

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING OCTOBER 1, 2012**

CALL TO ORDER: 7:32 P.M.

President Kevin Corcoran: I call to order the Monday, October 1, 2012 regular Council meeting. Please rise for the invocation and Pledge of Allegiance.

INVOCATION: led by President Corcoran.

PLEDGE OF ALLEGIANCE:

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 Safety-Service Director Jeffry Armbruster, Law Director Andrew Crites, City Engineer Scott Wangler, Auditor Chris Costin, and Assistant Clerk of Council Tara Peet.

MINUTES - Corrections (if any) and Approval:

President Corcoran: You have before you the minutes of the regular Council meeting held September 17, 2012. Are there any corrections or objections to approving those minutes?

Councilwoman Johnson: I'd like to abstain due to my absence.

President Corcoran: Okay. With that, Clerk would you please call the roll? Actually we should have a motion.

Boose moved to approve the minutes as submitted. The motion was seconded by Buescher.

President Corcoran: Clerk please call the roll.

Yes – 6 No – 0 Abstain – 1 (Johnson)

Acting Clerk of Council Peet: Motion carries. 6-0-1.

President Corcoran: Please note the Civil Service Commission minutes of 09.18.12 and Park and Recreation Commission minutes of 08.22.12

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.

William Elliott, 22671 Lenox Drive, Fairview Park, Ohio (Career Services Coordinator at Lorain County JVS) – explained what the JVS does and asked for support by voting yes on Issue 41, a renewal for the JVS.

Robert Metz, 6541 Case Road – explained that the deer population is out of control and many of the deer are becoming ill. Mr. Metz stated he is in support of crossbow hunting.

Adam Friedrich, 82 Laurel Glens Drive, Medina, Ohio – stated he is Plant Manager at Beckett Gas in North Ridgeville. Mr. Friedrich stated he is in support of the crossbow hunting ordinance.

Becky Campbell, 5425 Olive Ave. – expressed her appreciation for the work being done regarding the Master Plan for the Parks and Recreation Department.

President Corcoran: Anybody else? Moving on to the Administrators reports. Mr. Safety-Service Director.

ADMINISTRATORS REPORTS:

A. Mayor:

Acting Mayor Armbruster: I'd like to start off with a Proclamation this evening and I will do it in the front. Kevin Beckett can you come up with us please? Actually, the Beckett Corporation has been here for 75 years and Mayor Gillock certainly wanted to give you the Proclamation. (Mr. Armbruster read the Proclamation) In another 75 years, you are going to make the 100th, right? Is that true?

Kevin Beckett: I'd figure I would be 69 at our 100th anniversary. That will be a great celebration as well. I look forward to celebrating that with the City of North Ridgeville. It has been a great place to have a business. We appreciate all the community has done. We have a great group of employees to work with. We have a very solid foundation on values of integrity and excellence and profound respect for the individual. Our vision is to keep building on a family of exceptional companies, each which serves its customers in a distinctive and important ways and each which reflects the practical application of biblical values throughout. It is on this basis I accept this Proclamation. We look forward to challenging the next 25 years so that we

can celebrate our 100th year in North Ridgeville and by God's grace, we will be here together again. Thank you.

Acting Mayor Armbruster: As you arrive this evening and I believe that all of you have received it this morning or this afternoon; we sent out ordinances to you that you see on your desk here at City Council so there wouldn't be any more surprises. I believe this evening there is an ordinance which asks for additional monies for a City vehicle for all City employees to use for an increase in that dollar amount. I'd like to ask for a T number for tonight if that is possible.

Acting Clerk of Council Peet: That is T 102-2012.

Acting Mayor Armbruster: To further explain this: a conversation took place about a month ago when our Police Chief Freeman asked me if it was possible if he could use this winter the City vehicle; the vehicle that we all use and the Mayor uses – the white GMC, as he thought it was a four-wheel drive. I said I would be more than happy to share the vehicle with you, but unfortunately, it is not a four-wheel drive vehicle. That lent itself to me what are you going to buy the next time around and I said if it is consideration that the Police Department would like to use this in emergency purposes, it would make more sense to pay the additional money to order a four-wheel drive vehicle so it could be all inclusive of not only during the day, but in the evening if there is an emergency that the Police could use this vehicle. That is what prompted us to take a look at how much additional it would be to get a four-wheel drive vehicle and that is what prompted this ordinance to get an increase from what was previously passed to \$30,000 to take it to \$36,000. We have actually been out and looked at vehicles. It would be white in color to match everything else that we have. It would be a four-wheel drive vehicle and I would ask for consideration for it to be passed this evening. Then we move forward and get the vehicle in place before the first snow and move on.

Acting Mayor Armbruster: You have before you T 99. It could actually go through the three readings. It doesn't have to necessarily be passed this evening, but to give you an explanation there; we have renegotiated our Marsh-McBirney metering services. It can actually fit in an existing ordinance with the existing dollars that are in place and we do not have to have a separate ordinance for this meter. As French Creek and I negotiated with Marsh-McBirney, we have the entire lease coming up the same time as the other six meters. This will be the seventh meter. We were able to negotiate the price down to the same price. If you would like to pass it tonight, I accept it, if not we can move it out to the three readings; knowing that this will not be necessary for the Marsh-McBirney meters.

Acting Mayor Armbruster: On the second reading, you have T 89. I'd like to have T 89 tabled. It is for the grating of the filter room and we would like to have it tabled and not considered this evening. There is some additional definitions that we are working on out at French Creek and rather than just having it repealed, just table it. It will disappear from the agenda at this point. If necessary, we can bring it back. That concludes the Mayor's report this evening.

Corcoran moved to suspend the By-laws to put T 102 on the agenda this evening. The motion was seconded by Butkowski.

President Corcoran: It was moved by the Chair and seconded by Butkowski to put T 102 on the agenda this evening. Any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

President Corcoran: Great. T 102 is on for first readings. Thank you Jeff. Mr. Engineer.

C. Engineer:

Engineer Wangler: No report this evening.

President Corcoran: Thank you. Mr. Auditor.

D. Auditor:

Auditor Costin: No report scheduled for this evening either.

E. Other Reports:

President Corcoran: Other reports: September 2012 Parks & Recreation Director's Report. Moving on to new business. First up, T 99.

COUNCIL COMMITTEE REPORTS:

CORRESPONDENCE:

OLD BUSINESS:

NEW BUSINESS:

Ordinance and Resolution Submittals

Acting Clerk of Council Peet:

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.

President Corcoran: T 100.

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Acting Clerk of Council Peet:

T 100-2012 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO AN AMENDED CONTRACT WITH FRENCH CREEK BIOENERGY, LLC, AND QUASAR ENERGY GROUP, LLC, FOR THE MANAGEMENT, PROCESSING AND DISPOSAL OF WASTEWATER BIOSOLIDS PRODUCED BY THE FRENCH CREEK WASTEWATER TREATMENT PLANT.

President Corcoran: I am going to refer that to the Utilities Committee. T 101.

Acting Clerk of Council Peet:

T 101-2012 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO AN AGREEMENT WITH FRENCH CREEK BIOENERGY, LLC, FOR THE PURCHASE OF ELECTRIC ENERGY GENERATED BY THE ANAEROBIC DIGESTER FACILITY.

President Corcoran: T 101 will be referred to the Utilities Committee as well. That is the end of new business. That brings us to the recess portion. Would anyone like a recess this evening?

RECESS:

Johnson moved to dispense with the recess. The motion was seconded by Butkowski.

President Corcoran: It was moved by Johnson and seconded by Butkowski. Any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

President Corcoran: Alright then, moving on. For first readings we have T 84 which is revised.

FIRST READINGS:

Acting Clerk of Council Peet:

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

President Corcoran: T 102.

Acting Clerk of Council Peet:

T 102-2012 AN ORDINANCE AMENDING ORDINANCE NO. 4948-2012, WHICH
4961-2012 AUTHORIZED THE PURCHASE OF A NEW VEHICLE, BY INCREASING
THE AMOUNT FROM \$30,000.00 TO AN AMOUNT NOT TO EXCEED
\$36,000.00.

Boose moved to dispense with the second and third readings. The motion was seconded by Butkowski.

President Corcoran: It was moved by Boose and seconded by Butkowski to dispense with the second and third readings for T 102. Any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

Boose moved to adopt. The motion was seconded by Butkowski.

President Corcoran: It was moved by Boose and seconded by Butkowski to adopt T 102. Any comments or questions?

Councilman Boose: Yes, Mr. President, just to note in appropriations earlier this year, we approved \$30,000 expenditure on capital projects. In speaking with the Auditor's office this afternoon, they indicated that the additional \$6,000 can come out of the capital projects contingency in which we have not spent anything so far this year, which is good. So there are funds available for this purpose. Thank you.

President Corcoran: Thank you. Any other comments?

Councilman Boose: One point, I don't know if we need this approved with the emergency or not? The purpose would be?

Acting Mayor Armbruster: For the health and safety actually. To get the car, the right car...

President Corcoran: Jeff, how soon are you looking to purchase the vehicle?

Acting Mayor Armbruster: We can purchase it next week. If you need 30 days it can be 30 days.

Councilwoman Butkowski: Are you going to lose out on getting a good deal on it?

Acting Mayor Armbruster: Oh, absolutely.

President Corcoran: Will waiting 30 days change the price?

Acting Mayor Armbruster: It shouldn't, unless Ford has a price increase that I am not aware of.

Boose moved to add the emergency clause so as to not miss out on any current rebates or price differentials that may rise in the next 30 days. The motion was seconded by Buescher.

President Corcoran: It was moved by Boose and seconded by Buescher to add the emergency clause to T 102 to take advantage of any pricing advantages that there may be and to make the

vehicle available to any emergencies that arise and the safety of the community. Any other comments or questions? Clerk, please call the roll for the emergency clause.

Yes – 7 No – 0

President Corcoran: It was moved by Boose seconded by Butkowski to adopt T 102 with the emergency clause. Now call the roll please.

Yes – 7 No – 0

Acting Clerk of Council Peet: Motion carries 7-0. It is now known as Ordinance number 4961-2012.

Permanent Ordinance number 4961-2012

President Corcoran: That is the end of the first readings. Moving on to the second readings. We have T 75.

SECOND READINGS:

Acting Clerk of Council Peet:

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

Olesen moved to amend by substitution T 75-2012 Revised. The motion was seconded by Butkowski.

Councilman Olesen: You will see on the copy in front of you – the word “lessee” was inadvertently left in there when this was reviewed by the Safety Committee. We are taking that out now. All hunting must be approved by the landowner, not a lessee. It is a very simple change. Just take that out.

President Corcoran: It was moved by Olesen and seconded by Butkowski to amend T 75 by substitution as noted. Any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

President Corcoran: Great and now it is revised and through its second reading. T 78.

Acting Clerk of Council Peet:

T 78-2012 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.

President Corcoran: T 81.

Acting Clerk of Council Peet:

T 81-2012 AN ORDINANCE APPROVING THE SALE OF CERTAIN PERSONAL
4962-2012 PROPERTY OWNED BY THE CITY OF NORTH RIDGEVILLE PURSUANT
 TO O.R.C. SECTION 721.25.

Boose moved to amend T 81-2012 by substitution. The motion was seconded by Buescher.

President Corcoran: It was moved by Boose and seconded by Buescher to amend T 81 by substitution. Law Director, do you want to explain what the substitution is?

Law Director Crites: Yes, if I may, in discussions with the City Auditor, we both agreed that we would include language to make it clear to both the public and state auditors that this ratification of this expenditure is being done retroactively and it is an approval of the expenditure by Council. The only change was just in the language of Section 1 to make it clear what was sold and that was previously sold via Internet auction.

President Corcoran: Thank you. It was moved by Boose and seconded by Buescher to amend T 81 by substitution. All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

Auditor Costin: Mr. Chairman? I would recommend that Council go ahead and pass that. It is already done and gone and to ratify it would get it off your agenda.

Boose moved to dispense with the third reading. The motion was seconded by Johnson.

President Corcoran: It was moved by Boose and seconded by Johnson to dispense with the third reading for T 81. All those in favor say yes. Those opposed say no. It is now substituted and amended.

Yes – 7 No – 0

Boose moved to adopt. The motion was seconded by Johnson.

President Corcoran: It was moved by Boose and seconded by Johnson to adopt T 81. Any comments or questions? All those in favor say yes. Those opposed say no. It is adopted. It becomes Ordinance ...

Yes – 7 No – 0

Acting Clerk of Council Peet: It becomes Ordinance number 4962-2012.
Permanent Ordinance number 4962-2012

President Corcoran: T 82.

Acting Clerk of Council Peet:

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.

President Corcoran: T 83.

Acting Clerk of Council Peet:

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

President Corcoran: T 89.

Acting Clerk of Council Peet:

T 89-2012 AN ORDINANCE APPROVING THE EXPENDITURE OF FUNDS TO MULTIPLE VENDORS FOR LABOR, MATERIALS AND APPURTENANCES RELATED TO THE REPLACEMENT OF THE GRATING IN THE FILTER BUILDING AT THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$30,000.00.

Buescher moved to table. The motion was seconded by Johnson.

President Corcoran: It was moved by Buescher and seconded by Johnson to table T 89. Any comments or questions? All those in favor say yes. Those opposed say no. T 89 is now tabled. That is the end of second readings. Onto the third readings. We have T 67.

THIRD READINGS:

Acting Clerk of Council Peet:

T 67-2012 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
Amended by RIDGEVILLE, OHIO, TO ENTER INTO AN AGREEMENT FOR HIGH SPEED
Substitution INTERNET AND DATA SERVICES FOR SIX CITY OWNED BUILDINGS
4963-2012 FROM THE STATE CO-OP, OR TO ADVERTISE FOR BIDS AND ENTER
INTO A CONTRACT WITH AN OUTSIDE VENDOR, IN ACCORDANCE
WITH LAW, AND IN A MANNER PRESCRIBED BY LAW.

President Corcoran: Okay, we have gone through this several times. We are trying to get it absolutely correct. Mr. Costin, you were expressing earlier that you would rather see us use the word "approximate."

Auditor Costin: I would rather see you delete the dollars all together, but if that is not an option then what we need to do is change it to read "approximately \$42,000." The reason is, for example, we are looking to add an HR Department; if we had additional terminals and extensions and there is additional cost, it is possible in a future year we exceed this \$42,000. During the course of our normal appropriation process, we go over these expenditures. Should Council approve the amended appropriation, that is fine, but if we forget that we still have this local law in place we are prohibited. So we would have to dig it out and come back to amend it at that time. I believe due to our current appropriation process, we would be better off not to have the financial constraint in this ordinance. It represents a pseudo utility in that it is for Internet services, phone services and so forth. Make sense?

Law Director Crites: That being the case, what I suggest all members of Council do is simply with the copy that has been circulated to you before the meeting which has been proposed to be the new version for the amendment by substitution; simply add the word "approximately" before \$42,000 in the last sentence of the heading. In the body, as well as in Section 1, is that right Mr. Costin?

Auditor Costin: I would recommend that you change it to read in the body, particularly Section 1 and scratch "not" so it reads "and to approximate \$42,000 annually." So scratch "not to exceed" and insert "and to approximate \$42,000 annually."

Law Director Crites: All Council must notably, except for Clerk of Council, must move that...

Auditor Costin: We have to do the same thing in the preamble.

President Corcoran: You made a comment about possibly adding an additional terminal. Under that example, how much more would that add to the contract? If we are looking at the word approximate, why put a number in there at all?

Law Director Crites: If I might suggest...if that were the case you are looking at a complete different purpose. I think it would be most appropriate to come back to Council and amend it on the floor. What we are doing here is to eliminate the potential inadvertent override which would have to be corrected by otherwise burdensome legislation. It could be corrected statutorily if we did run over, but the Auditor's purpose here, I understand, is to simply, within the parameters of this ordinance as defined, give us enough wiggle room that if there is a \$500 over run, we don't have to come back with corrective legislation. If you are looking to do something completely changing the nature of what this authorization is, I think we would be best served to come back to Council with distinct legislation. In closing, I think you are best to stick with the \$42,000 being an approximate as opposed to leaving a blank check.

President Corcoran: I don't want to get into a long discussion about this on Council floor, but I don't really see a difference between this and the ordinance that we passed with the vehicle earlier. We had a set amount. You needed more and you came back and you asked for a change.

Law Director Crites: I think we agree.

Auditor Costin: Mr. Chairman, the problem is this is a multiyear contract and when we go through our appropriation processes, we don't go back and necessarily review all the ordinances two, three years hence. So it could be very simply an oversight which is brought to our attention after the fact once we've superseded the ordinance and broke the local law. That is what I am trying to avoid. Either way, eliminate is easy and approximate is acceptable. It is like locking us into our light bill.

Law Director Crites: Yes, it is the multiyear nature of it. So what we are going to do is insert the words "to approximate"...

President Corcoran: I'm just going to ask the IT Department head to speak on the issue just to get some clarification.

Law Director Crites: Alright.

Steven Dove: Hello, Steven Dove Information Service Director for the City of North Ridgeville. I thank Mr. Costin. It is a great idea to put that in there, but with what we have going on right now with the contracts we have to select from; the \$42,000 for the purpose of this contract per year should cover us for that five year period. I don't see it going over that for the City buildings that were spelled out in the ordinance.

Auditor Costin: So can I ask a question? If there is any expansion of City Hall, is it possible that we could supersede that dollar amount?

Steven Dove: Where we would exceed that dollar amount is more if we had to add another building and I am not quite sure if that would fall under the point of this ordinance. That is more really where it would add dollars.

Councilwoman Buescher: Mr. President, I pretty much agree with where you are coming from on this because my initial response was putting approximately into a piece of legislation could go at all directions. I would rather just see an amount. We have historically come back to ask for more money when we need it.

President Corcoran moved to amend by substitution T 67. The motion was seconded by Johnson.

President Corcoran: It was moved by the Chair and seconded by Johnson to amend T 67 by substitution. Any comments or questions?

Councilman Boose: Just for clarification, point of clarification, with no changes made to the one that we just got tonight, we are not going to add approximate or to approximate?

President Corcoran: Just the way it is.

Councilman Boose: Thank you.

President Corcoran: You're welcome. Any comments or questions on the amendment by substitution? All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

President Corcoran moved to adopt T 67. The motion was seconded by Johnson.

President Corcoran: It was moved by the Chair and seconded by Johnson to adopt T 67. Any comments or questions on the adoption? Clerk please call the roll.

Yes – 7 No – 0

Councilman Olesen: Mr. President, I see on an earlier copy of this we wanted to add the emergency to it, is that still valid?

Acting Mayor Armbruster: Yes.

Olesen moved to add the emergency to T 67 in order to proceed. The motion was seconded by Butkowski.

President Corcoran: It was moved by Olesen and seconded by Butkowski to add the emergency clause to T 67. Any comments or questions on the emergency clause?

Councilman Boose: The reason?

President Corcoran: The reason being, again, it is one of those timing issues with the contractor.

Councilman Boose: Just wanted it for the record, thank you.

President Corcoran: Roll call on the emergency please.

Yes – 7 No – 0

Acting Clerk of Council Peet: Motion carries 7-0. It is now known as Ordinance number 4963-2012.

Permanent Ordinance number 4963-2012

MEETING ANNOUNCEMENTS:

President Corcoran: The next regular Council meeting will be held on Monday, October 15, 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 1, 2012**

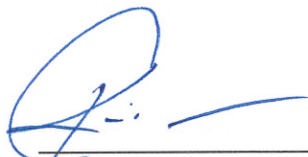
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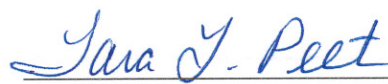
ADJOURNMENT:

The meeting was adjourned at 8:15 P.M.

Approval of minutes:

These minutes were approved at the regular meeting of the North Ridgeville Municipal Council on October 15, 2012.



PRESIDENT KEVIN CORCORAN

ACTING CLERK OF COUNCIL TARA PEET