

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING OCTOBER 15, 2012**

CALL TO ORDER: 7:30 P.M.

President Kevin Corcoran: I call to order the Monday, October 15, 2012 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 Nancy Buescher, Dennis Boose, Richard Jaenke, Robert Olesen, President Pro-Tem Bernadine Butkowski, Roseanne Johnson and President Kevin Corcoran.

Also present was Mayor G. David Gillock, Safety-Service Director Jeffry Armbruster, Law Director Andrew Crites, City 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 the minutes of the regular Council meeting held October 1, 2012. Are there any corrections or objections to approving those minutes? See none those minutes are approved.

President Corcoran: Please note the Board of Zoning and Building Appeals minutes of 09.27.12 Planning Commission minutes of 10.09.12 and Workers Comp Safety Committee minutes of 09.27.12.

LOBBY:

President Corcoran: That brings us to the lobby session of our meeting. This is your opportunity to address Council. If you choose to do that, please bring the signup sheet from the back and give it to Mrs. Buescher. When you approach the podium, please state your name and address for the record. You will have three minutes to speak on a topic of your choice. With that being said, the lobby session is open and anybody who wishes to address Council, please approach the podium.

Bonnie Pierson, 32998 Center Ridge Rd. – explained her costs incurred by hitting a deer and the destruction caused on her property by the deer. Ms. Pierson gave Council the www.Lean.org web address regarding preservation of lands and ecosystems. She further expressed that coming

off the turnpike, eastbound on Lorain Road; the lanes are not clearly marked and difficult to see when it is raining.

Jonathan Shumaker, 32950 Boulder Drive – stated he is an Environmental Science major from Cleveland State. Mr. Shumaker expressed his agreement with hunting in North Ridgeville due to the health of the deer, overcrowding and safety.

Bill Netzel, 9027 Victoria Lane – stated the deer population is large in the Waterbury development and expressed he is for deer hunting.

Bonnie Pierson, 32998 Center Ridge Rd. – stated Bradley Woods park was closed for days for hunting. Ms. Pierson wondered why the Metro Parks couldn't hunt in Sandy Ridge.

President Corcoran: Anybody else? Moving on to the Administrators reports. Mr. Mayor.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you Mr. President. First off, just want to talk a little bit about roads. As you all know, we are working on Chestnut. We are paving it going east and west both from Lear Nagle. That is a major reconstruction with moving the sidewalks, widening that road and putting in under drains. They are about three days ahead of schedule so that is good. Now we are getting close to the end of the paving season and we looked at our Street Levy Fund to see how much we had left. We look at the worst streets we can find. We prioritize them. We had paved from Route 83 to alternate 83. We will also be doing a stretch on Root Road between Lorain and Chestnut. We will also be doing a piece on Barres from Meadow Lake Lane to Stoney Ridge. Lastly, when they do finish the Chestnut improvements, those improvements going both ways cease about 500 feet from Lear Nagle and then we will come back and finish those. We don't want to leave a rough spot right in there. We still have a lot of paving to do this year. We wish we could do more, but we will continue to do what we can.

Secondly, I wanted to mention we were at a NOACA meeting last Friday. As many of you may know, we have had an ongoing discussion with Avon and Avon Lake regarding a sewer line that they ran from the French Creek Wastewater facility to Avon Lake. That is probably going to be approved at some point in the future. That line is in the ground. We are not going to waste rate payers dollars to try and make them dig that line up and move it. However, we are trying to negotiate financial compensation to the plant. There was a very large discussion Friday and NOACA voted in our favor 16-12 to postpone approval of that until January. This gives us time to enter into negotiations and see what we can accomplish there.

Lastly, I want to mention the NOPEC offer, as many of you know or may not know, I am a Director of NOPEC. I am the Lorain County representative to NOPEC as such, I've had a tremendous number of phone calls regarding a recent advertisement that they sent out offering a

seven year guarantee on your electric rate of 6.75 cents per kilowatt. As one gentlemen asked-- is it a good deal or not? I said if you think electric prices are going to go up, it is a good deal. If you think they are going to go down, it is not. I can tell you that electric prices last summer were 6.6 cents per kilowatt hour. This is only slightly above what we saw last summer anyway. I took the deal. The Executive Director of NOPEC took the deal. We may not always be the lowest but unless you are one of those with time and ability on your hands to watch the apples to apples comparison on a day to day basis, I feel that NOPEC, as a rule, is generally near the bottom or close, if we are not the lowest. To me it is just efficiency to go that route. In my opinion, that is a competitive rate. It gives you rate stability for seven years. The other thing I will tell you is if you went into that program and you didn't like it and you wanted to get out, there is a \$75.00 charge if you go to another program. You can go back to the regular NOPEC program which is a 7% discount off the First Energy rates. If you do that, you are staying in NOPEC and there wouldn't be any charge. To me, it is something worth considering. That concludes my report. Thank you.

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

B. Safety-Service Director:

Safety-Service Director Armbruster: As we are approaching winter and I believe we are also approaching the end of all of the construction that surrounds the Quiet Zone. They finished on Chestnut Ridge and quit honestly we made it through the week with very few complaints. People navigated around all the construction on Chestnut Ridge including the closing of the railroad crossing there, very well. We took very few residential complaints and they knew where they were headed and they got around so it worked out. Talking with Cathy Becker today, we have one small item to take care of. We have to paint and I think at that point, Scott may be able to add to this, we are to the point where I think the application process will continue to go through. It will be a matter of just getting the federal government and the Rail Commission and everything to get that thing resolved. Now, in the political season we are in, I am not sure if that happens in a month, in three months or four months, maybe Scott can add to that. That concludes my report this evening.

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

C. Engineer:

Engineer Wangler: I'd like to take this moment to make a little comment. I talk a lot about maintaining ditches and keeping ditches clean and don't blow grass clippings in ditches and keep leaves out of ditches. In my travels around the City, I have run across examples of a lot of streets that don't have ditches and have grass clippings and leaves being blown into the street. We need to control the grass clippings; probably grass clippings more than the leaves. I don't want those in the gutter either because they end up in the same place as the ditches are going, it is just by a different vehicle. For our water quality, we should keep grass clippings out of the street. With regards to the Quiet Zone, I don't have anything beyond what Jeff has talked about. My

assistant, Cathy, is working on that very closely and that is pretty accurate what he said. That concludes my report.

President Corcoran: Thank you. Mr. Auditor.

D. Auditor:

Auditor Costin: Mr. President, thank you. I have one item beside the report that Council has received. I would like to draw Council's attention to T 103. At this time of the year we receive from the County this Resolution accepting the rates. We recently received it within the last couple weeks. I would request Council pass it tonight with the emergency so that we can meet the statutory deadline which I believe is October 31st to have it back to the County Auditor. These are the rates, and I verify that the rates are correct; these are the rates that are the basis of our real estate tax collections. We verify it to the County and this is what they collect on behalf of the City. That concludes my report and comments. Thank you very much.

E. Other Reports:

President Corcoran: Other reports: September 2012 Support Car Report, September 2012 Water Distribution Reports and September 2012 Fire Department Report. There is a piece of correspondence. Mr. Clerk?

COUNCIL COMMITTEE REPORTS: None.

CORRESPONDENCE:

A letter dated September 14, 2012 and received in the Clerk's office on October 5, 2012, from the WSOS Community Action regarding the availability of additional grant money for the removal of Ash Trees for individual property owners.

President Corcoran: That brings us to new business.

OLD BUSINESS: None.

NEW BUSINESS:

Clerk of Council Smith:

Planning Commission recommendations to Council of meeting held October 9, 2012:

APPLICANT: Brett Smith, Stone River Homes, P.O. Box 39295, North Ridgeville, Ohio
OWNER: Stone River Industrial Property, P.O. Box 39295, North Ridgeville, Ohio
REQUEST: Approval to add additional off-street parking to existing facility.
LOCATION: 35494 Lorain Road in an I-2 District; Permanent Parcel No. 07-00-024-101-106
PC ACTION: Approved by a vote of three to zero.

Moved by Olesen and seconded by Boose to accept the Planning Commission

Recommendation.

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

Yes – 7

No – 0

President Corcoran: Planning Commission recommendation is accepted.

Clerk of Council Smith:

APPLICANT: John R. Sindyla, AT&T Mobility, 7425 Royalton Road, North Royalton, Ohio 44133

OWNER: Crown Castle, 2000 Corporate Drive, Canonsburg, PA 15317

REQUEST: Approval to install nine (9) antennas onto existing cellular tower and to install a 12 foot by 28 foot shelter within existing compound

LOCATION: 35544 Lorain Road in an I-2 District; Permanent Parcel No. 07-00-024-101-101

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

Moved by Olesen and seconded by Boose to accept the Planning Commission Recommendation.

President Corcoran: Any comments or questions.

Councilman Olesen: Yes, Mr. President, I would just like to add something to that report. This was a location of antennas which is what Council has desired for many years instead of building new antennas or new poles. What has happened here though, they have to go for a variance to the Board of Zoning Appeals. I know that Mr. Crites was at this meeting and the problem is that under FCC regulations we are required to add special equipment, generator equipment to all these areas. What this has done is it increased the size of the building and it has demolished our variance of 300 feet. So they have to go to Board of Zoning Appeals now and get an additional variance for a few feet. It is up to Council to look at this problem and change this legislation. Mr. Crites may be able to speak more on this.

Law Director Crites: Not really much to add that states the situation exactly is that to expand the size of the auxiliary building that you usually see at the base of a cell phone tower to conform with the new FCC regulations. It is basically a big generator. It is a backup generator. It is important to note that the expansion of the building is going to cause the need for the zoning variance. The actual footprint of the building still will remain inside the perimeter fence that already exists. So it should be an easy one for BZBA. I agree with Councilman Olesen it might be something worth studying for review inside of our Ordinance regarding cell towers.

President Corcoran: Thank you. Anybody else? All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

President Corcoran: Planning recommendations are approved.

Ordinance and Resolution Submittals

President Corcoran: T 103.

Clerk of Council Smith:

T 103-2012 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS
DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING
THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE
COUNTY AUDITOR.

Moved by Johnson and seconded by Boose to suspend By-laws to allow T 103 to have its first reading this evening.

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

Yes – 7

No – 0

President Corcoran: T 103 is now going to have its first reading.

Clerk of Council Smith:

T 104-2012 A RESOLUTION APPOINTING WILLIAM L. GARDNER TO THE
LORAIN COUNTY BOARD OF HEALTH TO SERVE AS THE CITY OF
NORTH RIDGEVILLE'S REPRESENTATIVE.

Moved by Olesen and seconded by Butkowski to suspend By-laws to give this a first reading.

President Corcoran: Any comments or questions?

Councilman Olesen: Mr. President, a representative has passed away. Mr. Gardner will be taking his place. Right now there is a vacancy on that Board.

Mayor Gillock: Mr. President, to reiterate what Councilman Olesen has put forth; this is an appointment of the Mayor's and Steve Surovey held this position for many years, unfortunately, has passed away. Bill Gardner is a North Ridgeville resident and was on this Board for approximately ten years as the representative of the license holders. When he went out of business, he no longer was able to represent license holders. He has been very involved in their recent consolidation. He has been involved in Health Board conventions and training and in fact, the Health Board asked if Mr. Gardner could be appointed to fill that position. I think he would

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make an excellent representative. If we could, when we get to the first reading, I would like to dispense with second and third readings and get him appointed so he can get representing the City on that Board as soon as we can. Thank you.

President Corcoran: Thank you Mayor. Any other comments or questions? Okay, so it was moved by Johnson, seconded by Butkowski to suspend By-laws to give T 104 a first reading this evening.

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

Yes – 7

No – 0

President Corcoran: T 104 is now added to first readings. T 105.

Clerk of Council Smith:

T 105-2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, OHIO APPROVING AND RATIFYING AN APPLICATION FOR TAX INCENTIVE IN COMMUNITY REINVESTMENT AREA NO. 14 CREATED BY CITY OF NORTH RIDGEVILLE RESOLUTION NO. 768-94, BY MVM REAL PROPERTY HOLDINGS, LLC, AN OHIO LIMITED LIABILITY COMPANY, PROPERTY OWNER, AND AN AFFILIATED BUSINESS ENTITY, NORLAKE MANUFACTURING COMPANY, AN OHIO CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF OHIO.

Mayor Gillock: Mr. President, before we move forward, if we are finished with T 105, I've neglected to mention this during the Mayor's Report. You had an Ordinance left at your desk this

evening authorizing us to advertise for bids and enter into a contract in regards to the Highland Detention. This is an item that was in our Capital Projects to be funded, I forget, towards the end of the year. We still think we may be able to get something done this year with that. We have the estimate and the plans from Bramhall Engineering. We would like to get this passed this evening so we could get the bids on it and see if we could maybe get some of that done this year which would really benefit our residents. Can the Clerk give me a T number?

Clerk of Council Smith: T number 106.

Moved by Mayor Gillock and seconded by Boose to suspend By-laws to add T 106 to first readings this evening.

President Corcoran: Any comments or questions on that?

Councilman Boose: Mr. President, you may recall that this project was discussed and approved in appropriations back in March, I believe for up to \$150,000. It has been something we have been working on ever since. You may recall the floods of the year earlier. The Highland Drive area was hit, one of the harder hits in the City. The Administration and I met with them several times over the past year. This was part of the solution. It doesn't solve everything, but it does go towards helping them alleviate some of the potential flooding issues when a heavy rain over a small period of time or something else catastrophic happens with storm water in that area. I would highly recommend that we consider passing this, this evening and passing it by emergency so we can move forward on it. I do have one question of the Engineer -- there were some issues with underground utilities at the location, have we solved that?

Engineer Wangler: We had issues with underground utilities and the gas company and we also had issues with above ground utilities and the power company. Those issues kind of dragged things along. There was a point where I could have done things a lot quicker and it would have meant a basin about half the size of what we have today. Between negotiations and stuff with utilities companies, which dragged the project out, we ended up having a basin closer to what I originally wanted.

Councilman Boose: Excellent. Thank you very much.

President Corcoran: It was moved by the Mayor and seconded by Boose to suspend By-laws to give T 106 a reading this evening. All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

President Corcoran: T 106 is now added to first readings.

RECESS:

President Corcoran: That brings us to the recess portion of our meeting.

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

President Corcoran: It was moved by Johnson and seconded by Butkowski to dispense with the recess. All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

President Corcoran: Moving on to first readings then. First up, we have T 99.

FIRST READINGS:

Clerk of Council Smith:

T 99-2012

AN ORDINANCE REPEALING ORDINANCE NO. 4949-2012, WHICH AUTHORIZED THE MAYOR TO ENTER INTO A SECOND CONTRACT WITH MARSH-MCBIRNEY, INC. FOR PROFESSIONAL METERING SERVICES.

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President Corcoran: T 103.

Clerk of Council Smith:

T 103-2012 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS
1262-2012 DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING
THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE
COUNTY AUDITOR.

Moved by Johnson and seconded by Boose to dispense with the second and third readings for T 103.

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

Yes – 7 No – 0

Moved by Johnson and seconded by Butkowski to adopt T 103.

Moved by Johnson and seconded by Butkowski to add the emergency to T 103, the reason being the need to meet the statutory deadline at the end of the month.

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

Yes – 7 No – 0

President Corcoran: It was moved by Johnson and seconded by Butkowski to adopt T 103 with the emergency clause. Any comments or questions on that? Clerk will you please call the roll.

Yes – 7 No – 0

Clerk of Council Smith: Passed unanimously and becomes Resolution 1262-2012.

President Corcoran: And T 104.

Clerk of Council Smith:

T 104-2012 A RESOLUTION APPOINTING WILLIAM L. GARDNER TO THE
1263-2012 LORAIN COUNTY BOARD OF HEALTH TO SERVE AS THE CITY OF
NORTH RIDGEVILLE'S REPRESENTATIVE.

Moved by Olesen and seconded by Johnson to dispense with the second and third readings for T 104.

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 and seconded by Johnson to adopt T 104.

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

Yes – 7 No – 0

Clerk of Council Smith: Approved unanimously and it becomes Resolution 1263-2012.

President Corcoran: And T 106.

Clerk of Council Smith:

T 106-2012 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR
4964-2012 BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND
IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND
BEST BIDDER FOR THE CONSTRUCTION OF THE HIGHLAND
DETENTION BASIN, NOT TO EXCEED \$135,200.00.

Moved by Johnson and seconded by Butkowski to dispense with the second and third reading for T 106.

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

Yes – 7 No – 0

Moved by Johnson and seconded by Butkowski to adopt T 106.

Moved by Johnson and seconded by Butkowski to add the emergency clause to T 106.

The reason being we want to get this retention basin built as quickly as possible and if we can beat the weather, we should do so.

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

Yes – 7 No – 0

President Corcoran: It was moved by Johnson, seconded by Butkowski to adopt T 106 with the emergency clause. Any comments or questions? Clerk, please call the roll.

Yes – 7 No – 0

Clerk of Council Smith: Passed unanimously and it becomes Ordinance number 4964-2012.

President Corcoran: That is the end of first readings. Moving on to second readings. We have T 84 Revised.

SECOND READINGS:

Clerk of Council Smith:

T 84-2012 AN ORDINANCE AUTHORIZING THE CASH-OUT OF 600 HOURS OF
Revised SICK TIME.

President Corcoran: That brings us to our third readings. First up we have T 75 Revised and Amended.

THIRD READINGS:

Clerk of Council Smith:

T 75-2012 AN ORDINANCE PERMITTING THE HUNTING OF DEER WITHIN
Revised & THE MUNICIPALITY BY LONGBOW OR CROSSBOW UNDER
Amended CERTAIN CONDITIONS AND UPON REGISTERED LAND ONLY.
4965-2012

Councilman Boose: Mr. President, prior to accepting a motion to approve for third reading, I'd like to make a motion to amend T 75-2012 Revised and Amended by Substitution. As I communicated earlier today and it would be under Section 2, after the sentence that reads: "Registration of land shall require signed approval of both the Chief of Police or the Chief's designee and the Safety-Service Director;" I would like to add: "upon approval all adjacent homeowners be provided written notification that the hunting of deer by longbow or crossbow has been authorized for said property." I'll make that a motion and then I would like to discuss that.

Moved by Boose and seconded by President Corcoran to amend the Revised and Amended T 75-2012.

Councilman Boose: If I could, as I communicated to all of Council today, last evening I had a discussion with a resident about the proposed Ordinance and this individual made a suggestion that I thought had merit. One of the things that we like to do and one of the reasons that we ask that this particular Ordinance have three separate readings was so that residents could provide their input to Council. I will quote a former member of Council, Republican as he was. Mr. Arndt, former President, he use to say: "none of us is as smart as all of us." I think that is a very good adage to live by. This particular person suggested that wouldn't it be good that when land is approved by the City for hunting that the adjacent homeowners be notified, that way they could be a bit more vigilant. And again, try at all costs to avoid any potential negative issues that may arise if they did not know. I thought it was a good suggestion. I spoke with the Safety-Service Director earlier today. I communicated with the Police Chief, the Law Director, members of Council and believe with this way, the way I've asked it to be amended, that it does provide some sort of notification to them. As the rest of the Ordinance is written, it is not very specific. It allows the Administration and the Safety-Service Director and the Police Chief, who are in charge of this, to make up their own way of communicating how that is going to be and when that is going to be. I think that is the appropriate way to do that so we don't tie the hands

of the Administration who has to work with this Ordinance to deal with this issue. So that is the background and that is why I am asking for it to be considered for approval. Thank you.

President Corcoran: Thank you Mr. Boose. Mrs. Johnson?

Councilwoman Johnson: I just want to say, I think it is an excellent idea that they be notified. The only problem is the Chief had agreed, I talked to him earlier today to; he did agree to make this a part of the policy and I didn't know if that had any bearing on it because I know it doesn't really state that all adjacent homeowners be provided written notification, doesn't really state whose responsibility it is.

Councilman Boose: If I could answer, that was done on purpose. Again, I don't want to tie the hands of the Administration to any particular way of doing it. If they decide that they believe it is the best interest of the property owner to provide that information, so be it. If they decided that the City can provide the information, so be it. I just think, again, I'd rather have that be decided as an Administrative task versus legislate that in the law. I didn't think that it needed to be.

Councilwoman Johnson: Right.

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

Councilman Olesen: I don't disagree. I think this is good legislation. It serves a good purpose, but the Chief did say he would like to incorporate it in his protocol. I guess this is a choice of where do we put it. Do we put it as the Chief's policy or do we put it in legislation as part of this Ordinance? I truly don't care either way to be honest.

President Corcoran: I think ultimately, Mr. Olesen, by putting it in the legislation we, in a sense, dictate that it occurs whether the Chief, who, given his age should be there for quite some time, continues to do it or not. There is always the question of what will happen in the future. We need to make sure that it is always done regardless of who is in that position. By putting it in the legislation we can make sure that is what happens. Mr. Mayor?

Mayor Gillock: Mr. President, this is a fine idea and it is very simple to comply with. We do it all the time with Zoning and Planning applications. If we do it there is a cost associated with it. I am not going down that road at this point, but I think we need to get this in place. If we are going to have to every year notify adjacent property owners, all the adjacent property owners, every parcel, we need to take a look at that whether the Clerk's office or the Police Department evaluate that and see if maybe that is something we need to consider down the road. It is a fairly simple matter to implement.

President Corcoran: Any other comments or questions on the amendment itself? On the amendment then all those in favor say yes, those opposed say no.

Yes – 7

No – 0

President Corcoran: Okay, so the Revised and Amended T 75 has been amended yet once again. Can we have a motion?

Moved by Olesen and seconded by Johnson to adopt the Revised and Amended on multiple occasions T 75. Any comments or questions?

Councilwoman Buescher: Mr. President, as you know and so do the other members of Council, I have thought long and hard on this issue and have gone back and forth a thousand times, but after all is said and done, I cannot reconcile my concern over the safety issues involved within a bedroom community, such as ours. So, consequently, I will be voting no tonight. Thank you.

President Corcoran: Thank you. Any other last comments?

Councilman Boose: Mr. President, yes, I thought very long and hard on this issue as well. In fact, several years ago when a similar Ordinance came before Council, I fought against it. Later on the Ordinance did not move forward. When it was brought up again, in my own personal mind thought that I saw that there were enough votes on Council that it was going to pass this time and it was changed. The Ordinance was different but more importantly the focus behind it was different. Police Chief Freeman personally helped with this Ordinance and has promised that he and his staff will do everything they can to uphold the Ordinance and to monitor it and make sure that things are done the way they are suppose to be done. That is a big thing in my eyes – not only that the Ordinance is written in a way that there aren't so many size specific measures in it; that it has some lead way so that the Police Chief and the Safety-Service Director have the authority to say, you know what, in this particular parcel we don't think that is the right thing to do. They can say no and it meets the letter of the law. We were also able to do some things in this Ordinance. Originally this Ordinance allowed people that lease land to give their permission for hunting. We got that taken out. Now only the landowner has that authority to do so. With this notification to adjoining homeowners, I think that is also a good sign that we all want safety. I give credit to Bob Olesen and the other members of his team that he worked with in putting this legislation together because he got the information to us that made sense for me. The facts are indisputable as to what the deer population is doing to our community. To do nothing, in my opinion, is not an answer. It is not a solution. Though, this Ordinance is not for the culling of deer, it is for the hunting of deer in North Ridgeville. It is our hope, at least it is my hope, that this action will cull the herd. That it will help provide a healthier herd. That it will help in the long run to eliminate or to reduce the number of vehicle accidents with deer. It will help reduce the property damage that we get. Let's make no mistake; it is not going to correct it all. You are still going to have vehicle accidents. You are going to still have deer eating shrubs. You are going to still have deer menacing and you can probably count on it that somebody will fall out of a tree stand and you can probably count that someone is going to make an accident. It just happens, but to not do anything, in my opinion, has the charge of causing

more safety issues than not. Again, I want to give credit to Mr. Olesen and all those who worked very hard on this Ordinance.

President Corcoran: Thank you Mr. Boose.

Councilman Olesen: Mr. President, I would like to also Mr. Jaenke who is actual Chair of the Safety Committee for bringing it to his Committee so we could thoroughly discuss it. I have to say that almost everybody who spoke to this Council and to Safety Committee were positive that this is something that should be done. There were very few negative votes on this in the community. That being said, I would like to add the emergency because our Police Chief is ready to go on this. He has all his paperwork done. They can actually start handing out the forms immediately for anyone interested. May I say this, I assume now that this is going to go through, I wouldn't say that until tonight. This is not a mandate for anyone to go out and deer hunt tomorrow. You have to have a property owner approve you hunting on the property. So you cannot go out tomorrow and say I am going to hunt deer. It is only under landowner approval that you can go out and hunt deer in the City.

Councilman Boose: Point of clarification. And that the City says that you can. Not only does the landowner say you can, but they have to be registered with the City and the Police Chief and/or the Safety-Service Director. That is a big clarification.

Councilwoman Johnson: Also, you have to have a hunting license from the State of Ohio and take all the necessary classes. In light of the fact we have already had three readings and I think that the public had ample time to make their comments heard and we had several Committee meetings on this, I am going to second Mr. Olesen's motion to add the emergency clause.

President Corcoran: And the reason being?

Councilman Olesen: It is a safety issue in the City now. The sooner we get going the better off we are going to be.

Moved by Olesen and seconded by Johnson to add the emergency clause for the reasons of enacting this legislation will improve the safety situation for our residents.

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

Councilwoman Buescher: Point of Order Mr. President. We didn't vote on the legislation itself?

President Corcoran: We did not. This is just on the emergency. We will just call the roll on the emergency as well. Please.

Yes – 7

No – 0

Clerk of Council Smith: That portion passed unanimously.

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President Corcoran: And now on the adoption with the emergency clause we will call the roll again please.

Yes – 6

No – 1 (Buescher)

Clerk of Council Smith: One no vote and all the rest passed. It becomes Ordinance 4965-2012.

Councilman Olesen: Mr. President, may I add something that I forgot to mention? This is important for the news media also. The forms that hunters need and landowners need are available in the lobby of the Police Department. That is where you will pick up your information.

President Corcoran: Moving on now. T 78.

Clerk of Council Smith:

T 78-2012
4966-2012

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.

Moved by Butkowski and seconded by Boose to adopt T 78.

President Corcoran: Any comments or questions? Clerk please call the roll.

Yes – 7

No – 0

Clerk of Council Smith: T 78 passed unanimously and it becomes Ordinance number 4966-2012.

President Corcoran: T 82.

Clerk of Council Smith:

T 82-2012

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 LOCKBOX SERVICES PROVIDED BY A FINANCIAL INSTITUTION.

Councilman Boose: Mr. President, I'd like to make an amendment to this Ordinance under Section 1 I make a motion that Section 1 read: "The Mayor is hereby authorized to advertise for bids for lockbox services provided by a financial institution." I'll explain that if I get a second.

Councilwoman Johnson: That is in Section 1 correct? What are you changing?

Councilman Boose: May I say something? I want to eliminate: "and enter into a contract with the lowest and best bidder according to law and in a manner prescribed by law."

Mayor Gillock: Mr. President, we don't need Council's approval to advertise for bids. If you eliminate that there is no reason to pass this Ordinance.

Councilman Boose: Mr. President, since no one seconded it can I explain? I have been in communication with the Safety-Service Director on this. Without knowing what the bids are, I've been told that we have not done a cost analysis on this so we do not know what the savings may or may not be to acquire lockbox service. I don't know that it is prudent to do it until we have that cost analysis completed. Legislation to get bids is fine. Let's go get bids. My understanding from my conversation with the Safety-Service Director today is that we needed this to get bids. So if you don't, let's maybe postpone the legislation until we get the bids and then see if there is a cost savings or what that cost savings is.

President Corcoran: Mr. Auditor, do you have a comment?

Auditor Costin: I believe our Charter allows the Administration to bid contracts. It is required to have Council's authority, depending on the dollar amount, to enter into those contracts. It is also required that there be an Ordinance and appropriation in place. During the appropriation process, we did discuss this and we deferred appropriating it until we got some dollar amounts and I think that is what Councilman Boose is referring to. I spoke late this afternoon with the SSD and our thought was to go ahead and do the bid process and come back to Council. We can table this Ordinance until the bids come back. At that time have an understanding what the dollar amounts will be because we are going to require, likely, an amended appropriation Ordinance as well, very possibly.

Councilwoman Johnson: I don't think the Mayor would enter into a contract if it wasn't financially beneficial for our City anyway. I don't see why we are questioning the ability for him to do that. We still have to appropriate it as well.

Mayor Gillock: Mr. President, it is the Administration's duty to analyze them and do that due diligence, but still Council has to authorize the dollars to be spent. I don't have a problem with together and going ahead and getting the bids and meeting with the Finance Committee for example, to discuss what we got and move forward that way. I don't have a problem with it. We don't need this Ordinance if we are not going to enter into a contract. We look at getting quotes and bid things all the time. Generally, depending on the amount of dollars and the work involved, a bidder might want to know that Council is behind it before they spend a lot of time and effort preparing a bid. I don't think that is the case here. I think we can get the bids. We have looked at this and looked at some numbers, but we don't have it in black and white. I would recommend just tabling this.

Councilwoman Johnson: Do you want to withdraw it? Your name is on it.

Moved by Mayor Gillock and seconded by Butkowski to withdraw T 82 from the floor and the agenda.

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

Yes – 7

No – 0

President Corcoran: T 82 is withdrawn. T 83.

Clerk of Council Smith:

T 83-2012 AN ORDINANCE ACCEPTING CERTAIN STREETS/IMPROVEMENTS
4967-2012 LOCATED IN BRAEMORE SUBDIVISION AND DEDICATING THEM
 FOR PUBLIC PURPOSES.

Moved by Butkowski and seconded by Olesen to adopt T 83.

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

Yes – 7

No – 0

President Corcoran: T 83 is adopted.

Clerk of Council Smith: 4967-2012.

MEETING ANNOUNCEMENTS:

President Corcoran: We have a Utilities Committee meeting on Tuesday, October 16, 2012 at 6:00 P.M. in Council Chambers regarding T 100 and T 101. Just to clarify on this issue of the deer hunting Ordinance. A couple people hunt. I want to clarify a couple issues: there are a lot of rules governing this issue. You have to get approval by the State, the hunter and all of those other normal things, but then we have added a bunch of rules on top of that, including a five acre minimum in order to hunt. You also need to hunt from a tree stand and you have to get approval not only from the landowner but also from the City in order to hunt. Don't go out there tomorrow with your bows and start hunting. You will get arrested.

Safety-Service Director Armbruster: Mr. President, the gatekeeper is not the Mayor's Office. The gatekeeper of this is the Police Department. They are well aware of it. They have all the applications. Please do not call the Mayor's Office tomorrow morning. Please call the Police Department so that you can get the right information instead of getting the wrong information from our office.

President Corcoran: The next regular Council meeting will be held on Monday, November 5, 2012 at 7:30 P.M. here in Council Chambers. Seeing nothing else to bring before Council this evening. The meeting is adjourned.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING OCTOBER 15, 2012**

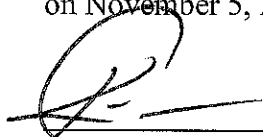
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ADJOURNMENT:

The meeting was adjourned at 8:31 P.M.

Approval of minutes:

These minutes were approved at the regular meeting of the North Ridgeville Municipal Council on November 5, 2012.



PRESIDENT KEVIN CORCORAN



CLERK OF COUNCIL GEORGE E. SMITH