

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JANUARY 20, 2009**

CALL TO ORDER: 7:30 P.M.

President Bernadine Butkowski: I call to order the North Ridgeville City Council Meeting of Tuesday, January 20, 2009. Please stand for the invocation and pledge of allegiance.

INVOCATION: lead by President Butkowski.

President Butkowski: Tonight, we have Troop Number 140 to lead the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE: by all.

ROLL CALL:

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

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

MINUTES - Corrections (if any) and Approval:

President Butkowski:

Council Minutes of public hearings held January 5, 2009

 moved by Boose, seconded by Jaenke to approve

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

 Yes, 7 No, 0

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

President Butkowski:

Council Minutes of regular meeting held January 5, 2009

President Butkowski: Are there any corrections?

 moved by Boose, seconded by Jaenke to approve

President Butkowski: Clerk, please call the roll.

 Yes, 7 No, 0

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

President Butkowski: Please note the:
Board of Drainage & Flood Control Minutes of regular meeting October 30, 2008 and
Planning Commission Minutes of regular meeting January 13, 2009.

President Butkowski: We'll move on to the Lobby.

LOBBY:

President Butkowski: I'm asking anyone who would 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. The first one that comes up here, please turn the mic on. Does anyone want to speak tonight? Anyone interested in speaking tonight? Okay, we'll move on to our Administration Reports. Mr. Gillock, the Mayor?

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you and good evening to everyone. I have three appointments I would like to make this evening. All three are members of their respective boards whose terms have expired and they have all asked to stay on those boards. They have all done an excellent job and I am glad to reappoint them.

moved by Mayor Gillock, seconded by Buescher to appoint Shawn Kimble to the Board of Zoning and Building Appeals

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

Yes, 7 No, 0

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

Mayor Gillock: Secondly,

moved by Mayor Gillock, seconded by Olesen to reappoint Frank Vacha to the Parks and Recreation Commission

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

Yes, 7 No, 0

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

Mayor Gillock: And finally,

moved by Mayor Gillock, seconded by McLaughlin to reappoint Jim Rothgery, who is with us this evening, to the Planning Commission

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

Yes, 7 No, 0

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

Mayor Gillock: Thank you and I would certainly like to, again, thank all of these individuals for giving of their time and energy for this community service.

I have distributed, to your desk this evening, two ordinances that I would like to get on the agenda for this evening. The first one is an ordinance increasing the wholesale rate of wastewater treatment services provided by the French Creek Wastewater Treatment Plant. Before any discussion, I would ask the Clerk to assign a T number.

Clerk of Council Blakely: T 7-2009.

Mayor Gillock: Thank you. This is an ordinance that, Mr. Boose even attended a meeting from the Finance Committee, we have been in discussion with for some time. It increases the rates that French Creek charges for sewer services to a three member community, North Ridgeville, Avon and Sheffield Village. Avon and Sheffield Village have also been at those meetings and they are aware of the need for the increase. We have all geared up to make this effective February 1. That is why we would like to get it on the agenda and adopted this evening.

moved by Mayor Gillock, seconded by Olesen to suspend the By-Laws to give this a 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.

Mayor Gillock: Thank you. The second one is an ordinance authorizing the Mayor to enter into an agreement with the Ohio Public Works Commission and authorizing the city to borrow funds related thereto at a zero percent interest rate. I would ask the Clerk to assign a T number to this, which is probably T 8.

Clerk of Council Blakely: T 8-2009.

Mayor Gillock: Thank you, Mr. Blakely. We have already received a grant and a loan from the Ohio Public Works Commission for phase 3A of our reconstruction of Lorain Road and this just authorizes the city to enter into that agreement. It does have a February deadline for us to sign and submit the contract back to Ohio Public Works Commission.

moved by Mayor Gillock, seconded by Olesen to suspend the By-Laws to give this a 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.

Mayor Gillock: I have one more item this evening. It is one of our favorites. It's Dairy Queen Night. Dairy Queen is celebrating its 35 anniversary and in recognition to that, we have a proclamation that we would like to recognize them with. Bonnie, if you would come up please. Bonnie Pierson is the owner. Most of you probably know her. Congratulations and I will read this real quick.

WHEREAS; on August 4, 1938 in Kankakee, Illinois, a father and son in a mix plant business we're experimenting with a frozen dairy product and today, 60 years later, Dairy Queen's recipe for success has been a combination of hardworking people along with great tasting food and palette tempting frozen treats and in the early 70's as Bonnie Pierson was busy in New York selling her and her husband John's house in order to move to Ohio, John was searching for purchasing land in North Ridgeville, meeting with contractors and going over plans to what would be their new future; proprietors of their own Dairy Queen store; and

WHEREAS; over the past 35 years, the success of the Dairy Queen has ranked them in the top 100 stores, system-wide.

Bonnie Pierson: That's 100 wide in cake sales, right?

Mayor Gillock: In cake sales? Well, we know you have been supportive of the many non profit organizations, such as baseball; my kids love the ice cream cakes, bowling and football leagues, by sponsoring car wash programs. Their top sellers are blizzards and the ever popular ice cream cakes, special events including Hot Dog Sale Days, such as Martin Luther King Jr. Day and President's Day, where in one year in particular, the total of 1,700 dogs were sold in one day; and

WHEREAS; John and Bonnie's two sons, Dan and Dave, have been instrumental in the success by spending many hours helping with the family business. Today, Dan and his wife Kate and their two daughters all doing their part working in the restaurant and plan to one day, step into some very busy shoes to continue the family legacy; and

NOW, THEREFORE, I, Mayor Gillock, do hereby congratulate Dairy Queen and their employees on their 35 anniversary and advise everyone that one theory will remain constant in the years ahead. Dairy Queen will always be the place to find Little League Teams celebrating a victory; business people enjoying their lunch break and families taking time out to indulge in great food and delicious frozen and soft served treats. We further thank them for living up to their motto of "We treat you right", and I think that is a great accomplishment and congratulations. Would you like to say something?

Bonnie Pierson: Wow, that was a great honor. I am so honored to be here. For one thing, I can't believe it has been 35 years. I mean, where did the time go? I would like to thank Mayor Gillock. I would like to thank Robin, who wrote that. I want to thank the city of North Ridgeville for making it such a pleasant success story for me. I love it here. You are a force to

be reckoned with. It is a strong stable community that I have really enjoyed all the opportunities here; my kids with the baseball and education. You know, we have been through a lot of struggles. We have had power outages. We've had blizzards. We have had inches and inches of rain. What is so funny, Chris? We've had heat in the 90's and I don't know if it made it over 100, but it is always tough on my air conditioning systems and my heating systems. So, we have had equipment failures, lots of employee issues; like you usually have; your car broke down and I couldn't get in, my dad had to go to the hospital, I'm sorry, I'm sick today. Usually, they get sick on Saturday night though. We've had several incidents over there. One day, somebody left the water running full blast in one of the slop sinks. They were intending to just flush out the sink and they walked out the door and locked it over the holiday. The mix driver came in the next morning and he called the house and said you know, you got two inches of water here on your floor everywhere in the store. He said, yeah, I turned it off for you. Then, there was a time where the pop dispensing machine actually collapsed in the middle of the night and pulled out some hoses, which made a huge mess and a flood too. So, we were over there in the middle of the night trying to reconstruct the shelving to hold it back up again and still have business the next day. There was an incident where, you know how you have those roof drains that come through the roof and then over the top of the ceiling tiles and down and out the side of your building, well we had ten to twelve inches of snow on the roof and the weakest spot was right around the drain. The drain pulled away at the roof and what we had was Niagara Falls right in the middle of the lunch rush. So, here are all these Mills Creek construction workers in line out the door and we had a couple of pickle buckets full of water just rushing down. Luckily, it was behind the register and we didn't hit any electrical lines that day. I have a vision for the future. I think Dairy Queen, as system-wide, is going to be a force to be reckoned with. The support that I have had from my employees, who are gifted, motivated and energized, their energy is just endless. I don't know how they do it. My employees will be carrying us to a future that is even brighter than it is today. Marian and Olivia will be my fourth generation actually working at Dairy Queen. They do their jobs and probably Olivia understands the registers better than I do. The technology is just becoming extraordinary. It's harder for me and easy for everybody else. One more thing. I'm not up to a half hour yet Dennis.

Council Member Boose: I told her to keep it under a half an hour. I didn't think she would take me seriously.

Bonnie Pierson: Dennis gave me a half hour. He said, just no longer than a half hour. Anyway, I remember Johnny Carson and you know, as we look to the future; remember what Johnny Carson said a long, long time ago. He said, that we were going to have a toilet paper shortage very soon. I don't know if anybody ever remembers that. Do you remember that? Johnny Carson made this statement that we were going to have a toilet paper shortage and guess what? The next week there was no toilet paper on any of the shelves in the store. So, I think, you know you have to have belief and have faith. If you believe, it's going to keep on going. You have to believe and I believe. Thank you, very much.

Mayor Gillock: Come back in another 35 years and we'll give you an hour. Thank you.

Council Member Buescher: Madam President, may I also say that Bonnie's bees produce delicious honey.

Bonnie Pierson: Thank you.

President Butkowski: Thank you, Bonnie. I enjoy your store quite often. Mayor, are you finished with your report?

Mayor Gillock: I'm finished. Thank you.

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

B. Safety-Service Director:

Safety-Service Director Johnson: Thank you, I have two subjects really and just like the last subject, it is cold and white, but this involves snow; not ice cream. The Building Department has started going around to certain neighborhoods, targeting areas where we have a lot of pedestrians; asking people to get their sidewalks shoveled. This is important. The kids are walking in the streets and we can't have that. I ask everyone not to wait until the Building Department shows up at your house asking to get your sidewalk clear. Please, be mindful of the kids walking and trying to get to school.

The second subject, also about snow, is the fire hydrants are starting to get pretty well covered as we keep adding to the snow pack that we have. If you have a fire hydrant in front of your house or nearby, please go out and shovel some of the snow from around it. It might save some precious moments if the Fire Department needs to use that Fire Hydrant in your neighborhood. It could save people's lives and property. That concludes my report.

President Butkowski: Thank you, Mr. Johnson and as long as we are talking about snow, remember that our crews clean the streets very, very well, but please; I have ridden with them cleaning the streets, stay away from those trucks. It is very difficult to see when you're driving that truck and snow does fly on their windshield. Stay away from them. We can move on to the Engineer, Mr. Griffith.

C. Engineer:

Engineer Griffith: Thank you, Madam President. Along the same lines as the Safety-Service Director was talking about, I would like to advise people to start checking any catch basins that are located in and about their property, in their yard or in the street. With all the snow cover we currently have, a flooding problem could occur should the temperature increase along with a rain fall. Catch basins that are covered or blocked will have a difficult time accepting water flow. If you are physically able, please do yourself a favor and uncover any covered catch basins. Thank you, Madam President. That's all I have this evening.

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

D. Auditor:

Auditor Costin: Thank you, Madam Chairman. The only item on the agenda from this office tonight is the Preliminary Report and consistent with prior years, historically, we have given you just a recap preliminary report at this time of the year, as we are wrapping up the final numbers. We expect the final report to you at the first meeting in February. No other comments and that completes my report. Thank you, very much.

President Butkowski: Thank you.

E. Other Reports:

President Butkowski: Please note:

Water System Operation Report for December 2008;

Fire Department Report for December 2008;

Building Department Report for December 2008 and

Office for Older Adults Year End Report 2008.

COUNCIL COMMITTEE REPORTS:

President Butkowski: Clerk, please read the reports.

Clerk of Council Blakely: First:

1) FINANCE COMMITTEE AND STREETS, SIDEWALKS & BRIDGES COMMITTEE REPORT #5743 dated January 8, 2009: Members of Council: We have considered the matter of T 154-2008, 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 plans, specifications, bidding documents and construction phase services for the Lorain Road (Root Road to Honeycut Drive) Reconstruction, Phase 3A, including appurtenances, not to exceed \$100,000.00 and recommend that this request be approved and T 154-2008 be adopted by Council with funding as follows: Up to \$600,000 from bond anticipation notes to finance the \$832,650 project and the remainder from the Street Levy.

Signed: Finance Committee Members Buescher and Olesen and Chairperson Boose

Signed: Streets, Sidewalks & Bridges Committee Members Corcoran and Jaenke and Chairperson McLaughlin

moved by Boose, seconded by Buescher to approve

President Butkowski: Do we have any discussion?

Auditor Costin: Madam Chairman.

President Butkowski: Yes, Mr. Costin?

Auditor Costin: I was at that meeting and Mr. Boose, I believe the balance was to be from the appropriate fund rather than the Street Levy fund.

Council Member Boose: That is my recollection as well. We should make that change. Thank you.

Law Director Crites: If I may, Madam President?

President Butkowski: Yes.

Law Director Crites: There is a motion on the floor; if we could also piggy back it with a correction of a typo. In the third line, after specifications, it reads bedding documents as opposed to bidding. Just to preserve the record in the event we ever had any contest over the bidding.

Council Member Boose: So moved.

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

Yes, 7 No, 0

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

Mayor Gillock: I would make a motion to suspend By-Laws to give T 154 it's third reading this evening.

Council Member Jaenke: Second.

Council Member Corcoran: Point of order, Madam President.

President Butkowski: Yes, Mr. Corcoran?

Council Member Corcoran: When we were just approving the Council Committee Report, we never actually voted to amend the report. We just voted to approve.

Council Member Buescher: I think Dennis made a motion to amend and I'll second that.

President Butkowski: I'm sorry, I missed that one. We have to go back. That vote was invalid.

The motion was made by Boose and seconded by Buescher to amend Street Levy to the Street Levy Fund. Is that correct?

Council Member Corcoran: Madam President, it was the appropriate fund.

moved by Boose, seconded by Buescher to change it from Street Levy Fund to the appropriate fund and to change the spelling from bedding to bidding in line three; after specifications

President Butkowski: Are there any other corrections on this, 5743? Clerk, please call the roll on the changes.

Yes, 7 No, 0

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

President Butkowski: Can I have another motion to accept the report?

Mayor Gillock: Madam President, we are having a discussion over here as to whether or not this has had its first or second reading or not. The Engineer has said that it did. The Auditor is not sure.

Council Member Boose: Point of order. My notes show, that it had a first reading on November 17. That is the same evening it was referred to Streets, Sidewalks and Bridges Committee as well as the Finance Committee. It has one reading by my count.

Mayor Gillock: I would then make the motion to suspend By-Laws to give it, its second reading this evening because we want to get started on this.

President Butkowski: I think we have to approve this and then we can do that.

Mayor Gillock: I thought you did that already.

President Butkowski: No, because we didn't make the amendment. So, we have to go back and approve it again.

Council Member McLaughlin: Madam President, we are not approving anything. We are moving to accept the report.

Law Director Crites: It has been amended. Now, we just need to vote on a motion to accept it.
moved by Boose, seconded by Jaenke to accept the report as amended

President Butkowski: Do we have any discussion? Call the roll on the accepting of this report.

Yes, 7 No, 0

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

President Butkowski: Now, Mr. Gillock?

Mayor Gillock: I make a motion to suspend By-Laws to give this its second reading.

Council Member Boose: Second.

Law Director Crites: If I may, for clarification?

President Butkowski: Yes.

Law Director Crites: To add it to the agenda to give it a second reading? Because as of right now, it does not appear on the agenda. It is off the agenda.

Mayor Gillock: Yes.

Law Director Crites: Okay, your motion is to suspend the By-Laws to add T 154 to the agenda under second readings.

moved by Mayor Gillock, seconded by Boose to suspend By-Laws to add T 154 to the agenda under second 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.

2) UTILITIES COMMITTEE REPORT #5744 dated January 13, 2009: Members of Council: We have considered the matter of 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 and recommend that this request be approved and T 5-2009 be adopted by Council as presented.

Signed: Members Buescher and McLaughlin and Chairperson Olesen

moved by Olesen, seconded by McLaughlin to accept the report

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

Yes, 7 No, 0

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

3) **BUILDINGS & LANDS COMMITTEE REPORT #5745** dated January 13, 2009:

Members of Council: We have considered the matter of T 1-2009, an ordinance ceasing the introduction or development of additional Planned Community Development Districts in the city of North Ridgeville and recommend that this request be approved and T 1-2009 be adopted as presented to Council.

Signed: Members Olesen and McLaughlin and Chairperson Buescher.

Council Member Buescher: Point of order, Madam President.

President Butkowski: Yes, Mrs. Buescher?

Council Member Buescher: Those are not the Committee Members. I'm sorry. Never mind.
moved by Jaenke, seconded by McLaughlin to accept the report

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

Yes, 7 No, 0

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

CORRESPONDENCE:

President Butkowski: Correspondence tonight:

1) Received a memo from City Engineer Larry Griffith recommending to Council, that streets, or portions thereof, in Andover Place Subdivision in Waterbury PCD receive final acceptance by Council.

NEW BUSINESS:

President Butkowski: Under New Business

moved by Butkowski, seconded by Boose to schedule a special Council meeting in order to have a meeting of the whole to discuss the rate increases of water and retail sewer fees. This meeting will be held Thursday, January 29 at 7:00 P.M. in Council Chambers. No action will be taken.

President Butkowski: Do we have any discussion?

Council Member Corcoran: Madam President?

President Butkowski: Yes, Mr. Corcoran?

Council Member Corcoran: Next time you schedule something like this, could you give us a little bit more advance warning than moments before we vote on something like this. So that, I could at least, check my calendar before we vote? Thank you.

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President Butkowski: It's January 29, at 7:00 P.M.. Is there any other discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Motion to have a special meeting January 29 passes by a vote of seven to zero.

Mayor Gillock: Madam President, I believe that is the same evening as the Board of Zoning and Building Appeals meeting.

President Butkowski: No, it isn't. It was not on the calendar and I checked with Paula. I believe the BZA meeting is this Thursday; not next Thursday.

Council Member Boose: Yes, point of order, Madam President. It does show on my calendar that the Board of Zoning on the 22.

President Butkowski:

Request for a C1 and C2 liquor permit transfer from Brew and Brew Inc., 32700 Center Ridge Road to Center Ridge Marathon Inc., DBA Center Ridge Marathon, 32700 Center Ridge Road moved by Buescher, 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 Butkowski: Do we have any discussion? Clerk, please call the roll.

Yes, 7 No, 0

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

President Butkowski: Clerk, please read the Planning Commission recommendations to Council.

Clerk of Council Blakely:

Planning Commission recommendations to Council of regular meeting January 13, 2009:

APPLICANT: Dan Roman, XL Industries Inc., 27020 Bagley Road, Olmsted Township, Ohio 44138

OWNER: XL Industries, Inc., 27020 Bagley Road, Olmsted Township, Ohio 44138

REQUEST: Approval to construct an 8,000 square foot truck dispatch center on 4.3 acres of land.

LOCATION: 7878 Bliss Parkway in a Special Development District
Permanent Parcel No. 07-00-003-102-076

PC ACTION: Approved by a vote of three to zero.

moved by McLaughlin, seconded by Corcoran to approve

President Butkowski: Do we have any discussion?

Council Member McLaughlin: Madam President.

President Butkowski: Yes, Mr. McLaughlin?

Council Member McLaughlin: Mr. Roman stated during the Planning Commission meeting that he is looking to have a dispatch center there and within the allotted time of two years, he is hopeful to build this in phases to have his building up within two years. Just to let everyone know that is what he stated on the record in the minutes.

Council Member Buescher: Madam President, this request does not fall under the zoning classification for Special Development District. This gentleman applied two years ago and the time limit ran out. He had not placed a building on that property, so he reapplied. He was given another two year limit. But, what he has requested is to park his trucks on that property, which does not fit into the zoning classification until a building is constructed. He was told that he could have two years again to construct that building, but if two years goes by, I'm afraid he is going to come back again and ask for this to just be a truck parking lot and he can't be dispatching these trucks without having a building built there. So, I will have to vote no on this.

Council Member Corcoran: Madam President, I believe that there is a catch all provision that essentially says that any other purpose that Planning Commission deems appropriate. I think that would invalidate Mrs. Buescher's comments.

Mayor Gillock: Madam President.

President Butkowski: Yes, Mr. Gillock?

Mayor Gillock: The application does meet the zoning requirements. The Special District zoning authorizes warehouse and distribution and that is what he has applied for. I brought it up and Mrs. Buescher is exactly correct. The gentleman made a comment that he has facilities in Cleveland, which he is paying for space. He would like to start storing his trucks here immediately, before he builds the building. I brought it up, that if the applicant is just storing trucks there, that in itself doesn't meet the zoning criteria, but he has two years under our ordinances to build the building. The Board, along with the CBO, didn't feel he was in violation, which is exactly correct, that if he doesn't build the building, then he is going to be back in two years. I don't think that is what is going to happen, but if it did, I think we should tell him no, because then he would be violating our ordinances. It is an issue. She is exactly right in bringing it up as it is an issue. I think we have looked at it and have addressed it. As Mr. Corcoran says, the Planning Commission does have that leeway to make that approval.

Council Member Olesen: Madam President, just one more item. I understand that the property in question is well back in the corner of this parkway; next to the turnpike. You really can't see it from the road. I don't think standing trucks are going to be a real big issue in that area.

President Butkowski: Mr. Gillock. I have a question. Does he have permission before he builds his building to park trucks there or to dispatch trucks there?

Mayor Gillock: He owns the property. He can park trucks there.

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

Yes, 6 No, 1 (Buescher)

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

APPLICANT: Donald R. Mould, Mould Development, 9449 Island Road and Larry Vassil, LWV Properties, LLC, 12665 Corp. Drive, Parma, OH 44130
OWNER: City of North Ridgeville, 7307 Avon Belden Road
REQUEST: Approval to construct a building for Ohio Sports Park.
LOCATION: 67 acre parcel on the east side of Victory Lane in an I-2 District
Permanent Parcel No. 07-00-003-102-024
PC ACTION: Approved by a vote of three to zero.

moved by Buescher, seconded by McLaughlin to postpone until we have contracts in place

Mayor Gillock: Point of order.

President Butkowski: Yes, Mr. Gillock?

Mayor Gillock: I would ask the Law Director to speak to this, as this is just an approval of the action of Planning Commission.

Law Director Crites: I do think this is an unusual request, but I do think that Council, and it is one I would like a chance to look at but, that's not going to do us any good tonight. But I do think, that Council has the authority to postpone the action. I know that you are mandated by Charter to approve or disapprove the action by Planning Commission, but I don't believe that there is a time constraint on it. Do you think there is Mayor? Without looking at the Charter, I don't think there is. If we were to do anything, I would believe the best course of action would be; and I can speak to it even deeper, the best course of action, if you do vote to postpone it, is to just postpone it for one meeting for two reasons. One, I want to make sure that, that is appropriate action. My gut feeling, which is the best I can give you right now, is that it is and secondly, I spent today wrapping up the final language of the actual lease agreement. It is anticipated that the agreement will be signed by the end of this week. If it was postponed for two weeks, it would be a moot point, because I think we would be back here with a signed agreement.

Council Member Buescher: Madam President, we all feel that this is a very good thing for our city and we are looking forward to it. However, we just want things to be in order. We don't want to vote no. At least I don't want to vote no and that is why I would rather postpone it until we have everything in order.

Council Member Corcoran: Madam President?

President Butkowski: Yes, Mr. Corcoran?

Council Member Corcoran: I would like to ask the Law Director a question, if I may. Do you think the agreements will be signed before the meeting on the twenty-ninth?

Law Director Crites: Of course, I can't predict the future, but I am very confident that they will be signed by the end of this week. Needless to say, the private entity, who is bringing this business to the city owned land, will be operating there under a lease, is very eager to do so. So, there will be no need for inducement on their part, which is often the problem when you are bringing two parties together. The terms of the actual agreement have been identified by previous meetings between the principles of that entity and the Administration so there is very little area for controversy, which usually as you know, being an Attorney, what stops agreements from getting signed is a couple of terms that people can't come together on and I really don't

want any. With that being said, I think there is a really good chance that it will be signed by the twenty-ninth.

Council Member Buescher: Point of order, Madam President.

President Butkowski: Yes?

Council Member Buescher: I believe we can only have one issue for a special meeting, but we can call two special meetings; one right after the other, to address both issues.

Council Member McLaughlin: Madam President, during the Planning Commission meeting, it was stated that the construction for the building would not start until after there was an agreement in place. So, regardless of the fact; correct me if I'm wrong, the agreement could get signed and this comes back out here, we could even pass it with an emergency and they are off to the races. Correct?

Law Director Crites: Absolutely. As a practical concern, they are not going to be able to do any work on a building down there until they get good access to it. That has to happen first and that will take awhile. There is really no harm in waiting a little bit on this.

Mayor Gillock: Madam President?

President Butkowski: Yes, Mr. Gillock?

Mayor Gillock: Time is of the essence on this. They can start building the building tomorrow if we told them to go ahead with the foundation. (Tape one, side A ends)

(Tape one, side B begins) They will be playing ball there in April, which is why we need to get moving on it. If we can get the agreement signed within the next ten days, I think we will still be on target. We certainly don't want to drag this out any longer than what we have to, where we wouldn't be able to get started on time. Please keep that under consideration. Thank you.

Council Member Boose: Madam President?

President Butkowski: Yes, Mr. Boose?

Council Member Boose: With your permission, I would like to ask the Law Director a question. In lieu of an agreement and I am sure all of this I'm about to say is in this agreement or at least it is covered, but what would happen; since this is on our property and this building was approved by Planning Commission, is built by Don Mould and LWV properties, doesn't pay? What legal ramifications does that bring against the city and, or obviously; Mr. Mould could sue the company that contracted him, but since the building is now on our property are there agreements between any potential lender and the company or the city? How do we get out of that mess, if that would happen without such an agreement that hopefully will be signed within the next ten days?

Law Director Crites: Let me preface in response to that by saying that the main reason that real estate matters, such as this, are discussed in Executive Session is because you want to preserve the deal for the municipality and the taxpayers who fund it. So, I want to be very guarded in my response to that. But, in doing so, I would say that the most basic principle is, because there

exists no action in quasi or implied contract against a municipality because, a municipality only acts through its Council. The city's exposure in that situation would be next to none. I would be happy to further discuss that with you on a one on one basis as to the details as I think that would be most appropriate, but in summary it would not be a negative situation for the city.

Council Member Boose: Thank you.

Council Member Buescher: Madam President, I just want to say that we need to be responsible to all parties involved here. You can set up a couple of scenarios or you could see where the person would not be giving the city enough money for use of the property and a few other issues like that and so, I think for the protection of everybody, everything should be in place so that nothing comes back to bite us later.

Council Member Olesen: Madam President?

President Butkowski: Yes, Mr. Olesen?

Council Member Olesen: My only comment is really for the Mayor that I hope that our action, if we postpone this, this evening, will not put a cloud over this project. That is my biggest concern. This project will be outstanding for the city when it comes to fruition and I don't want to do anything that is going to lead the people that are going to be responsible for this project, to doubt the sincerity of this city in accepting this project. I don't know whether you can comment on that, Mr. Mayor? I'd like to hear that.

Mayor Gillock: You hit it right on the head.

Council Member McLaughlin: Well, let me for the record say, that from this Council seat right here, that it was not my intention and the reason why I seconded this, is not to stop this project. It is a simple fact and the way that I look at it is, if I came to you and I said I wanted to build a garage in your backyard and we'll work out the details later about how much you're going to charge me, I don't think that you would go for that. That is kind of how I feel here. I don't think that this is slowing down the process in any way. We are just simply saying, hold on a minute; let's get our ducks in a row. We are all for the project, but we want to make sure that everything is correct before we go ahead and move forward. I've seen that we have approved the ballfields. We have approved part of the road, the engineering and so forth. Now, we are looking to put a permanent structure on city property; that we need to make sure that everything is all straight and narrow. That is my feelings on that.

Council Member Buescher: Madam President, to take that one step further, if there is no contract or written agreement and that building is put up on my property so that you can put storage or whatever in it and we don't have any agreement whatsoever, number one, you either won't have to pay me if we didn't make an agreement or, the person that put up the building can be told that it is my building without any kind of an agreement. So, you really have to be careful and like I say, everyone has to be protected in this action.

Mayor Gillock: Madam President?

President Butkowski: Yes, Mr. Gillock?

Mayor Gillock: First, we have stated publicly that we won't give them a permit to build the building until the agreement is signed. Passage of this tonight, gives the owner, at least, the

confidence that the building that he wants to do is acceptable to the city. So, he can put that to bed and when he gets his contract signed he can go ahead and build his building. If we don't like the contract, than that would be the time to vote no on the contract. We are holding everything up based on a building design that really does not have any relationship to the contract. Still, I can wait a week to ten days, but frankly, Mr. Olesen's right, we are going about this all backwards in saying that we are going to hold up an approval of your building depending upon a contract, which we still have to vote on.

Council Member Buescher: Madam President, we have been told for several weeks or even months at this point, that the contracts are coming and we don't see anything yet to this point. I just don't think that is good business and I don't think any business man would operate under those conditions.

Council Member Corcoran: Madam President?

President Butkowski: Yes, Mr. Corcoran?

Council Member Corcoran: I have a question for the Mayor. Mayor, I believe that the building permit would require the okay of the city, since they are the owner of the land; is that right?

Mayor Gillock: Absolutely.

Council Member Corcoran: So, if we don't agree or we are not going to give the permit to the builder until the agreement is signed, we just don't agree to the submission of the permit. So, this passage tonight doesn't mean a whole lot other than if the city is okay with the contract, then they can go forward. This isn't a significant road block.

Law Director Crites: You are correct. To delay this two weeks?

Council Member Corcoran: No, the application process. The city controls that process because they have to agree to give the permit.

Law Director Crites: Your point being that the acceptance of the recommendation of the Planning Commission is almost ceremonial in affect and you are correct. I also understand the thought and the mind set behind being conservative and caution until the agreement comes through and it is only because I also, although it is not my position to be a policy maker, I am very supportive of this project, but because I am very confident that there is not going to be a problem with the agreement, I think it is a no harm, no fowl situation, to error to the side of being the conservative and I would not stand in the way. I think it makes sense as I understand the logic behind a brief continuance or postponement of the vote and I think it will be of no affect.

Council Member Jaenke: Madam President, why don't we plan to take action on this on the twenty-ninth, which is a week to ten days as the Mayor indicated, he would have no problem with that.

Council Member McLaughlin: To add it to the agenda? I would second that.

President Butkowski: You can't put it on the agenda of the special meeting that is already scheduled, because you can only have one item on the agenda. You would have to make a motion to hold a special meeting that night.

Council Member Jaenke: I'll move to have a special meeting on the twenty-ninth to take action on this.

Council Member McLaughlin: I'll second.

President Butkowski: Wait a minute. Before you make that motion, let's complete the motion to postpone and then we can move on to do that. I think we have to finish this motion before we set up a meeting because we don't have any reason to set up a meeting unless we decide to postpone. Mayor Gillock: And if you postpone, you have to postpone to a date certain.

President Butkowski: You can amend your motion.

 moved by Buescher, seconded by McLaughlin to amend the motion to postpone to January 29 during a special meeting

Council Member Olesen: Madam President, we have this on the agenda and there is a move to approve on this. Have we done anything with that yet?

President Butkowski: There was no motion to approve.

Council Member Olesen: Are we suppose to before we go to another motion?

President Butkowski: No. That is just a suggestion. That is just on the paper. That is nothing. We have to make a motion to do something with it and it is always written to approve, but you make a verbal motion that is the motion that is on the floor and the motion has been made to postpone that has been amended.

Law Director Crites: Actually, it is an intervening motion to postpone.

President Butkowski: Can I vote on this together or do I have to vote on the date and then on the motion to postpone?

Law Director Crites: No, it's one motion. Motion to postpone to a date certain.

President Butkowski: All right. Do we have any more discussion on this?

Council Member Boose: Yes, Madam President?

President Butkowski: Yes, Mr. Boose?

Council Member Boose: Just one final thought, at least from me. I am very much in favor of this organization coming into town and giving us some ballfields that our city can use as well as all the economic development this type of thing will bring. Not only from the use of the ballfields itself, but all of the ancillary development that, hopefully, will come with it also. My only issue is that this started three years ago as we were going to have ten diamonds there. Five diamonds for sports zone and five diamonds for the city and as plans do, they morphed into something totally different. I would feel much better because things have been going all over the place to see an agreement in writing. See what it is and we'll move on it and get things taken care of and they can build their ballfields and we'll all be happy. Thank you.

President Butkowski: Thank you, Mr. Boose. Is there any other discussion? Clerk, please call the roll on the postponement of voting on this until the special meeting on the twenty-ninth.

Clerk, please call the roll on the vote.

 Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero to postpone until a special meeting on the 29.

President Butkowski: We'll move on to T 168.

Council Member Corcoran: Point of order, Madam President. We still need a motion to set up the special meeting.

 moved by Butkowski, seconded by Jaenke to schedule a special meeting on January 29 that will follow the other special meeting that begins at 7:00 P.M.

President Butkowski: Do we have any discussion? Clerk, please call the roll on setting up a special meeting.

 Yes, 7 No, 0

Clerk of Council Blakely: Motion to set up a second special meeting on January 29 has been approved by a vote of seven to zero.

President Butkowski: Now, we'll move on to T 168

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.

PC ACTION: Recommend approval to Council by a vote of three to zero.

 moved by McLaughlin, seconded by Jaenke to approve

President Butkowski: Do we have any discussion?

Council Member McLaughlin: Madam President?

President Butkowski: Yes, Mr. McLaughlin?

Council Member McLaughlin: The land that fronts this property is all zoned I-2. I would like to say that the individual that came in and spoke at Planning Commission probably, since I have been there, was the most informative and they were willing to work with the residents across the street to clean up their property. This is one that I would have to say that I would highly, highly recommend.

President Butkowski: Thank you. 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.

RECESS:

 moved by Butkowski, seconded by Jaenke to dispense with recess
President Butkowski: Do we have any discussion? Clerk, please call the roll.

 Yes, 7 No, 0

Clerk of Council Blakely: Motion to suspend the recess has passed by a vote of seven to zero.

President Butkowski: First Readings. It would be T 7.

FIRST READINGS:

Clerk of Council Blakely:

T 7-2009 AN ORDINANCE INCREASING THE WHOLESALE RATE OF
 WASTEWATER TREATMENT SERVICES PROVIDED BY THE FRENCH
 CREEK WASTE WATER TREATMENT PLANT

 First Reading

Council Member Boose: Madam President?

President Butkowski: Yes, Mr. Boose?

 moved by Boose, seconded by McLaughlin to recommend that this be sent to the
 appropriate committee so that we can discuss it and have citizens' input if necessary.

President Butkowski: I can just send it to the Utilities Committee.

Mayor Gillock: Madam President?

President Butkowski: Yes, Mr. Gillock?

Mayor Gillock: I would ask Mr. Costin to speak to this also. This is the study that we have been working on for several months, meeting with Sheffield Village and Avon. Some of the key items of the recommendation are that rates have not increased in the past eight years and due to some cost associated with sludge hauling in that, we are spending approximately 1.4 million dollars in hauling away sludge that has been stocked there to compost, which we can no longer do. In addition, we went to bids for hauling away our future sludge generation and the bids were 1.7 million dollars over the next two years. So, we are going to do it ourselves. Along with that, our sewer tap revenues have decreased due to the decline in the economy. When you add all that together and you look at the cost of the plant, it becomes real obvious to all of us that this increase has to be put into place. In talking with Sheffield Village and Avon, they have systems that their increases are automatically passed through, but to maintain their billing and our own in fact, this is calculated to take effect February 1 or the percentage would have to change to meet the goals that we need to maintain the plant. So, if we are going to go to Committee; I don't like special meetings any more than anyone else, but we need to address this because we have to have this passed so these other communities can put their rate increases into effect February 1 and Chris, if there is anything you want to add to that, I would appreciate.

Auditor Costin: Madam Chairman?

President Butkowski: Yes, Mr. Costin?

Auditor Costin: As the Mayor said, we actually have been working on this for several months and in fact, have employed an outside independent engineering firm to do this study for us. There were several scenarios that we went through. It was apparent that we needed to do something. I think the position that the city took was to attempt to pass through the lowest rate possible at this time in hopes that in the next couple of years there would be some improvement in the economic environment and tap in fees and so forth. But, in order to avoid catastrophic increases in the future, it was necessary to start with small increases at this time and I believe as a result of the meetings we had with the other communities, they did understand the presentation and they did understand the increases. As the Mayor said, it was discussed and determined that we try to have this ordinance passed as soon as we could, so they could put their residential rates into effect as well as earlier in the year as possible and it was intended to have this passed, actually January 1, but a second meeting was scheduled to make sure that the other communities did have all their representatives there and were available for any additional questions. So, the result was attempting to pass it at this meeting so it would be in effect February 1 when the various cities would do their retail billings and have time to adjust their systems as well. I concur with what the Mayor did in fact say and would emphasize that the study actually was prepared by an independent firm that we contracted with and I think it would be a very strong recommendation that we follow their advice.

President Butkowski: Thank you. I just wanted to make the statement that I initially did not refer this to a Committee, because it has been approved by the other two cities that are part of our sewer system and it has been approved by them. We just have to approve it to put it into effect.

Council Member Boose: Madam President?

President Butkowski: Yes, Mr. Boose?

Council Member Boose: Yes, Madam President, thank you. I agree with what the Mayor and the Auditor has said. In fact, I attended the second meeting. The first meeting was held December 10 and I attended the meeting on December 17 at French Creek when representatives from Avon, Sheffield Village and North Ridgeville were there to review the findings of the report and the recommendations made. Having sat through that presentation, I do agree with their recommendations. I was not aware that we were not going to have this issue not brought before a Committee because, I thought that the citizens of North Ridgeville and the rest of Council deserve the opportunity and the same courtesy as the Village of Sheffield and Avon had at that meeting to hear all of the different scenarios. That was the only reason that I brought up the proposal to send it to committee so that the rest of Council could hear the different opportunities as well as the residents; especially when we are talking about a seven percent increase in the rate. Thank you.

President Butkowski: Thank you, Mr. Boose. This is a wholesale rate. Each community does with it what they want to do with it. It is just our wholesale rate to them, just like we are . . .

Council Member Boose: I understand totally.

Mayor Gillock: Madam President?

President Butkowski: Yes, Mr. Gillock?

Mayor Gillock: I would also like to point out that the current rate is a dollar sixty-eight per one hundred cubic feet. The new rate would be a dollar seventy-eight per one hundred cubic feet. So, it is seven percent, but it is not a huge increase in the overall picture.

Council Member McLaughlin: Madam President?

President Butkowski: Yes, Mr. McLaughlin?

Council Member McLaughlin: May I just ask, did the engineering firm, that we were dealing with know about the February deadline for needing this to get through?

Mayor Gillock: That deadline is a result of a discussion. The engineering firm could care less what the deadline is, but, when we look at the numbers; we're looking at seven percent. If we delay this to March or April, we will have to go to eight percent or nine percent. That is just the way it calculates out. The sooner we get this passed, the lower the percentage increase will be that we have to pass. We can wait, but if we do, to meet the goals that we have established with the reserves that we have established to maintain the integrity of the plant and keep it operating, the longer we wait, the bigger the increase is going to have to be.

Council Member McLaughlin: I certainly understand what you are saying as far as the projection goes and everything for figuring what we have in the future and what we have done in the past. I guess, the question I have that I keep asking myself here is, is that if we know when the rates are going to start increasing, if we don't go ahead and pass something, then shouldn't something like this be before us sooner?

Auditor Costin: Can I respond, Madam Chairman?

President Butkowski: Yes, Mr. Costin.

Auditor Costin: It was intended that, that information would be communicated much sooner. What, in fact, occurred was during the course of this past year, we had some significant adjustments to the costs as the Mayor alluded to. When our sludge was downgraded, we incurred significant expense to be forced to remove that and as a result, the initial study that was done had to be updated. As a result of that, it set us back a few months. Then, when we had what we saw were the final numbers, we actually had a presentation by them to us internally, we felt that it would probably be in everybody's best interest to communicate this with the other communities; explaining to them the events that have occurred and the situation that French Creek was in before attempting to come forward with any legislation. That probably was a two to three month process to get all that in order. There were two meetings, as Councilman Boose indicated that he was invited to the second of the two meetings, to be aware of what was going on and communicate that to Council. It wasn't really a last minute thing. We actually passed the expenditure back in appropriations and it was just a matter of them gathering information and subsequent events occurred that required it to be updated before we could come up with the appropriate rate increases.

Council Member McLaughlin: One last question, Madam President.

President Butkowski: Yes, Mr. McLaughlin?

Council Member McLaughlin: Did you not state that the other communities involved have already approved this?

Auditor Costin: I don't think approved is the right word. I think it is accepted. We had the meeting; they've accepted it. They understand it and they are ready to move forward. I know at least Avon's rate kicks in automatically upon pass through from us; similar to how our water rate kicks in and so nothing will occur there until we pass our legislation and we did indicate to them in December that we would attempt to have it done early in the year. For whatever reason, it didn't make it until the second meeting in January.

President Butkowski: Avon and Sheffield buy sewer service from us, like we buy water from rural water. Am I correct?

Council Member McLaughlin: I guess the answer that I was looking for is that if we already knew what the price was for the other two communities, then how is it that we were the last ones to be taking action on it?

Council Member Corcoran: Actually, one question is, was there a report produced by this independent party and how long ago was it produced?

Mayor Gillock: Here is the study.

Council Member Corcoran: We haven't seen that.

Mayor Gillock: We have been meeting with them for months. We can give you this, but it is still not going to totally answer your questions. If you look at this, these are huge spreadsheets and as we sat down with the other two communities, and remember, we are a member community just like Avon and Sheffield Village. French Creek is a separate entity. Although, since North Ridgeville owns it, we are the only ones that have to pass the legislation. Sheffield Village and Avon were brought in so that they would understand why we were doing what we had to do. As we work with these spreadsheets and a consulting firm, we could go through them with the spreadsheets and change the percentages or the goals on the fly and our spreadsheets have changed. We're not going to be able to give you that in a book or manual. We can give you the executive summary, which I try to give you. You can copy the whole book, but it's not going to give you the answers. I try to give you the executive summary of the existing revenue sources, the key items and the reasons they recommended what they did and then, as we put the numbers in; where we put a four percent increase in, which would leave us a half a million dollars short next year or, if we put twenty percent in like they recommended one time, we said we can't do that and with the discussions with the other communities and all those concerned, we are not the last. North Ridgeville was at the same table at the same time as the other two. They were all informed at the same time. This is where we ended up at. This is the lowest rate that we need to implement to meet the goals as set out by the consultant with the objectives that Mr. Costin wants to maintain at the plant and operate the plant. We are not finding out last. All three communities, actually we were ahead of the other two because we told them what was going on, but the three communities were all at the table, so they all understood why we were doing what we have to do. We will be glad to give anyone a copy of this.

Auditor Costin: Madam Chairman, can I make one more point if I might?

President Butkowski: Yes, Mr. Costin.

Auditor Costin: We actually were interested in input from the other communities and so the report that the Mayor is referring to there is hot off the presses. We knew we were in the area of

seven, eight, nine percent, but the final printed report wouldn't be forth coming until we made some final decisions and based on those final decisions. Based on those final decisions that were actually made at the December meeting, resulted in this report that they have now sent us and asked us to review. So, while the process has been a long time coming, the final decisions really were made in the month of December. I think it was the second week of December or something like that.

Mayor Gillock: This report is dated January 12. So, we've only had it a week.

Auditor Costin: This is relatively new to all of us. We were attempting to keep Council in the loop of what was happening, which was the reason why the Administration invited the Finance Director to the meeting and I think he saw how complicated this whole thing is. The Administration is going to attempt to have the engineers available for a presentation of the very same type when we talk about our rates at the special September 29 meeting. We just found out about that meeting today as well. We haven't contacted him yet, but I believe the Mayor indicated that it would be a good idea to have him here. So, you can see the volatility of those spreadsheets, when we change various numbers and make different assumptions. So, this is really a study that is based on the very latest information available in our economic times. I don't know that a study that we would have done six months ago, we would probably be looking to change it again already. That is probably the best that we would be able to hope for at this time and as you recall, we actually had them do a study of our sewer rates last year and we extended that to have them do French Creek. It is probably going to be necessary to do this again for the next few years because, we really are minimizing what we should be having in terms of rate increases over the next few years in hopes that our economic will recover. With an economic recovery, will come more tap in fees, which are significant for French Creek. Tap in fees help pay for the improvements and the significant maintenance that is required at the plant. Without those tap in fees we need operations to fund those expenditures. So, we are actually anticipating a return to better times. I believe we were looking at the year 2010 in hopes that we will have a better economy by 2010. Otherwise, we get to 2010, we may be looking at a more significant, and we're talking about a really significant, increase. So, it was felt in the best interest, what we should do is at least, as the Mayor said, is pass the minimum rate right now that we would need to operate that plant and in conjunction with that, to postpone some of the improvements that may need to be made and monitor, as we go, making the necessary revisions in rates as needed over the next few years.

President Butkowski: Thank you. I will withdraw putting this into the Utilities Committee and the motion was made by Boose and seconded by McLaughlin to put this into committee. So, do you want to keep your motions on the floor to put it into committee or not.

Council Member McLaughlin: Personally, Madam President, instead of turning a Council meeting into a committee meeting, there are many questions that I would have to ask that people start asking me questions about why am I raising their rates by sitting right here. I would feel more comfortable, if I got to sit down and look at what we are talking about.

President Butkowski: It is up to you. You made a motion to put this into committee.

Council Member McLaughlin: I seconded it. My second would still stand.

President Butkowski: Okay.

Council Member Boose: Yes, Madam President?

President Butkowski: Yes?

Council Member Boose: Just two comments. One, if a delay was caused and I am not sure one would be caused, but if a delay would be caused, that would mean that we can't do seven percent. We would have to do eight percent because we don't start until some time in February versus the end of January, or rather, they won't start in March, rather than February. I am assuming, and correct me if I'm wrong, that because the calculations are already in place that we just have to increase it enough so that the same amount would be collected. So, to say they would pay eight percent instead of seven percent to the citizens, that means you are paying eight percent over a shorter period of time versus seven percent over a longer period of time. The same amount will be collected, so that would not adversely affect the residents. Second, as you heard in just this short discussion, it is a very complicated issue. I was able to sit through one of the three meetings and follow a good portion of it and I understand it and I give all the credit in the world to Mr. Costin because, he can clearly discuss it in a way that even I can understand and the people that were there on behalf of the firm that did this for us, did the same. My final comment would be all I would ask is that Council, as a whole, and the residents of our community have the same opportunity to hear the reasons and to ask any questions they have, as we gave Sheffield Village and Avon. That's all. I just think the residents deserve that.

President Butkowski: Clerk, please call the roll on whether this should be assigned to a committee or not.

Clerk of Council Blakely: The Clerk understands that the motion was made by Butkowski and seconded by McLaughlin.

President Butkowski: It was made by Boose and seconded by McLaughlin to refer this to the appropriate committee.

Yes, 5 No, 2 (Jaenke, Olesen)

Clerk of Council Blakely: Motion passes by a vote of five to two.

President Butkowski: Okay, I'LL REFER IT TO THE UTILITIES COMMITTEE.

Clerk of Council Blakely:

T 8-2009 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN
4629-2009 AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION AND
AUTHORIZING THE CITY TO BORROW FUNDS RELATED THERETO AT
A ZERO PERCENT INTEREST RATE.

First Reading

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

President Butkowski: Is there any discussion?

Mayor Gillock: Madam President.

President Butkowski: Yes?

Mayor Gillock: This is phase 3A of the Lorain Road project. The city's obligation is approximately 832,000 dollars, I believe. We have a 360,000 dollar grant, plus a 172,350 dollar zero percent loan on the project. We would like to get started on this. The sooner we can go out for bids, the better rates we do get. There is a good chance we will also be doing 3B later this year, as a result of the Governor's economic stimulus program. We may get two grants this year. We would like to get this passed tonight, if we could, with the emergency. Thank you.

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

Yes, 7 No, 0

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

moved by Boose, seconded by Jaenke to adopt

moved by Boose, seconded by Jaenke to add the emergency, so that we can meet the filing deadlines

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: A motion was made by Boose and seconded by Jaenke to adopt with the emergency. Is there any discussion? Clerk, please call the roll.

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero and becomes ordinance number 4629-2009.

Permanent Ordinance No. 4629-2009

President Butkowski: We'll move on to second readings, which is T 6.

SECOND READINGS:

Clerk of Council Blakely:

T 6-2009 AN ORDINANCE APPROVING THE FINAL PLAT OF WATERSIDE PLACE,
PHASE 2, A CLUSTER DEVELOPMENT, FOR RECORDING PURPOSES
ONLY.
Second Reading

President Butkowski: Now we have T 154. Dennis, do you have your copy of T 154 over here, because it wasn't included in our packets?

Council Member Boose: As always.

Clerk of Council Blakely:

T 154-2008 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
4630-2009 CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY
LAW WITH A CONSULTING ENGINEERING FIRM FOR PLANS,
SPECIFICATIONS, BIDDING DOCUMENTS AND CONSTRUCTION PHASE
SERVICES FOR THE LORAIN ROAD (ROOT ROAD TO HONEYCUT
DRIVE) RECONSTRUCTION, PHASE 3A, INCLUDING APPURTENANCES,
NOT TO EXCEED \$100,000.00.

Second Reading

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

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

Yes, 7 No, 0

Clerk of Council Blakely: Motion to suspend the third reading passes by a vote of seven to zero.

moved by Olesen, seconded by Jaenke to adopt

President Butkowski: Is there any discussion?

moved by Olesen, seconded by McLaughlin to add the emergency because of the
timeliness of the project, as there is a grant and an interest free loan involved

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

Yes, 7 No, 0

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

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

Yes, 7 No, 0

Clerk of Council Blakely: Motion to adopt passes by a vote of seven to zero and becomes
ordinance number 4630-2009.

Permanent Ordinance No. 4630-2009

President Butkowski: Thank you. Now, we are moving on to the third readings. We have T 162.

THIRD READINGS:

Clerk of Council Blakely:

T 162-2008 AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF
4631-2009 CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE
VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO
APPROVE, ADOPT, ENACT AND PUBLISH NEW MATTER IN THE
UPDATED AND REVISED CODIFIED ORDINANCES; AND TO REPEAL
ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

Third Reading

moved by Buescher, seconded by Olesen to adopt

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

Yes, 7 No, 0

Clerk of Council Blakely: Motion passes by a vote of seven to zero and becomes ordinance number 4631-2009.

Permanent Ordinance No. 4631-2009

COMMITTEE MEETING ANNOUNCEMENTS:

President Butkowski: Upcoming meeting announcements:

Next Regular Council Meeting Monday, February 2, 2009 at 7:30 P.M. in Council Chambers.

Public Hearing Tuesday, February 17, 2009 at 7:20 P.M. re: T 6-2009, approving the final plat of Waterside Place, Phase 2, a cluster development for recording purposes only.

Also, two special Council meetings on January 29, 2009. The first one to begin at 7:00 P.M. The second one to follow immediately after.

I also want to remind everyone of the Senior Spaghetti Dinner, Friday, January 23 from 5:00 P.M. to 7:00 P.M.

ADJOURNMENT:

moved by Jaenke to adjourn

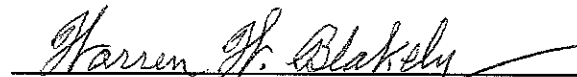
Meeting adjourned at 9:00 P.M.

Approval of Minutes:

MOTION Jaenke 2ND Olesen DATE February 2, 2009

YES 7 NO 0 ABSTAIN 0


PRESIDENT OF COUNCIL BERNADINE BUTKOWSKI


CLERK OF COUNCIL WARREN W. BLAKELY