

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MARCH 16, 2009**

CALL TO ORDER: 7:30 P.M.

President Pro-Tem Nancy Buescher: I call to order the North Ridgeville City Council Meeting of Monday, March 16, 2009. Please stand for the invocation and pledge of allegiance.

INVOCATION: lead by President Pro-Tem Buescher.

PLEDGE OF ALLEGIANCE: by all.

ROLL CALL:

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

Absent was Council 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 Pro-Tem Buescher:

Public Hearing Minutes of March 2, 2009 re: T 1-2009

 moved by Jaenke, seconded by Olesen to approve the minutes

President Pro-Tem Buescher: Are there any corrections? Having none, will the Clerk please take the vote?

 Yes, 6 No, 0

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

Council Minutes of regular meeting held March 2, 2009

 moved by Olesen, seconded by Boose to approve the minutes

President Pro-Tem Buescher: Are there any corrections? Having none, will the Clerk please take the vote?

 Yes, 5 No, 0 Abstain, 1 (Jaenke)

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

President Pro-Tem Buescher: Please note:

Board of Zoning & Building Appeals Minutes of regular meeting February 26, 2009 and
Planning Commission Minutes of regular meeting March 10, 2009.

President Pro-Tem Buescher: We now go to Lobby.

LOBBY:

President Pro-Tem Buescher: Anyone wishing to speak at Lobby has three minutes to do so. Please fill out a form that you can find in the back of the room stating briefly, your issue and your name and address. There will be no interaction between the speaker and City Council or the Administration this evening. Is there anyone that would like to speak? Turn on the microphone, first, please Jim.

1) Jim Whitlock of 6269 Stoney Ridge introduced himself as the North Ridgeville Utilities Department Supervisor. He explained that over the past ten to twelve years, residents have been paying anywhere from 10.35 and 12.44 a month for garbage, when other communities around us are paying anywhere between 15 and 19 dollars a month. He noted that the past two contracts have been quite low and probably some of the lowest in the area. He explained that when the fuel prices spiked a couple of years ago, Allied Waste came into City Hall and sat down with him and the Administration and asked that a fuel charge be added to their fees; at that time the City said no. We were locked into a nice low rate when everyone else around the City had fuel charges hitting them. The contract expired in October and Allied Waste stated that there was no way they would pick the rate up at the same rate. He explained the two types of contracts that went out for bid. They included the unlimited trash pick up in the bid, but in order for the City to continue to receive grant funding, the pilot program had to be a part of that. They asked all bidders to include a pilot program with unlimited pickup at no additional cost. Any carts for the pilot program have no bearing on the new cost for the new contract. All three bidders were significantly higher than what we have been paying because fuel charges were added.

President Pro-Tem Buescher: Mr. Whitlock, your three minutes are up.

moved by Boose, seconded by Corcoran to allow this gentleman up to an additional three minutes

Yes, 6 No, 0

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

President Pro-Tem Buescher: Go ahead, Jim.

Jim Whitlock: Thank you very much. So, when we bid this, we knew that we were going to get two different bids. All the bids that came in with the cart system, all were significantly higher than the unlimited with the pilot program. The lowest bid came in from Allied and we knew that was going to happen. That was one of the clarifications I wanted to make tonight. This new cart system pilot program in no way affects what our new rate is. It is just a sign of the times and the fuel surcharges are just a reality with every person we do business with now, from Allied Waste to FedEx to whoever we deal with. Fuel surcharges are a reality now because nobody wants to get hit with what they got hit with a couple of years ago. I'd like to explain it to the folks that, it would have been nice if all of us could have locked in at a dollar and fifty nine cent

fuel rate when gas spiked to four dollars a gallon and for the next two, three years, we would have all paid a dollar, fifty nine, when everybody around us paid four dollars. That is what I kind of compare it to. I just wanted to make that clarification. When you think about that tonight, if you would, just keep that in mind. Thank you for that extra time.

President Pro-Tem Buescher: Thank you, Mr. Whitlock. Is there anyone else that would like to speak tonight? If not, we'll move on to the Administrative Reports, Mayor Gillock.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you and good evening everyone. This evening, besides needing to adopt this year's budget, which is T 28 under new business, we must first address the issues of necessary increases in our sewer, water and trash pick up rates. I would ask that Council dispense with third reading on these ordinances tonight, as they have to be addressed before the budget can be set. The budget is always adopted at this point in the year, after Council Finance Committee and most of the other Council Members sit down with the Department Heads and comb through their budget request. We ask the Department Heads to prioritize their request and we basically back into the budget based on the funds that we have available. We are required by law to adopt the budget and submit it to the County before March 31. So, we need to pass it this evening with the emergency clause to meet the deadline. We have kept the budget extremely tight this year and we have met with our Department Heads and have instructed them to hold the line on expenditures this year, including over time and expenditures that are not absolutely necessary. The rate increases are being requested to meet the needs of those specific accounts. These are, for the most part, passed through increases; based upon the rates charged to the City by our suppliers, namely Avon Lake Water Utility, French Creek Waste Water Treatment Facility and Allied Waste. The increases are not being requested to supplement or support our general fund. However, if we do not pass the increases, the general fund will be required to subsidize those accounts. At that point, we would be unable to provide the services our residents have requested. In fact, if the waste pick up ordinance is passed tonight, but not with the emergency, we will need to amend it on the floor to increase it or we cannot pass the budget this evening, as the Auditor would not be able to certify that the necessary funds were there. If we pass the increases, although; keeping in mind that sewers had a small increase of three percent, our water and waste have not been increased in about ten years; we will be able to maintain our services. If not, we will either have to curtail services or go back to the drawing board to dip into the general fund to make our accounts balance. For those of you that attended the Finance Committee meetings, you know that there isn't any fat in the budget. So, I ask for your support in passing T 10, 11 and 25 this evening, with the emergency clause. I don't like raising rates any more than you do. I recognize that the current economy is tough and now is not the time that we want to make this request. However, like many cities around us, our costs are also going up. Our

combined rates will still be some of the lowest in the county and the state. This Council, the Auditing Department and Administration have been recognized for doing a good job in keeping North Ridgeville solvent and financially strong and it is absolutely imperative that we continue to do so. It may not be the best political action to take, but it is the right thing to do for our residents. Thank you.

President Pro-Tem Buescher: Thank you, Mayor Gillock and now we will move on to Safety-Service Director, Denny Johnson.

B. Safety-Service Director:

Safety-Service Director Johnson: Thank you, Madam President. A team of City employees from several departments have been working on the City web site for some time now with a goal to keep it up to date, informative and easy to navigate. I think they're doing a great job. Please take some time to visit the site to see what North Ridgeville has to offer. The address is nridgeville.org

Our Service Department is waiting anxiously for supplies to get started on our spring paving, patching and repairs. I ask that T 17 through T 21 be passed by emergency today; as soon as the budget passes, so we can get these supplies bid and be ready to go when the asphalt plants open for the season on April 14. That concludes my report

President Pro-Tem Buescher: Thank you, Mr. Johnson. We will now move on to our City Engineer, Larry Griffith.

C. Engineer:

Engineer Griffith: Thank you, Madam President. My report is a little longer. On Wednesday, March 11, Cathy Becker attended an Ohio EPA seminar entitled "Your New Municipal Storm Water Permit, What You Need to Know to Comply". Following are a few of the highlights and items that we will be required to comply within the next two to five years; some of these I have mentioned to you previously.

The North East Ohio EPA District has conducted only 13 municipal audits out of the 140 that they must complete in the next five years. It is a US EPA requirement that the Ohio EPA must comply with. The audit priority order is determined by the content of the annual reports (for example, if the annual report is not very good, you get audited sooner). Deficiency letters were sent to several communities last fall, because they did not submit an annual report at all. I wouldn't want to be one of those at audit time.

The new permit requires municipalities to provide education to developers. One of the audience members suggested that he would like to organize a statewide developer education seminar to

satisfy the requirements for all of the communities. The EPA said that would be okay. There will probably be a charge to each community to use this service.

In 2015 there will be a limit for turbidity established by the US EPA for construction sites greater than 30 acres. Turbidity is the cloudiness of water caused by suspended solids. I don't know how that is going to be enforced.

The location of all flood control facilities should be shown on the GIS map or the City should have an inventory. We already have an inventory that Cathy developed. We have also sent letters to the Home Owner Associations reminding them of their duties.

The location of all septic tank systems must be shown on a GIS map. The City will be responsible for notifying owners of septic systems that discharge off their lot that they are required to obtain a NPDES permit from the Ohio EPA. We must also work with our local board of health to address failing septic systems that are discharging to waters of the state. This we are already doing. However, the Lorain County Board of Health must work through the County Prosecutor's office for enforcement and this issue has a very low priority with the County Prosecutor's office. This could be a problem for us.

The City will need to develop a plan indicating how and when current septic system areas will receive sanitary sewers so the septic systems can be eliminated.

If the City decides to use alternate deicing materials in place of road salt, we need to make sure the material used is not considered a solid or hazardous waste.

We will need to update the City's ordinance for construction site erosion control to reflect the new Ohio EPA permit number. Thank you, Madam President. That's all I have this evening. President Pro-Tem Buescher: Thank you, Mr. Griffith and now we will hear from our Auditor, Chris Costin.

D. Auditor:

Auditor Costin: Thank you, Madam Chairman. As the Mayor stated, on the agenda tonight is T 28-2009, the City's permanent appropriation ordinance. Before I get to my comments, let me request that Council consider passing the February report.

Auditor's Written Report for February 2009

moved by Boose, seconded by Jaenke to approve the Auditor's written report for February 2009

President Pro-Tem Buescher: Are there any comments? There are no comments, will the Clerk please take the roll?

Yes, 6 No, 0

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

Auditor Costin: Thank you. The permanent appropriation, T 28-2009, we are required to pass it and have it in effect on April 1 to comply with the Ohio Revised Code. We included, in the permanent appropriation ordinance, our revenues needed to eliminate potential deficits from two fund balances, those being the Solid Waste Refuse Fund and the Sanitary Sewer Fund. The appropriation ordinance reflects the revenues necessary to do that. Accordingly, it is important that Council intend to pass T 10, T 11 and T 25. Those are the water, sewer and refuse rate increases respectively. We can talk about them and I will be glad to answer any questions, when they come up for their readings. I will point out, as the Mayor also stated, that the rate in the ordinance for the refuse increase will need to be increased if it did not pass and take effect with the emergency. We can address that when T 25 has its reading. The ordinances for the purchase of materials, T 15, 17, 18, 19, 20, and 21 can be passed, but only after the appropriation ordinance has passed. That concludes my report and my comments.

President Pro-Tem Buescher: Thank you, Mr. Costin.

E. Other Reports:

President Pro-Tem Buescher: Our other reports:
Fire Department Report for January and February 2009;
Mayor's Court Report for February 2009; and
Water System Operation Report for February 2009.

COUNCIL COMMITTEE REPORTS:

President Pro-Tem Buescher: Will the Clerk, please read the Council Committee Reports?

Clerk of Council Blakely:

BUILDINGS & LANDS COMMITTEE REPORT #6259 dated March 11, 2009: Members of Council: We have considered the matter of T 22-2009, an ordinance amending Section 1228.01(b)(2), Duties of City Engineer; Construction Specifications and 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 (b)(8) and recommend that this request be approved and the attached reformatted T 22-2009 be adopted by Council.

Signed: Member Olesen and Chairperson Buescher.

 moved by Olesen, seconded by Jaenke to approve

President Pro-Tem Buescher: Is there any discussion? Having none, will the Clerk please take the vote?

Yes, 6 No, 0

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

CORRESPONDENCE:

President Pro-Tem Buescher: There is no correspondence to be noted by the Clerk of Council this evening. We'll now move on to old business.

OLD BUSINESS:

President Pro-Tem Buescher: We have no old business this evening. We'll move on to new business. Will the Clerk please read the new business?

NEW BUSINESS:

Clerk of Council Blakely:

Request for new D1, D3 and D3A liquor permit for Ohio Sports Park Inc., 7777 Victory Lane.
moved by McLaughlin, seconded by Olesen to not request a hearing as stated in the application, so that this permit can be sent to the State for final disposition

President Pro-Tem Buescher: Is there any discussion? Will the Clerk please take the vote?

Yes, 6 No, 0

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

Request for D1, D2, D3 and D3A liquor permit stock transfer to E J C Co. Inc., DBA Sebastians, Entire Rear Bldg. & Patio & Picnic Area, 39421 Center Ridge Road.

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

President Pro-Tem Buescher: Is there any discussion? Having none, will the Clerk please take the vote?

Yes, 6 No, 0

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

Request from the Parks & Recreation Commission for Council approval to expend \$4,000.00 from the Parks & Recreation Improvement Fund for the purchase of fencing at the Shady Drive Complex.

moved by McLaughlin, seconded by Corcoran to approve

President Pro-Tem Buescher: Is there any discussion? Having none, will the Clerk please take the vote?

Yes, 6 No, 0

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

T 26-2009 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO
SCOTTSDALE INSURANCE COMPANY FOR INSURANCE DEDUCTIBLE
COSTS IN THE AMOUNT OF \$3,444.20.

Mayor Gillock: Madam Chairman.

President Pro-Tem Buescher: Yes, Mayor?

Mayor Gillock: As is typical for these expenditure of funds, we need to adopt this, this evening if possible.

 moved by Mayor Gillock, seconded by Boose to suspend By-Laws to give this its first
 reading

President Pro-Tem Buescher: Is there any discussion? Having none, will the Clerk please take the vote?

Yes, 6 No, 0

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

T 27-2009 A RESOLUTION AUTHORIZING THE MAYOR TO APPLY TO THE OHIO
DEPARTMENT OF DEVELOPMENT FOR FUNDING UNDER THE
COMMUNITY DEVELOPMENT BLOCK GRANT SMALL CITIES
PROGRAM FOR A COMPREHENSIVE HOUSING IMPROVEMENT
PROGRAM (CHIP) GRANT.

 moved by Mayor Gillock, seconded by Olesen to suspend By-Laws to give this its first
 reading

President Pro-Tem Buescher: Is there any discussion?

Mayor Gillock: Madam President.

President Pro-Tem Buescher: Mr. Mayor?

Mayor Gillock: This is our annual CHIP grant application that we get every two years. It does have a deadline of May 1 that we have to have the applications into the Department of Development. Our Treasurer, Tony Hatmaker, asked if we could adopt this, this evening with the emergency, in order to give him time to get the applications done to meet the deadline.

President Pro-Tem Buescher: Is there any other discussion? Will the Clerk please take the vote?

Yes, 6 No, 0

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

T 28-2009 AN ORDINANCE PROVIDING FOR THE APPROPRIATIONS OF MONEY
FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY

OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING
JANUARY 1, 2009 AND ENDING DECEMBER 31, 2009.

 moved by Boose, seconded by Olesen to suspend By-Laws to give this its first reading
President Pro-Tem Buescher: Is there any discussion? Will the Clerk please take the vote?

 Yes, 6 No, 0

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

President Pro-Tem Buescher: We have come to the recess portion of the meeting. Is there a motion to dispense with recess?

RECESS:

 moved by Jaenke, seconded by Boose to suspend recess
President Pro-Tem Buescher: Is there any discussion? Will the Clerk please take the vote?

 Yes, 6 No, 0

Clerk of Council Blakely: Recess is suspended by a vote of six to zero.

President Pro-Tem Buescher: Moving on to first readings.

FIRST READINGS:

Clerk of Council Blakely:

T 26-2009 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO
1154-2009 SCOTTSDALE INSURANCE COMPANY FOR INSURANCE DEDUCTIBLE
 COSTS IN THE AMOUNT OF \$3,444.20.

 First Reading

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

President Pro-Tem Buescher: Is there any discussion? Having none, will the Clerk please take the vote?

 Yes, 6 No, 0

Clerk of Council Blakely: The second and third readings are suspended by a vote of six to zero.

 moved by Boose, seconded by Olesen to adopt

President Pro-Tem Buescher: Is there any discussion? Mayor, did you want the emergency on this one?

Mayor Gillock: Chris, we don't need the emergency on this one, do we?

Auditor Costin: I would defer to the Law Director and he indicates no.

Law Director Crites: No.

President Pro-Tem Buescher: We have a motion by Boose and a second by Olesen to adopt. Is there any discussion? No? Will the Clerk please take the vote?

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero and becomes resolution number 1154-2009.

Permanent Resolution No. 1154-2009

T 27-2009 A RESOLUTION AUTHORIZING THE MAYOR TO APPLY TO THE OHIO
1155-2009 DEPARTMENT OF DEVELOPMENT FOR FUNDING UNDER THE
COMMUNITY DEVELOPMENT BLOCK GRANT SMALL CITIES
PROGRAM FOR A COMPREHENSIVE HOUSING IMPROVEMENT
PROGRAM (CHIP) GRANT.

First Reading

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

President Pro-Tem Buescher: Is there any discussion?

Mayor Gillock: Madam President.

President Pro-Tem Buescher: Yes, Mr. Mayor?

Mayor Gillock: If I might just explain a little bit. The CHIP grant is a grant we apply for that we, and I'll use the term, routinely, get every two years. It is a 500,000 dollar grant that we use for assisting low and moderate income persons in emergency repairs or fixing up their homes in that type of assistance. So, this has been a great program, that we have had it for a number of years. We would like to keep that going and we request your support of this, this evening. Thank you.

President Pro-Tem Buescher: We have a motion on the floor by Olesen and seconded by Jaenke to suspend with the second and third readings. Will the Clerk please take the vote?

Yes, 6 No, 0

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

moved by Olesen, seconded by Jaenke to adopt

moved by Olesen, seconded by Boose to add the emergency in order to meet the filing deadline to submit this application

President Pro-Tem Buescher: Is there any discussion on the emergency? Having none, will the Clerk please take the vote?

Yes, 6 No, 0

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

President Pro-Tem Buescher: We have a motion on the floor by Olesen and second by Jaenke to adopt with the emergency. Is there any discussion? Having none, will the Clerk please take the roll?

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero and becomes resolution number 1155-2009.

Permanent Resolution No. 1155-2009

T 28-2009 AN ORDINANCE PROVIDING FOR THE APPROPRIATIONS OF MONEY FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2009 AND ENDING DECEMBER 31, 2009.

First Reading

President Pro-Tem Buescher: I would like to have the Law Director address this at this time, please.

Law Director Crites: If I could have the Auditor's input, as well. As I understand, this appropriation ordinance needs to be passed tonight. It can't be passed until action is taken on the rate ordinances. Is that correct?

Auditor Costin: I'll word that a different way. If it is Council's intention to pass the rate ordinances, that revenue would be properly reflected in the appropriation ordinance. If it is Council's decision not to pass the rate ordinances, then we would need to go back and readjust the particular funds that would be impacted.

Law Director Crites: It would require an amendment and could not be passed tonight? Don't let me belabor it. I think, I understand that at the same time . . .

Auditor Costin: In order to eliminate any potential misgivings, perhaps we could postpone this until we pass the other legislation.

Law Director Crites: Here is what I'm suggesting and I'm sorry for interrupting you, Mr. Mayor, but let me get this thought, that I am struggling with, out there. I, also, understand that until the appropriation ordinance is passed, we cannot pass all the material ordinances for concrete pads, rentals, etc. What I suggest, which would serve our purpose tonight, is that a motion be put forward to simply suspend our By-Laws to dispense with only the second reading and place the appropriation ordinance under the third readings. Then, when we get to the materials ordinances, it would be likewise, to make a motion to dispense with the second reading and place it under the third readings. That way, as we go through the agenda; by the time we come to the third readings, I think, we will know at that point in time, how to deal with the appropriation ordinance. Is that clear?

Council Member Boose: That seems to might work.

Auditor Costin: It seems to me, that the most logical thing to do would be to postpone the passage of this, until after the second readings and then you can pass this before the third readings.

President Pro-Tem Buescher: All right, I will move to dispense with the first reading.

Law Director Crites: It has had its first reading, all you would need to do is dispense with the second reading and place it under third readings on tonight's agenda.

moved by Buescher, seconded by Boose to dispense with the second reading

President Pro-Tem Buescher: Is there any discussion? Will the Clerk please take the vote?

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero to dispense with second reading and place this under the third reading.

President Pro-Tem Buescher: We will now move on to second readings. Will the Clerk please read the second readings?

SECOND READINGS:

Clerk of Council Blakely:

T 168-2008 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 4.7798 ACRES AND PART OF 35496 LORAIN ROAD, PERMANENT PARCEL NUMBER 07-00-024-101-106; (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO I-2 LIGHT INDUSTRIAL DISTRICT AND OWNED BY STONE RIVER INDUSTRIAL PROPERTIES, LLC.

Second Reading

T 10-2009 AN ORDINANCE AMENDING NRCO SECTION 1046.05 BY REPLACING THE SCHEDULED 2009 AUTOMATIC WATER RATE WITH A SET RATE.

Second Reading

moved by Boose, seconded by Olesen to dispense with the third reading

President Pro-Tem Buescher: Is there any discussion?

Auditor Costin: Madam Chairman.

President Pro-Tem Buescher: Mr. Costin?

Auditor Costin: This particular water rate ordinance; because it has been postponed, will likely get further into our reserve balance. I can't remember what the balance is. However, it would not require an emergency tonight to be passed. It can be passed without the emergency and placed into effect after 30 days and the reason for it, is because, we do have adequate reserves to eliminate a deficit funds balance this year. It is conceivable that we would have to, again, look at a water rate increase as well, next year, because of the time that we have not passed this. This was anticipated to be passed in January. However, it is not necessary to pass it with the emergency tonight and we would be fiscally responsible for doing so.

Council Member Boose: Thank you.

President Pro-Tem Buescher: Okay, we have a motion on the floor by Boose and a second by Olesen to dispense with the third reading. Will the Clerk, please take the vote?

Yes, 4 No, 2 (Corcoran, McLaughlin)

Clerk of Council Blakely: The motion requires a super majority, which would require five yes votes. It fails by a vote of four to two.

T 11-2009 AN ORDINANCE AMENDING NRCO SECTION 1044.01 USER CHARGES
4638-2009 BY INCREASING SANITARY SEWER RATES.

Second Reading

moved by Boose, seconded by Olesen to dispense with the third reading

President Pro-Tem Buescher: Is there any discussion?

Auditor Costin: Madam Chairman.

President Pro-Tem Buescher: Mr. Costin?

Auditor Costin: This particular sewer fund we discussed in appropriations. For the benefit of those Council persons that weren't here, again, this was attempted to be passed earlier in the year and it has not been passed. We are running dangerously low to a deficit balance. If it is passed now, we would have the ability to utilize monies in our sewer improvement fund to pay operating expenses. While it's not good financial management to use tap-in fee monies to do that, we do have legal ability to do that. However, without passage of this ordinance on a timely basis, it is most likely, that we will also have to take another look at raising revenues again around the third or fourth quarter of the year, September or October. It is because, again, it is illegal by statute for us to operate funds in a deficit. We cannot spend monies that we don't have and in these particular enterprise funds, the sewer fund is projected to be in a deficit balance by the end of the year, unless we raise our rates. So, this is more critical than the water.

Mayor Gillock: Madam President.

President Pro-Tem Buescher: Yes, Mr. Mayor?

Mayor Gillock: I would just like to ask the Auditor that, because the water rate ordinance will not be adopted this evening; because we did not dispense with the third reading, if we did not adopt this one this evening, would we be able to adopt the budget or would we be required to postpone adoption of T 28 and return it to the Finance Committee to adjust the budget?

Auditor Costin: Madam Chairman, Mayor, this is running dangerously close. We technically could, likely, pass the appropriation ordinance tonight with the anticipation that the sewer rate increase would pass on its third reading. With that assumption; because it appears that we at least have more votes now, we technically could pass the appropriation ordinance. Again, most probable, we would need an additional sanitary sewer increase sometime toward the end of the year to supplement the fact that this now, isn't being collected. Let me explain that. If these go into effect now, we are collecting monies earlier. I think Councilman Boose said a couple meetings ago that if we don't pass the rate as it is now and we pass it later, the rate simply goes up. So, what is likely to happen is that we have to get out of the deficit position in these funds. We are just going to have fewer months to do that in, which means our rates are going to be higher. It is simple math. However, to answer your question Mayor, I believe we can still pass the appropriation ordinance tonight, as long as, it is anticipated that we will have at least four votes when the sewer rate comes up for its third reading.

President Pro-Tem Buescher: Is there any other discussion?

Council Member Corcoran: Madam President.

President Pro-Tem Buescher: Yes, Mr. Corcoran?

Council Member Corcoran: I have a question for the Auditor. Do you have any idea of how much the rates will go up additionally, if it is not passed tonight?

Auditor Costin: I haven't done that calculation, but I can tell you that if it would have went into effect tonight, based on the recommendation; remember these are not my calculations, this was the independent sewer study that was done. They recommended 17 percent. Right now, today, if we pass their recommendation with eight months collection, do the math; twelve eighths, we should be passing a 25.6 percent increase right now, tonight. However, as I said, we have a little bit of cushion, because, I think we had a hundred and some thousand dollars of unreserved, unspecified in our improvement fund that for emergencies could be used for operations, which we would have to do. It is extremely probable, that the rate increase that we would have been looking at next year, when they update their study, is going to be significantly higher, because the longer we wait to increase our rates, the higher the rate will be when we do, in fact, increase it. What will happen is the longer we wait, the higher the effective rate is going to be. Whether it is passed this year and then again next year, but we are going to have a rate increase this year, because we are anticipating a deficit right now.

Council Member Corcoran: Regardless of what happens tonight, are we looking at an increase in the fall anyway?

Auditor Costin: I don't know that because all of our projections are based on estimates, but the longer we wait, the higher the probability is that we will need another rate increase in the fall. The reason I say that is because, when we approach the end of the year and we are looking at our estimates, if we are not collecting our monies and we are still incurring the costs, that will mean a deficit balance. A deficit balance, you can't have in the State of Ohio. We have no choice, but to end our balances in the black.

Mayor Gillock: Madam Chairman.

President Pro-Tem Buescher: Mr. Mayor?

Mayor Gillock: I would add to that, that these calculations are made by an independent engineering firm, CH2M Hill and we thoroughly anticipate revisiting this at the end of the year to see where we are at. Depending upon what the economy does, the number of housing starts and other factors will determine where we are at. At this point, all we can say is that we will have to take another look at it to make sure that the account remains solvent.

Council Member Boose: Madam President.

President Pro-Tem Buescher: Mr. Boose?

Council Member Boose: Yes, I was part of those discussions with the consulting firm and it is my recollection that, at the beginning, they actually suggested a higher rate than the 17 percent. The City was adamant that we did not want to have such an increase as that then, and so what we did is we went back and asked that a ten-year plan be developed for the improvements to the French Creek Waste Water Treatment Plant and all other future expenditures, so that we could

move some out, so that we could actually see 17 percent today versus the original 25 percent. So, we have done what we could to lessen the blow to all the residents. Again, it is not something we do lightly. The first time the resident goes to flush the toilet and it doesn't work, you're going to have a problem. We have looked at all the expenses. I can tell you, I have looked at them and they are real. They are not made up. We need to pay for them and so I would ask that Council consider passing this legislation this evening, so that we don't have to have the higher probability of increasing rates later. Thank you.

Council Member Olesen: Madam President.

President Pro-Tem Buescher: Mr. Olesen?

Council Member Olesen: I would just like to add one thing, that our sewage fund used to manufacture a product called Biorich. A lot of residents took advantage of this by using it in their flower gardens and it worked very well. The EPA came along and said that it is not in the right classification and you can't do it. You have to take this sludge and you have to haul it away. So now, we have to hire somebody, buy a truck and incur other costs involved to get rid of this stuff. These are costs that we have no control over. I think that Councilman Boose alluded to the fact that the Finance Committee really labored over this budget. There were three of us there that sat through this whole thing and there were so many requests that we had to turn down. We would love to be able to turn down this increase, but our conscience says that we can't do that because if we do, it is going to compound itself into a problem that we cannot solve down the road. That is why we have to pass this.

President Pro-Tem Buescher: Is there anyone else that would like to speak?

Council Member McLaughlin: Madam President.

President Pro-Tem Buescher: Mr. McLaughlin?

Council Member McLaughlin: I'm asking for clarification. By voting to move this to third reading, would that allow Council, as a whole, to vote? If it does not have a super majority than Council does not get to vote on this, this evening. Is that correct?

Law Director Crites: Correct. The motion on the floor is to dispense with the third reading. If that motion fails and it does require a super majority, meaning five Council Members regardless of the quorum, then it will simply be on the agenda at the next meeting for its third reading.

Council Member McLaughlin: Thank you.

President Pro-Tem Buescher: Anyone else? We have a motion by Boose and a second by Olesen to dispense with the third reading. Will the Clerk please take the vote?

Yes, 6 No, 0

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

moved by Boose, seconded by Olesen to adopt T 11

moved by Boose, seconded by Olesen to add the emergency so that we can maintain the 18 percent increase suggested and hopefully avoid a higher probability of an increase later in the year

President Pro-Tem Buescher: Is there any discussion on the emergency? Will the Clerk please take the vote on the emergency?

Yes, 4 No, 2 (Corcoran, McLaughlin)

Clerk of Council Blakely: This motion requires a super majority and fails by a vote of four to two.

President Pro-Tem Buescher: We have a motion was made by Boose and seconded by Olesen to adopt. Is there any discussion? Will the Clerk please take the vote?

Yes, 4 No, 2 (Corcoran, McLaughlin)

Clerk of Council Blakely: Motion to adopt passes by a vote of four to two and becomes ordinance number 4638-2009.

Permanent Ordinance No. 4638-2009

Council Member Boose: Madam President

President Pro-Tem Buescher: Mr. Boose?

Council Member Boose: Point of clarification to the Auditor. Just that we understand. Now that we have successfully passed the sewer rate, it is in your opinion, that we can consider passing with the emergency some of the legislation that the Safety-Service Director and you had suggested on some of the materials that we will need or do we need to postpone those until next time?

Auditor Costin: We have to pass the permanent appropriation ordinance with the emergency.

Council Member Boose: So, what we will do is, we could, if it is Council's perusal, to dispense with the second reading. Then after appropriations budget would hopefully be approved, then we could do the third reading after that. Correct?

Auditor Costin: Don't we have a refuse ordinance in here?

Council Member Boose: Yes, we obviously will have to pass that as well.

Mayor Gillock: Madam President.

President Pro-Tem Buescher: Mr. Mayor?

Mayor Gillock: T 15 through 21 are getting their second reading this evening. We can dispense with the third reading, but you can't take any action until after the budget is addressed.

Law Director Crites: Madam President.

President Pro-Tem Buescher: Mr. Crites?

Law Director Crites: What I suggest we do is, to bundle T 15, 17, 18, 19, 20, and 21, which are all annual material's acquisition legislation and in one motion, dispense with the second reading and place them under third readings. That way, they will show up under third readings after the appropriations legislation.

Mayor Gillock: Madam President.

President Pro-Tem Buescher: Mr. Mayor?

Mayor Gillock: I would like to make a suggestion and maybe the Law Director could address it. Could we suspend the By-Laws to address T 25 and T 28 at this time, before we do 15 and the others? That way, we could get the Allied Waste and the Budget out of the way and know where

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we are at and then we could address 15 through 21?

Law Director Crites: We could certainly jostle the agenda by a simple vote of Council to suspend the By-Laws and take T 25 first, but actually, Mr. Mayor, to . . .

Mayor Gillock: T 25 and T 28.

Law Director Crites: T 28 is now under third readings. To simply dispense with the second reading of all the materials ordinances will, in effect, do the same thing. Once you pick them up and take them out of the agenda, then you will go directly to T 25 and T 25 being the solid waste legislation will be dealt with and then after we deal with T 5, then you're going to come to the appropriation ordinance and then after that, will come all the material acquisition ordinances, which I think is the chronology that we want to have happen. Someone is checking my map here?

President Pro-Tem Buescher: Sounds right.

Law Director Crites: There are two different ways to skin the same cat. You can do it with one motion and that motion would be to dispense with the second reading of T 15, 17, and I suggest . . .

Mayor Gillock: They are all getting their second reading.

Law Director Crites: You don't want to give them their second reading. You want to dispense their second reading and put them on third reading so that they come up after the appropriation ordinance.

moved by McLaughlin, seconded by Corcoran to dispense with the second readings of T 15, T 17, T 18, T 19, T 20, T 21 and place them under third readings

President Pro-Tem Buescher: Is there any discussion?

Council Member Boose: Yes, Madam President. Just for a point of order, we are doing this for T 15, 17, 18, 19, 20, and 21?

President Pro-Tem Buescher: Yes. Is there any other discussion? Will the Clerk please take the vote?

Yes, 6 No, 0

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

T 25-2009 4639-2009	AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO A FIVE (5) YEAR CONTRACT WITH ALLIED WASTE SERVICES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE AND COLLECTION AND PROCESSING OF RECYCLABLE MATERIAL AND YARD WASTE FOR EACH RESIDENTIAL UNIT WITHIN THE CITY OF NORTH RIDGEVILLE, OHIO, AND PROVIDING FOR A LOCAL PROCESSING FEE TO BE CHARGED BY THE CITY OF NORTH RIDGEVILLE, OHIO.
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Second Reading

moved by Boose, seconded by Olesen to dispense with the third reading

President Pro-Tem Buescher: Is there any discussion?

Auditor Costin: Madam Chairman.

President Pro-Tem Buescher: Mr. Costin?

Auditor Costin: This, financially, is the most critical of the three. The question really boils down to whether or not the City will continue in the refuse business or not, because for us to enter into the contract, we have to pay the bill. We can't enter into contract unless, we also agree, that we will appropriate and spend the monies necessary to fulfill that contract. Now, this contract, to my understanding, was made retroactive to November, when the last contract expired and we had a significant increase in the rates. In fact, that contract, the rate will be increasing over the next five years under its terms. So, for us to pass this contract, we have to accept the rate that is in the contract. If we were to pass it with the emergency tonight, the rate that is in the contract, based on our best estimates, would be sufficient to eliminate the potential deficit. If we postponed its effective date, in other words, if we didn't pass it with the emergency, when it does pass, it has to have a rate in it, that is sufficient to eliminate the deficit that we anticipate, that we are going to incur for the end of the year. Currently, we have a rate of 17 dollars and 50 cents in there and if that is passed with the emergency to take effect on April 1, it would be included and we would have nine months of billing to eliminate our deficit. If it is passed without the emergency, then we are going to need to amend it so, that it has a rate of 18 dollars and 15 cents, because we only have eight months to collect and eliminate the potential deficit. If it doesn't pass tonight, then it would continue to go up according to when it does take effect and if that is unacceptable, then by law, in Charter, I cannot sign the Auditor's certificate and I don't believe the Mayor can sign the contract. So, this is the most complicated of the three and what it really boils down to is, do we want to continue to maintain refuse collections for our citizens or do we want them to go out and negotiate for themselves? It is as simple as that. Thank you.

President Pro-Tem Buescher: Is there any other discussion? We have a motion by Boose and a second by Olesen to dispense with the third reading. Will the Clerk, please take the vote?

Yes, 6 No, 0

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

moved by Boose, seconded by Olesen to adopt

moved by Boose, seconded by Olesen to add the emergency in order to eliminate the anticipated deficit without an additional increase

President Pro-Tem Buescher: Is there any discussion on the emergency?

Council Member Corcoran: Madam President.

President Pro-Tem Buescher: Mr. Corcoran?

Council Member Corcoran: I understand that these are difficult times for people and as the Auditor made clear, there is not much of a choice in order for us to get the lowest rate possible. If we don't take action tonight, then we are only making the situation worse and that is unacceptable.

President Pro-Tem Buescher: Is there any other discussion? Will the Clerk please take the vote on the emergency?

Yes, 6 No, 0

Clerk of Council Blakely: Motion on the emergency passes by a vote of six to zero.

President Pro-Tem Buescher: We have a motion on the floor by Boose and a second by Olesen to adopt with the emergency. Is there any discussion on the adoption?

Council Member Boose: Madam President.

President Pro-Tem Buescher: Mr. Boose?

Council Member Boose: Again, to echo earlier comments. We received three bids. This is the lowest and best bid and so this really needs to be done this evening for all the reasons earlier mentioned. I did want to point out though, that in section three, there is the opportunity for senior citizens aged 62 or older to be given a dollar per month discount, per household. So, that is something in the legislation that can help those senior citizens in that age category. Thank you.

President Pro-Tem Buescher: Is there any other discussion? Yes, Mr. Costin?

Auditor Costin: Yes, under section two, if it is the intent to pass with the emergency tonight, I would recommend that where it ends and says a unit rate of 17.50 per month; I would recommend that a comma be added beginning April 1, 2009.

President Pro-Tem Buescher: Do we need to take a vote on that?

Law Director Crites: That would, if Council desires to do that, someone is going to need to make an intervening motion to amend.

Council Member Boose: I make a motion to amend section two of T 25-2009 to read for services rendered the city of North Ridgeville shall charge for each residential unit a rate of 17.50 per month, beginning April 1, 2009.

Council Member McLaughlin: Second.

President Pro-Tem Buescher: We have a motion on the floor by Boose and a second by McLaughlin to amend section two as stated. Is there any discussion?

Auditor Costin: Yes.

President Pro-Tem Buescher: Mr. Costin?

Auditor Costin: I would like you to consider section seven, there is a cosmetic duplication. If you read the first sentence under section seven, it reads, it is contemplated that certain tipping fees and/or additional environment fees, etc. from time to time may be passed on to the City by. After by, if you strike the next words all the way to the second sentence of the third line, where it says City by, that eliminates a whole duplication. It now reads the City by other governmental entities.

President Pro-Tem Buescher: Do I have a motion to amend?

Council Member Boose: So moved.

Council Member Olesen: Second.

President Pro-Tem Buescher: A motion was made by Boose and seconded by Olesen to amend section seven as stated by the Auditor. Is there any discussion? Now, we have two amendments. Can we make that one vote?

Law Director Crites: I would suggest, but the motion should be rephrased to state that we could amend this with one motion to amend as suggested by the Auditor in section seven as well as section two.

Council Member Boose: If Mr. McLaughlin will take away his second, I'll restate the motion.

Council Member McLaughlin: I take away my second.

 moved by Boose, seconded by McLaughlin to amend T 25-2009, section two to add at the end of the sentence a comma beginning April 1, 2009 and in section seven in the first sentence after City by, strike other governmental fees comma etc. comma and/or may from time to time be passed on to the City by

President Pro-Tem Buescher: Is there any discussion? Will the Clerk please take the roll?

 Yes, 6 No, 0

President Pro-Tem Buescher: We have a motion by Boose and a second by Olesen to adopt with the emergency. Is there any discussion?

Council Member McLaughlin: Madam President.

President Pro-Tem Buescher: Mr. McLaughlin?

Council Member McLaughlin: I would also, like to agree with what Mr. Corcoran said. This is certainly hard times on everybody and City Council is not looking to dive into everybody's pockets, but our garbage hauling is what it is. Bids were sent out. We are going with the lowest person, just as if anybody would call to have a deck put in the back of their house, you're going to get some bids and you're going to go with the lowest person. That is the price of the service. Unless, we all choose to haul the garbage to the dump ourselves or have it piled up around the City, which probably isn't too safe, something has to be done. Unfortunate as it is, this is the price of garbage. Thank you.

President Pro-Tem Buescher: Any other discussion? We have a motion by Boose and a second by Olesen to adopt with the emergency. Will the Clerk, please take the roll?

 Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero and becomes ordinance number 4639-2009.

 Permanent Ordinance No. 4639-2009

President Pro-Tem Buescher: We now move on to third readings.

THIRD READINGS:

Clerk of Council Blakely:

T 5-2009 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR SANITARY SEWER MAIN LINE AND MANHOLE GROUTING, RE-LINING AND POINT REPAIRS AND OTHER APPURTENANCES, AND TO NEGOTIATE AND ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING FIRM FOR PLANS

SPECIFICATIONS, AND CONSTRUCTION PHASE SERVICES FOR THE
SAME, NOT TO EXCEED \$100,000.00.

Third Reading

Mayor Gillock: Madam President.

President Pro-Tem Buescher: Mr. Mayor?

Mayor Gillock: We read it again. According to my notes, we have already given this a third reading, but we need to hold this until after appropriations. We can't vote on this now.

President Pro-Tem Buescher: We did already have a third reading on that, but we thought that this be the most appropriate place to put it on the agenda this evening. So, we'll hold off on that.

Law Director Crites: I might suggest, excuse me, Madam President, if I may, that as long as someone makes a note to do so, that a motion be made to reconsider T 5, if and when the appropriation ordinance is passed tonight and then we can address it this evening.

Council Member Boose: And I'll make that motion.

Council Member Olesen: I'll second.

Law Director Crites: At the appropriate time, not yet.

President Pro-Tem Buescher: We have a motion by Mr. Boose . . .

Law Director Crites: I'm sorry, I didn't make myself clear. After we address the appropriation ordinance, then the motion would be made. If the appropriation ordinance is adopted, then a motion would be made to reconsider T 5.

Council Member Boose: Point of order. Shouldn't we make that motion right now to keep it under third readings or does that matter?

Law Director Crites: Actually, we have the right, under Roberts Rules to reconsider it as long as we do it this evening.

Council Member Boose: Thank you.

T 28-2009 AN ORDINANCE PROVIDING FOR THE APPROPRIATIONS OF MONEY
4640-2009 FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY
 OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING
 JANUARY 1, 2009 AND ENDING DECEMBER 31, 2009.

Third Reading

moved by Boose, seconded by Olesen to adopt

moved by Boose, seconded by Olesen to add the emergency in order to meet the
filing deadline with the State

President Pro-Tem Buescher: Is there any discussion to add the emergency? Will the Clerk,
please take the vote?

Yes, 6 No, 0

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

President Pro-Tem Buescher: We have a motion by Boose and a second by Olesen to adopt with
the emergency. Is there any discussion on the adoption with the emergency?

Council Member Boose: Madam President.

President Pro-Tem Buescher: Yes, Mr. Boose?

Council Member Boose: Yes, as Chairman of the Finance Committee, I'd like to thank the Committee Members, Mrs. Buescher and Mr. Olesen for all of their work during the days of the daylong sessions that we had. I also want to thank Auditor Costin and his staff for all of the work that they did in helping this process be a smooth one. This year, we were able to electronically, make changes to line items in the budget and they would automatically factor up to the total budget, which made the process extremely smooth. I also want to thank Mayor Gillock, the rest of the Administration and all the Department Heads for working together this year and not coming up with wish lists, but rather need lists. So, when they first came to us during the first couple of days of appropriations, we could see that they were ready to do business with a very, very limited budget that we had. In many instances, they came to us prepared to ask for less than what they had last year and I have to compliment everyone; the Department Heads and the Administration on pre positioning them for that. With all that being said, is this a perfect appropriations? No, but it meets the needs of the City. It saves the required City services that we need to maintain in order to provide the health, safety and welfare of our community.

President Pro-Tem Buescher: Is there any other discussion? Will the Clerk please take the roll.

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero and becomes ordinance number 4640-2009.

Permanent Ordinance No. 4640-2009

Council Member McLaughlin: Madam President, I make a motion to reconsider T 5-2009 at this time.

Council Member Boose: Second.

President Pro-Tem Buescher: Is there any discussion?

Auditor Costin: Madam Chairman.

President Pro-Tem Buescher: Mr. Costin?

Auditor Costin: I really hate to bring this up. This deals with the sanitary sewers. These are the types of things we found ourselves having to postpone. Now, the argument was made in the Finance Committee that these also are repairs that are assisting with our infiltration problem. However, once again, I have to reiterate depending upon when we start collecting those additional monies we need to eliminate our deficit, will have a direct bearing on whether we could afford to spend these kinds of monies out of a sewer fund that we are anticipating of having a deficit in right now. Again, I hate to do this, but I recommend strongly that you postpone this until after the sanitary sewer rate ordinance has passed, which hopefully will be during the next meeting.

Mayor Gillock: We passed the sanitary sewer rate. We didn't pass the water.

Auditor Costin: We didn't pass it with the emergency, did we? The difficulty with this now is, it will be probable that we are going to need additional monies when we get to the end of the year. I will leave it up to Council to consider that before you pass this ordinance tonight. Because,

again, this is 100,000 dollars that is coming out of a fund that will likely result in a deficit balance at the end of year and probably will require now, some additional monies to be corrected in the form of some sort of an increase in the fourth quarter of the year.

Council Member Boose: Madam President, I will withdraw my second on the basis of Mr. Costin's comments. I would not want to jeopardize the budget any further and since we are not able to get the emergency on the original motion to approve the sanitary sewer rates, I would much rather wait until we see what happens. I hate to do that because this is an extremely important piece of legislation. The infiltration in our sewer system is drastic and we have spent a lot of money over the years trying to address flooding, sewers backing up and in a lot of different ways, this helps address it tremendously. The money is not there. Money is not there.

Mayor Gillock: Madam President.

President Pro-Tem Buescher: Mr. Mayor?

Mayor Gillock: I would be very hesitant to withdraw this ordinance at this point. I would give Council a choice of either and I would suggest to go ahead and adopt it and we would work with the Auditor's office to manage those monies that, if they aren't there, then we don't spend them or we could postpone it until a future date certain and take a look at it, at that point. I agree with Mr. Boose, this ordinance is for 100,000 dollars, but it is for grouting, relining and other repairs into a sanitary sewer line, which we have been addressing the inflow and infiltration into our system over the last couple of years, which has cost us some money, especially when we send rain water to French Creek and then treat it. So, I would hate to see this go by the wayside at this point. I am open for discussion, but I would like for Council to either postpone it or adopt it and let us work with the Auditor in the future.

President Pro-Tem Buescher: Mr. McLaughlin?

Council Member McLaughlin: Would it make sense to have this go to Finance, where Finance and Administration could look at all the numbers and then recommend to Council that the money is there?

Auditor Costin: Again, I have to restate that we could put it in Finance, but it will sit there until toward the end of the year, because we won't know the results of our expenses and our revenues until the end of the year. So, again, I have to remind Council, that while we have a lot of appropriate applicable projects like this one being the highest priority, you can't spend what we don't have. If we're not going to raise the rates to cover these types of expenditures, we have to be very diligent in what we are going to pass. So, yes, if you refer it to committee, it will just have to sit there, until we look at it sometime until probably after the summer, when we have a good feeling of how our revenues are coming in and how our expenses are.

President Pro-Tem Buescher: Mayor Gillock?

Mayor Gillock: In discussions with the Engineer, this is on sub-basins, I believe 11, 12 and 13 and we have already appropriated the money and are doing the engineering in these sub-basins and we would not be doing the purchase orders for this until late summer anyway. So, I would suggest postponing it until September 1 and then take a look at it at that time.

Council Member Boose: Point of clarification. Would September 1 be the right time or August 1?

Mayor Gillock: I would pick September 1, because, we think, at that point, we will probably have the engineering done and that will give us a better idea of what needs to be done and then we can also look at the budget at that time and see where we are at.

 moved by Boose, seconded by McLaughlin to postpone T 5-2009 until the first meeting in September 2009

President Pro-Tem Buescher: Is there any other discussion? Will the Clerk please take the roll on the postponement.

 Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero to postpone to the first meeting in September.

T 15-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4641-2009 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A
 CONTRACT FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW
 AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF
 CHEMICALS TO BE USED BY THE FRENCH CREEK WASTE WATER
 TREATMENT PLANT.

 Third Reading

 moved by Boose, seconded by Jaenke to adopt

President Pro-Tem Buescher: Mr. Boose?

Council Member Boose: For clarification, do we need the emergency on this one?

Safety-Service Director Johnson: Are we on the French Creek one?

Council Member Boose: We are on 15, 16, 17, 18.

Safety-Service Director Johnson: 15 is French Creek. They have not indicated needing the emergency on that.

Council Member Boose: Nothing further on that, just my motion.

President Pro-Tem Buescher: We have a motion by Boose and a second by McLaughlin to adopt.

Council Member Boose: Jaenke.

President Pro-Tem Buescher: Mr. Jaenke? Sorry. Motion by Boose, second by Jaenke to adopt. Is there any discussion? Will the Clerk please take the vote?

 Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero and becomes ordinance number 4641-2009.

 Permanent Ordinance No. 4641-2009

T 17-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4642-2009 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE A
 CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW,

AND IN A MANNER PRESCRIBED BY LAW, TO FURNISH AND INSTALL
FULL DEPTH CONCRETE PADS AND REPAIR SERVICES TO BE USED
BY THE CITY OF NORTH RIDGEVILLE, OHIO.

Third Reading

moved by Olesen, seconded by Corcoran to adopt

moved by Olesen, seconded by Boose to add the emergency because we want to
go out for bids and get the best possible bid price we can

President Pro-Tem Buescher: Is there any discussion on the emergency? If not, will the Clerk
please take the vote?

Yes, 6 No, 0

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

President Pro-Tem Buescher: We have a motion by Olesen and a second by Corcoran to adopt
with the emergency. Is there any discussion? Will the Clerk please take the vote?

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero and becomes ordinance number
4642-2009.

Permanent Ordinance No. 4642-2009

T 18-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4643-2009 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE A
CONTRACT FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW
AND IN A MANNER PRESCRIBED BY LAW, TO FURNISH AND/OR
DELIVER CONCRETE TO BE USED BY THE CITY OF NORTH
RIDGEVILLE, OHIO.

Third Reading

moved by Olesen, seconded by Corcoran to adopt

moved by Olesen, seconded by Corcoran to add the emergency because here
again, let's get these bids in early, so we can negotiate the best possible price

President Pro-Tem Buescher: Is there any discussion on the emergency? Will the Clerk please
take the vote?

Yes, 6 No, 0

Clerk of Council Blakely: The emergency has been approved by a vote of six to zero.

President Pro-Tem Buescher: We have a motion by Olesen and a second by Corcoran to adopt
with the emergency. Is there any discussion on the adoption with the emergency? Will the Clerk
please take the vote?

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero and becomes ordinance number
4643-2009.

Permanent Ordinance No. 4643-2009

T 19-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4644-2009 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE A
 CONTRACT FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW
 AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF
 LIMESTONE AND SAND TO BE USED BY THE CITY OF NORTH
 RIDGEVILLE, OHIO.

Third Reading

moved by Corcoran, seconded by McLaughlin to adopt

moved by Corcoran, seconded by McLaughlin to add the emergency in order to
meet the timely request for bids

President Pro-Tem Buescher: Is there any discussion on the emergency? Will the Clerk please
take the vote?

Yes, 6 No, 0

Clerk of Council Blakely: The emergency has been approved by a vote of six to zero.

President Pro-Tem Buescher: We have a motion by Corcoran and a second by McLaughlin to
adopt with the emergency. Is there any discussion? Will the Clerk please take the vote?

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero and becomes ordinance number
4644-2009.

Permanent Ordinance No. 4644-2009

T 20-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4645-2009 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE A
 CONTRACT FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW
 AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF
 ASPHALT AND RELATED MATERIALS TO BE USED BY THE CITY OF
 NORTH RIDGEVILLE, OHIO.

Third Reading

moved by Corcoran, seconded by McLaughlin to adopt

moved by Corcoran, seconded by McLaughlin to add the emergency

President Pro-Tem Buescher: Is there any discussion on the emergency?

Council Member Corcoran: Yes, there is Madam President. We are adding the emergency in
order to meet the bid request dates.

President Pro-Tem Buescher: Thank you. Anyone else? Will the Clerk please take the vote on
the emergency?

Yes, 6 No, 0

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

President Pro-Tem Buescher: We have a motion by Corcoran and a second by McLaughlin to adopt with the emergency. Is there any discussion on the adoption with the emergency? Will the Clerk please take the vote?

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero and becomes ordinance number 4645-2009.

Permanent Ordinance No. 4645-2009

T 21-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
4646-2009 RIDGEVILLE TO ADVERTISE FOR BIDS AND NEGOTIATE A CONTRACT
 ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR
 THE RENTAL OF EQUIPMENT AND RELATED SERVICES FOR ROAD
 REPAIR AND MAINTENANCE TO BE USED BY THE SERVICE
 DEPARTMENT.

Third Reading

moved by Corcoran, seconded by McLaughlin to adopt

moved by Corcoran, seconded by McLaughlin to add the emergency in order to meet the deadline for the bid request

President Pro-Tem Buescher: Is there any discussion on the emergency? Will the Clerk please take the vote?

Yes, 6 No, 0

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

President Pro-Tem Buescher: We have a motion by Corcoran and a second by McLaughlin to adopt with the emergency. Is there any discussion? Will the Clerk please take the vote?

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero and becomes ordinance number 4646-2009.

Permanent Ordinance No. 4646-2009

President Pro-Tem Buescher: We'll move on to the upcoming meeting announcements. Will the Clerk please read the announcements?

COMMITTEE MEETING ANNOUNCEMENTS:

Clerk of Council Blakely:

Public Hearing Monday, April 6, 2009 at 7:20 P.M. in Council Chambers re: T 168-2008, re-zoning approximately 4.7798 acres and part of 35496 Lorain Road, Permanent Parcel No. 07-00-024-101-106 from R-1 to I-2 and owned by Stone River Industrial Properties, LLC.

Next Regular Council Meeting Monday, April 6, 2009 at 7:30 P.M. in Council Chambers.

ADJOURNMENT:

moved by Corcoran to adjourn

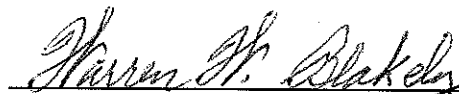
Meeting adjourned at 9:07 P.M.

Approval of Minutes:

MOTION Jaenke 2ND Olesen DATE April 6, 2009

YES 5 NO 0 ABSTAIN 1 - Butkowski


PRESIDENT OF COUNCIL BERNADINE BUTKOWSKI


CLERK OF COUNCIL WARREN W. BLAKELY