

**NORTH RIDGEVILLE CITY COUNCIL
MINUTES OF REGULAR MEETING NOVEMBER 2, 2015**

CALL TO ORDER: 7:30 P.M.

President Corcoran: Welcome to the Monday, November 2, 2015 regular Council meeting.

INVOCATION:

Led by President Corcoran.

PLEDGE OF ALLEGIANCE:

Led by President Corcoran.

ROLL CALL:

Present were Council members Terrence Keenan, Dennis Boose, Dr. Ronald Arndt, Robert Olesen, President Pro-Tem Bernadine Butkowski, Roseanne Johnson and President Kevin Corcoran.

Also present was Mayor David Gillock, Safety-Service Director Jeffry Armbruster, Law Director Andrew Crites, City Engineer Scott Wangler, Auditor Chris Costin, Assistant Clerk of Council Tara Peet, French Creek Wastewater Treatment Plant Superintendent Corey Timko and Clerk of Council George E. Smith.

MINUTES - Corrections (if any) and approval:

President Corcoran: You have before you the public hearing meeting minutes from October 19, 2015. Are there any comments, corrections or objections to approving those minutes? Hearing none, those minutes stand approved.

You also have before you the City Council meeting minutes of October 19, 2015. Are there any corrections or objections to approving those minutes? Hearing none, those minutes stand approved.

President Corcoran: We received the Board of Drainage and Flood Control meeting minutes of April 28, 2015, the Board of Drainage and Flood Control meeting minutes of July 28, 2015, the Board of Zoning and Building Appeals meeting minutes of October 22, 2015, the Civil Service Commission meeting minutes of October 20, 2015 and the Parks and Recreation Commission meeting minutes of September 23, 2015.

President Corcoran: That brings us to the lobby session of the meeting.

LOBBY:

President Corcoran: This is the lobby session. This is your opportunity to address Council. If you would like to speak on an issue, please approach the podium for the record. State your name and address. You will be given three minutes to speak. Is there anybody who would like to speak this evening? Ok then, moving on to the Administrator's reports. First we have Mr. Mayor.

ADMINISTRATORS REPORTS:

A. Mayor: Thank you Mr. President. Several items this evening: if you haven't heard by now, University Hospitals announced plans to build a \$32.4 million state-of-the-art, outpatient health center and free standing emergency department in North Ridgeville with the projected completion date of 2017. The proposed 50,000 square-foot ambulatory health center and free standing emergency department is located on Lorain Road directly across from Gourme Restaurant next to the turnpike ramp. We welcome University Hospitals. This is an exciting opportunity for North Ridgeville.

Olive Avenue water main – bids were taken and the award was given to Charles Akers Construction who will begin replacing the waterlines on Olive, Lewis, Branch and Cross Streets later this month.

By now, you should have received the annual City magazine in your mailbox. It looks like this. You will find informative information on projects happening in the City; meet several of your neighbors. It includes the most recent City map and directory. The publication was produced by Great Lakes Publishing at no cost to the City. I do want to point out an error in printing on page eleven of the magazine. There is a short blurb on some of the items that are under construction in the City and it states that the cost of the Center Ridge Road widening project is \$1.5 million. That will barely cover the cost of the sanitary sewer. The actual cost should have read \$54.5 million for Center Ridge Road.

Bainbridge Road closure – this Saturday, November 7th. Our Parks and Recreation Department is sponsoring their second annual Cleveland Stache Dash, 5k run on Saturday, November 7 and Bainbridge Road will be closed. That is Saturday from 8:00 A.M. to 10:30 A.M. between Route 83 and Mitchell Drive. That is 8:00 A.M. to 10:30 A.M. between Route 83 and Mitchell Drive.

Lorain County Shred-It Day and food drive will also be this Saturday. Lorain County Shred-It Day will be held on Saturday, November 7th from 9:00 A.M. to noon at the Lorain County Solid Waste District Collection Center located in Elyria at 540 South Abbe Road. Years ago there was a DIY store there. This event is free to Lorain County residents when you provide your ID. They do have a limit of either five boxes or five blue grocery bags per vehicle. They are partnering with Second Harvest Food Bank. Please bring a non-perishable food item such as cereal, peanut butter, tuna, soup, beef stew and canned vegetables. This is a great way to get rid of boxes of old financial records. There are a lot of things you can take over there. It is securely and confidentially disposed of and it is free.

As Kevin mentioned, tomorrow is Election Day. Please don't forget to vote. The polls are open from 6:30 A.M. to 7:30 P.M. and we do have the fire station issue on which will generate \$8.2 million over twenty years at a cost of less than \$30.00 a year for an owner of a \$100,000 home which would lead me into my last announcement.

The North Ridgeville Fire Department is excited to announce that it has added a new tool that will assist in saving lives and improving patient outcomes. The North Ridgeville VFW Post 9871 donated \$1,500 to help with the purchase of what is called a McGrath Mac which is a video intubation tube. The McGrath Mac will make it easier for the paramedic to insert a breathing tube into the airway. The department has been testing it and feels it will improve on a number of successful intubations and reduce trauma. Real briefly, how it works is when they want to intubate, they put a tube down the trachea and they have to go through the vocal chords and it is very hard to see visually. This device has a little TV screen on it with a little camera. They put it in there and see the TV screen and they can see exactly where they are going. It makes it real easy. We would like to thank the North Ridgeville VFW Post 9871 for their generous donation which will allow the paramedics to use the latest technology to help save lives and that concludes my report.

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

B. Safety-Service Director: I think you all received a map and ditch cleaning for 2015. The Service Department continues to fine-tune their documentation. That is something that we have always asked for over the past years. As you can see, the map covers twelve, thirteen, fourteen and fifteen. As we have proceeded and moved into 2015, we've documented all of the ditches and these are even documented further than this from the standpoint that sometimes when you clean a ditch, you have to clean the tress out first. You have to stack the rocks and put the rocks back and into the banks. There is more to cleaning a ditch than meets the eye as you move forward on that. Most recently, after the last rain, they went to the Service Department observed all the major ditches and we have to go back into six of those major ditches now and clean out larger trees that have come down. We are in the process of doing that. You certainly do not want to have a major ditch with a tree that is down in the middle of it as it is caved in or died or something or the water has brought it down into the ditch. We will fine tune this further in 2015. You will get a report, hopefully, on a quarterly basis with an update for the Flood and Drainage Committee. We look forward to them fine tuning the documentation not only for future Council's but also for the residents. That completes my report.

President Corcoran: Mr. Armbruster, you did not mention that it is 5.46 miles that were cleaned this year.

Safety-Service Director Armbruster: That is correct.

Councilman Keenan: Mr. President, may I follow up with the Safety-Service Director? In the handout, I suspect that there may be an error or a dropped digit or something under man hours. Could you please take a look at the total man hours involved? I find that number too low.

Safety-Service Director Armbruster: We will do that.

Councilman Boose: Mr. President, we had a recent Board of Drainage and Flood Control meeting where the Street Superintendent, Al Swindig brought this information to our attention

and during the process of his discussion of ditch digging, we thought it be important that the Safety-Service Director bring this information to the residents at a Council meeting. It is as he said, a lot of residents and myself when I first heard of it, think of cleaning a ditch as a backhoe in a ditch. It is much more than that. Sometimes it could take weeks if not months to get that back hoe to that ditch because you have to clear brush, trees, rock, support the ditch; you have to build a ramp to get the back hoe into the ditch and so it is much more than just that. When you look at the initial yardage or miles of ditch cleaned, you think, my gosh, that is all they could do? They haven't done more? Sometimes, the tough part of it is it may take, as I said, a long, long time just to be able to get the dirt moved. I wanted to thank Mr. Armbruster and the Street Department because they are diligently working on these things and as he said, we are going to continue to do this so that every ditch gets done eventually. Thank you.

President Corcoran: Mr. Engineer.

C. Engineer: Thank you Mr. President. Last week I walked the site of the middle school. I know a lot of excitement is about building. As the Engineer, my excitement tends to be other than the building. I want to report that the detention basin is excavated and the infrastructure to manage storm water is in place. We have those protections in place now if they are ever tested. That concludes my report.

President Corcoran: Thanks Mr. Wangler. Mr. Auditor.

D. Auditor: Thank you Mr. President. I have no report scheduled for this evening and no comments other than there are several financial items on the agenda. I will be more than pleased to answer any questions that might arise related thereto. Thank you.

President Corcoran: Thank you Mr. Costin.

E. Other Reports:

President Corcoran: We have the September 2015 Police Department report, the September 2015 Water Distribution reports and the October 2015 Parks and Recreation Director's report.

COUNCIL COMMITTEE REPORT(S): None.

Councilwoman Johnson: I realize that it doesn't show that we had any Council Committee reports; however, the Finance Committee did meet on Friday.

Moved by Johnson and seconded by Butkowski to suspend the By-laws to allow the Finance Committee report dated October 30, 2015 to be put on the agenda this evening.

Councilwoman Johnson: The Committee recommended passage of T 140 and T 141 that were referred to the Committee. We looked them over. We met with the Auditor and there seems to be a sense of...

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

Yes – 7

No – 0

Councilwoman Johnson: In light of that, it seems to be a sense of urgency. I would like the Auditor to talk about that a little bit because I think we can pass them at the next meeting. We made a motion to suspend the By-laws to put these as first reading or we could just have the first reading for the next meeting. I wasn't sure what you had in mind.

Auditor Costin: The Regional Income Tax Agency has requested that we return these Ordinances to them by November 15th. Our next meeting after this one is the 16th, I am not so sure how critical it is, but the reality is all the taxing authorities have to pass these and they are going to be overwhelmed with this work. I would recommend that Council consider passing these tonight with the emergency and we will be glad to answer any questions. They are in compliance with House Bill 5. That would be our recommendation.

Councilman Keenan: Mr. President, I have no problem bringing this to the vote and so forth, however, because it is so quick and it does deal with our tax codes, I think it is pretty vital that we have a lengthier discussion about it and get a report as to what is included within those pages as to how they affect the income tax rate, how it affects the tax credit – just the basics. I understand the concept doesn't really change things, but I think for the public benefit of passing a tax Ordinance, we need to hear more about it.

President Corcoran: Mrs. Johnson, do you have the report from the Committee?

Councilwoman Johnson: No, it did not meet cloture. It basically just said that we recommended passage of 140 and 141 and there were no amendments. We discussed it thoroughly.

Mayor Gillock: Mr. President, Chris can correct me if I am wrong – I think we are okay if we adopt this with the emergency at the next meeting, although, we want to get it to R.I.T.A. as soon as we can. We did discuss 140 and 141 in detail at the Finance Committee meeting. This is a new law passed by the legislature to provide uniformity in municipal income tax collections. It does not change our rate of one percent which is the lowest in the state. It does not change our credit. It does change some other things for the most part that don't have significance on us - they, for example, now require a five year look back on lost carry forward. We do that already for big cities that don't do that, it has a major impact. There are some changes there that could potentially affect us favorably. There are issues with what they call the snow birds going to Florida which really doesn't affect us. There were a couple other items. In other words, overall, the major law, and I will give Auditor Costin kudos – we have kept up with state-of-the-art or current language in our income tax rules forever so it doesn't have a lot of effect on us. There are some changes required by law. We worked with R.I.T.A. who wrote the model changes. Mr. Costin and Mr. Pope reviewed those and that is what we are bringing forth. We can bring it forth next meeting and discuss in more detail and have a Committee meeting if you want, but it has to be in place before January 1 or we won't be able to collect taxes. We have to have time to get it

to R.I.T.A. to have them review our changes. They are going to have a couple hundred other cities submitting their Ordinances to them for review too. That is why we don't want to wait around on getting this in place. We don't have a choice of putting this in place. It is just timing and we need to get it to R.I.T.A.

Councilwoman Johnson: Mr. President, we did talk about having it pass at the next meeting and I don't think it will be a problem. As long as the Committee report is passed, they know we know it, we recommend it and we can give it a first reading at the next meeting.

Auditor Costin: Well, our Treasurer has been the liaison with R.I.T.A. and it was the Treasurer at our Committee meeting that urged Council Finance to recommend it be passed at this meeting so that they would have it by the 15th which was the date they requested. If it is passed by emergency and we give it to them two days after the 15th, I don't know how critical that is. I can just tell you that was the request from R.I.T.A.

Councilman Boose: Again, we held an hour meeting, Finance Committee meeting, last Friday on this subject where we learned all of the major changes within what we are doing today versus what we will do beginning January 1. I'll also want to give kudos to Mr. Pope and the Treasurer's Department as well as Mr. Costin and the Auditor's Department because they were able to take the documentation supplied by R.I.T.A., review it and make some recommendations that would better fit our community. I also want to give kudos to the Auditor and to the Administration for over the past many years being on the forefront of a lot of these tax changes that were coming through or the way in which we collected taxes or reviewed tax information. That has made the changes, as the Mayor suggested earlier, very minimal to our community because we've already had most of them. If I recall correctly, during the meeting, also, with the number of changes that are in there and most of them are very specific tax things on certain schedules. For example, there are some changes to – there are some new withholding rules that will have to go into effect. If I recall correctly during the Finance Committee meeting, I asked and was told, yes, that the City or R.I.T.A. was going to be sending out some communication to employers that would highlight those changes so that they wouldn't be caught off guard when the new year started because employers also will have to make some changes because it will affect how they report and could impact how their employees are going to be withholding. I think that goes a long way in showing that, not only were we ahead of the game on a lot of these things that the state law is requiring, but we are also taking a proactive step to make sure that those major things that are going to be changed, are going to be effectively communicated to these employers that are sitting. Thank you.

Councilman Keenan: Mr. President, can I have a follow-up to the Mayor. Mayor, I thought I heard you say we have no choice or something to the effect that we don't have a choice, we have to pass this. Could you follow up on that?

Mayor Gillock: If we want to continue to collect municipal income tax, we have to adopt these changes to comply with the state law.

Councilman Keenan: If we have no choice...

Mayor Gillock: We have to comply too – we have to create a Tax Review Board. We have to set up a lot of procedures. Most of them are detail items. Our income tax rate doesn't change. Our credit doesn't change. It is basically the administration of it.

Councilman Keenan: Did they provide a redlined copy showing what the changes were? We didn't receive that. I wonder if somebody did. Or did somebody go through line by line.

Mayor Gillock: Yes.

Auditor Costin: There was a copy of a model Ordinance that I believe it changed a few times as there were actually some updates in the state law. What we needed to do was go through and conform what our current Ordinance said such as our tax rate, our credit and so forth. The Mayor alluded that our net operating loss policy and so we actually had to incorporate the existing law that we have into the new legislation. As the Mayor said, we are required to pass an Ordinance that is in compliance with H.B. 5 or we will be prohibited from collecting a tax. I do concur with his statement – the privilege by municipalities is a privilege granted by the state of Ohio and if we don't conform to their rules, then we will be prohibited from collecting the tax. That is what the fire drill is about for all the taxing local government taxing entities in Ohio. Several of the changes – the Mayor alluded to, were pretty much by some of what I would refer to as the renegade cities using my other account hat. We try to conform as changes occur over the years. We tried to conform with R.I.T.A. regulations because we are a west side community and so we thought it would be most appropriate to what the status quo was. The intent of the new legislation was to encourage uniformity. One of the big complaints was from out-of-state companies that would complain about the diversity in filing City income tax returns in Ohio – that has been a problem. That was one of the main thrusts behind this legislation – it provides uniformity. There are a couple changes that are different in our Ordinance, for example, as the Mayor was alluding to – withholding – currently, there is a twelve day rule so that if you are an employer with employees in various cities, until you reach the twelve day, it has been a practice that you don't have to withhold for that community. Now that is a twenty day rule. I am going to simplify the explanation but basically if you don't anticipate your employee to be in a community for more than twenty days in a year, you will only withhold for the home community – the community where the business is located. There is another rule that deals with small businesses. If you have a business which the preceding year, you only collected \$500,000 or less of gross revenue, then you are only required to withhold for your home community. Again, those are simplification changes that are universal to all cities. We don't have a choice. Other than those and maybe a couple others that have crossed my mind; we are already in conformity with virtually the intent of the new Ordinance anyway. As we were discussing the other day – we don't know how those two withholding changes are going to impact us, but a couple of the other changes actually may have a positive impact. (Inaudible) the net operating loss. Under our old Ordinance, we allowed a net operating loss rating loss occurring the new legislation will only be allowed to be deducted fifty percent in the first five years, I think it is eighteen, nineteen, and twenty. In reality, we could pick up some small amount of tax because we allowed one hundred

percent. My belief is that it would be negligible, but it wouldn't be to our favor. All in all, the intent of the legislation is uniformity. The City of North Ridgeville, as other local communities do, have to pass it. What we want to do is get it to R.I.T.A. as quickly as we can so they can incorporate it in the information they send out and we can start allowing our businesses to understand what is going to happen – communicate to our employers as well. Whether it is this meeting or next, I don't know if it will make a significant difference, but we do need to pass it promptly so we can get it to R.I.T.A. per their request. If you want to look at the legislation and ask any other questions – I mean there are some things in there that are kind of confusing. The day before our meeting, I went back through the legislation and I actually did call the legal counsel for R.I.T.A. because I had some further questions. They were resolved to my satisfaction. I know the Treasurers have done a lot of work on it as well. We are okay with it. We are okay with the legislation.

President Corcoran: Thank you Mr. Costin.

CORRESPONDENCE: None.

President Corcoran: Moving on now to T 125.

OLD BUSINESS:

Clerk of Council Smith:

T 125-2015 AN ORDINANCE AMENDING ORDINANCE NO. 5254-2015, WHICH AUTHORIZED THE CENTER RIDGE ROAD WIDENING SANITARY SEWER PROJECT AND OTHER APPURTENANCES, BY INCREASING THE AMOUNT FROM \$1,000,000.00 TO \$1,600,000.00.

(Introduced by Mayor Gillock; First reading 09/08/2015; Second reading 09/21/2015; Third reading 10/05/2015)

Moved by Mayor Gillock and seconded by Olesen to adopt T 125.

Moved by Mayor Gillock and seconded by Olesen to add the emergency clause to T 125 as this project was already bid and we would like to get the contract started on this prior to the Center Ridge Road widening for the health, safety and welfare of the citizens of North Ridgeville.

President Corcoran: Are there any comments or questions 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, are there any final comments or questions?

Councilman Keenan: Mr. President? I just would like to hear who the contractor is and what is the price?

Engineer Wangler: It was just...it was \$1.4 million, the contractor – I cannot remember the name of the contractor we went with. I can get that to you.

Mayor Gillock: It wasn't \$1.4 million. It came in \$200,000 below our estimate.

Councilman Keenan: We had prepared ourselves for up to \$600,000 more and the strategy to rebid and take a look at this in a more competitive environment benefited the City by \$200,000 approximately from prior bids.

Mayor Gillock: Correct.

President Corcoran: Any other questions? Mr. Clerk, please call the roll.

Clerk of Council Smith: The motion passed unanimously and becomes **Ordinance number 5293-2015.**

Yes – 7

No – 0

President Corcoran: Moving on to new business. We have T 146.

NEW BUSINESS:

Ordinance and Resolution submittal(s)

Clerk of Council Smith:

T 146-2015 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH SIXMO INC. FOR PROFESSIONAL ENGINEERING SERVICES, NOT TO EXCEED \$600,000.00, TO UPGRADE THE PROCESS PUMP SYSTEM AT THE FRENCH CREEK WASTEWATER TREATMENT PLANT.

(Introduced by Mayor Gillock)

President Corcoran: Did you want to speak on that Mr. Mayor or Mr. Safety-Service Director?

Safety-Service Director Armbruster: We actually have Corey here.

President Corcoran: Alright.

Superintendent Timko: Members of Council – this Ordinance is to hire a firm out of Westlake that we looked into to design and help us study and engineer upgrades to the front end of the plant where the main influent pumps are. So there are two sides to the head of the plant, a drywell side which contains the pumps, the motors, all the VFD's and drives and valving. That side is, like I said, a dry side – that is what we are going to have upgraded. We talked in previous years about adding a second, or actually, a third, fourth pump and increasing the capacity to two hundred horsepower on the pumps. That will be included in this engineering project and then of course, when we are all done with this, we will go to bids.

Safety-Service Director Armbruster: Mr. President, this was part of our funding for this year in appropriations.

Councilman Keenan: Mr. President, I would just like to follow up so I understand what the \$600,000 is buying. I think it is buying more than an engineering study.

Superintendent Timko: The \$600,000 is what was budgeted so that was in the appropriations. We expect the engineering services, the plan, the study, the design, the bid services all to come in less than that but I think \$600,000 was what was appropriated amount and that is what we asked for in the Ordinance as is typical with some of the other projects. We expect them to come in well under that.

Councilman Keenan: This is not to buy the pumps and do the work?

Superintendent Timko: No. This is to prepare all the way up to the bid documents, to bid out so the contractors can bid. We would spec out the pumps that we would like, some of the equipment that we would like, but no, contractors would bid on supplying and installing that.

Councilman Keenan: If I may just follow up – right now we have identified in appropriations a \$600,000 amount for this design and bidding services.

Superintendent Timko: Right.

Councilman Keenan: And you said we have identified a firm?

Superintendent Timko: Yes.

Councilman Keenan: Do we know how much we will be paying them for this service?

Superintendent Timko: There submitted proposal so far is around \$190,000 for all those services which is typical of... there has been three other projects of this scope that those service fees seem to be in line with what the others have charged.

Councilman Keenan: I can understand that. I couldn't understand \$600,000.

Superintendent Timko: I agree.

Councilman Keenan: Is there any reason that we wouldn't want to revise that \$600,000 to something closer to \$250,000?

Superintendent Timko: There is no reason why you couldn't do that.

Moved by Keenan and seconded by Boose to amend T 146-2015 to change the amount of \$600,000 to \$250,000.

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

Yes – 7

No – 0

Safety-Service Director Armbruster: Mr. President, maybe not at this meeting, but we would like to move this project along because it has to do with the dry side and to get this engineering firm so that we can get to the next level before next March for appropriations so we know just exactly what we would like to appropriate to finish up this project.

Moved by Olesen and seconded by Butkowski to give T 146 amended a first reading.

President Corcoran: Are there any comments or questions?

Councilman Keenan: I would just like to hear who is the firm? Does it say in there?

President Corcoran: Sixmo, Inc.

Councilman Keenan: Thank you. It is written in there.

President Corcoran: All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

President Corcoran: T 146 amended is now added to first readings. T 147.

Clerk of Council Smith:

T 147-2015 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE UPGRADE AND EXPANSION OF THE SECURITY CAMERA SYSTEM AT THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$150,000.00.

(Introduced by Mayor Gillock)

President Corcoran: T 148.

Clerk of Council Smith:

T 148-2015 AN ORDINANCE AUTHORIZING THE MAYOR TO EVALUATE BIDS PREVIOUSLY ADVERTISED AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF A GRIT REMOVAL SYSTEM, ANCILLARY EQUIPMENT AND GRIT BUILDING IMPROVEMENTS FOR UPGRADING THE ROLLING GRIT REMOVAL SYSTEM AT THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$1,300,000.00.

(Introduced by Mayor Gillock)

Councilman Arndt: If I could direct this question to Corey, please? In the first whereas, it speaks to how ineffective this is working and we've got an eighty percent inorganic grit waste as part of the influent. What is considered acceptable?

Superintendent Timko: Right now, we have one grid system, but we originally had two. One was taken out and there is now one remaining that is barely functioning at all. It was upgraded I think eight to ten years ago and it just does not function. What the grit system does is reduce or – it is supposed to take out inorganic particles – pieces of asphalt, corn, things that have high density and are of a certain size and they are not biodegradable. We want biodegradable stuff in the plant and this stuff taken out. At this point in time, we practically have no grit removal. In fact, a couple weeks ago you agreed to, or authorized the cleaning of an additional tank; most of that cleaning was grit that made it past the grit system. Right now, we don't even have a grit system in all reality.

Councilman Arndt: With this upgrade, you suspect that is going to eliminate this grit from passing?

Superintendent Timko: Yes. They have different removal efficiencies, but we chose one from Hydro International - so what it does it passively slows the water through these disks and plates. The grit collects down into the bottom. It is pumped up and pumped out. It is a passive system as opposed to some active ones which have a lot of pumping and a lot of maintenance involved. We think this is going to be a very good system for us. At this point, we will have both of our tanks working as was originally designed. You will have full capacity to remove grit and the plant should just function that much better because of it. It is what it is designed to do.

Councilman Arndt: Is it fair to assume that those three different tank cleaning processes that we had prior approved, if you will recall at our last session, is it fair to assume that we will have less of that to have to do or maybe not as frequently?

Superintendent Timko: Yes. In all the tanks that I have seen in my career, and I have seen a lot of them; when you drain them down, you have about six to eight inches of foamy sludge on the bottom that you can hose off. When we took these three tanks down, they were filled with four foot of asphalt-like sand. This grit system should remove all of that and as you drain that tank, everything should drain down with it. You shouldn't have sand dunes in there.

Councilman Arndt: Okay, great. That answered my question, thank you.

Councilman Keenan: Mr. President, please update us as to where we are with the actual bidding of that work and when we would hope to get the project awarded and completed.

Superintendent Timko: For some reason this project, you usually authorize to bid and negotiate, well, we did bid this out. The bids came slightly under the \$1.3 million and a firm called Cold Bay out of Chardon who has done work previously in the plant many years ago received the bid. We are now asking for authorization to award them the contract. As soon as you do, then thirty

days from now, we will enter into meetings and begin the process. By mid to next summer, we should have a new grit system online.

Councilman Keenan: How much do we expect to award?

Superintendent Timko: I think that the contract was \$1.15 million. It came in significantly under the \$1.3 million. The \$1.3 million was what was appropriated and with contingency – I think it was chosen to go for the appropriated \$1.3 million.

Councilman Keenan: I would certainly understand if the bid came in at \$1.15 that leaves \$150,000; I would agree that we should maintain that in the authorization.

Superintendent Timko: Thank you.

Moved by Butkowski and seconded by Boose to give T 148 a first reading.

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

Yes – 7

No – 0

President Corcoran: T 148 has now been added to first readings.

RECESS:

President Corcoran: Would anyone like a recess?

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

President Corcoran: Are there 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. We have T 142.

FIRST READINGS:

Clerk of Council Smith:

T 142-2015 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH CENTER CLEANING SERVICES, INC. FOR
CUSTODIAL SERVICES, NOT TO EXCEED \$70,000.00.

(Introduced by Mayor Gillock)

Moved by Mayor Gillock and seconded by Butkowski to dispense with the second and third readings for T 142-2015.

President Corcoran: Are there any comments or questions?

Mayor Gillock: Mr. President, we have used Center Cleaning Services for several years and over a period of years, they clean a number of our different departments. The total was finally getting up above \$50,000 where we needed to bid and we did go to bid. We had another company that won the bid, substantially below this in the area of \$55,000, I believe, and Center Cleaning was at \$70,000. So we awarded the contract to the other company and within three months they realized they could not perform and were not doing their job and we basically fired them effective April 1st. Center Cleaning was the only other bid. We went back to Center Cleaning. This gives us the ability to pay them what their original bid was. It won't be quite this much because they didn't do the first three months, but it gets us to where we can pay them for their services.

Councilman Keenan: Mr. President, so can you fill in the gaps between April when the old contractor backed out or was terminated and now. Did I misunderstand that?

Mayor Gillock: I believe it was April 1st that we went to the prior company and they were not performing. We told them that we were going to terminate their services. They were happy with that. They realized they weren't doing the job, or couldn't do the job and said they would continue to provide the services until April 1st at which point Center Cleaning took over. It was a smooth overnight transition between the two companies and now we are getting towards the end of the year. We only authorized \$55,000 at the time and now Center Cleaning is getting above that so we just need to appropriate the additional funds and be able to pay it.

Councilman Keenan: I think I now understand. We had appropriated the \$55,000. It was awarded to another contractor, they defaulted essentially or we fired them – however we want to word it and we now have burnt through that original appropriation amount. We are really seeking an extra \$15,000.

Mayor Gillock: That is correct.

Councilman Keenan: Given that, is this written the way we want it to be? We already appropriated \$55,000. We are asking for an extra \$15,000 to get to a total of \$70,000. We aren't asking to appropriate another \$70,000. Correct? We are sort of mincing over the words, but I just want to understand what we are appropriating; another \$15,000 not \$70,000.

Safety-Service Director Armbruster: The service I believe for the year is going to be \$70,000.

Mayor Gillock: That is the total. You can't pay more...

Safety-Service Director Armbruster: You can't pay for any cleaning services beyond \$70,000 and it doesn't all go to Center Cleaning. It is for cleaning services not to exceed \$70,000.

Councilman Boose: In section 4 of the Ordinance, it indicates that this contract commences on December 1st. It doesn't talk about paying them for any money prior to. It does?

Mayor Gillock: We did make that transition, but now if you look at this – this is for the one year extension of the contract. The original contract for one year, it had a one year extension in it. This is for the one year extension. I apologize for reading that backwards. I did read it. I think this is through November 30th of next year.

Councilman Boose: I am confused Mr. President.

Mayor Gillock: I did confuse you. We fired the other company. We brought Center Cleaning Services in. I was thinking it was exactly as Mr. Keenan described it – we burnt through that first allotment but now looking at the Ordinance again, and I did look at this earlier; when we bid it, we bid it with the one year extension. This is for the extension.

Councilman Boose: I remember that. That was one of my original requests. Now I understand. Thank you.

Mayor Gillock: I apologize.

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

Yes – 7

No - 0

Moved by Mayor Gillock and seconded by Arndt to adopt T 142.

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

Clerk of Council Smith: The motion passed unanimously and becomes **Ordinance number 5294-2015.**

Yes – 7

No – 0

President Corcoran: T 146-2015 Amended.

Clerk of Council Smith:

T 146-2015 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND
Amended ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER
PRESCRIBED BY LAW WITH SIXMO INC. FOR PROFESSIONAL
ENGINEERING SERVICES, NOT TO EXCEED \$250,000.00, TO UPGRADE
THE PROCESS PUMP SYSTEM AT THE FRENCH CREEK WASTEWATER
TREATMENT PLANT.

(Introduced by Mayor Gillock)

Moved by Butkowski and seconded by Boose to dispense with the second and third readings for T 146-2015 amended.

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

Yes – 7

No – 0

Moved by Butkowski and seconded by Johnson to adopt T 146 amended.

Moved by Butkowski and seconded by Johnson to add the emergency clause to T 146 amended in order to keep the project moving to upgrade the sewer plant.

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

Yes – 7

No – 0

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

Clerk of Council Smith: The motion passed unanimously and becomes **Ordinance number 5295-2015.**

Yes – 7

No – 0

President Corcoran: Next up we have T 148.

Clerk of Council Smith:

T 148-2015 AN ORDINANCE AUTHORIZING THE MAYOR TO EVALUATE BIDS PREVIOUSLY ADVERTISED AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF A GRIT REMOVAL SYSTEM, ANCILLARY EQUIPMENT AND GRIT BUILDING IMPROVEMENTS FOR UPGRADING THE ROLLING GRIT REMOVAL SYSTEM AT THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$1,300,000.00.

(Introduced by Mayor Gillock)

Moved by Butkowski and seconded by Olesen to dispense with the second and third readings for T 148.

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

Yes – 7

No – 0

Moved by Butkowski and seconded by Olesen to adopt T 148.

Moved by Butkowski and seconded by Olesen to add the emergency clause to T 148 in order to upgrade the sewer plant in a timely manner.

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

Yes – 7

No – 0

President Corcoran: Are there any comments or questions on the adoption with the emergency clause?

Councilman Keenan: Mr. President, I do have a comment. My comment is that the old saying – sometimes ignorance is bliss rings into my head about just the fact that what we don't know and didn't know and I am very appreciate of the fact that we have a Superintendent out there who is diligent and on top of this and has brought it to our attention. Many of the important things that need to be done out there, and yes, we are spending a lot of money and we are investing in our infrastructure, but I am pleased to do it. So I thank you for that diligence. We need it.

President Corcoran: I would just like to add, it doesn't make sense that we wouldn't pass this now since we are getting the tanks cleaned, but the grit system allows them to get dirty again. It seems kind of dumb, so we may as well move forward on this pretty quick. Any other comments on this? Clerk, please call the roll.

Clerk of Council Smith: The motion passed unanimously and becomes **Ordinance number 5296-2015.**

Yes – 7

No – 0

President Corcoran: There are no second readings. We are moving on to third readings. We have two. First up we have T 126.

SECOND READINGS: None.

THIRD READINGS:

Clerk of Council Smith:

T 126-2015 AN ORDINANCE CREATING A PENALTY IN N.R.C.O CHAPTER 1294, SUPPLEMENTAL REGULATIONS, FOR FAILING TO CALL FOR BUILDING INSPECTIONS.

(Introduced by CBO Guy Fursdon; Referred to B&L on 08/17/2015; B&L on 09/08/2015; Report accepted on 09/21/2015; First reading 10/05/2015; Second reading 10/19/2015)

Moved by Olesen and seconded by Butkowski to adopt T 126.

President Corcoran: Are there any comments or questions?

Councilwoman Johnson: I don't believe I can support this simply because there is a thirty day jail sentence that goes along with failing to apply for a building permit. There is no notice of violation before the City issues a citation. They go from a citation right to a get it done. That said, there is no notice of violation to give you a chance to correct the situation. I think it seems that the thirty days jail seems a bit much for failing to get a building permit.

Law Director Crites: I could answer a question?

Councilwoman Johnson: I don't have a ...

Law Director Crites: I have some general statements as I enjoyed sharing the courthouse with Ms. Johnson for many years so she knows how things go there. First, by no means, I am just the lawyer. I'm not to counter any one of you fine elected legislatures intentions or thoughts, but that being said, I've been here for twelve years and we have never issued a citation without a notice of violation first as a matter of practice.

Councilwoman Johnson: But this says no notice of violation from the City is required before issuance of a citation of violation.

Law Director Crites: Continuing, in an M-4 which carries a penalty of up to thirty days, whether or not the trier of fact being is a Mayor's Court Magistrate or Elyria Municipal Court Magistrate, whatever, will actually impose a thirty day sentence on a notice of violation is a whole different can of worms. With some violations, especially with the repeat violations, I am not sure thirty days will be enough, but I am just the lawyer.

President Corcoran: Any other comments or questions?

Councilman Keenan: I would just like to comment, I appreciate your raising that. I think it is a very valid point, however, I think that I am comfortable leaving the sentencing to the judge or the magistrate and I do think that the way our system works is that; and I can recall several cases very recently where we have come after people to clean up and to come into compliance and it is like pulling people to motivate people to just do the right thing and this is an Ordinance to call people out for not doing the right thing. I am comfortable voting for it, but Councilwoman Johnson, I appreciate the concern. I get that.

Councilwoman Butkowski: I think we had a good example here tonight when we were talking about rezoning that property of someone that wasn't complying for a long period of time with our Ordinances. I know it is a little bit different than this, but just continually not caring about what the law was and what ninety-nine percent of the people are doing. Well maybe if they had thirty days in jail, then maybe they will get a little more serious about it.

Councilwoman Johnson: I just wondered if the fine is up to \$250.00 and up to thirty days jail. I just wondered if consideration was taken to make the fine higher and the jail less – maybe like an unclassified misdemeanor.

Law Director Crites: I have to say I didn't participate in the drafting – it was the Chief Building Official and the Assistant Law Director so what they were thinking when they chose the standard sanctions I cannot speak to.

Mayor Gillock: I am just going to point out that this is for failing to call for building inspections which are safety items. We need people when they are constructing something to check with our Building Department so we know that the electrical and foundations or whatever it is you are doing or have done is done safely. This is the purpose of the building inspections. When we fine someone that is trying to skirt the law to save some money or something by not calling for an inspection, well they are endangering someone. There is a real reason that we want to do this. With the personnel we have down there now, as the Law Director pointed out, I cannot remember a citation being issued. As a practice, we work with our residents and people to get them to comply and we give them many chances. I just think our Chief Building Official in some cases becomes extremely frustrated with those that fought it and don't comply and need a tool for those that continue to just flaunt the law and his authority. This gives him the teeth to do that. I do think the violation is consistent in that generally an M-4 isn't that the least - it is up to thirty days and \$250.00. Isn't that the way they are normally written?

Law Director Crites: At least before a minor misdemeanor. The lowest level of a misdemeanor four in which you can be incarcerated.

President Corcoran: Mr. Clerk, please call the roll.

Clerk of Council Smith: The motion passed and becomes **Ordinance number 5297-2015.**

Yes – 6

No – 1 (Johnson)

President Corcoran: Our last reading tonight is T 129 Amended.

Clerk of Council Smith:

T 129-2015 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED
Amended ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, KNOWN
AS THE ZONING CODE ORDINANCE, TO REZONE THE FOLLOWING
LAND: LOCATED AT THE INTERSECTION OF MEADOW LAKES BLVD.
AND CENTER RIDGE ROAD; PERMANENT PARCEL NUMBERS 07-00-
040-000-005, 07-00-040-000-015, 07-00-040-000-018, 07-00-033-102-024 AND
07-00-033-102-025 (AS SHOWN BY LEGAL DESCRIPTION ATTACHED);
FROM B-2 CENTRAL BUSINESS DISTRICT AND R-1 RESIDENCE
DISTRICT TO R-2 MULTIPLE RESIDENCE DISTRICT AND OWNED BY
RIDGE MINERALS, LLC.

(Introduced by petition of Ridge Minerals, LLC on 08/11/2015; Referred to PC and B&L on 08/17/2015;
B&L on 09/08/2015; PC on 09/10/2015; Both reports accepted on 09/21/2015; First reading 10/05/2015;
Amended by substitution 10/05/2015; Public hearing on 10/19/2015; Second reading 10/19/2015)

Moved by Olesen and seconded by Johnson to adopt T 129 Amended.

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

Clerk of Council Smith: The motion passed and becomes **Ordinance number 5298-2015.**

Yes – 6

No – 1 (Butkowski)

MEETING ANNOUNCEMENTS:

President Corcoran: Our next regular Council meeting will be on Monday, November 16, 2015 at 7:30 P.M. in Council Chambers.

Councilman Boose: If I could just remind residents, especially now during the fall leaves falling: I noticed driving the neighborhoods that there are some people that are raking their leaves into the street. You cannot do that. Please make sure that if you have the opportunity, make sure that the grates out on your street or near storm water facilities are clear of debris. We have some new residents in town that maybe used to leaf pick-up where you rake the leaves out to the lawn. We don't do that. I actually saw two this evening that raked them into the street. You cannot do that.

Mayor Gillock: On the Center Ridge Road sanitary sewer – we did receive a number of bids – at least six, and the low bidder was Digioia Suburban.

Councilman Keenan: I have one announcement – our community, like others surrounding us, have recently seen an increase in some burglary activity and I talked to the Police Department and we will be, with the Police Department, hosting a neighborhood discussion night. The intent is for the police to give a question and answer with the residents and help direct the proper measures that a resident can do to help secure their own community. Our situation is not different than our surrounding communities. This is more than a North Ridgeville issue, but nonetheless, I've seen concerns by our residents about this and so there will be a neighborhood kind of event hosted at the library. I just ask people to pay attention to the website or to my Facebook page and we will get the word out. Thank you.

President Corcoran: Anybody else?

ADJOURNMENT:

President Corcoran: Thank you for coming. Seeing no other business, this meeting is adjourned. The meeting was adjourned at 8:37 P.M.

Approval of minutes on November 16, 2015:



PRESIDENT OF COUNCIL



CLERK OF COUNCIL