

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING SEPTEMBER 21, 2009**

CALL TO ORDER: 7:30 P.M.

President Bernadine Butkowski: I call to order the North Ridgeville City Council Meeting of Monday, September 21, 2009. Please stand for the Invocation and the Pledge of Allegiance.

INVOCATION: lead by President Butkowski.

PLEDGE OF ALLEGIANCE: by all.

ROLL CALL:

Present were Council Members Nancy Buescher, Dennis Boose, Bob Olesen, Kevin Corcoran, Ray McLaughlin and President Bernadine Butkowski.

Absent was Council Member Richard Jaenke.

Also, present were Mayor David Gillock, Safety-Service Director Denny Johnson, Engineer Larry Griffith, Law Director Andrew Crites, Auditor Chris Costin and Clerk of Council Warren Blakely.

MINUTES - Corrections (if any) and Approval:

President Butkowski: Thank you. Council Minutes of regular meeting held September 8, 2009.
moved by Corcoran, seconded by McLaughlin to approve

President Butkowski: Do we have any corrections? Clerk, please call the roll.

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero.

LOBBY:

President Butkowski: I'm asking anyone who would like to address Council tonight to fill out the form in the back of the room and place it on the desk next to Mrs. Buescher. That will allow us to get back to you if necessary. Please give your name and address. You will have three minutes to address Council. There will be no interaction. Is there anyone here tonight that would like to speak to Council? Seeing no one, we will move on to our Administration Reports. The first one is our Mayor, Mr. Gillock.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you, Madam President. T 92 on your agenda tonight is our annual appeal of the local government fund apportionment formula. We received our notice on August 31 and our response is required within 30 days. We will need it passed tonight with the emergency clause. We have appealed the apportionment formula and it went all the way to the Supreme Court, where we won the first round. It was then referred back to the State Tax Commissioner where it is now under review. We have to include each new year's apportionment in that process, so T 92, we would like passed tonight.

Bids were open for the Lorain Road reconstruction project from Root Road to Honeycut. Council will be glad to learn that the bids came in low enough to include sidewalks in that project.

Lastly, I would like to make residents aware, as they probably are already, that next year is the ten-year census count. The census is now hiring and you can visit their website at www.census.gov. Click on jobs at census and it will walk you through the process, if you are interested. You will see a lot of information in the next several months regarding the census. The actual census date is April 1, 2010. Residents will receive short form surveys this time around; starting the end of February and going through March. We want to make sure that our City's count is as accurate as possible as a lot of government funding is based on population estimates. That concludes my report. Thank you.

President Butkowski: Thank you. We'll move on to the Safety-Service Director, Mr. Johnson.

B. Safety-Service Director:

Safety-Service Director Johnson: Thank you, Madam President. T 91 on your agenda tonight is to allow us to accept a bid to erect the previously approved steel building at Shady Drive for indoor batting practice. With fall starting tomorrow, we would like to get this passed with the emergency, so that we can get the building supplies off the ground, where they are now and get the building erected.

Captain Dent and I attended the AAA Award Ceremony, where we received the Gold Award for traffic safety and leadership. This award recognizes our Police Department for outstanding traffic statistics and for several traffic related programs designed to reduce crashes and injuries. The gold designation recognizes our improvements over the last five years. I would like to thank AAA for the recognition and our Police Department for yet, another outstanding achievement. Speaking of outstanding achievements, our Police Department participated in a touch football

game this Saturday; attended by Mayor Gillock and myself. The North Ridgeville Police played against the North Olmsted Police. The score was North Ridgeville 20 and North Olmsted 12, but more importantly, they raised over 7,000 dollars for the Special Olympics. That concludes my report.

President Butkowski: Thank you. Moving on to our Engineer, Mr. Griffith.

C. Engineer:

Engineer Griffith: Thank you, Madam President. In case you missed it, the Lorain County Commissioners, in cooperation with the Lorain County General Health District, announced on Thursday, September 17 that the County has secured a 155,250 dollar grant to assist low to moderate income homeowners to repair or replace their existing failing home sewage treatment systems (HSTS). The grant was obtained by Dan Gouch, Black River Watershed Coordinator from the Ohio Water Pollution Control Loan Fund, who received the funds from the American Recovery and Reinvestment Act of 2009. These funds, administered by the Lorain County Community Development Department, will pay for 75 percent of the cost for either repairing or replacing a septic system. Individual homeowners will be responsible for the remaining 25 percent. These funds are available to households that fall at or below 200 percent of the Federal poverty guideline. If anyone wishes detailed information on income guidelines, they can call the Engineering Department and we'll give them the website. This program is time-sensitive as all work must be completed and inspected by the Lorain County General Health District on or before November 1, 2009. All applications for assistance must be approved by the Lorain County Community Development Department. All applications will be accepted on a first-come, first-serve basis. To obtain an application for assistance, or for additional information, please contact Dan Gouch, Black River Watershed Coordinator, at 440-328-2336. Again, please contact Dan Gouch, Black River Watershed Coordinator, at 440-328-2336. That concludes my report. Thank you.

President Butkowski: Thank you, Mr. Griffith. Our Auditor, Mr. Costin.

D. Auditor:

Auditor Costin: Thank you, Madam President. The only item I have on the agenda this evening is the August 2009 Written Report for which, I would request your approval.

Auditor's Written Financial Report for August 2009

 moved by Boose, seconded by Buescher to approve the Auditor's Written Financial
 Report for August 2009

President Butkowski: Do we have any questions? Clerk, please call the roll.

 Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero.

President Butkowski: Thank you. Moving on to other reports.

E. Other Reports:

President Butkowski:
Water System Operation Report for August 2009 and
Fire Department Report for August 2009

COUNCIL COMMITTEE REPORTS:

President Butkowski: Clerk, please read the reports.

Clerk of Council Blakely:

UTILITIES COMMITTEE REPORT #6529 dated September 15, 2009: Members of Council:
We have considered the matter of T 81-2009, an ordinance authorizing the Mayor to advertise for bids and negotiate and enter into a contract according to law and in a manner prescribed by law with the lowest and best bidder for the hauling of French Creek Waste Water Treatment Plant biosludge, providing OEPA approved fields to receive biosludge and providing management and oversight of the biosludge hauling operation as needed and recommend that this request be approved and legislation be adopted with the emergency.

Signed: Members Nancy Buescher, Ray McLaughlin and Chairperson Bob Olesen.
moved by Olesen, seconded by McLaughlin to accept

President Butkowski: Is there any discussion? Clerk, please call the roll.

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero.

moved by Olesen, seconded by McLaughlin to suspend the By-Laws to give this a first reading tonight

President Butkowski: Do we have any discussion? Clerk, please call the roll.

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero.

CORRESPONDENCE:

President Butkowski: We have no correspondence tonight. We'll move into Old Business.

OLD BUSINESS:

Clerk of Council Blakely: Postponed at September 8 Council Meeting,

APPLICANT: Anthony Valore, Valore Builders, 23550 Center Ridge, Westlake, OH

OWNER: Valore Builders, 23550 Center Ridge, Westlake, OH; Michael & Thomas Miller, 35015 Chestnut Ridge; Della Dorow, 6269 Stoney Ridge; Irene Berlovan, 6082 Avon Belden and Heather & Scott Foldi, 6327 Stoney Ridge

REQUEST: Preliminary plan approval to include 341 Single Family Detached and Cluster lots in an R-1 District

LOCATION: Hampton Place Subdivision; between Stoney Ridge Road and Avon Belden Road
Permanent Parcel Nos. 07-00-029-000-003; 07-00-029-000-004; 07-00-029-000-006; 07-00-029-000-068; 07-00-029-000-150; 07-00-029-000-111; 07-00-029-000-015; 07-00-029-000-085; 07-00-029-000-057; 07-00-029-000-152 and part of 07-00-029-000-016; 07-00-029-000-017; 07-00-029-000-018; and 07-00-029-000-066

PC ACTION: Approved by a vote of five to zero with the condition that we receive a City Planner's review and a completed traffic study prior to phase two being submitted.

President Butkowski: Thank you. At the last meeting, a motion was made by McLaughlin and seconded by Olesen to rephrase to strike the words phase two and include the words final approval. I would ask that McLaughlin and Olesen withdraw this motion, so that we can move on, because I failed to have you withdraw that during the last meeting and it is still standing out there in limbo. So, just make a motion to do away with it and we'll vote on it and then we can make a motion to complete this action.

Council Member Olesen: I withdraw my second, Madam President.

Council Member McLaughlin: I would like to withdraw my motion.

President Butkowski: Do we have any discussion on this? Clerk, please call the roll.

Council Member Buescher: Madam President, what are we calling the roll on?

President Butkowski: On a motion to withdraw this motion. That's right we don't need to vote on it, because it is not a motion, it is a withdraw. The motion has been withdrawn and we need to make a motion for this old business.

moved by Olesen, seconded by Corcoran to approve

President Butkowski: Do we have any discussion? Clerk, please call the roll.

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero.

President Butkowski: We are now moving on to our new business.

NEW BUSINESS:

T 91-2009 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH DON MOULD'S PLANTATION WHO WAS THE LOWEST AND BEST BIDDER FOR MATERIALS, CONSTRUCTION AND ASSEMBLY OF A STEEL BUILDING AT THE SHADY DRIVE BASEBALL COMPLEX, NOT TO EXCEED \$44,500.00.

moved by Boose, seconded by Buescher to suspend the By-Laws to allow a first reading this evening.

President Butkowski: Do we have any discussion? Clerk, please call the roll.

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero.

T 92-2009 A RESOLUTION AUTHORIZING AN APPEAL TO THE STATE OF OHIO BOARD OF TAX APPEALS BY THE CHIEF FISCAL OFFICER OF THE CITY OF NORTH RIDGEVILLE, OHIO, FROM THE ACTION BY THE LORAIN COUNTY BUDGET COMMISSION APPORTIONING THE UNDIVIDED LOCAL GOVERNMENT FUND ENTITLEMENT TO SUBDIVISIONS IN LORAIN COUNTY FOR THE 2010 YEAR IN ACCORDANCE WITH THE IMPROPER ALTERNATIVE FORMULA AGREEMENT ENTERED INTO IN 2003, IN ORDER TO PROTECT THE CITY'S RIGHTS AND INTERESTS IN AND TO ITS ALLOCATION OF SUCH FUNDS UNDER CHAPTER 5747 OF THE OHIO REVISED CODE.

moved by Olesen, seconded by Corcoran to suspend the By-Laws to give this a first reading tonight.

President Butkowski: Do we have any discussion? Clerk, please call the roll.

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero.

RECESS:

moved by Boose, seconded by Corcoran to dispense with recess

President Butkowski: Do we have any discussion? Clerk, please call the roll.

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero.

President Butkowski: We will move on to First Readings beginning with T 67.

FIRST READINGS:

Clerk of Council Blakely:

T 67-2009 AN ORDINANCE AMENDING NRCO 1056 CONSTRUCTION SITE SOIL EROSION, SEDIMENT, STORM WATER RUNOFF AND STORM WATER QUALITY CONTROLS AND REGULATIONS BY INCLUDING THE NEW REQUIREMENTS CONTAINED IN THE OHIO EPA PERMIT REVISED APRIL 21, 2008.

First Reading

T 83-2009 AN ORDINANCE ACCEPTING CERTAIN STREETS/ IMPROVEMENTS LOCATED IN WATERBURY SUBDIVISION PHASES NO. 3A AND 3B AND DEDICATING THEM FOR PUBLIC PURPOSES.

First Reading

T 84-2009 AN ORDINANCE ACCEPTING CERTAIN STREETS/ IMPROVEMENTS LOCATED IN JORDAN PLACE SUBDIVISION AT WATERBURY AND DEDICATING THEM FOR PUBLIC PURPOSES.

First Reading

T 88-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 2129, AFL-CIO.

First Reading

President Butkowski: Mr. Mayor, is this all right to let go and continue on? T 88 is the contract.

Law Director Crites: Would you like me to speak to that, Mr. Mayor and Madam President? If you would, there is a good possibility that there is going to be some technical adjustment to the language of these ordinances; not whatsoever affecting the essence of the agreement with the three unions. We are working right now with our outside Counsel, who we retain to handle the negotiations with the unions, to clean up some of that technical language, but again, I can't emphasize enough, that there is absolutely no challenge to the agreement for a new contract with AFSCME and a one year extension for both Police and Fire. We are just cleaning up some of the language, but the point being, and I'll wrap this up, it is appropriate to just have these have their first readings tonight.

President Butkowski: That's fine. I just wanted to check and make sure, because you said that you were going to bring it back to this meeting.

Council Member Boose: Madam President, to the Law Director. You said that this is going to be an extension of the current contract and I noticed in all three agreements there wasn't any reference made to the 2010 salaries.

Law Director Crites: You have hit the exact issue on the head, Dennis. It is the same issue with AFSCME. What I expect to do or what I am asking our counsel, who negotiates our collective bargaining agreement, to do is to prepare a separate agreement to accompany the ordinance so that the contract states, for instance with Fire and Police, we, Fire, agree to extend the previous agreement for one year under the identical terms with the same benefits and wages as of December 31, 2009 and the agreement will be attached. I have to give credit to our intrepid Auditor, who was the one who first noticed it because frankly, I should have, but glossed over it too quickly. It is just that defect that we seek to cure with the adjustment in the way the language reads.

Council Member Boose: Are we seeking then, to have salaries remain the same as 2009 or provide the same increase as 2009?

Law Director Crites: Most definitely, the salaries are frozen with all three agreements. That is why this is real important that we do this right to make sure that, that is understood and not subject to question.

Mayor Gillock: Madam Chairman, not only did all three unions agree to a wage freeze, but also any other issue which might pertain in any way to a financial impact to our budget is not under consideration. There are no changes in any of these contracts that will impact the City financially in the next year. That was the objective of extending or in the case of the AFSCME contract to a provide a one year contract; with the objective to freeze everything as it is.

President Butkowski: Thank you, moving on to T 89.

T 89-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT WITH THE FRATERNAL ORDER OF POLICE, LODGE NO. 25, NORTH RIDGEVILLE DIVISION, NON-SWORN, PATROLMEN, AND PROMOTED UNITS.
First Reading

T 90-2009 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO.
First Reading

T 81-2009 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4682-2009 AND NEGOTIATE AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE HAULING OF FRENCH CREEK WASTE

WATER TREATMENT PLANT BIOSLUDGE, PROVIDING OEPA
APPROVED FIELDS TO RECEIVE BIOSLUDGE AND PROVIDING
MANAGEMENT AND OVERSIGHT OF THE BIOSLUDGE HAULING
OPERATION AS NEEDED.

First Reading

moved by Olesen, seconded by Corcoran to dispense with the second and third
readings

President Butkowski: Do we have any discussion?

Council Member Olesen: Yes, Madam President, I'll be asking for the emergency on this one
because, as you know and as we all know, our sludge program is backed up considerably since
the EPA classified us as Class B and now our hauler is still working at it, but he can't catch up.
This will enable us to get help in doing this and to also provide oversight on dumping spots on
farms. That is what we do with a lot of it right now. We cannot do all this by ourselves at this
moment. We anticipate, that we will catch up at some point. We can't say when, but at that
point, our driver will be able to handle the sludge himself. That time is not here yet.

Mayor Gillock: Madam President, even when we do catch up with the routine hauling of the
sludge, we still need someone independently that we can rely on to help us properly identify
fields that are qualified under the EPA and that the sludge is being handled correctly. We really
need to get someone in here that can help us manage this program to dispose of our sludge
products.

President Butkowski: Thank you. Is there any other discussion? Clerk, please call the roll.

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero.

moved by Olesen, seconded by Corcoran to adopt

President Butkowski: Do we have any discussion?

moved by Olesen, seconded by Corcoran to add the emergency because we have to
solve this problem very quickly

President Butkowski: Is there any discussion on the emergency? Please call the roll on the
emergency.

Yes, 6 No, 0

Clerk of Council Blakely: The emergency passes by a vote of six to zero.

President Butkowski: A motion was made by Olesen and seconded by Corcoran to adopt with the
emergency. Do we have any questions or comments on that? Clerk, please call the roll.

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero and becomes permanent
ordinance number 4682-2009.

Permanent Ordinance No. 4682-2009

T 91-2009 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
4683-2009 CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY
LAW WITH DON MOULD'S PLANTATION WHO WAS THE LOWEST AND

BEST BIDDER FOR MATERIALS, CONSTRUCTION AND ASSEMBLY OF A STEEL BUILDING AT THE SHADY DRIVE BASEBALL COMPLEX, NOT TO EXCEED \$44,500.00.

First Reading

moved by Olesen, seconded by McLaughlin to dispense with the second and third readings

President Butkowski: Do we have any discussion? Clerk, please call the roll.

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero.

moved by Olesen, seconded by McLaughlin to adopt

moved by Boose, seconded by Olesen to add the emergency in order to begin construction before the weather turns

President Butkowski: Is there any discussion on the emergency? Clerk, please call the roll.

Yes, 6 No, 0

Clerk of Council Blakely: The emergency passes by a vote of six to zero.

President Butkowski: A motion was made by Olesen and seconded by McLaughlin to adopt with the emergency. Do we have any discussion?

Auditor Costin: Madam Chairman, for the record, it is my understanding that the amount in this ordinance was passed previously by Council and it is not a duplicate. Twenty-four thousand, five hundred dollars was passed verbally on 4-7-08 for concrete pads and for batting cages and twenty thousand dollars was passed at our last meeting on 9-8-09 for construction of the storage of this building. Because the two of those together exceed twenty-five thousand, that necessitated this ordinance. So, again for clarification, this 44,500 has been previously approved by Council verbally and now needs to be formalized to complete the project.

President Butkowski: Thank you. Is there any other discussion? Clerk, please call the roll.

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero and becomes ordinance number 4683-2009.

Permanent Ordinance No. 4683-2009

T 92-2009 A RESOLUTION AUTHORIZING AN APPEAL TO THE STATE OF OHIO
1172-2009 BOARD OF TAX APPEALS BY THE CHIEF FISCAL OFFICER OF THE CITY
OF NORTH RIDGEVILLE, OHIO, FROM THE ACTION BY THE LORAIN
COUNTY BUDGET COMMISSION APPORTIONING THE UNDIVIDED
LOCAL GOVERNMENT FUND ENTITLEMENT TO SUBDIVISIONS IN
LORAIN COUNTY FOR THE 2010 YEAR IN ACCORDANCE WITH THE
IMPROPER ALTERNATIVE FORMULA AGREEMENT ENTERED INTO IN
2003, IN ORDER TO PROTECT THE CITY'S RIGHTS AND INTERESTS IN
AND TO ITS ALLOCATION OF SUCH FUNDS UNDER CHAPTER 5747 OF
THE OHIO REVISED CODE.

First Reading

moved by Boose, seconded by Corcoran to dispense with the second and third readings this evening

President Butkowski: Do we have any discussion? Clerk, please call the roll.

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero.

moved by Boose, seconded by Corcoran to adopt

moved by Boose, seconded by Corcoran to add the emergency in order to meet the filing deadline

President Butkowski: On the emergency, do we have any discussion? Clerk, please call the roll on the emergency.

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero for the emergency.

President Butkowski: A motion was made by Boose and seconded by Corcoran to adopt with the emergency. Do we have any discussion? Clerk, please call the roll.

Yes, 6 No, 0

Clerk of Council Blakely: Motion passes by a vote of six to zero and becomes resolution number 1172-2009.

Permanent Resolution No. 1172-2009

SECOND READINGS:

T 75-2009 AN ORDINANCE APPROVING THE FINAL PLAT OF WINDSOR POINT
SUBDIVISION NUMBER 5 FOR RECORDING PURPOSES ONLY AND
RENUMBERING PREVIOUS WINDSOR POINT PHASES TO CONFORM TO
THE COUNTY RECORDER'S NUMBERING SYSTEM.

Second Reading

THIRD READINGS:

T 41-2009 AN ORDINANCE AMENDING NRCO SECTION 1056 CONSTRUCTION
4684-2009 SITE SOIL EROSION, SEDIMENT, STORM WATER QUALITY CONTROLS
AND REGULATIONS BY UPDATING THE REFERENCES TO THE OHIO
EPA PERMITS GOVERNING THIS MATTER.

Third Reading

moved by Olesen, seconded by Corcoran to adopt

President Butkowski: Do we have any discussion? Clerk, please call the roll.

Yes, 6 No, 0

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
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Clerk of Council Blakely: Motion passes by a vote of six to zero and becomes ordinance number 4684-2009.

Permanent Ordinance No. 4684-2009

COMMITTEE MEETING ANNOUNCEMENTS:

President Butkowski:

Next Regular Council Meeting Monday, October 5, 2009 at 7:30 P.M. in Council Chambers

ADJOURNMENT:

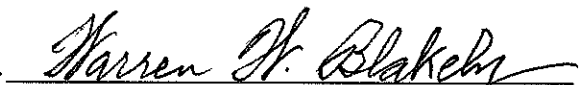
moved by Olesen to adjourn

Meeting adjourned at 8:06 P.M.

Approval of Minutes:

MOTION Olesen 2ND Corcoran DATE October 5, 2009

YES 6 NO 0 ABSTAIN 1 - Jaenke

 
PRESIDENT OF COUNCIL BERNADINE BUTKOWSKI CLERK OF COUNCIL WARREN W. BLAKELY