

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MAY 6, 2013**

CALL TO ORDER: 7:30 P.M.

President Kevin Corcoran: I call to order the Monday, May 6, 2013 regular Council meeting. Please rise for the invocation and Pledge of Allegiance.

INVOCATION:

Led by President Corcoran.

PLEDGE OF ALLEGIANCE:

Led by all.

ROLL CALL:

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

Also present was Mayor G. David Gillock, Safety-Service Director Jeffry Armbruster, Law Director Andrew Crites, Engineer Scott Wangler, Auditor Chris Costin and Clerk of Council George E. Smith.

MINUTES - Corrections (if any) and Approval:

President Corcoran: You have before you public hearing minutes of April 15, 2013. Are there any corrections or objections to approving those minutes? Seeing none, those minutes are approved. You also have before you the regular Council meeting minutes held April 15, 2013. Are there any corrections or objections to approving those minutes? Seeing none, those minutes are approved.

President Corcoran: Please note the Civil Service meeting minutes of 04.16.2013 and the Board of Zoning and Building Appeals minutes of 04.25.2013

LOBBY:

President Corcoran: That brings us to the lobby session of our meeting. This is your opportunity to address Council, should you choose to. If you would like to do that, please approach the podium, state your name and address for the record and you will have three minutes to speak on the topic of your choice. Lobby session is now open.

Mike Gillespie - 37380 Sugar Creek Ln.: explained a resident built a motorcycle/four-wheeler course in their backyard. Mr. Gillespie stated water is draining off this person's property onto adjacent properties. He further asked what the rules and regulations were regarding water drainage. Mr. Gillespie stated he spoke with the City Engineer and he has not seen or heard from anyone regarding this issue.

President Corcoran: We will have somebody talk to you after the meeting?

Mr. Kucirek: Somebody that is going to do something?

President Corcoran: I don't know that answer right now, but no one in this room can do anything right this minute.

Mr. Kucirek: You have all these City officials and you can't do anything.

President Corcoran: Not this second, but thank you. Is there anybody else that would like to address Council?

Ruben Ortiz – 5248 Case Rd.: Mr. Ortiz explained septic systems are backing up and draining into the leach beds. He further added he has been trying to dump some of the water out in the front ditch of his property. Mr. Ortiz stated the Engineer told him because it is private property; there is nothing he can do about it. Mr. Ortiz feels since the County put the ditch in, either the City or the County should do something about the issue.

Councilman Boose: Mr. President, have you spoken with someone at the City?

President Corcoran: Yes, he said that.

Mr. Ortiz: I'm not happy. The gentleman was very nice to me.

Councilman Boose: I'll contact you if you have your number. Thank you.

Doug Fairbairn – 37356 Sugar Creek Ln.: stated he is a neighbor of Mr. Gillespie. He stated with the heavy equipment in the yard when they are grating out hills on the weekends, the noise runs from 2:00 P.M. until 9:00 P.M. Mr. Fairbairn stated he understands the motorcycles and dirt bikes can run until 9:00 P.M., but would like to see that Ordinance changed.

President Corcoran: Thank you. Is there anybody else that would like to address Council this evening? Mr. Mayor.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you Mr. President. I have a couple things this evening, but before I get into those I'll just respond a little bit. All three of these issues that were brought up are engineering issues. I have talked to the Engineer and in this gentleman's case – he said he had talked to him, but we can take another look at that. It is the property owner's responsibility to clean ditches, but we still have the ability to maintain water flow. It might be something we can do. We can still take a look at it. The other two are Sugar Creek. None of us were aware of and we will certainly look into it. The Ordinance generally says you cannot dump your water on your neighbor's property and that is what is happening. We can take some action. Mr. Wangler will be contacting you both. The other one with the noise: you read the regulations but there is also if it disturbing the peace. Maybe you need the police to be involved. Mr. Wangler will get back to you on those issues.

The other two things that I wanted to bring up this evening: first thing in regards to our recent problems with trash pick-up and I've had a lot of emails and questions. We had an incident April 1; I believe it was where our trash was delayed a day. It was still picked up but it was a holiday and it was delayed a day. Last week, or the week before, our trash was picked up, but the recyclables and the yard waste were not. I've been in contact with Allied Waste and I was the one that initiated the discussion about a refund with them. Frankly, when we look at our charges for our pick-ups, by our contract, the monthly charge for the recycling portion based on five weeks in that month is \$2.90. The monthly charge for yard waste is \$1.50. If you divide that by five weeks it comes out to \$.88 a week – that is what we lost by not having, on an individual bases, by not having your recyclables and yard waste picked up. We said give us \$1.00

refund and that covers what we lost; although, they did pick up all the stuff the following week. It is not like it was never picked up, but it was delayed a week. Subsequent to that, some other cities negotiated, and we were told what our other cities get we will get and so it went up to \$2.50 – which is what our refund will be. Now some cities are getting \$3.50, but their trash was not picked up at all. Their situation was a little bit different. Our trash was picked up – Parma, Avon Lake and some others – they didn't get anything picked up. They are going to get \$3.50. We are going to get \$2.50. We do have a meeting coming up with Allied or Republic that we want to discuss their communication plan which could have been better as to what was happening also their contingency plans; some things like that when we meet with them. Overall, Republic does a very, very good job. We've had them a long time. They have been very responsive to us when we've said we have had a big storm could you do an extra pick-up and they do it at no charge. When we need a dumpster somewhere, they bring it out. They have been really good to us. I think they dropped the ball a little bit on this one. I'm not going to beat them up over it but we will have a discussion about it and move forward. Hopefully, we can have better communications if something like this happens again.

Last thing I want to mention is we did receive a certificate from the Shred-It Company. We have secure and unsecure containers for disposal of waste paper around the City. We are fairly dedicated to shredding and getting rid of and recycling our paper and they notified us that due to our participation in the Shred-It program, last year in their shredding and recycling program we saved 51.31 trees from destruction last year. I think that is a noble accomplishment that everybody needs to do their part and it does add up. That concludes my report other than to remind you that tomorrow is Election Day if you haven't already voted. Thank you Mr. President.

President Corcoran: Thank you, Mayor. Mr. Safety-Service Director.

B. Safety-Service Director:

Safety-Service Director Armbruster: This evening we've got T 60 and T 61 under new business. These two Ordinances you have actually seen before, but not in an amended version. Since our Superintendent has left, our new Superintendent, Corey Timko and Lou Cover, have analyzed the needs to make amending changes to this centrifuge and to the engineering that is down there. We wanted to make sure that all costs were covered bringing it back to City Council. They are here for an explanation as we move forward on this. We need an additional \$3,000.00 on the amending for the engineering and the additional from \$1,011,000.00 to \$1,066,000.00 on the other building. Knowing that there is going to be some questions, I'm sure, both Corey and Lou are here to support me in the explanation in the necessity for the changes for the amendments. That concludes my discussion.

President Corcoran: Thank you Mr. Armbruster. Mr. Engineer.

C. Engineer:

President Corcoran: Thank you Mr. President. My report for today is to remind everybody as we start to do our spring time cleaning and we start mowing lawns again to dispose of our wastes in the appropriate ways using the recycling systems and to keep our ditches clear of grass clippings. That concludes my report.

President Corcoran: Thank you. Mr. Auditor.

D. Auditor:

Auditor Costin: Thank you. No report scheduled for this evening.

President Corcoran: Thank you.

E. Other Reports:

President Corcoran: March 2013 Building Department report and April 2013 Mayor's Court Report.

COUNCIL COMMITTEE REPORT(S): None

CORRESPONDENCE: None

OLD BUSINESS: None

President Corcoran: Moving straight on to new business, first up, we have T 59.

NEW BUSINESS:

Ordinance and Resolution Submittals

Clerk of Council Smith:

T 59-2013 AN ORDINANCE APPROVING THE FINAL PLAT OF HAMPTON PLACE, PHASE 3, FOR RECORDING PURPOSES ONLY.

President Corcoran: T 60.

Clerk of Council Smith:

T 60-2013 AN ORDINANCE AMENDING ORDINANCE NO. 4940-2012 BY INCREASING THE PURCHASE AMOUNT OF A SECOND CENTRIFUGE, A TWO-STAGE SCRUBBER SYSTEM AND BUILDING AND ANCILLARY EQUIPMENT FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT FROM \$1,011,500.00 TO \$1,066,500.00.

Moved by Mayor Gillock and seconded by Butkowski to suspend By-laws to give T 60 a first reading this evening.

President Corcoran: Any comments or questions?

Mayor Gillock: Mr. President, if I am correct, this building is already under construction, right? This is a long process and in the end, we are going to need this to finish the project. The materials are here. I just wanted to make aware that this isn't something we are starting from scratch. Contractors have been hired and materials are here. Thank you.

President Corcoran: Any other comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7

No- 0

President Corcoran: T 60 is now added to first readings. T 61.

Clerk of Council Smith:

T 61-2013 AN ORDINANCE AMENDING ORDINANCE NO. 4981-2012 BY INCREASING THE AMOUNT PAID TO H.B. ENGINEERING FOR PLANS, SPECIFICATIONS AND BIDDING DOCUMENTS FOR THE INSTALLATION OF A NEW CENTRIFUGE FROM \$56,000.00 TO \$59,000.00.

Moved by Mayor Gillock and seconded by Butkowski to suspend By-laws to give T 61 a first reading this evening.

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7

No- 0

President Corcoran: T 61 is now added to first readings. T 62.

Clerk of Council Smith:

T 62-2013 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE OR HIS DESIGNEE TO PUBLICLY ADVERTISE AND RECEIVE BIDS FOR THE SALE OF CERTAIN ITEMS/EQUIPMENT THAT NO LONGER SERVE A MUNICIPAL PURPOSE; TO SEEK QUOTES FOR THE PURCHASE OF A NEW E-45 BOBCAT COMPACT EXCAVATOR AND AUXILIARY EQUIPMENT; TO HAVE THE SELLING PRICE OF THE ITEMIZED EQUIPMENT CREDITED AGAINST THE PURCHASE PRICE OF THE E-45 BOBCAT COMPACT EXCAVATOR AND AUXILIARY EQUIPMENT; AND TO ENTER INTO AN AGREEMENT WITH THE LOWEST AND BEST BIDDER, NOT TO EXCEED \$49,000.00 (GROSS SALE PRICE).

Moved by Mayor Gillock and seconded by Butkowski to give T 62 a first reading this evening.

President Corcoran: Any comments or questions?

Mayor Gillock: Mr. President, what this is our existing Bobcat is at the end of the road, doesn't work, broke down and we need a new one. We priced a new one out from a local distributor in town and a new one would cost us \$49,000.00. We had several pieces of equipment including the CAT 930 Front End Loader, the 334G Bobcat, the 7753 Bobcat, including ancillary equipment, the hoe attachment, forks, frames, some other steel tracks, Sandsifter; all of these items that are listed here have a value of more than \$1,000.00 which means they have to be approved to dispose of by Council. Generally, we put them out for bid. By Ohio Revised Code, and the advice of the Law Director, we could put this together in this manner where we are going to accept bids for the trade-in of the old equipment and the purchase of new equipment. With the local distributor, we know if we trade it in our net expenditure is going to be \$3,200.00. By Ohio Revised Code, this is the way we have to handle it to dispose of the old equipment; trade it in and that is what this is. We need to get this one done as soon as we can because we do not have a Bobcat right now which we use all the time. If the Law Director wants to make that clearer to add to that...

Law Director Crites: Does anyone want clarification? Essentially, whenever we sell municipal assets over \$1,000.00 we have to make sure we get the best deal. When you are trading something in you are selling it. The Ohio Revised Code says you can trade-in equipment for new equipment, but when you do

so, you have to advertise the deal you got to anyone else out there who is willing to give you a comparable deal and make sure you are getting the best one. That is it. On that subject, while I have the floor, Mr. Auditor, was there another clarification or possible amendment to this Ordinance due to some of the dollar figures?

Auditor Costin: Mr. Chairman, our department was notified by the Street Department Superintendent that the auxiliary equipment net out-of-pocket will be approximately \$3,700.00 rather than the \$3,200.00 that is listed here. I would request that it be amended to read approximately \$3,700.00.

Moved by Boose and seconded by Johnson to amend the \$3,200.00 to \$3,700.00 in T 62-2013.

President Corcoran: Any comments or questions about that amendment? All those in favor say yes. Those opposed say no.

Yes – 7 No- 0

Moved by Boose to suspend By-laws to give T 62 a first reading this evening.

President Corcoran: That was already done by Mr. Mayor and Mrs. Butkowski, but thank you. Any comments or questions on moving T 62-2013 Amended to first readings? All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

President Corcoran: Alright, T 62-2013 Amended is now under first readings. T 63.

Clerk of Council Smith:

T 63-2013 AN ORDINANCE APPROVING THE SALE OF CERTAIN PERSONAL PROPERTY OWNED BY THE CITY OF NORTH RIDGEVILLE PURSUANT TO O.R.C. SECTION 721.25.

President Corcoran: Alright, that brings us to the end of new business.

RECESS:

President Corcoran: Would anyone like a recess?

Moved by Johnson and seconded by Butkowski to dispense with recess.

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

President Corcoran: Moving on to first readings. First up, T 56.

FIRST READINGS:

Clerk of Council Smith:

T 56-2013 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO PURCHASE A NEW FRONT WHEEL LOADER FOR THE SERVICE DEPARTMENT FROM THE STATE BID LIST OR STATE CO-OP, OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR

ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED \$90,000.00.

Mayor Gillock: Mr. President.

President Corcoran: Mr. Mayor, before you speak, we are not going to amend this, even though there is a note that says we are going to. Mr. Law Director can explain what happened.

Law Director Crites: If I may and hopefully there is not an exigency; I'm not satisfied with the content of the Ordinance. I want to add something to it after discussing the matter with the Auditor and if possible, I would hope it would be okay just to bring it back amended at the next meeting and pass it then. Well, simply, if you want me in detail: you have to, and it slipped by me, as well. The \$22,000.00 trade-in has to be likewise advertised. We cannot take that one dealer's worth of the value. Essentially, it has to be exactly comparable to T 62. It is a simple fix, but it is going to be delay of two weeks unless you hold a special meeting. Make sense?

Mayor Gillock: You are shutting our Street Department down.

Law Director Crites: There is a simple fix. Stop the trade-in. Purchase the new equipment and sell the vehicle you are looking to trade-in on the open market if you are in a hurry. It is the fact that you are trading it in; it is the trade-in value of the used equipment that has to be advertised in the open market. That will cause the delay. It is a choice. I didn't write the law, I just read it.

Mayor Gillock: I thought we wrote it with 721.15(b) where it authorizes to trade-in an obsolete piece of equipment. We have had this here a month now. We are going to have to wait for bids and in the meantime we are sitting here without a loader. We can't do water main breaks or anything. I think we need to amend it to \$110,000.00 to buy the loader.

Law Director Crites: I think that is probably the best advice because even if we were to amend it tonight to read parallel to T 62, you still would have to go through the process of advertising. That will take time.

Mayor Gillock: Well, we didn't appropriate \$110,000.00 (inaudible).

President Corcoran: Mr. Auditor, any comments if we didn't appropriate the money?

Auditor Costin: This is Street Department equipment and the dilemma now is we actually expended all the monies that we could from Capital Projects. I need to give some thought where we would come up with the extra money from. Is that something we can change our minds on, take a recess, and put the language in?

President Corcoran: Without a solution, we are moving on. We are moving on to T 60.

Clerk of Council Smith:

T 60-2013 AN ORDINANCE AMENDING ORDINANCE NO. 4940-2012 BY INCREASING THE PURCHASE AMOUNT OF A SECOND CENTRIFUGE, A TWO-STAGE SCRUBBER SYSTEM AND BUILDING AND ANCILLARY EQUIPMENT FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT FROM \$1,011,500.00 TO \$1,066,500.00.

Moved by Olesen and seconded by Butkowski to dispense with the second and third readings for T 60.

President Corcoran: Are there any comments or questions? Seeing none, all those in favor say yes. Those opposed say no.

Yes – 7

No – 0

Moved by Olesen and seconded by Butkowski to adopt T60-2013.

Moved by Olesen and seconded by Butkowski to add the emergency clause to T 60-2013; the reason being we need the equipment as soon as possible.

President Corcoran: On the emergency clause, any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

President Corcoran: Any comments or questions on the adoption with the emergency clause?

Councilman Boose: Mr. President, if I can ask, what is the extra \$55,000.00 for since we had originally approved \$919,000.00 and then bids came in higher so then we approved \$1,011,500.00 and now \$55,000.00 more. What could have changed within that period of time that increased the project by \$55,000.00?

Superintendent Timko: To the members of Council, when we looked at the project again, when I became Superintendent, we took a strong look at the entire project and a couple things arose that should be changed. One of them was - these are very large and heavy machines and so there was a reconfiguring of the duct work to allow these machines at some point in time come out because there is no way to get them in and out without disassembling the entire machine. So there was a change there. We visited the contractor, Quasar, and found out that there was a better option, rather than producing a solid sludge; there was an option to send them a slurry sludge, which is basically a liquefied sludge which would save us a whole bunch of energy. It would allow us to shut down one of our digesters and annually it will save us a lot of money - \$145,000.00. Basically, we would streamline that process and not use the conveyor system and backup and streamline the slurry sludge right over to Quasar in liquid form. The original form had to produce at the cape and then reliquify; we can live with that. In the process we had to add (inaudible) pump to the new sludge, to the new centrifuge, and that was going to be an expensive piece of equipment. The redesign and (inaudible) pump, also, as soon as I had arrived, there was concern about the body of the building and how it is designed and the (inaudible) system that was underneath the building. (inaudible) \$15,000.00, the cost. So the (inaudible) design had to be redone slightly, (inaudible) when the sludge is being processed which is actually a more efficient process and match the original contract which we had with Quasar which was a good idea so we are back where we were at. The changes in the duct work, to make sure you can get these 14,000 pound machines up by crane (inaudible). That is also what led to reengineering and the initial \$3,000 for the change in that duct work. The duct work has to (inaudible).

Councilman Boose: Mr. President did any of this cost in going back from a solid to a slurry; was that precipitated because of Quasar's issues with not being able to have a pond somewhere to hold this stuff?

Superintendent Timko: No, it takes a lot of energy to produce a cape and then you have to bring that cape back (inaudible). You dewater it and then rewater it. We thought why are we rewater, why don't we just send that slurry (inaudible). In the contract, that was originally proposed. We decided to go back to that and they agreed. We also spent a lot of time with (inaudible) to determine that we could send them a slurry. It was originally believed that they could not (inaudible) and so we actually thought it could be done and it was more efficient. It allows us to streamline our processes (inaudible). So we went after that original design.

President Corcoran: Mr. Timko, one of the important things that you said was these changes allow us to save \$145,000.00 a year, right?

Superintendent Timko: Yes, I'm on a lot of allergy medicine so my mouth is too dry. We have three digesters at French Creek and what we are doing; we were digesting sludge (inaudible) and sending it to Quasar. What we decided to do was bypass (inaudible) digesters because these digesters are very large (inaudible). They have big (inaudible) blowers (inaudible) ton of energy. About \$145,000 a year per digester. What we are doing is out of our clarifiers, we are taking (inaudible) centrifuge and basically shutting down our digesters because it was digested once then it would be digested twice and then you don't have to digest it (inaudible). Quasar likes it because we are giving them a higher BTU slurry. We like it because we are idling part of our process and that is how we kind of arrived at it.

Councilman Boose: Thank you.

President Corcoran: Mr. Armbruster.

Safety-Service Director Armbruster: We are also utilizing the pipe that Quasar had originally put in through the original design, so that is already in place to come into the backside. We are back to, with Corey's expertise and Lou, to actually saving additional funds by making the changes that we did with the centrifuge here and the changes to the building to make sure it was supported appropriately and making the changes that if you remember, six, eight months ago or a year ago; we had to take that entire centrifuge apart to get it out of the building to send it back. The changes that we made to the building actually they can be able to come down, grab it and take it up with a crane all in one piece. We don't have to dismantle it, we can just, if we have to get it repaired, we can have it shipped directly like that.

Councilman Boose: No, I don't mind spending \$55,000.00 when I save \$145,000.00, but I don't know the answer until I ask the question.

Safety-Service Director Armbruster: I certainly knew, and I wanted to bring it back to Council because this is something we visited several times before and with Corey and Lou and the Mayor as direction is Jeff get it right, get it right for the City. We did not want to come back to City Council unless we explored all those angles to bring it to this point unless there is something that we absolutely can't see that is sitting behind a curtain, this is it.

Councilman Boose: Thank you.

President Corcoran: Any other comments or questions? Mr. Auditor?

Auditor Costin: Yes, Mr. President, just for the record – the additional monies for T 60 and T 61 have not been appropriated, however, there are monies available in the fund and we can use part of the contingency or the line item availability until we amend. So, this would require, ultimately, an amended appropriation Ordinance.

President Corcoran: Thank you. Anybody else? On the adoption of T 60 with the emergency clause, Clerk, please call the roll.

Clerk of Council Smith: Measure passed unanimously and it becomes **Ordinance number 5032-2013.**

Yes – 7

No – 0

Mayor Gillock: Are we still on first readings?

President Corcoran: We are.

Mayor Gillock: Can we revisit T 56?

President Corcoran: We can.

Mayor Gillock: We have some options on T 56. We have some options and I have some concerns and I have a question and I will start with the question. First, on the Ordinance as written, under the section three: it says the Mayor is hereby authorized to trade-in the City's CAT at a value of \$22,000.00 within the course of acquisition of a new front end loader. My question is I know on the other one that we did where we had a group of equipment or a whole list of them and they had different values. We went out for bid as part of that whole procedure. This one we have one piece of equipment and as a Home Rule City, Council has said that we can trade this in at \$22,000.00. My question is why would that not be sufficient?

Law Director Crites: If I may, the correct language, let me back up first by saying, T 56 is a form that has been used in the past that I didn't draft. I'm sorry I didn't catch there is a trade-in (inaudible). What should appear in T 56 is an identical or very comparable language that appears in the "Whereas" in T 62. The fourth "Whereas" as well as the first active clause under Section 1. Where I take issue with the current status of T 56 is the fourth "Whereas" that states the City of North Ridgeville, the current municipality, etc., etc., then states according to §721.15(b) of the O.R.C. authorizes the body to trade-in an obsolete piece of equipment. It is this Law Director's opinion that isn't correct. That would be the functional equivalent of saying, that we, because we are a Charter municipality, and true Home Rule zealots might argue this, but I doubt their success; we have the ability to sell equipment for real estate without public bidding it in the statutory process which we always do. It is exactly parallel.

Mayor Gillock: With real estate it speaks specifically to real estate. It seems to me, in this case, where we have 721.15(b) which authorizes the legislative body to trade it in and when we say, and we know it is worth less than \$22,000.00, we say we are going to trade it in for this specific value, and then we have the power to do that. Other things we can do: we have traded in equipment, for years; we have traded in equipment more than \$1,000.00. This is the first time this has come up. The other things we can do, two other options: 1) I could declare an emergency and just buy it because we have the potential broken water mains and I don't want our employees sitting there for two weeks doing nothing. That is an option. Another one is amend it to take the trade-in out, increase the total amount by \$22,000.00 to take it to

\$122,000.00 and go ahead and buy the piece of equipment. We have the \$22,000.00 in our Capital Projects contingency, so we do have the money. We would have to again, amend appropriations, but we can find the money, but if we do that, then what is going to be the incentive for the dealer to give us \$22,000.00 trade-in on this piece of junk equipment once we have already bought the new one? That would be my fear. We are getting a huge trade-in amount for a piece of equipment that doesn't work. We need to find out if there is a way for the interest of the taxpayers and saving money to get this done, not waste money.

Law Director Crites: I wish that the language in the Ohio Revised Code section wasn't as clear as it was but it is as clear as the nose on your face. It says you have to advertise trade-in deal openly for anything you are going to trade-in for more than \$1,000.00. It is what it is. I would agree with you, this is the first time I've heard about there being an emergency. According to our Charter, if you do declare an emergency, that would waive the public bidding requirement for the acquisition of the asset which means you can go and just buy the asset and that would allow you to negotiate the same deal with that dealer if you would stick with the deal, but that would have no effect on the trade-in aspect of it. The question is too, do we have a legitimate emergency? Is this piece of equipment needed to stop sludge flowing into a community or a flood? That is what our Charter section contemplates. If we lost power and needed a generator.

Councilman Boose: Mr. President, question through you to the Auditor: the Auditor said there wasn't money. The Mayor says there is. In Capital Projects, is it possible to, knowing that we are going to get \$22,000.00 to take money from the Capital Projects that hasn't yet been expended, though appropriated, for example, there is \$25,000 . . .

Auditor Costin: Mr. Boose, when I said some thinking time; when I made my comment, I couldn't recall whether or not we had replaced the contingency in Capital Projects when we were going through our appropriation process. Unfortunately, I didn't have a statement with me so I ran down to determine that we did in fact put a contingency back in the Capital Projects so if we choose to purchase it outright, if Council chooses to do that, then we can use the contingency amount that is now available. I did alert the Mayor to that and that is why he made his comment.

Councilman Boose: Thank you for the understanding of that.

Councilwoman Butkowski: I've been listening to this back and forth thing and under an emergency, which we never know if a water line is going to break, under those circumstances do we know what water line is going to break; the Mayor can buy this equipment. He is authorized to buy this equipment, while he is doing that he has the trade-in and everything else is a process of buying that equipment. He can get that equipment however he can get it.

Law Director Crites: I agree, I agree with all that except for the trade-in part. You have to understand that the trade-in of any assets of functional equivalent is identical in terms of the law of selling it. You got to make sure the taxpayers are getting their best buck for that public asset if it is over \$1,000.00. What the theory is, God knows this guy's probably in on us (inaudible) maybe a great deal, but the Ohio Revised Code is written down in Columbus for deals that aren't so great. The idea is that this guy is willing to give us \$22,000.00 for it, but the City residents deserve it to be advertised to see if someone out there wouldn't give us \$30,000.00 for it. It is probably not at all feasible but . . .

Councilwoman Butkowski: So we can't sit here tonight and say we have this piece of junk and if you want to give us \$22,000.00 come tomorrow we are going to buy this equipment? This goes out to the public.

Mayor Gillock: Mr. President not only that we will have to pay to advertise it. It would be my recommendation to amend this to \$122,000.00.

Councilman Boose: \$112,000.00.

Mayor Gillock: Pardon?

Councilman Boose: Wouldn't it be \$112,000.00?

Mayor Gillock: \$112,000.00. Correct. We will have a discussion with the dealer about the trade-in that we have to bid it and see if he would be receptive and understanding if we could still make this deal even though we have to go bid it. Because we know we are not going to get bids more than \$22,000.00 for this piece of equipment. This piece of equipment is worth about \$5,000.00.

Moved by Mayor Gillock and seconded by Johnson to amend T 56-2013 changing the \$90,000.00 to \$112,000.00 and in addition remove all references to trade-in.

Law Director Crites: Mr. President, is the intention to pass this tonight under the suspension of the By-laws? Let the legislation show in the title \$112,000.00 rather than \$90,000.00. In the first "Whereas" \$112,000.00 rather than \$90,000.00. The second, third and fourth "Whereas" be deleted. Under the "Therefore" clauses, the first, second and third Section would be deleted and Section four shall have inside of it the clause \$90,000.00 net after credit for trade-in shall be deleted and replaced with the sum of \$112,000.00. Section four shall become Section one. The following Sections shall be amended sequential, numerical order to correspond.

Auditor Costin: Delete the word "further."

Law Director Crites: Where was that Mr. Auditor?

Auditor Costin: Your new Section one "The Mayor is hereby further;" delete the word further.

Law Director Crites: Exactly.

President Corcoran: Okay, the Mayor made a motion and it was seconded by Johnson to amend the \$90,000.00 to \$112,000.00 and the Mayor also included deleting references to the trade-in. Specifically, we are changing in the heading the \$90,000.00 changing to \$112,000.00. In the first sentence the \$90,000.00 changing to \$112,000.00. We are deleting the second, third and fourth "Whereas" sections. We are also then removing Section one, two and three. Section four becomes Section one. We are going to delete the word "further" from the new Section one. We are going to change the \$90,000.00 to \$112,000.00 and delete the words thereafter. Section five becomes Section two. Section six becomes Section three. Section seven becomes Section four. Is everybody clear on that? Any questions on the amendment as proposed by the Mayor and seconded by Johnson? On the amendment, all those in favor say yes. Those opposed say no.

Yes – 7

No – 0

President Corcoran: We need to dispense with the second and third readings since this is technically its first reading.

Moved by Johnson and seconded by Boose to dispense with the second and third readings for T 56-2013 Amended.

President Corcoran: Any comments or questions?

Councilman Olesen: Mr. President, are we still comfortable that we will eventually (inaudible)?

Safety-Service Director Armbruster: Mr. President, the \$22,000.00? I've worked with the contractor as well as Al has and I believe that we should be able to work this out. I cannot guarantee it, but I believe we will be able to work it out. They are honorable people that we are dealing with and I would think that we would be able to do that. If anything, the minimum amount that we would take would be \$22,000.00. Anything over than that we are better off. We can put a minimum bid price if we put it out.

President Corcoran: Any other questions? On the dispensing of the second and third readings, all those in favor say yes. Those opposed say no.

Yes -7

No – 0

Moved by Johnson and seconded by Butkowski to adopt T 56-2013 Amended.

Moved by Johnson and seconded by Butkowski to add the emergency clause due to the desperate nature of needing this vehicle in order to do work in the City as soon as possible.

President Corcoran: On the emergency clause, all those in favor say yes. Those opposed say no.

Yes – 7

No – 0

President Corcoran: On the adoption with the emergency clause, any comments or questions? Clerk, please call the roll.

Clerk of Council Smith: Measure passes unanimously and becomes **Ordinance number 5033-2013.**

Yes – 7

No – 0

President Corcoran: We are now at T 61.

Clerk of Council Smith:

T 61-2013 AN ORDINANCE AMENDING ORDINANCE NO. 4981-2012 BY INCREASING THE AMOUNT PAID TO H.B. ENGINEERING FOR PLANS, SPECIFICATIONS AND BIDDING DOCUMENTS FOR THE INSTALLATION OF A NEW CENTRIFUGE FROM \$56,000.00 TO \$59,000.00.

Moved by Boose and seconded by Buescher to dispense with second and third readings for T 61-2013.

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

Moved by Boose and seconded by Buescher to adopt T 61-2013.

Moved by Boose and seconded by Buescher to add the emergency clause to T 61-2013 in order to pay the engineering to move forward with the project.

President Corcoran: Any comment or questions on the emergency clause. All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

President Corcoran: Any comments or questions on the adoption of T 61-2013 with the emergency clause? Clerk, please call the roll.

Clerk of Council Smith: Measure passed unanimously and becomes **Ordinance number 5034 2013.**

Yes – 7

No – 0

President Corcoran: Now we are at T 62.

Clerk of Council Smith:

T 62-2013 AMENDED AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE OR HIS DESIGNEE TO PUBLICLY ADVERTISE AND RECEIVE BIDS FOR THE SALE OF CERTAIN ITEMS/EQUIPMENT THAT NO LONGER SERVE A MUNICIPAL PURPOSE; TO SEEK QUOTES FOR THE PURCHASE OF A NEW E-45 BOBCAT COMPACT EXCAVATOR AND AUXILIARY EQUIPMENT; TO HAVE THE SELLING PRICE OF THE ITEMIZED EQUIPMENT CREDITED AGAINST THE PURCHASE PRICE OF THE E-45 BOBCAT COMPACT EXCAVATOR AND AUXILIARY EQUIPMENT; AND TO ENTER INTO AN AGREEMENT WITH THE LOWEST AND BEST BIDDER, NOT TO EXCEED \$49,000.00 (GROSS SALE PRICE).

President Corcoran: Just to clarify, we did amend T 62 earlier. We changed the \$3,200.00 to \$3,700.00.

Moved by Boose and seconded by Buescher to dispense with the second and third readings for T 62-2013 Amended.

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

Moved by Boose and seconded by Buescher to adopt T 62-2013 Amended.

Moved by Boose and seconded by Buescher to add the emergency clause to purchase the equipment in a timely manner.

President Corcoran: Any comments or questions on the emergency clause? All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

President Corcoran: Any comments or questions on the adoption with the emergency clause? Clerk, please call the roll.

Clerk of Council Smith: Measured passed unanimously and becomes **Ordinance number 5035-2013.**

Yes – 7

No – 0

President Corcoran: Thank you. That is the end of our first readings. We have one second reading, T 51.

SECOND READINGS:

Clerk of Council Smith:

T 51-2013 AN ORDINANCE APPROVING THE FINAL PLAT OF TIMBER RIDGE SUBDIVISION, PHASE 2, FOR RECORDING PURPOSES ONLY.

THIRD READINGS: None

MEETING ANNOUNCEMENTS:

President Corcoran: We have a Special Council meeting on Monday, May 20, 2013 at 6:00 P.M. in Council Chambers regarding the Parks and Recreation Master Plan. Our next regular Council meeting will be held on Monday, May 20, 2013 at 7:30 P.M. right here in Council Chambers. We did have some visitor's from Germany this evening. We would like to thank you for coming this evening. I hope you enjoyed this meeting. With that being said, there is no other business to bring before the Council this evening. The meeting is adjourned.

ADJOURNMENT:

The meeting was adjourned at 8:32 P.M.

Approval of minutes:

These minutes were approved at the regular meeting of the North Ridgeville Municipal Council on May 20, 2013.

A stylized signature consisting of a large 'K' followed by a horizontal line.

PRESIDENT OF COUNCIL

A cursive signature that appears to read 'Angie L. Smith'.

CLERK OF COUNCIL