

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING DECEMBER 6, 2010**

CALL TO ORDER: 7:30 P.M.

President Corcoran: I call to order the Monday, December 6, 2010, regular Council meeting to order. Please stand for the invocation and pledge of allegiance.

INVOCATION: lead by President Corcoran.

PLEDGE OF ALLEGIANCE: by all.

ROLL CALL:

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

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

MINUTES - Corrections (if any) and Approval:

Council Minutes of regular meeting November 15, 2010

President Corcoran: Are there any comments or corrections to those minutes?

Council Member Johnson: I just want to make sure that you are aware that I am going to abstain on these minutes.

President Corcoran: Does anybody have anything else to add? All right, because of the abstention, we will call the roll please.

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

Clerk of Council Smith: All approved with one abstention.

President Corcoran: Please note:

Parks & Recreation Commission Minutes of regular meeting October 27, 2010;

Civil Service Commission Minutes of special meeting November 16, 2010; and

Board of Zoning & Building Appeals Minutes of regular meeting November 18, 2010.

LOBBY:

President Corcoran: That brings us to the lobby session of the meeting. This is your opportunity to talk to us and tell us what is on your mind. You are limited to three minutes. Please keep it to City business and you are limited to three minutes at a time. The lobby is open. Come on up.

1) Larry Vassil, of 3971 Evergreen Lane, Ridgefield, Ohio; previous owner of Ohio Sports Park spoke regarding the development of the Ohio Sports Park stating that they were told there was a three foot fly ash cap on the land that the City bought and provided a picture that proves there wasn't a fly ash cap. He continued to explain how he knew that there wasn't a cap and how that issue cost him 160,000 dollars to refigure the topo. He stated that the Building Department approved the drainage plan and there is approximately 3,000 feet of cap penetration out there with fly ash everywhere. He stated that they penetrated the cap every time they tried to place a tree in the landscape and the cap was penetrated in approximately 450 places. He explained that they had a lighting plan approved and verified. He stated that they went out in the middle of the night and took light tests and found that they were under the compliance of what they said they would do for the City. He explained that, that cost him 20,000 dollars to get that plan taken care of and he stated that the Mayor went on the Trivisonno Show and didn't back them at all. He continued to explain the installment of the roadway and sewers. He stated that with no road and no utilities it cost him 50,000 dollars the first year. He stated that he drove over there recently and found that the fly ash was all uncovered. Apparently, you don't have to cover it anymore because now one of North Ridgeville's finest citizens owns a piece of that park. He met with the County Commissioners and asked the City to guarantee 25 percent of the note so that everybody could get paid. The Mayor unilaterally decided not to guarantee that. He stated that he offered the Mayor the escrow money that would be required, which was 190,000 and he said he wouldn't do it. He explained that the park was sold a couple of weeks back for 866,000 dollars. The park is a wreck and they still got 866,000 for it. The worst for him, he explained, was that he had a potential investor and the Mayor suggested to him that he stay out of the project. He stated that he was offended and that cost him and his partners 1.8 million dollars and 700,000 to creditors that didn't get paid. He explained that the only person that has been supportive was Mr. Armbruster. He stated that the building plans that have been approved are the property of Ohio Sports Park. He stated that if Mr. Mould wants to build a building, he needs to go to Planning Commission and start all over because he wants those plans back. He stated that he also wants to make sure that the fly ash is removed properly the way it was supposed to be done because he didn't know there was a problem until they tried to put light poles in. He stated that he will be watching. He stated that the City got his pound of flesh, raked his name over the coals, the newspapers and everywhere else and said that maybe, they won't have any light issues because one of the owners now is a contractor from North Ridgeville. He thanked Council for his time.

Or

1) Larry Vassil of 3971 Evergreen Lane, Ridgefield, Ohio; previous owner of Ohio Sports Park spoke regarding the development of the Ohio Sports Park and his disappointment in the lack of support from the City's Administration.

2) Bruce Tomcik of 6190 Granite Lane spoke regarding the merits of porous paving

with the proposed Panera Bread and McDonald's. He read an article from the Cleveland Plain Dealer regarding the grand reopening of a new, environmentally friendly, McDonald's restaurant on West Pleasant Valley Road in Parma noting the installation of porous pavement at that location. He asked that our City consider that for these two new commercial properties.

President Corcoran: Anybody else? Okay, we are closing the lobby session and moving on to the Administrator's reports. Mr. Mayor.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you, Mr. President. I have a couple things this evening. First, I just wanted to mention on our Quasar Project, our bio gas facility at French Creek, it was announced at a meeting, last week, that this was a go and it was good for Lorain County. It will be good for Lorain County, but it is not quite a go yet. We sent the contracts to Quasar today after a review by Squires, Sanders. This should be a final revision. Getting those down there puts us in a position to start looking forward to legislation that will need to be forthcoming. We are hoping that we can have the BANs legislation at the next Council meeting. I just wanted to put you on notice that we will start through that process in bringing the contracts to Council for approval along with the BANs. That will be forthcoming.

The second thing on my agenda this evening is that it is that time of year when we have some openings on Boards. This evening I want to make three reappointments. I have a couple more to make, for new individuals, that I will try to have here at the next meeting.

Linda Masterson's term is up on the Board of Zoning and Building Appeals and she has asked to be reappointed. Brett Milner's term on the Park and Recreation Commission is also up and he has asked to be reappointed and Jim Hurst's term on the Planning Commission is up and he has also agreed to be reappointed.

moved by Mayor Gillock, seconded by Johnson that the reappointment of these three individuals be approved

President Corcoran: Any comments or questions? Seeing none, all those in favor say yes. All those opposed say no.

Yes, 7 No, 0

Mayor Gillock: Thank you and I appreciate that. These individuals do a great job on these boards and we appreciate their service. They don't get paid for this. They put in their time and it is very much appreciated.

Lastly, I would like to have an Executive Session in place of recess to discuss negotiations.
Thank you.

 moved by Mayor Gillock, seconded by Johnson to move into Executive Session at the
 time of recess

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

 Yes, 7 No, 0

President Corcoran: That was it Mayor?

Mayor Gillock: That is it. Thank you.

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

B. Safety-Service Director:

Safety-Service Director Armbruster: If not noted, I shall note it. I think if we look at the walls in Council Chambers and I am hopeful it will turn out well on television, the newly painted Council Chambers and Paula had the drapes cleaned and this work was done by the able bodied individuals that during the day they work here and during the night they are actually out at the Grafton Prison area. They have done an outstanding job supplementing, not only our workers, but they actually have some talents that we are putting to good use when it comes to painting. I think too that they've done the inside of Park and Rec and if you get a chance, you should go over to Park and Rec to see exactly how Kevin has done an outstanding job in organizing and cleaning it up and making it into a very nice office over there just with a coat of paint and some hard work.

Water meters, moving on, the water meter project is moving to a close. Unfortunately, we still have people out there that have not allowed us to get in. We are working on that. Just today we put in three water meters and tomorrow we have scheduled four more. This was after we had notified them that the water was going to be turned off so, we are getting some response, but as we've discussed during this entire project we need to move everybody over into the new water meters and for compliance they need to allow us access into their home. We can then spend that 10, 15, or five minutes or so that it takes to put in the aerial that goes on the water meter. We are hopeful to have 100 percent compliance. If not, I am sure and I would hope that we do not have anyone's water turned off to get that compliance to move forward. It looks like if the seven people are allowing us to get in, these are seven less that will have their water turned off. We look forward to getting this project completed, hopefully, this year.

It is winter and the number of calls that I've received at home or actually through email through notifying the City that we need to salt quicker. With the temperature of the roads that are out there, they are warm. The earth is warmer then the air and the snow coming down and you are going to get that surface. It's going to come down and you're going to see ice form quicker than,

maybe, it is in dead winter because the temperature of the roads have come down in temperature. So, let's drive carefully and take a little bit extra time to get places. There has been a lot of fender benders, not only in North Ridgeville but, throughout the whole area. Please take some extra time and also for the young drivers that are out there, remember that you are not going 35 miles an hour on a concrete road or on asphalt road, you are going 35 miles an hour on a snow covered road and you can't stop as quickly and even if you do, you start spinning and then there is going to be additional damage. Today, we actually had a lady that went between two trees and couldn't get out. We had to actually pull her out in order for her to get out of the car. There was damage to her car, but luckily she was okay.

As the Mayor suggested, negotiations are moving forward and we look forward to bringing them to conclusion. Although, it does appear that we might have to go into January and we've made the necessary arrangements to bring the mediators in if we absolutely have to and if we do go to mediation it would be January 10 and beyond for the two mediations that we might have. These are contractual things that we have to do in order to meet the criteria as we are moving forward, but the negotiations are moving forward and we look forward to bringing them to a conclusion, positively; not only for us here as the Administration, but certainly for the residents and for those that are negotiating on the negotiating team for the unions. That concludes my report.

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

C. Engineer:

Engineer Wangler: Thank you. Lorain Road is soldiering forward. We were lucky for a long time in November, but we are probably going to stop and not get the sidewalks in until Spring. It is just too cost prohibitive to fight the sidewalks, in my opinion, for not much gain. We can suffer through until Spring for that. We try to do our best to keep access and pain to a minimum on that and right now they are trying to finish up on the west end by putting in aprons for those residents. It will taper off pretty quickly after that.

We wrote the purchase order for Cook Road water line and I'm anticipating that we will probably have a preconstruction meeting sometime before the holidays. I don't anticipate any real work to start until next year for that project.

Lastly, the Rural Lorain County Water Authority is going to be putting in a new meter at the intersection of Bender and Sugar Ridge Road at no cost to the City and there should be no interruption of service. That concludes my report.

President Corcoran: Thank you, Mr. Wangler. Mr. Auditor.

D. Auditor:

Auditor Costin: Thank you, I have no report scheduled for this evening, but I would like to bring to Council's attention that this is the end of the year. We have our year-end housecleaning financially, so at the next meeting you can expect a temporary appropriation ordinance for year 2011 to get us through the next three months until we do our final appropriations and an amended appropriations for year 2010 and two resolutions. One for transfers between funds and the other for advance repayments particularly related to our General Fund advances from the Federal Grants Fund. As the Mayor also indicated, we may have; depending on how the project is moving along for French Creek, a BANs ordinance for that project. So, we will have a busy wrap up next year and I just want to let you know that we will be working on it and you will have it in ample time to review it and if you have any questions before, certainly, you are welcome to contact our office.

President Corcoran: Thank you, Mr. Costin.

E. Other Reports:

President Corcoran:

Police Department Support Car Report for October 2010 and
Fire Department Report for October 2010.

COUNCIL COMMITTEE REPORTS:

President Corcoran: There are no Council Committee reports.

CORRESPONDENCE:

President Corcoran: There is some correspondence.

Clerk of Council Smith:

1) Received a letter from Lorain County Community Development Department Director Donald Romancak regarding their consideration in applying for a Brownfield Assessment Grant through the EPA and requesting the City's completion of a form identifying potential contamination sites for their evaluation in determining which projects will have the best chance of being funded.

Mayor Gillock: Mr. President, that was given to the Building Department to respond to.

President Corcoran: Thank you.

Clerk of Council Smith:

2) Received from the Board of Elections, the Certificate of Result of Election on the

Question to amend City Charter Sections 12.1, 13.1, 13.2, 14.3 and 14.5 to coincide with current State law by providing for a 90 day election filing deadline for all municipal elections. Vote results: For the amendment: 8,160; Against the amendment: 1,493.

OLD BUSINESS:

President Corcoran: There is no old business. Moving on to new business.

NEW BUSINESS:

Clerk of Council Smith:

Request for liquor permit transfer from Revco Discount Drug Centers, Inc., 35000 Center Ridge Rd. to Ohio CVS Stores, LLC, same address.

President Corcoran: Is there any objection to sending this down to the State without a hearing? Great. We will do that. Moving on to ordinances T 120.

Ordinance and Resolution Submittals:

Clerk of Council Smith:

T 120-2010 A RESOLUTION DESIGNATING FINANCIAL INSTITUTIONS AS
PUBLIC DEPOSITORIES.

 moved by Mayor Gillock, seconded by Olesen to suspend By-Laws to give T 120 a first reading this evening

President Corcoran: Are there any comments?

Mayor Gillock: Mr. President, our current depository ordinance expires December 31, but we need to get this one in place for the coming four year period. Those run for four years. You will see a list of banks there. We went to all the banks in the City and asked if they would be interested in participating and if they could provide the services that we required. They all responded with the exception of one and I don't remember which one that is, but this gives us the ability to work with these banks to deposit City funds in City banks and to do the CDARs program and we need to have this in place. I would like to get this passed this evening with the emergency. Thank you.

President Corcoran: Thank you. Are there any other comments? On the motion to give T 120 a first reading this evening, all those in favor say yes. Those opposed say no.

 Yes, 7 No, 0

President Corcoran: T 120 will receive a first reading this evening. T 121.

Clerk of Council Smith:

T 121-2010 AN ORDINANCE AMENDING ORDINANCE NO. 4778-2010
ENTITLED: LEGAL GAMING REGULATIONS.

President Corcoran: That brings us to the recess portion of the meeting. We will be taking a recess to go into Executive Session.

RECESS:

Council adjourned into Executive Session at 7:53 P.M. to discuss negotiations.
Council reconvened at 8:10 P.M.

FIRST READING:

President Corcoran: First Readings, T 120.

Clerk of Council Smith:

T 120-2010 A RESOLUTION DESIGNATING FINANCIAL INSTITUTIONS AS
1216-2010 PUBLIC DEPOSITORIES.

First Readings

moved by Olesen, seconded by Johnson to dispense with the second and third readings for T 120

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

Yes, 7 No, 0

moved by Olesen, seconded by Johnson to adopt T 120

moved by Olesen, seconded by Johnson to add the emergency because our current resolution expires at the end of the year

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

Yes, 7 No, 0

President Corcoran: It was moved by Olesen and seconded by Johnson to adopt T 120 with the emergency clause. Any comments or questions?

Council Member Boose: Mr. President, yes. Although the bank that I work for is not listed on this legislation, I do work for a bank and so in order to avoid any potential conflict of interest, I will be abstaining.

Council Member Buescher: Mr. President, I will have to abstain on this vote also.

President Corcoran: Mr. Clerk, could you please call the roll?

Yes, 5 No, 0 Abstain, 2 (Buescher, Boose)

Clerk of Council Smith: It passed with two abstentions.

President Corcoran: It becomes?

Clerk of Council Smith: Resolution number 1216-2010.

Permanent Resolution No. 1216-2010

President Corcoran: Moving on now to second readings. T 115.

SECOND READINGS:

Clerk of Council Smith:

T 115-2010 AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF 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.
Second Reading

THIRD READINGS:

President Corcoran: There are no third readings. That brings us to our announcements.

COMMITTEE MEETING ANNOUNCEMENTS:

President Corcoran:

Utilities Committee meeting December 9, 2010 at 7:00 P.M. re: T 118-2010, dumpsters and trash collection areas and there will be a second Utilities Committee meeting following that one that will be discussing the trash collection changes.

Council Member Boose: Correct, the recycling program Citywide.

Next Regular Council Meeting Monday, December 20, 2010 at 7:30 P.M. in Council Chambers

ADJOURNMENT:

President Corcoran: Seeing no other business to come before the City this evening, the meeting is now adjourned.

Meeting adjourned at 8:15 P.M.

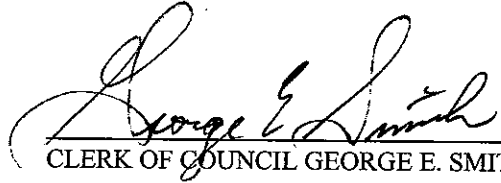
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REGULAR MEETING DECEMBER 6, 2010**

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Approval of Minutes:

These Minutes were approved at a regular meeting of the North Ridgeville Municipal Council on December 20, 2010:



PRESIDENT OF COUNCIL KEVIN CORCORAN

CLERK OF COUNCIL GEORGE E. SMITH