any comments?

Mayor Gillock: This ordinance is a requirement of the Federal Trade Commission, which applies to anyone using consumer reports and it adopts red flag policies that help prevent and mitigate identity theft. Since we, through our water, sewer, storm sewer and other services, take payments, we use credit cards and they're a lot of things that we do where this would apply to us. So, certainly, we don't want to jeopardize anybody's identity. We don't have any problem at all adopting this, but this is a requirement of the Federal Trade Commission. If we get this passed tonight, we will be pretty close to the deadline. If there are any questions, you have the entire requirements attached as I believe, Exhibit A. I appreciate your support for this.

Council Member Boose: Yes, I was just hoping that we would have time to go over it maybe in Committee because it is a lot of regulations that pertain to what we do. For example, in my own work place, we have the same requirement because we do deal with consumer reports and I'm not quite sure where we got all of this to come up with this or if this was a boilerplate presentation or if this is particular to our City or if some of these things apply or don't apply.

Mayor Gillock: Mr. President, I don't have a problem not adopting this, this evening and waiting until the next meeting but, that means we will have to use the emergency at that time. I will say that this comes from the Federal Trade Commission and we are directed to adopt it. We can't change it or alter it. It is what it is. They have told us that we have to adopt it. We could discuss this in committee. It just says whereas, the Federal Trade Commission regulations require each creditor to adopt an identity theft prevention program by June 1 and this is the one that was given to us, so, maybe we can change it.

President Corcoran: Mr. Crites, do you have anything to add?

Law Director Crites: I can briefly speak to the source of it for the benefit of Councilman Boose. The FTC or the Feds did not put out a model ordinance which would have been nice. They just put out the mandate. This came from and I will confess that it was done by my Assistant Law Director with my supervision. It is an amalgamation of what other states in the nation and other

municipalities across the nation have adopted and we tried to err on the side of being more protective and tried to cross more T's and dot I's so that we would not expose ourselves. The simplest answer was that there was no specific form. We could model it if we want to. We have the right to model it to certain characteristics we thought were unique, if we felt the need to. As it is submitted, we tried to be general as belt and suspenders, as usual.

President Corcoran: We have a motion to dispense with the second and third readings by Mr. Olesen and seconded by Butkowski. Clerk, please call the roll.

Yes, 6 No, 1 (Buescher)

Clerk of Council Smith: Measure passed with one no vote.

Council Member Buescher: Mr. President, since this isn't something that came directly from the government and it came from within our own City, I agree with Mr. Boose that we should at least take a look at it in a committee meeting with the idea that we will get this back by the next meeting.

President Corcoran: Okay. The Chair will refer this to the Administrative Committee.

Council Member Boose: Thank you.

President Corcoran: That brings us to second readings, T 26.

SECOND READINGS:

Clerk of Council Smith:

T 26-2010 AN ORDINANCE AMENDING NRCO SECTION 1228.01 DUTIES OF
REVISED CITY ENGINEER; CONSTRUCTION SPECIFICATIONS REGULATIONS,
SUBSECTION (b)(3) SUBDIVIDERS AGREEMENT, BY ADDING
ALTERNATIVE FORMS OF SURETY OR GUARANTY FOR
MAINTENANCE OF CONSTRUCTED IMPROVEMENTS, AND BY
REQUIRING DEVELOPERS TO POST SAID FORMS OF SURETY OR
GUARANTY PRIOR TO, AND AS A CONDITION OF, THE ISSUANCE OF
ANY BUILDING PERMIT.

Second Reading

T 29-2010 AN ORDINANCE VACATING A THIRTY (30) FOOT WIDE UNIMPROVED
STREET LOCATED APPROXIMATELY 725 FEET WEST OF RACE ROAD
AND BEGINNING ON THE SOUTH SIDE OF SUGAR RIDGE ROAD.

Second Reading

President Corcoran: This brings us to third readings, T 27.

THIRD READINGS:

Clerk of Council Smith:

T 27-2010 AN ORDINANCE AMENDING NRCO SECTION 830.02 USE
4747-2010 REGULATIONS, SUBSECTION (b)(15)(A).

Third Reading

moved by Olesen, seconded by Butkowski to adopt T 27

President Corcoran: Are there any comments? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Smith: Measure has been adopted unanimously and becomes ordinance number 4747-2010.

Permanent Ordinance No. 4747-2010

T 28-2010 AN ORDINANCE AMENDING NRCO SECTION 1056.08, COMPLIANCE
4748-2010 RESPONSIBILITY, BY ADDING ENFORCEMENT REIMBURSEMENT
MEASURES.

Third Reading

moved by Boose, seconded by Butkowski to adopt T 28

President Corcoran: Are there any comments? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Smith: Measure passed unanimously and becomes ordinance number 4748-2010.

Permanent Ordinance No. 4748-2010

COMMITTEE MEETING ANNOUNCEMENTS:

President Corcoran:

Next Regular Council Meeting Monday, May 17, 2010 at 7:30 P.M. in Council Chambers

Public Hearing June 7, 2010 at 7:20 P.M. re: T 29-2010 vacating a 30 foot wide unimproved street

Mayor Gillock: Mr. President, I just want to let Mr. Papes know that Mr. Armbruster and I both went downstairs to look for those pictures. We can't locate them. We will get with our Administrative Assistant when they are in tomorrow. They have them filed somewhere and we will get those pictures back to you.

President Corcoran: Is there any other business to bring before the City this evening?
 moved by Butkowski to adjourn
 President Corcoran: Meeting is adjourned.

Approval of Minutes:

These Minutes were approved at a regular meeting of the North Ridgeville Municipal Council on May 17, 2010:

Roseanne Johnson
PRESIDENT PRO-TEM ROSEANNE JOHNSON


CLERK OF COUNCIL GEORGE E. SMITH